

Feedback received until 28th February, 2011 on the
Framework note on NFSB

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Sir,

The comments/ suggestions on the draft National Food Security Bill is mailed as attachment, please.

yours faithfully,

Ettirankandath Krishnadas,
Sree Kailasam, Kinassery, Palakkad - 678 701
Kerala

Encl: as above

Sir,

Sub: Note on Draft National Food Security Act prepared by NAC –
suggestions – reg.

--

I have read with much interest the complete text of the note on Draft National Food Security Act prepared by NAC now available on public domain. It is observed from the cursory reading of the draft that some of the salient features of the PDS reforms implemented in Chhattisgarh is finding place in the draft. The draft is no doubt a comprehensive and apolitical one aimed at the mission to ensure food for all a reality. Providing 35 kgs per household per month at Rs 3/2/1 for rice/wheat/millets for Priority category; 20 kgs at (at most) half of MSP for General category through PDS on all India basis is achievable if the delivery mechanism is foolproof, cost effective and transparent.

Since, some of the State Governments like Tamil Nadu and Andhra Pradesh (and perhaps maybe even some other states also) are providing rice at a cheaper rate than the rate prescribed in the draft National Food Security Act, possibilities of resentment from some quarters on the rate structure cannot be ruled out. However, such schemes are only populist measures aimed at deriving political mileage and not with the objective of social engineering or upliftment of the vulnerable sections among the society and as such the schemes are framed in a haphazard manner with immense scope for misuse and abuse at every level. In the case of Tamil Nadu, for example technological intervention has made movement of the stock meant for PDS from the state run warehouse to the ultimate PDS outlet but there is no technology driven mechanism in force to know whether the intended PDS food grain articles are reaching to the real beneficiaries or reaching the open market through the middle men for sale at a higher rate. With the help of middle men and connivance of the authorities concerned, diversion of a substantial quantity of Rs.1 Kg rice across the border through local train and other means of road transport to Kerala is a regular feature and hoarders after subjecting it for further polishing in local flourmills are selling it on higher rates in the open market under various brand names in the state. Have you ever heard of Jumbos ransacking ration shop? In Valparai, wild elephants have been frequenting ration shops for food in recent times. According to reports out of the 50

ration shops located in the hill station, 20 shops have been identified as more prone to elephant attacks as they are located on the migratory pathway of the pachyderms. For obvious reasons despite the directions of the forest department to put up the shop atop a 10 ft. pillared structure to avoid elephant attack, no action has been taken to relocate the ration shops to safer place or experimenting mobile PDS facility. Further, even though the elephants empty just a few sacks of food grains, it is made out as if the entire food stocks in the ration shop have been eaten away so as to avail more compensation from the Government.

It appears from the reports emanating from various quarters that reforms introduced by the Chandigarh Government to make the PDS has proved by and large effective and transparent and therefore the positive elements involved therein can be made experimented while implementing the National Food Security Act. During 2008-08 itself, the Government of Chhattisgarh has computerized whole food grain supply chain from procurement of paddy at 1532 purchase centers to transportation of PDS commodities to 10416 Fair Price Shops for further distribution to 3.7 million ration card holders, covering 6 different organizations. As an outcome of the project, 0.78 million farmers have received computer generated cheques without any delay. Citizens participation has been increased in monitoring. Businessmen are not running PDS shops in Chhattisgarh. The PDS shops in Chhattisgarh are run by the local community-owned bodies like forest co-operatives employing tribal, gram panchayat (village Councils and women self-help groups). The second big reform introduced in Chhattisgarh was raising the commission to PDS shop owners from Rs. 8 per quintal to Rs. 35 per quintal as a measure to make it more viable.

As a dutiful citizen, I am making the following observations / suggestions to make the National Food Security Act yet another milestone and people friendly revolutionary achievement of the UPA dispensation.

1. Further extending of Institutional set up to Panchayat level for effective monitoring and implementation of the scheme.
2. Involvement of Self Help Groups for (a) distribution of PDS grains in place of ineffective dealership net work and (b) periodical updating of BPL and APL data at the micro level
3. Computerization of Total Food Grain Supply Chain
4. Introduction of Unified Ration Card Database and issue of PDS commodities to FPS
5. Citizen Participation web-site
6. Call centre and Complaint Monitoring System

7. Strengthening of storage and distribution network upto the level of Panchayat.

Steps to be taken to make the Enabling Provisions effective:

Due to the reason that land comes under the purview of the States, many of the States Governments had enacted separate rules for Conversion of Agriculture Land for Non-Agricultural Purposes and therefore, the National Rehabilitation and Resettlement Policy 2007 which envisages that new projects (for activities other than agriculture) can only be set up in wasteland, degraded or un-irrigated land is meaningless and ineffective. For example the Rajasthan Land Revenue (Conversion of Agricultural Land for Non-Agricultural Purposes in Rural Areas) Rules, 1992, wet land in rural area can be converted for non-agricultural (commercial) purposes. Commercial purpose means the use of any premises for any trade or commerce or business which shall include a shop, commercial establishment, bank office, dhaba (whether pucca or temporary structure), show-room, cinema, petrol pump, weigh bridge, godown or any other commercial activity (and shall also include the use thereof partly for residential and partly for commercial purposes). Incidentally, it will not be out of place to mention here that the National Sample Survey Organization has recently reported that about 45 percent of farmers interviewed by them wanted to quit farming. The pressure on land due to indiscriminate conversion for non-agriculture purpose is increasing and as a result the average size of land holdings is dwindling. Therefore, there is an urgent need to make suitable amendments in the Land Acquisition Acts followed presently in force in various states so as to make it in consonance with the National Rehabilitation and Resettlement Policy 2007.

Advancement of scientific and technology driven innovative farming will help to further increase the Production of principal crops in the country. As per the Economic Survey report 2009-10, the yield of principal crops has shown improvement. The yield of principal crops from 2004-05 to 2008-09 taking the triennium 3rd ending 1981-82 = 100 as base was 152.5, 180.5, 185.8, 190.6 and 171.6 respectively.

Similarly, steps need to be taken to increase the area under principal areas to commensurate with the population. As per the Economic Survey, the total area under principal crops in India is more or less stagnant. The total area taking triennium ending 1981-82 = 100 as base, the total area under principal crops from 2004-05 to 2008-09 was in the order of 104.6, 106.2, 108.0, 108.6 and 108.1 respectively. Increasing the irrigated area under different crops will also help to increase production / number of crops per year.

The Government distributes annually a total of 43.86 million tonnes of food grains (wheat 19.71 mt and 24.15 mt rice). Unabated large scale diversion of rice and wheat from PDS and other welfare schemes is another area requiring urgent action. As per the evaluation undertaken in 11 states by the National Council for Applied Economic Research in 2008, diversion of wheat and rice meant for PDS and other welfare scheme such as Antodaya Anna Yojana (AAY), Below Poverty Line (BPL) and Above Poverty Line (APL) is unprecedented. As could be seen from the table below, the leakage of grains is in the range of 40 to 100% across 11 states.

(in %)

State	AAY		BPL		APL	
	Wheat	Rice	Wheat	Rice	Wheat	
Delhi	1.63	3.72	3.34	0.00	0.00	0.00
Jharkhand	3.80	16.47	0.00	8.97	0.00	54.33
Kerala	18.66	0.00	0.00	19.24	0.00	13.10
Madhya Pradesh	0.00	16.81	18.93	29.14	0.00	0.00
Maharashtra	0.00	9.42	0.00	17.77	0.00	0.00
Uttarakhand	0.00	0.00	0.00	29.71	0.00	4.92
Rajasthan	0.00	0.00	0.00	0.00	0.00	0.00
Chhatisgarh	0.00	0.00	0.97	42.32	0.00	78.34
Bihar	0.00	41.35	0.00	46.87	0.00	0.00
Uttar Pradesh	0.00	0.86	8.32	20.67	0.00	0.00
Assam	1.49	0.00	44.97	0.00	83.28	100.00

Source: Ministry of Food, Consumer Affairs and Public Distribution

The leakage from the public distribution system is either due to the inclusion of people who were not eligible for concessional price and exclusion of those deserving of issue of such food grains on concessional terms. Inclusion error or enrolment of wrong people for the benefits is almost 80% in Kerala while in the case of Delhi and Rajasthan it is 50 per cent. Apparently, these details were made available during the meeting of the core group of Central Ministers and State Chief Ministers on prices of essential commodities on April 8, 2010. A project Evaluation Organization study in 2005 showed that total food grains leakage from the Public Distribution System is 36.38 per cent with nearly 20 per cent of coming at the ration shops and the rest through bogus ration cards.

Without finding a solution to the prevailing inextricable situation in Public Distribution System, the roll out of the ambitious National Food Security Act will not be a success. To sum-up, the following suggestions are made for an effective and meaningful implementation of the proposed National Food Security Act.

1. Raising the country's agricultural production manifold.
2. Creating state-of-the-art storage system and procurement.
3. Issue of smart card linked with Unique Identification Card.
4. Fitting of trucks and wagons with GPS facility (Global Positioning System) so that their movement can be tracked all the time to catch them of loading to unauthorized persons.
5. Fool-proof steps for reduction of wastage in storage, storage losses and improving efficiency of the food supply chain.
6. Scrupulous implementation of 9 point Action Plan to strengthen the Public Distribution Systems, including computerization of the entire process.
7. Comprehensive revamping and strengthening of Essential Commodities Act and strict enforcement of penal provisions.
8. Till such time additional storage facilities are commissioned, all the existing 487 warehouses of CWC to be used exclusively for warehousing PDS grain,
9. Procedure for procurement of PDS grain to meet the Food Safety Standards Authority, as prescribed under the provisions of the Prevention of Food Safety Standard Act, 2006.
10. Creation of Land bank of cultivable land.
11. Clear-cut demarcation of the cultivable/ wet land and barren land.
12. Total Prohibition of conversion of cultivable / wet land for any other purposes.
13. Strengthening of cooperative movement and cooperative farming.

Also, some of the path-breaking and innovative initiatives of the Chhattisgarh Government, as detailed below is worth emulating on all India basis while implementing the National Food Security Act.

(a) **Truck Dispatch Information to Citizens through SMS:**

Citizen interface web-site introduced in Chhattisgarh provides a method of citizen participation in monitoring of PDS. The citizens can register their mobile numbers on this website for participation in the monitoring of PDS by selecting one or more Fair Price Shops (FPS). Whenever PDS commodities are dispatched to an FPS from the warehouse, an SMS is sent to all the mobile numbers registered for that FPS. This message has the truck number, the quantities of PDS commodities being sent by that truck and the date and time of dispatch.

(b) **Truck photograph to server with latitude and longitude of truck position:**

An application in J2ME developed and loaded in a GPS enabled mobile phone with camera is put into use at warehouse. When a truck with rice and other commodities reaches the warehouse for delivery, the truck is photographed using the application and sent to the server. The truck and receiver's photograph along with latitude and longitude reaches the server. Server side programme compares the latitude and longitude of truck with latitude and longitude of the warehouse to ensure that the truck is in the warehouse premises by the said date and time. This innovation is helping to check claims made by receiving centres without actually receiving the truck dispatched to a certain extent.

(c) **Centralized miller data base and uniform procedures:**

Web application to micromanagement of inventory for quicker milling, less damage to rice and paddy will be cost effective and help substantial savings. This will also eliminate execution of agreement with fake millers.

The Data available on web in the public domain for creating transparency, inter-alia contains the following:

❖ **Ration Card database**

About 3.7 Million ration cards have been prepared through computers in 2007-08. The data is available in a database which is a base for the computerization of PDS. The data is made accessible to public on web. Public can access the following particulars:

❖ **Village-wise, ward-wise or FPS-wise details individual ration card holders along with his name, father's name and type of ration card,**

- ❖ **Village-wise, ward-wise number of beneficiaries**
- ❖ **Fair price shop details - 10416 FPS details are available online**
- ❖ **FPS wise allotment details**

Allotment of commodities for PDS schemes are automatically calculated by the system. Allotment for other welfare schemes like Mid Day Meal, ICDS, Hostels etc. are entered by District Food Controllers ever month. FPS wise no. of cards and allotment of different commodities for the selected month are available online for public view.

- ❖ **Lifting details are available online**

The quantity of commodities reached FPS from Distribution Centres is known as lifting. Delays in lifting are one of the big challenges that department faces. For day to day monitoring of lifting by different districts and distribution centers, lifting details are made available online.

- ❖ **Sales details of individual FPS**

FPS owners are supposed to submit an affidavit ever month with the details of the sales actually made against the allotment for that month. The sales quantities are used to calculate entitlement of quantities that actually be issued to the shop, keeping into account the previous month's balance quantities available in the shop.

- ❖ **Details of 'RICE FESTIVAL'**

RICE FESTIVAL is an innovative step taken by the department to check diversion. It is nothing but distribution of PDS commodities to the beneficiaries in the presence of public and nominated government officials on pre-specified day in a month. The details of the ration card holders benefited in the rice festival are available on web.

- ❖ **Details of paddy procurement**
- ❖ **Details 7.8 lakh farmers that sold paddy to different societies.**
- ❖ **Procurement of paddy by different societies and its transport to FCI, Miller or Storage centre.**
- ❖ **Details of stock at storage centres.**
- ❖ **Payment details to farmers.**
- ❖ **Mandi Purchase Details.**
- ❖ **Rice procurement-CMR and levy**
- ❖ **Details of CMR and levy rice received by CGSCSC centres**
- ❖ **Act and control orders of the department**
- ❖ **Details of registered mills, permission granted for milling and agreement executed.**
- ❖ **Complaint lodging and its status.**

❖ **SMS alerts whenever trucks are dispatched to FPS to registered users.**

Finally, the reported dissent note / reservation made by the Expert Committee head by Dr. C Rangarajan that further rising of procurement levels would lead to a lower availability of food grain for the open market resulting in escalation in prices is irrational. If the Food Security Act can cover 90% of the rural poor and 50% of the urban population, then left out will be only affluent lot who can very well afford to buy at a higher rate. Assuming but not admitting the price escalation concept, is it not obligatory as per the Constitution, on the part of the elected Government to provide food, shelter and security to the Aam Adhmi? Also, if the contention of EC is correct it cannot be looked in an isolated manner. What will happen if the same analogy is applied in the industrial sector? No new manufacturing facility or issuing licenses can be allowed as it will adversely affect procurement of raw materials to the existing units. But that is not the case. New manufacturing facilities are allowed to come up. The demand and supply position is addressed by taking various measures according to the situation like reduction in duty, providing more incentives, import, ban on export, imposition of anti-dumping duty, etc. Such measures can very well be enforced in agricultural sector also to meet the challenge in a positive manner. Instead of brushing aside the just and reasonable suggestion of NAC, the Government, should seriously evolve ways and means to increase the productivity so as to implement the suggestions without any dilution

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Food Security – Sonia Proposes, C. Rangarajan Obstructs, NAC Confuses

Honorable Smt Sonia Gandhi,

The Chairperson, NAC,
National Advisory Council,
2, Moti Lal Nehru Place,
Akbar Road,
New Delhi -110011.

January 24, 2011

Dear Madam,

National Food Security is absolutely desirable for India when majority of our population is underfed, malnourished and unhealthy. This Inventor, Engineer & Farming expert has experience and understanding of the relevant issues, India can double food production in few years, mismanagement of water resources, providing much more credit to Traders than Farmers, Hoarding by traders etc and hindrance in implementation of the program.

USA provides \$80b subsidy to 7 million farmers who produce huge surpluses - \$100b worth of foods are exported. India has in comparison 800 million farmers, twice more cultivated area and twice more water resources but there is Gross Mismanagement – Food is a instrument of exploitation of Farmers & Consumers in the hand of Traders.

National Agenda of Farmers 2021 - Contribute 50% of GDP

- :Executive Summary: -

Farming activities support over 800 million people of India or 70% of Population, Indian farmers contribute 50% Engineers and Scientists, Civil Services, over 80% Agriculture Graduates, 80% of Defense & Police Officers and 95% other ranks but contribution of Agriculture in Indian GDP has slipped to just 14%. This translates to \$200 per capita income for Agriculture against \$2100 for non agriculture. On deducting role of Moneylenders and Traders real Per Capita Agricultural Income of farmers is just around \$100.

Farmers own lands and are qualified to set up Agro and all other industries but some BIASED policies discourage them like unviable high interest rates on project finance.

GOI is misinformed that Indian farmers don't know Farming and Contract Farming shall yield good crops and provide supply chain to minimize transit losses deliver food fresh and economically when actually Corporates partner with foreign companies, import seeds and machinery that are not provided to Indian Farmers and Scheduled Commercial Banks can't serve farmers even as all farmers have fixed assets and shall never run away with bank money – thus Bank Credit to farmers is barely 7% to 8% of all public deposits that cover less than 13% of all farmers. Rest pays anything from 40% to 120% rate of interest.

USA 0.7m farmers get \$80b subsidy and farming contributes \$100b to USA Exports. Indian farmers, in spite of extreme ODDS contribute \$17b to Indian exports – just better storage and packaging it could be \$30b and it ought to exceed \$100b.

Intentionally or ignorantly policies are designed to Sabotage Indian Farming.

DETAILS

1. Water: - Water is critical for agriculture but for 35 years schemes are designed to SABOTAGE water storage and Bogus Projects are proposed regularly by non farmers that make no scientific sense. Ganga Cauvery Link was proposed to transfer Ganga Waters to Cauvery even as Cauvery and other South Indian Rivers have much more water storage and availability with higher rainfall spread over six months when Ganga River basin spread over 13 states has practically no storage. Ganga Cauvery Link and River Linking Bogus Plans hindered Dam Building. Latest is 15 million Johad (Ponds) Plan that would engulf over 30 million hectares of village lands. Check Dams cheap solution of non farmers increase Flood Intensity and being subsoil salinity to crop root zone reducing fertility.

India is entitled to use 1200 BCM of river waters but so far 400 BCM or 33% of river waters are diverted to farming and other purposes. Pakistan uses 80% of its river water entitlement that shall increase to over 90% with commissioning of new storage projects.

➤ **Build 500 BCM new Dam Live Storage Capacity for Irrigation, Flood Protection and Municipal Supplies, takeup Lining of Canals & Pipe water supply**

2. Power: - GOI provides for 12% free power and additional 15% at subsidized rates to states that provide land for hydro and thermal power projects – farmers provide the land and are displaced but Free or Subsidized power is largely provided to run Air-conditioners in homes and businesses and to run industries. Poor farmers are provided Rs.6000 worth of 11W Solar Lantern when an air-conditioner Guzzle 2000W of power – electricity consumed by a single A/C could light up 200 CFL lights in a Dark Village. In cities there is no restriction on sanctioned load for a consumer – a domestic consumer may take 100KW load that could energize a village. When a farmer is operating Diesel Generator buying diesel @ Rs.35 per liter, in cities consumers run A/Cs pay Rs.5 a unit for electricity.

➤ **30% of power generation be RESERVED for villages and 800 million farming population for Domestic, Business & Agro Industries. Domestic and commercial Load of city consumers should be restricted to 10KW.**

3. Co-operatives: - Co-operatives are required in every village to collectively & economically produce, store, market agro produce and to run farmers owned Industries.

➤ **Every village to have at least one Co-operative for above purpose.**

4. Food Storage: - It is a deep rooted conspiracy to Dispossess Farmers of their produce immediately on harvest – crops are dumped in open for weeks and thus lose Quality and get infected. Food-grains Crops pass through six stages before delivery to consumers – consumers own storage is seventh stage. (1. Farmers to Grain Market, 2. to FCI storages, 3. to Railway Sidings, 4. to Destination, 5. then to Ration Shops. 6. Many states have intermediate storage as well.) Thus there is loss of grain quality and quantity at every stage.

➤ **Farmers should store food-grains in Storage Bins or Drums immediately on harvest. Deliver food-grains to Railways and Railways shall deliver to trucks that shall deliver grains directly to either Fair Price Shops or preferably village Co-operative or Panchayat for distribution. Dismantle FCI.**

5. Agro Industries & Industries: - Farmers own all the land required for Industries, contribute 50% of Civil Servants, Engineers and Scientists, over 80% of Defense Officers, Agricultural Engineers, they is a deep rooted conspiracy to keep them out of Agro & All other industries.

➤ **100% of Agro Industries and 50% of other Industries must be reserved for Farmers & Village Dwellers.**

6. Seeds & Biotechnology: - There is a Deep Rooted conspiracy by OUTSIDERS to Misrepresent Indian Farmers and 'Mislead Them' into believing they don't need Good High Yielding Seeds of Multinationals and advise them against use of fertilizers. But don't complain against diversion of Fertilizer for Industries. Farmers fully appreciate contribution of Bt Seeds in doubling cotton production.

➤ **Farmer Leaders should represent Indian Farmers in India and at international platforms in Choice of Policies, Farming Seeds, Technology. 50% of Agriculture Scientists should work in Block level Extension Centers. All Seeds and Farm Trial results be made public.**

7. Credit: - It is falsely propagated that Farmers are Not Bankable and 87% farmers are denied Bank Credit when actually farmers are more Bankable Then Corporate who divert the Cheap Bank Credit to other companies and purposes and mostly Manipulate Company Accounts. Corporate in last two decades had not added a single new job but get over 50% of bank credit.

➤ **50% of all the bank credit should go to Farmers, Farmers Owned Agro Industries and other Industries. Thus Bank Credit would directly improve earnings of 700 million – Corporate create practically no job opportunity.**

8. PURA Conspiracy: - This is the most destructive conspiracy to further divide Poor and Very Poor Farmers by providing new towns that will have all amenities like electricity and water, recreation, schools and colleges. It is most economical to provide all these Basic Amenities in each and every village. Actually money sanctioned for village Amenities are Swindled by bureaucracy.

➤ **No PURA should be allowed until basic amenities like Power, Water Supply, Schools, Dispensary, Co-operatives etc are provided in every village.**

9. Federation of Indian Farm Leaders & Industries: - Indian Farmers are highly qualified and skilled to run their own industries and develop own amenities and better implement projects in villages should organize and operate on professional lines like FICCI or CII, and proposed federation shall engage professionals of all related fields.

➤ **FIFLI would represent Indian Farmers at all Indian & Foreign Conventions.**

10. Farm Subsidies: - Farming is a Unviable Profession. Over \$80b subsidy is provided to 0.7 million US farmers that ensures not just adequate food for internal consumption but also export \$100b worth of quality foods. In India Industry Corporate already get over \$120b subsidies & tax breaks for similar GDP contribution.

➤ **\$100b Subsidy for 800 Million Farmers would double food production – generate over \$100b exports.**

Ravinder Singh

Farmer, Engineer & Consultant

Progressindia008@yahoo.com

November14, 2010

Quite comprehensive indeed. If I may be permitted to make a small suggestion, I would like to state that the grievance redressal system should start at PDS shop level and all the Gram Sabhas / village assemblies should verify in their quarterly meetings (15 August, 2 October, 26 January and 14 April in M.P.) the total entitlement and what was actually distributed to their members in the past quarter. In case of any default on the part of PDS shop, food according to the entitlement against payment and automatic fine(May be fixed equal to the market price of defaulted delivery) should be levied and given to the families whose entitlements were infringed. In case a beneficiary fails to lift food as per his/her entitlement due to migratory employment, he/she should be allowed to lift anytime within three months, subject to prior approval by Gram Sabha which in turn would keep the PDS shop informed in advance.

o p rawat

FYIP

On Tue, 25 Jan 2011 21:17:35 +0530 "Anees Mohammed"anees.mohammed@rediffmail.com wrote

Dear Colleagues,

The NAC's Working group on the National Food Security Bill has submitted its Framework draft to the NAC. The NAC in its 21st Jan 2011 meeting has considered the Framework draft and decided to put this Framework Note in the public domain, inviting comments, before the Draft Bill is taken up for consideration by the NAC.

I have attached the same here for your suggestions and / or criticisms.

A brief of the draft:

1. The entitlements under PDS, ICDS and Mid Day Meals (MDM) have been greatly enlarged to Universalise ICDS and MDM and nearly universalise PDS in rural India.
2. The Act will require larger budgetary allocation and also includes revolutionary monitoring and implementing procedures that can later be extended to MGNREGA, RTI and RTE.
3. The bill proposed Legal entitlements, Enabling provisions and a comprehensive Grievance Redressal mechanism bringing in for the first time, the doctrine of " *Vicarious Liability*" i.e. *Vicarious liability is a legal doctrine that assigns liability for an injury to a person who did not cause the injury but who has a particular legal relationship to the person who did act negligently. It is also referred to as imputed [Negligence](#).* This notion of vicarious liability can also be extended to the Communal Violence Bill also.

4. Basic flaw in the draft:

- The division or differentiation of the poor into "Priority" and "General" groups on lines of BPL and APL.
- Also not clear is the methodology that will be employed to identify these two groupings
- Group fixing like the erstwhile poverty fixing or allocation of poverty quota that will take place during the identification

5. Despite the recent utterances of the PM's Economic Advisor trashing the NAC's NFSB proposal and the knee jerk reaction by the PMO on the NAC's suggestion to increase the wages under MGNREGA to the levels under Minimum wages Act, this is still a bold proposal from the National Advisory Council.

Respected NAC members

I have two suggestions to make

1. I note that you have pegged the PDS entitlement at 7 or 4 kg grain per person per month at respective prices as applicable to priority and general categories. I strongly suggest that you may consider either dropping this entitlement in favour of 2 and 1 kilogram of culturally accepted leguminous grain (pulses etc.) or altering it to include a part of the entitlement as pulses and /or fish/egg etc. The reason is simple, even with the suggested grain entitlement, protein deficiency will never be met and the scarce resources of the family are more likely to be used for other purposes than for buying protein.

2. For all financial support to pregnant women, you may consider linking it to family response to sex detection, to fecundity of the woman and adoption of birth control measures. Thus every woman receiving this support (alternately, her husband) should be required to a) refuse to in any way undergo a pre-natal sex detection test and b) adopt a birth control measure post-delivery for a period of not less than five years.

It is not clear whether the PDS reform, in particular the decentralized procurement etc is going to be a part of the Act or remain just a advisory to the Government.

Your idealism is remarkable and only matches your abundant optimism in hoping that your suggestion will be implemented. We await the verdict as to whether realism will win or your optimism.

Good luck and hope that your right to food act, if and when enacted is taken more seriously by the government than its own Right to Education Act.

Sanjiv Phansalkar

The Secretary,
National Advisory Council,
2, Moti Lal Nehru Place, Akbar Road, New Delhi -110011
Fax: (011) 23062599

Dear madam/sir,

Greetings from the National Alliance for Maternal Health and Human Rights!

We would like to provide some comments for the draft framework note of the Food Security Bill, especially the section **3.2a, Pregnant and Lactating mothers**.

Please do feel free to get in touch with us for any further clarification.

Thanks and regards,

Jashodhara and Sandhya

On behalf of the National Alliance for Maternal Health and Human Rights

namhhr.blogspot.com

3.2a, Pregnant and Lactating mothers (NAMHHR comments in red)

a) Nutritious take-home rations and/or freshly cooked nutritious meals, provided throughout the year through the local anganwadi or any other suitable institution - **this benefit also needs to be extended to all adolescent girls in the area, since this is the time when girls are at most risk for nutritional deficiency which will create high-risk situations during pregnancy**

b) Maternity benefits of Rs. 1000 per month, for a period of six months, to all pregnant women for care, nutrition and rest during pregnancy and after delivery: **We argue that this amount is arbitrary and has no rationale in terms of maternity-related wage-loss for women workers in the informal sector (close to 200 million women), although women employed in the formal sector get three months leave supported with full pay. Thus the poorest women workers with most precarious employment actually suffer total wage loss during maternity, the time when they are likely to have greatest needs for income to pay for additional nutrition and possible unforeseen medical expenses. This in turn compels them to rejoin work early so as to minimize the impact of this income loss upon the family. Thus in the interests of social justice, we request that this amount be rationalized to indicate a daily-wage equivalent for a certain period of maternity leave that is specified within legal rights of women workers. This will ensure some support to the family income to provide for better nutrition and encourage delayed return to work**

c) Support for **practising exclusive breastfeeding for 6 months** through assistance at birth, breastfeeding counselling, and related assistance; and counselling on optimal Infant and Young Child Feeding to promote appropriate complementary feeding upon the completion of 6 months, along with **continued breastfeeding for two years or beyond**

Any woman's capacity to breastfeed is dependent on certain factors including her level of nutrition, rest and lack of stress; as well as the opportunities, space and privacy to breastfeed. As such **these recommendations appear misplaced** for the reasons given below; unless the state **compensates women's minimum wages for six months of wage loss, and ensures full food security for women**

- Women who work in the informal sector comprise around 95% of the overall female workforce. They do not have any maternity leave supported with pay, so their wage-loss during pregnancy may have adverse impacts on family income at the most critical time. This compels them to return to work as early as is physically possible. At most workplaces (even in the formal sector) they do not have any access to privacy or creches in order to breast-feed. Thus the idea of exclusive breast-feeding is not possible for such women, since the state cannot ensure that they get supported fully through a maternity benefit based on minimum wages for the period of wage loss due to such breast-feeding.
- Nutritional anaemia for women has not improved in India over the last eight years and more than half the women in India remain anemic. More than one-third of the women in the age-group 15-49 surveyed during NFHS-3 were found to have BMI below 18.5. In such circumstances it is unrealistic to assume that women will produce enough breast-milk to exclusively feed the baby for six months, or will continue breast-feeding for two years. As a society we first have to prioritize women's nutrition, and as a nation we have to provide women with adequate food security, otherwise these expectations from lactating women will be misplaced and unfair.

Respected NAC members

We have gone through the framework note for the RtF bill.

We find that the para 3.2a pertaining to maternity benefit states that every pregnant woman will be paid Rs. 1000 for six months. There are no conditions listed there. We believe that this move is ill advised for the following reasons:

1. At 2% crude birth rate per year, the number of pregnancies are estimated at around 24 million each year and the sum required to meet this proposal would be around Rs. 14400 crores. This is a very substantial sum and one must ensure that it is used in the best possible manner.
2. In the absence of a working, functional and accessible public health service on the ground, the cash allowance may not translate into any positive nutrition or health benefit to women and may have no impact on MMR. Thus translating the TN experience to say UP or MP would not be so straight since the health service in TN is so much better thanks to the excellent work put in by TV Anthony and his successors there.
3. Given the extremely sad state of affairs regarding implementation of the PCPNDT Act in Gujarat and North Indian states and the proliferation of shops doing sex detection in these states, a pregnancy benefit will only encourage more frequent pregnancies of women, sex detection and abortion of the female fetus to be followed by the family taking "another chance" at a male child. This will wreck women's health and induce high rate of mortality among adult women in reproductive age group.
4. The proportion of the cash dole that will actually reach the women will remain a matter of speculation given the pathetic state of public honesty.
5. Unlike take away nutritious meals or diets, which make it very difficult to misuse-at worst some one other than the pregnant woman will eat- there is every likelihood that a cash dole will be grabbed out of the woman's hand and drunk up or gambled away by the husband.

We sincerely request a reconsideration of this move before finalizing the proposed legislation

Thanks

Sanjiv Phansalkar

Jayeeta Chowdhury

Program Leader

PO, Health

Sir Dorabji Tata Trust and the Allied Trusts

Mumbai

To

The Secretary,
National Advisory Council,
2, Moti Lal Nehru Place,
Akbar Road, New Delhi -110011

Please find enclosed my comments on the Framework Note prepared by the NAC's Working Group on the Food Security Act.

Thank you
Best regards
Radha

--

Radha Gopalan, Ph.D
Coordinator, Rishi Valley Special Development Area
Rishi Valley Education Centre, 517325
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Note on the Draft National Food Security Bill, National Advisory Council, 21 January 2011

Comments by Radha Gopalan, Ph.D, Environmental Scientist working in the area of food security and sovereignty with communities in Chittoor District, Andhra Pradesh and school students.

Email: radha.gopalan@gmail.com

Framework of Proposed National Food Security Bill, Part 1

Section 1.2

“...legal PDS entitlements for at least 90% of rural and 50% of urban populations in the country....”

Comment 1: *What is the criteria for selection of beneficiaries? If true social inclusion is to be ensured is the Kudumbasree Index developed in Kerala being considered as a possible model? This is the only index in the country that allows for inclusion of social parameters rather than being based purely on income. By considering this model for selection of beneficiaries there is a strong chance that the intent of the proposed framework can be realised.*

Section 3.3

Comment 2: *The provisions outlined in this section are weak and seem to be included almost as a placeholder – particularly in the case of migrants and destitute persons.*

- (i) Migrants: Arrangements shall be put in place to ensure that migrants are able to claim all entitlements under this Act at their current place of residence.

Comment 3: *What are the kind of arrangements proposed? Will they have access to ration shops at locations that is not their permanent residence? Or will they have special permits / cards to access food from the community kitchens? It is absolutely essential to provide guidelines in the Act to ensure that the provision in this section is implementable.*

Section 5

- (i) “.....endeavouring to prohibit unnecessary and unwarranted diversion of land and water from food production....”

Comment 4: *This clause is ambiguous. 'Unnecessary' and 'Unwarranted' need to be clearly defined. What are the activities that fall under these categories? Is it Biodiesel plantations / SEZs etc.? Unless it is clearly spelt out, this clause has no meaning or teeth during implementation.*

Systems of Enforcement and Transparency, Part II

Section 1. Grievance Redressal and Monitoring

Comment 5: *Access to a redressal system is essential at the Panchayat Level to serve hamlets and villages located in remote areas. The difficulties in getting to the grievance cell located far away is a significant deterrant for the aggrieved since more often than not they are the poorest of the poor.*

TO,

The empowered Group on food Security,

Respected members,

Please consider the attached note.

thanks,

Suggestions on [Classification of BPL and reforms in PDS](#)

In the light of proposed food security bill

27th January 2011

Respected Members of the NAC,

During preparation for a pilot project for the Indian Youth Congress, I learnt a lot about the issues involving BPL, PDS and Poverty Elevation Schemes. In my nominal capacity and knowledge, May I take liberty to present to the most knowledgeable and experienced members of NAC, my views on these subjects for your consideration and actions–

ON THE CLASSIFICATION OF BPL

- 1) There has been a gross dissatisfaction on the classification of the BPL Households, almost everywhere in the country. The dissatisfaction includes both the cases of wrong inclusions and wrong omissions.
- 2) The criteria for classification of the BPL shall be redesigned. It shall be more scientific and equivalent to the international standards of poverty. The planning commission and other authorities must make a paradigm shift in their approach about possible increase in the number or percentage of BPL families on adaptation of new standards. We must keep in mind that we have to be more realistic about the conditions of poor people in our country than showing the international communities of our progress or running away from the truth that the predictions or targets set by our institutions or the government machinery for poverty elevation are in sharp contrast from the ground realities.
- 3) Yes, there has been development all over the country and a leap in living standards for a sizable section of society, but the change in the notion of the basic necessities, increase in inflation, and the rising gap between the have and have not's has widened and thus a large section of our population finds itself standing back at the platform which is called as deprived class or poor.
- 4) The start shall be made by deleting impractical, irrelevant and imaginative questions from the assessment paper and with the intention to include the needy in welfare schemes rather than the present policy of the Planning Commission to exclude families from the benefits of welfare schemes, especially PDS.
- 5) The survey must also include more stress on the real income generation of the family with other criteria's. Families with the gross income of less than Rs 36000 per year shall be considered as AAY Families and those under the annual income of Rs 60000 shall be considered as BPL families. We don't need to adopt any survey or any scientific method to come to the conclusion that an average family of two adults and two children shall find extremely difficult to live under an income of less than Rs 3000 a month. If this is considered to be an extremely tough situation, then they shall be given more attention

then just terming them “poor”. The extent of the concept of Antyoday, thus, be enlarged and all those under this category must be given AAY cards. In the same manner, families under the annual income of Rs 60,000 shall find it ‘very hard’, if not extremely difficult to have a life just of basic necessities and at least, some dignity.

- 6) Social Economic indicators must not be used to eliminate house holds from the BPL list, but they shall be used to incorporate households in the BPL list. Setting a cap on percentage of households in a particular District is an injustice to the poor. Instead, provisions must be made to initiate actions against the officials responsible for inclusion of totally ineligible people in the BPL list.
- 7) It must be ensured that, whatever the way of classification is, the AAY/BPL list must be able to rank the most deprived family in a particular unit, and the system must deliver the benefits of the schemes according to the waiting list as per the rank, until government takes final decisions on the various BPL schemes.
- 8) BPL is considered to be the entry point to take advantage of different government schemes. It is a generally known fact that most of our conceptual targets have not been met by most of the poverty elevation schemes or schemes intended to help the poor. Rather, they have been a source of immense corruption, dissatisfaction amongst the beneficiaries, anger for the beneficiaries in waiting and pasture for the bureaucratic system. This might also lead to brain storm on whether the focus of the government policies and programs shall continue to throw subsidies in these schemes which doesn’t make much relevance and does not have a long time utility for the beneficiary and to shift to direct cash compensation to the targeted family.

ON RELATION OF BPL LIST TO PDS

- 9) The basic, major and important attraction for the inclination of families to obtain the BPL card is the subsidized food grain distributed through the PDS shops. Initiatives must be taken to convince the Planning Commission to accept the newly suggested classification of the BPL families in this paper, **ONLY for the purpose of PDS**. For, it must be the duty of all the constitutional bodies to ensure “security from hunger” to all its citizens.
- 10) People having an income of nearly a Lakh, are also interested in acquiring the BPL Card to have an access to the PDS system. This attraction can easily be understood in context of the reaction of the people, media and political parties in pressure situations during high food inflation period like last one month. This expectation of the common people can not be termed as wrong.
- 11) The NAC shall be credited for suggesting to the government to increase the beneficiaries of the PDS system. However, it is not clear as to how the new entrants to the PDS will be identified, it is requested that all families with an annual income of less than Rs. 96000 (Ninety six thousand a month) shall be included in the PDS system.
- 12) For this purpose, a new category shall be formed of families who fall between the annual incomes of Rs 60000 to Rs 96000. This **new category shall be called NPL** (Near Poverty Line) or NAPL (Nearly above Poverty Line). This will mean that only those families having an annual income of more than Rs 96000 shall only be considered to be APL families. The government may set different parameters to identify the NAPL families.
- 13) This classification for now is presented only with the motive of PDS, however the government may adapt it otherwise. The government should have different rates of food for different categories as it already have. They may charge the new category adding appropriate amount per Kg on the food items for the new category NPL/NAPL.

14) Following table is helpful for understanding the classification-

Category	Income slot	Proposed rates and quantity	Other recommendations
AAY	Under 36000	As proposed by NAC for	Oil and pulses must

		the targeted Class	anyhow be added for distribution
BPL	36000 to 60000	As proposed by NAC for the targeted Class	Oil and pulses shall be added for distribution
NPL/NAPL	60000 to 96000	35 Kg of food items @ as proposed by NAC for the general class	Oil and pulses may be added for distribution
APL	Above 96000	Market rate	Oil and pulses may be added for distribution at Market rate

ON CORRUPTION IN PDS

PROCUREMENT , WAREHOUSING and LOGISTIC MODEL

- 15) PDS has always been under scanner for well known leakage and rampant corruption. It must be the priority for the government authorities to replace the existing system with a technologically equipped modern method.
- 16) The recent incident of the death of Addl. Collector Sh. Yashvant Sonavane affirms the already proven fact that the bureaucrats because of there vested interest and the politicians because of there incapability's, ignorance and corrupt practices, do not want to even try alternative models, for surely it will cut down, if not totally curb the corruption in the PDS.
- 17) I take liberty to once again request you to consider the proposed substitute model. The model works in the following manner-
 - a) One of the major reasons of leakage on the PDS items happens because it is packed like any other market items. For example, wheat, to be transported from warehouse is packed in jute bags. It means that the grain to be used for the PDS system is packed just like the grains available in the market. Thus it can be kept anywhere, transported easily without letting people know about its actual usage.
Thus, The Food grains / rations items like rice and wheat shall be packed in printed plastic / polythene / pvc bags in packing's of 5Kg, 10 kg and 35 kg. Items like Oil may be packed in 2 Kg. AAY only may avail the 5Kg packing benefit, AAY and BPL only may avail the 10 Kg packing benefit and NAPL shall have no other choice other than 35 Kg packing. One color may be assigned to the Ration packing's intended to be dispatched for each of the categories AAY, BPL and NAPL with PDS written on it in bold letters with warning on diversion. This will be the shift from distributor friendly packaging to user friendly packaging. **These bags if found at wrong places shall be considered as a proof of wrongful diversion of the food grains.**
 - b) This **packaging must be done just after acquisition and before warehousing** as much as possible. This will check the difference in the quantity of the food acquired for the purpose and the quantity which actually reached the warehouse. This will also curb the existing practice of replacing the government acquired grain of good condition placed in warehouse with rotten grains of private parties. If this is not possible every where, then this must be done to the extent possible. The remaining acquired grains shall be packaged when the grain is lifted from the warehouse. **The bags must be bar-coded to keep track of each particular bag/lot till the end trail. The Bar Code must be stickered at a safe and specific place on the packages.**
 - c) If there are warehousing limitations with the government, the government shall call private partners for warehousing and logistic solutions. Most of the multinational companies have outsourced there warehousing to other enterprises for ease in management, cut operational cost and to check unnecessary employee numbers. The government may also give there own warehouses to these

private parties on appropriate rent and generate revenue on the account where it is losing revenue at present.

- d) Another limited solution to the warehousing problem is to double the beneficiary's quota for the two months during and just after the acquisition. This may be later adjusted by giving 30 Kg of grains in place of 35 Kg for the next 7 months to the beneficiaries who have availed this opportunity.
- e) The central government may announce a special scheme of additional subsidy of Rs 0.25 paisa or 0.50 paisa per Kg for those state governments who will lift in advance after payment, the acquired grains just after and during the acquisition time to counter the warehousing challenge. This additional subsidy may otherwise be passed on to the card holder beneficiaries who opt to lift the enhanced grains during the proposed scheme.
- f) There is an emerging trend of warehousing food grains at village homes in many parts of the country by middle class and wealthy farmers. The government may also think about a scheme where farmers may avail returns on their own crop by home warehousing. –
 - Farmer sells out his crop to the government acquisition agency. The agency pays for the crop.
 - The agency asks the farmer to lien a FD or similar instrument of assured realization equal to the market value of the crop in favor of the agency for security.
 - The farmer keeps the grain at his own home warehouse and signs an agreement to handover the crop in good condition to the authorities whenever asked for.
 - This way, the farmer earns warehousing bonus on his own crop as decided by the government extra at the same time earning interest on the lien instrument as well.
 - The warehousing bonus shall be on actual delivery of the crop.
 - Another benefit to the farmer is the security of assured value even if the price of the commodity falls in the real market afterwards.
 - The government resolves warehousing issues and saves a lot of procured grain from rot. The government also retains the right of selling the acquired grain in the open market if situations call for.

SUBSIDY MODEL

- g) Electronically striped smart card shall be distributed to all the beneficiaries.
- h) The card must be charged with the full amount of subsidy plus the cash to be paid by the beneficiary to the ration dealer on full quantity of each item for one month included in the PDS for the respective region and category. This means that one month subsidy is paid to all the beneficiaries in advance. This subsidy can not be converted into cash and remains with the beneficiary in electronic cash form.
- i) The beneficiary will present the card to the ration dealer, the ration dealer shall strip the card, receive no cash and handover the food items to the beneficiary.
- j) The ration dealer shall then receive his commission with respect to the ration disbursement record through his striping machine. His commission shall be increased considerably to the extent that people continue interest in operating as ration dealer.
- k) To ensure quality and fair service to the people, the ration items may be distributed through existing Kirana shops/ general merchant shops or new dealers in an identified area. Small shopkeepers will be happy to work as ration dealer if it adds to their monthly income with a small margin but which creates interest.
- l) The beneficiary shall retain the barcode on the packaging of the food items. He shall then present the barcode and pay the cash amount to be paid to procure the already procured ration item to the recharge center.
- m) The recharge clerk shall recharge the card with respect to the amount of ration taken and amount paid by the beneficiary.
- n) All or one, nationalized banks, cooperative banks, rural banks, registered MFI offices, Post offices, in an identified area, shall be the recharge center.

- o) Gram Panchayat Secretary or the Principal/In charge of the primary school may also be the recharge clerk in an identified area.
- p) In the absence of above, any government servant living in that identified area, or anyone willing to do so and found capable to do so in an identified area may also be appointed as recharge clerk in that identified area. There may be any number of recharge clerks in an identified area.
- q) Inadequacy may start, if the ration dealer remains the recharge clerk (the cash transaction agency between the system and the end beneficiary as he is today).
- r) The recharge clerk may be given the same benefits as given to people responsible for delivery of benefits like Old age pension Scheme etc. or other adequate benefits. The duty of the recharge clerk shall be to maintain the record of the Barcodes received and periodically submit it to the concerned bank branch / post office.
- s) The model works on the assumption that the beneficiaries shall retain the barcode printed on the packaging of the distributed ration. If printing of the barcode is not possible on the bag/package, it may be separately stitched with the package.

I understand that having limited knowledge of the issue, I have tried to present my opinion on the subject for your kind consideration.

With regards,

(Mrinal Pant)

2, Borkhedi Road,

Rasalpura, MHOW

INDORE (MP)

mrinalpant@gmail.com

0-9826082525

The Secretary,
National Advisory Council,
2, Moti Lal Nehru Place, Akbar Road, New Delhi -110011.
Fax: (011) 23062599

Dear Sir

Having gone through the above I strongly protest against the main flaws in the draft of the above mentioned NFSB's Framework Note on National Food Security Bill.

What is objectionable in the draft is:

- The division or differentiation of the poor into "Priority" and "General" groups on lines of BPL and APL.
- Also not clear is the methodology that will be employed to identify these two groupings
- Group fixing like the erstwhile poverty fixing or allocation of poverty quota that will take place during the identification

Despite the recent utterances of the PM's Economic Advisor trashing the NAC's NFSB proposal and the reaction by the PMO on the NAC's suggestion to increase the wages under MGNREGA to the levels under Minimum wages Act, this is still a bold proposal from the National Advisory Council.

I appeal that we should continue our endeavor for right's based and universal approach rather than the divisive targeted approach for basic livelihood support infrastructure managed by the state.

Greta Pereira
Delhi

I PLEDGE SUPPORT FOR MILLET BASED FOOD & FARMING

I commit my support for the revival and survival of Millet Based Food and Farming systems.

I also demand that Government of India seriously consider the following:

- 1. Provide millets highest priority in the National Food Security Act:** Government of India should allocate at least 40% of its food security budget to millet based farming and food systems that will use millets as their major food component. This is because these grains are extremely crucial to tackle food and farming crisis in an era of climate change that warms up the globe and reduces water availability to cropping. Thus these should be the preferred crops while designing the nation's food security.
- 2. Put millets into public food systems of India: Millets need to be integrated into the existing Public Distribution System (PDS):** Start with 5 kgs out of the present quota of 25 kgs in the year 2010 and gradually increase it to at least 50% by the year 2020. Also introduce millet meals twice a week in the ICDS, school mid day meals, welfare hostels and such other schemes of the government.
- 3. Recognise millets as Climate Change Compliant Crops and promote their cultivation and consumption:** Climate change will result in higher heat, drought, lower rainfall and water crisis as well as high malnutrition. It is likely that rice and wheat might become unviable as food security crops. With the projected increase of 2 degree Celsius in temperature in near future, wheat will disappear from the farming scene. Rice varieties which need standing water for its cultivation, becomes one of the most dangerous emitters of methane, a green house gas. Thus millets will be the saviour or our food and farming systems
- 4. Bonus to dryland farmers:** For the ecological role they have played dryland farmers need to be recognised and granted non-monetary bonuses for biodiversity, water conservation and sustaining solutions against climate change. The biggest bonus here would be a policy push and incentive for millet based cultivation and consumption to be encouraged across the country.
- 5. Implement Millet Based NREGA:** Investment on millet lands which apart from creating permanent investment for the poor can also create at half the cost of NREGA, double the employment days. It is also possible to simultaneously produce nearly 30 million tonnes of foodgrains [millets, pulses and oilseeds] and three times the nutrition of an equal amount of rice. A policy push to integrate NREGA investment on millet can be a safe investment for the poor and will continue to safeguard their fragile assets for them. In addition it will also help them produce the most nutritious cereals that defy the climate change crisis.

6. **Convert cultivable fallows into millet farms:** India has nearly 25 million hectares of fallow land under cultivable wastes and current fallows as of 2005-06. This indicates that the poor who are the majority owners of these lands are not able to bring them under plough. If the government works determinedly and helps the farmers to cultivate these lands and farm millets, the country will be able to produce a minimum of 25 million tonnes of millets, 5 million tonnes of pulses and fodder that can feed an astounding 50 million heads of cattle. This is a huge opportunity.

7. **Start a massive educational and promotional programme on millets:** In spite of this extraordinary array of fascinating qualities that millets have, they are condemned to live with the stigma of being called *Coarse Grains*, *Poor Man's Food* etc. Therefore it is high time that the government takes the lead to present millets in a favourable light which they richly deserve. To begin with millets must be called Nutricereals and not Coarse Grains and must be available to all the people of India and not be revived only as elite food, that is an increasing trend. The Millet Network of India [MINI] actually calls them Miracle Grains for all the securities that they endow us with.

The government must use its media campaign funds to take up millet promotion. If the media through government help is able to create a H1N1 education among people, bring children to polio centres, a strong media action from the government will also surely promote millets to high status grains.

I LOOK FORWARD TO GOVERNMENT OF INDIA'S ACTION AND POLICY IMPERATIVE.

(SD-)

Name: Shabin Paul

Category: Social Worker

Organisation/ Institution: Pipal Tree

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Phone: 09538226654

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I LOOK FORWARD TO GOVERNMENT OF INDIA'S ACTION AND POLICY IMPERATIVE.

(SD-)

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I PLEDGE SUPPORT FOR MILLET BASED FOOD & FARMING

I ___Nithya Devaraj___ Member of Parliamentarian (MP)/ Members of Legislative Assembly (MLA)/ Members of Legislative Council (MLC)/ Consumers/ Doctor/ Nutritionist/ Teacher/ Scientist/ Academician/ Lawyers / Farmer/ Farmer organisation/ Union/ Panchayat President / Citizens representing / NGO / Others / _____ District, _____ State, commit my support for the revival and survival of Millet Based Food and Farming systems.

I also demand that Government of India seriously consider the following:

1. Provide millets highest priority in the National Food Security Act: Government of India should allocate at least 40% of its food security budget to millet based farming and food systems that will use millets as their major food component. This is because these grains are extremely crucial to tackle food and farming crisis in an era of climate change that warms up the globe and reduces water availability to cropping. Thus these should be the preferred crops while designing the nation's food security.
2. Put millets into public food systems of India: Millets need to be integrated into the existing Public Distribution System (PDS): Start with 5 kgs out of the present quota of 25 kgs in the year 2010 and gradually increase it to at least 50% by the year 2020. Also introduce millet meals twice a week in the ICDS, school mid day meals, welfare hostels and such other schemes of the government.
3. Recognise millets as Climate Change Compliant Crops and promote their cultivation and consumption: Climate change will result in higher heat, drought, lower rainfall and water crisis as well as high malnutrition. It is likely that rice and wheat might become unviable as food security crops. With the projected increase of 2 degree Celsius in temperature in near future, wheat will disappear from the farming scene. Rice varieties which need standing water for its cultivation, becomes one of the most dangerous emitters of methane, a green house gas. Thus millets will be the saviour of our food and farming systems
4. Bonus to dryland farmers: For the ecological role they have played dryland farmers need to be recognised and granted non-monetary bonuses for biodiversity, water conservation and sustaining solutions against climate change. The biggest bonus here would be a policy push and incentive for millet based cultivation and consumption to be encouraged across the country.
5. Implement Millet Based NREGA: Investment on millet lands which apart from creating permanent investment for the poor can also create at half the cost of NREGA, double the employment days. It is also possible to simultaneously produce nearly 30 million tonnes of foodgrains [millets, pulses and oilseeds] and three times the nutrition of an equal amount of rice. A policy push to integrate

NREGA investment on millet can be a safe investment for the poor and will continue to safeguard their fragile assets for them. In addition it will also help them produce the most nutritious cereals that defy the climate change crisis.

6. Convert cultivable fallows into millet farms: India has nearly 25 million hectares of fallow land under cultivable wastes and current fallows as of 2005-06. This indicates that the poor who are the majority owners of these lands are not able to bring them under plough. If the government works determinedly and helps the farmers to cultivate these lands and farm millets, the country will be able to produce a minimum of 25 million tonnes of millets, 5 million tonnes of pulses and fodder that can feed an astounding 50 million heads of cattle. This is a huge opportunity.

7. Start a massive educational and promotional programme on millets: In spite of this extraordinary array of fascinating qualities that millets have, they are condemned to live with the stigma of being called Coarse Grains, Poor Man's Food etc. Therefore it is high time that the government takes the lead to present millets in a favourable light which they richly deserve. To begin with millets must be called Nutricereals and not Coarse Grains and must be available to all the people of India and not be revived only as elite food, that is an increasing trend. The Millet Network of India [MINI] actually calls them Miracle Grains for all the securities that they endow us with.

The government must use its media campaign funds to take up millet promotion. If the media through government help is able to create a H1N1 education among people, bring children to polio centres, a strong media action from the government will also surely promote millets to high status grains.

I LOOK FORWARD TO GOVERNMENT OF INDIA'S ACTION AND POLICY IMPERATIVE.

(SD-)

Name: Nithya Devaraj

Category: NGO/Citizen

Organisation/ Institution: Peace Child India

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Bangalore - 560018

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To
The Secretary,
National Advisory Council,
2, Moti Lal Nehru Place, Akbar Road, New Delhi -110011
Fax: (011) 23062599

Dear Sir,

I got a mail from ur side that comments on its Note on the Draft National Food Security Bill by 21 February 2011 & also attach with hindi & english version. But the english version not open in my computer & request u to sent once again the english version to the under said address & also visit our website lifelineorissa.org.

Yours

Ashok Ku. Mohapatra
Secretary, LLO

secylifelineorissa@gmail.com
ashokastro1@rediffmail.com
09437184498

Dear Sir / Madam,

Please see the enclosed Notes (**Attachments**) on :

1. Food Security Issues;
2. Revamping PDS on PPP mode giving detailed & concrete suggestions; and,
3. Why Direct Cash Transfer (Payment) or Food Coupons will not work.

Unless the PDS outlets are upgraded as proposed in the second Paper mentioned above, PDS will not work satisfactorily.

Regards,

A.V.B. Menon, "Tranquil", 13 / 4, Langford Gardens, Bangalore, 560 025

E-mail ID : ammubal2004@yahoo.co.in & avbm1940@gmail.com

--- On **Sat, 5/2/11, Right To Food Campaign Secretariat <righttofood@gmail.com>** wrote:

From: Right To Food Campaign Secretariat <righttofood@gmail.com>
Subject: [RTF Updates] Action on the draft National Food Security Bill
To: "rtf-updates" <RTF-Updates@googlegroups.com>
Date: Saturday, 5 February, 2011, 7:34 PM

Dear friends

We would like to remind you that the National Advisory Council is inviting comments on its Note on the Draft National Food Security Bill by 21 February 2011. Comments can be emailed to nfsb@nac.nic.in or posted at

The Secretary,
National Advisory Council,
2, Moti Lal Nehru Place, Akbar Road, New Delhi -110011
Fax: (011) 23062599

Copies of the note in Hindi and English are attached with this mail.

Apart from this, public action regarding the bill needs to take place across the country in the next several weeks. Please share your ideas about possible actions by replying to this mail. Please also send us news about actions that you have taken or are planning.

With regards
Right to Food Campaign Secretariat

Secretariat - Right to Food Campaign
C/o PHRN, 5 A, Jungi House, Shahpur Jat, New Delhi 110049. India
Email: righttofood@gmail.com | Phone - 91 -11 -2649 9563
Website: www.righttofoodindia.org | Follow our [updates on Facebook](#)

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Food Security Issues

Universal coverage under PDS not a sound or just proposition, will further widen disparities between various sections

- Universal coverage of population under PDS is not a sound proposition. While the BPL and an identified section of APL and Middle Income groups deserve to be covered under PDS, there is no justification to provide food items under subsidized scheme to upper middle and very rich classes above a certain income range.
- If at all it is decided to cover Upper Middle and richer classes also under PDS, it should be confined to few major food items like rice, wheat and sugar only and that too at prices higher than that at which these are provided to BPL / APL.

Universal coverage will add much to Govt.'s Subsidy burden

- Universal coverage under the PDS will add to the Subsidy burden of the Govt. and will further widen the disparities between the BPL/APL and those with much higher incomes.

PDS in the present pattern cannot be continued and needs complete overhaul under PPP mode (as detailed in the enclosed Note)

- PDS in the present pattern cannot be continued as it suffers from several incorrigible deficiencies and drawbacks defeating the very purpose of the scheme. (**See enclosed Papers on PDS**).
- PDS Retail outlets have to be **restructured and staffed by Women's Self-Help Groups** as done in Chattisgarh, Tamil Nadu, etc. (**See detailed suggestions on restructuring PDS outlets under PPP mode given in the enclosed Paper.**)

Proposals being mooted for Direct Cash Transfers / Food Coupons, etc. in lieu of supply through PDS outlets not workable in Indian conditions and will lead to serious complaints

- Certain proposals now being mooted to provide Direct Cash Transfers or Food Coupons to PDS beneficiaries in lieu of food items through PDS outlets will not work in Indian conditions. It will lead to **serious Accounting problems and complaints and**

make the system worse than even the existing system. (as explained in detail in the enclosed Note)

A.V.B. Menon, Bangalore

Dear Ms Gandhi

We have come to understand through newspaper reports that the National Advisory Council of which you are the Chair, has recommended to the Government of India the inclusion of millets into the Public Distribution System. While congratulating you and the NAC for your foresight that has resulted this action, I also wish to urge you to kindly steer this recommendation through the National Food Security Act which we hope will be introduced in the Parliament in this session.

I am sure you and the honourable members of the NAC are totally aware of the following facts. But still I would like to emphasise once again the sterling qualities of millets that make them the most eminent food and farming crops for India:

1. Millets are most nutritious foods compared to rice and wheat which today make up India's PDS.
2. Millets not only provide food security but also multiple securities such as food, fodder, health, nutrition and ecological security.
3. Millets can grow without irrigation and hence in a water starved nation such as India, they are the most suitable crops.
4. In today's situation of Climate Crisis millets are the only crops that can face the droughts, malnutrition and other challenges that Climate Change poses to us.
5. In spite of their continuous neglect by the government policies, India is still the largest consumer of millets in the world
6. 65% of India's land is rainfed. The only crops that can flourish on the dryland soils are millets. Therefore it becomes the duty of the State to protect, preserve and promote millet farming.

Considering all these factors, I urge you to

- **Put millets into all the public food systems such as anganwadis, midday meals in the schools, all welfare institutions.**
- **Start a massive educational and promotional programme on millets:** In spite of this extraordinary array of fascinating qualities that millets have, they are condemned to live with the stigma of being called *Coarse Grains*, *Poor Man's Food* etc. Therefore it is high time that the government takes the lead to present millets in a favourable light which they richly deserve. To begin with millets must be called Nutricereals and not Coarse Grains and must be available to all the people of India and not be revived only as elite food, that is an increasing trend.
- **Support farmers involved and coming forward to cultivate millets based cropping systems** both in production enhancement and in getting remunerative prices
- **Revitalise the millet research projects and institutions** in the country.

Considering the scale and intensity of the task involved kindly suggest creation of a Mission on millets based cropping systems.

If you and NAC are able to make this possible, we are sure we will be witnessing a huge pro people food system in the country and a new beginning for dryland farmers who are on the brink of total desperation. It will also bring the current hopeless levels of malnutrition in India under control.

Hoping for your proactive involvement

Regards,

M.Karthikeyan,

Program Leader,

DHAN Foundation,
HIG 19, Phase II, TNHB,
Krishnagiri,
Tamil Nadu 635 001

Sir/Mam,

I am very happy to give some kind of suggestions for the famous bill, whether it is valuable suggestion or not, the attempt to make the suggestion gives me some kind of satisfaction

I have attached the file carrying my suggestions

With regards,
Parameswaran,C
II PhD
Indian Agricultural Research Institute,
Pusa campus,
New Delhi-12

Suggestions on food security bill

Public distribution system: Providing millets for 1Rs is fine,

Suggestion, even with available millets we can reduce the malnutrition if it is possible to combine two or three millets together and making a 1kg pack, so there will be balance of micronutrients

Since there is not mentioning of pulses,

Suggestion, please consider if it is possible to mention the provision of pulses from 13th five year plan, so there is still 6 years to increase pulse production

Since there is not mentioning of quality of food grains,

Suggestion, kindly ensure quality is maintained

Some suggestion I would like to make in enabling provision

Combining MNREGA and Food security bill

In MNREGA, 100 days of employment is ensured, gives 100, 00 rupees to a household

35Kg per month will come to maximum 105Rs per month, so totally 1260Rs per year

In a single person salary in MNREGA, at-least 13 days salary should be given as food coupon,

These food coupons can be used to purchase food grains from rations for all 12 months

So working for 100 days ensures food security for a family for one year

This will increase the reach ability of both the law

Since the space for food grain storage is lacking presently in our country,

We can give rations for 2 months together or for quarterly for a single family, so since offloading is more per month, problem of storage of food grain can be reduced somewhat

Food coupons for pulses

Food coupons can be given for pulses from the income of MNREGA for purchase in market or purchase in rations at market cost. So it might reduce the protein energy malnutrition without financial burden.

Parameswaran, C

Dear Harshji,

Greetings from Orissa!

I take this opportunity to draw your kind attention to one of the major issue that has been left out in the grievance redressal for food schemes in the proposed National Food Security Bill as prepared by National Advisory Council.

To make my points clear, I am taking few examples of MGNREGA from one district (Nuapada) of Orissa

1. In Bargaon village of same GP (Sinapali block) two beneficiaries have dug farm pond under MGNREGA two years back. Due to one reason or other they were not paid their wages. This was reported and subsequently the concerned Junior Engineer has been suspended. The case was also taken up later in the Lok Adalat, but till date the beneficiaries have not received their wages. When asked under RTI about the situation, it was told that as the matter is sub-judice the payment has not been made.
2. In Bhainsadani village of (Boden block) villagers demanded work and they were provided work much later, when they demanded for unemployment allowance. Further the payments were made to the beneficiaries very late (after months) so they brought the issue to the notice of district administration. Than it was put in the Lok Adalat. The honourable Judge asked for action taken report in 15 days but years have passed, neither report submitted nor they are paid compensation or unemployment allowance.
3. During the year 2007 villagers of Anchalpur of Ranimunda GP worked under MGNREGA but not received their wages. This was brought to the notice of district and state administration. At last the villagers went to the Sub-Judge Court at Nuapada district last year. One hearing on the case has been done but 29 beneficiaries are still waiting for their wages.
4. In the much highlighted case of "Ghost farm pond in Nuapada" BDO was suspended even reinstated now. But till date nothing has been done on lost entitlement of beneficiaries also the ponds were not dug.

There are plenty of similar cases found all across the country. The trend indicates that there are hundreds of excuses to deny entitlement to be beneficiaries. The complainants have to go through many hassles to get their entitlement.

In this backdrop my suggestions are

- In rights based regime we should also see the grievance redressal from the perspective of rights holders.
- The robust and full proof provisions of compensation and penalty should follow after due and dignified restoration of entitlements. It should be made clear in the draft Bill that entitlement of the complainant would be restored in stipulated time

followed by enquiry (which is often time consuming and inconclusive) and appropriate compensation and penalty.

- The benefit of doubt should go in favor of rights holder, and entitlement should not be encroached. In any circumstance the entitlement should not be denied citing any reasons (including it is sub-judice). Non restoration of entitlement should attract more compensation and penalty.
- There should be clear provision of recovery in the grievance redressal system.
- In many cases whistle blowers are harassed (slapping false cases and by other means) and targeted. It would be great if the whistle blowers are also protected.

Hope these suggestions are taken care of. Thanking you.

With warm regards,

Rajkishor Mishra

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The Right to food bill – utilize the opportunity.

I would like to share the following with the NAC members. It is my respect for them and my expectations that embolden me to propose my ideas on what I see as happening to the Food Debate. We are looking at the draft placed in your website for discussion and will come back with the specific suggestions by the end of this week.

As one actively seeking to eliminate hunger, I feel that the NAC has a unique opportunity to shape and deliver a Food Rights enactment that potentially banishes hunger and makes people secure on food. But witnessing the dynamics of the ongoing discourse I have some genuine anxiety and place the following points for its consideration.

The issues can get diverted to who wields power. Next, it differs on cost estimates for food provisioning to the needy. But can we know how the two estimates of NAC and Rangarajan impact hunger. Does NAC believe that provision of hundred thousand crore rupees as subsidy will tackle hunger. The NAC must focus on the objective of eliminating hunger. Unfortunately providing food at low prices to ration card holders has gained the centre stage. The government is asked to demonstrate its fiscal commitment which quietly deepened this matter with Rangarajan taking over the exercise, leading to forgetting the purpose of such legislation. The dispute on the quantum of money and breakdown in conversation is diversionary and misleading the people. The NAC must ask "Does it matter to tackle hunger, if the price of coarse cereals, wheat and rice is not Rs 1, 2 and 3 but Rs 4, 5 and 6 instead? Experience says that the quality of the offer and its deliverance rather than only price is central to people accessing food. Everyone realizes that money alone or its quantum cannot tackle issues facing social development and human well being. And it is here that the nation must be guided by the NAC. I am sure that it will steer to focus on its task and avails the opportunity rather than be diverted battling Rangarajan Committee whose only concern is the financial outlay.

Considering the value of a real and effectively working food rights bill to the poor, NAC must address a challenge - continue to work constructively to succeed with the ambition of the poor and within 60000 crores that PMO is willing to provide. Work on the more important other things. This will enhance the stature of NAC as it is seen as an extra constitutional authority that gets its power from proximity to UPA Chairperson and is throwing its weight around, rather than its power of ideas. It must be based on its members demonstrated capability as they are handpicked people with enormous expertise, experience and integrity and with capability to find solutions and offer the ways forward to issues facing the poor and the excluded within available means.

Let the NAC focus its attention on how to reach to and provide confidence on food to the poor and needy based on its unique characteristic - food consumption cannot be postponed nor can one overeat. Also look at aspects of sustainable and adequate production, storage and transportation in the areas where it is most needed, gender and household dynamics including allocations for food along with the specific needs of segments such as old aged people, those with health problems etc.

Finally let us be guarded and avoid past mistakes. The NREGA legislation does not address employment needy of many who cannot be hard physical work in hot summer months but claimed as universal Right to Employment for Rural People. Even after five years of implementation it is yet to serve and deliver hundred days employment in areas that need it most. Yet it delivered to good extent as MGNREGS had one driver to motivate the delivery system – with no other source of funds for rural areas available, the employment offer had to be made to show that the state government is keen on rural development. In the case of food, no such vested interest exists as the central government procures the grain, the state government stocks and transfers them and the ration shop dealers sell the commodities.

So the key question and merits consideration in the draft enactment is what should be the incentives, disincentives and governance mechanisms (not only the bureaucratic or judicial ones as usually envisaged) for the **management chain** to work for the purpose of the legislation coupled with measures to ensure that food reaches all the needy and on time.

K S Gopal

Centre for Environment Concerns, Hyderabad

cecgpopal@yahoo.com

Secretary, National Advisory Council –

I welcome the opportunity to comment on National Advisory Council's Note on the Draft National Food Security Bill, dated January 21, 2011. I am a recently retired professor of political science at the University of Hawai'i. Although I have retired, I continue to teach and write on the human right to adequate food.

I appreciate the huge effort that went into preparing this draft, especially in view of the contentiousness of the issues. I particularly appreciate the full attention given to grievance redressal, a core issue in any rights-based social system, but often neglected.

I do have some concerns.

The Public Distribution System places too much emphasis on grains. As a result, diets are distorted. Many people, especially children, eat too much grain and too little of other important components of the diet such as fruit and vegetables and—where it is acceptable—animal products.

I am glad to see that some improvements in ICDS operations are proposed. However, the entire management structure needs to be overhauled. ICDS should be designed as a goal-seeking operation, one that would achieve clear and steady reductions in the incidence of children's malnutrition. This can be done.

Similarly, the management of the Mid-day Meals program should be thoroughly reviewed and modified, so that it really functions as it should.

The present draft says there should be "legal PDS entitlements for at least 90% of rural and 50% of urban populations in the country." Why should there be such extensive entitlements? Shouldn't entitlements be based on need?

Where will the resources come from to pay for these enormous handouts, apparently to continue without end? All societies should provide strong safety nets for the poor, but this must be done in a fiscally responsible way. Promising subsidies to many people who do not need them would not be fiscally responsible.

I am especially interested in ensuring that every child is well nourished. However, I am alarmed by Section 3.2.e. No Denial to Children, which says:

Any child below the age of 14 years may approach any feeding facility such as anganwadi centre, school mid-day meals, destitute feeding centres etc., as defined under this Act, for a freshly cooked nutritious meal, and will not be turned away on any ground.

If free meals are to be available to children every day, what would prevent budget-conscious parents from sending their children out to eat several times every day? I fear that instead of

enhancing people's motivations to provide for themselves, this and many other aspects of the program will "teach" people that their task is to seek free or heavily subsidized food by every available means. It is only after those means are exhausted that they need to provide for themselves.

I am troubled by the fact that the program is so thoroughly oriented to handouts. It appears that the beneficiaries are expected to be passive and silent, with no active role to play in designing or implementing the program. More attention should be given to what people might do for themselves, and what the government could do to enlarge their opportunities to help themselves.

The present design of the program could be disempowering for many people. Entitlement programs should not reward poverty; they should reward the climb out of poverty. Public assistance should be designed to be temporary, and should be accompanied by the development of opportunities for participants to provide for themselves. Dignity does not come from being fed; it comes from providing for oneself.

India's right to food campaign centers on the government's feeding the people. However, as explained in Chapter 6 of my book, *Freedom from Want: The Human Right to Adequate Food* (available at <http://press.georgetown.edu/pdfs/9781589010550.pdf>) the dominant view under international human rights law is that the primary legal obligation of the state is to *facilitate* by establishing enabling conditions under which people can provide for themselves. The obligation of the state to *provide* food directly applies only when people are unable to provide for themselves through no fault of their own.

The hunger problem cannot be solved by having governments feed people. Direct feeding might be an important part of a transitional program, on the way to establishing new social arrangements that allow people to provide for themselves. It cannot be the whole program.

Gandhi distinguished between *swaraj* and *swadeshi*, which corresponds at least roughly to the distinction between self-reliance and self-sufficiency. In an essay available at <http://www2.hawaii.edu/~kent/SwarajAgainstHunger.pdf> I have explored the application of these concepts to the hunger problem. I believe that Gandhi would have called for greater attention to *swaraj*, building individual and community self-reliance.

Aloha, George Kent

++++
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Sir/Ma'am,

I conducted a survey of nearly 500 households in rural Karnataka last summer as part of the *Krishna Raj Fellowship Programme* offered by the EPW Foundation. The idea was to try and compare, in as scientific a manner as possible, competing approaches for identifying the poor. The approaches that were the focus of my study were the one proposed by the N.C Saxena Committee and an alternative proposed by Jean Dreze and Reetika Khera. I am attaching a Note on my Key Findings. I was told that it might be of some use to the NAC.

I would be glad to furnish any further details if required. I really hope that this comes in handy.

Yours sincerely,
M.R.Sharan

M.R.Sharan
M.A(Final) Economics,
Delhi School of Economics

Key Findings

The purpose of this study was to evaluate the different approaches for identification of BPL households. In particular, this study focuses on the Saxena Committee's Approach (SCA) and that provided by Jean Dreze and Reetika Khera¹ (DKA). It was carried out in five villages, 469 households, of Udupi District in Karnataka in the summer of 2010, and involved a study of randomly sampled households in those villages. A follow-up study was conducted in January 2011, during which over a third of the sample was revisited.

1. In providing a broad picture of how households are placed in the economic spectrum, the Saxena Committee's Approach (SCA) does a fair job. This claim is based on the fact that there is a systematic downward trend in terms of asset-ownership—across all assets²—as one moves from those households with lower points (and therefore, less disadvantaged) to those with higher points. Asset ownership does not enter the points system in any direct way and is, therefore, a reasonable counter-check.³
2. However, the problem of excluding deserving households exists. Despite its fairly comprehensive set of criteria and a complex scoring system, the follow-up study conducted earlier this year shows that certain households that are obviously *objectively poor*⁴ slip under the radar of the SCA.
3. Single woman headed households are automatically included in the list of poor on the grounds that they are greatly disadvantaged. The evidence from this study directly contradicts this claim. Asset-wise⁵,

¹ See *BPL Census: A Possible Alternative*, Jean Dreze and Reetika Khera (2009).

² Cars, fridges, scooters, televisions, landline phones and electricity.

³ The same is true, again broadly, for land ownership, but landless agricultural labour households get four points and we run into a problem of endogeneity.

⁴ For example, Shambhu Naik is a marginal farmer whose plot of land is of negligible size (less than 0.5 acres). He lives with his sister in a thatched hut—his *Ashraya* house (Government provided) is still being constructed. His house has no electricity; he spoke of going days with little or no food. Every single respondent—and these included participants and non-participants including knowledgeable locals — categorized him in the “objectively poor” category. However, the SCA gives him a mere two points.

⁵ But for ownership of scooters, there is no statistically significant difference at the 5 % level of significance in the ownership of assets between these households and their complement set.

these households do no worse than the rest of the sample⁶ and the presence of a traditionally strong matriarchal system amongst other factors ensures little discrimination against these households.

4. The SCA also suffers from two major technical drawbacks: one, the issue of arriving at and implementing the “caps” on the number of households; two, assuming caps are somehow appropriately decided upon, the inevitable problem of choosing between households having the same number of points would prove tricky.
5. When it comes to implementation, the SCA is both costly and relatively easy to manipulate. The SCA divides the community into eleven groups. Consequently, the questionnaire is quite lengthy making data collection a fairly long-drawn out process. The approach’s success in terms of transparency is also suspect: I found it rather difficult to explain to even well-read villagers the intricacies of the points system.
6. The Dreze and Khera Approach (DKA), based on simple exclusion and inclusion criteria, is transparent and takes hardly any time. The simplicity of the SAB approach is at the same time, its greatest strength and weakness—excluding or including households on the basis of, in some cases, a single characteristic would require such attributes to be very closely linked with poverty. This might not always be possible. Evidence from the study points to the fact that a few of the criteria for inclusion (single woman headed households) and exclusion (landline phones, TVs) suggested are questionable. Nevertheless, the follow up study reveals that even the strictest of the approaches⁷ prescribed by the DKA excludes fewer deserving households than the SCA. Crucially, there is little evidence of abjectly poor households being excluded.
7. What kinds of deserving households are typically excluded by each of the two approaches? The SCA consistently misses out on marginal farmers and asset-less casual labourers. On the other hand, the Restrictive Approach of the DKA⁸ overlooks, but rarely, doubly or triply disadvantaged households and some illiterate households that are asset-poor.
8. The follow-up brought to the front the tension between *long-term* indicators of poverty and *immediate* causes for the same. Current economic status is a function of both the above. Nonetheless, both the SCA and the DKA primarily utilize the former. Hence, several households who had fallen into hard times in the *recent* past found no takers. These included, primarily, households that spent heavily on medicines for members suffering from ills that weren’t specified by the SCA; households with more mouths than they could feed; also, households suffering from the rapidly declining prospects in agriculture.
9. In purely comparative terms, the DKA (or one of its variants—the Binary Scoring⁹ approach or the Alternative Approach¹⁰) seems to have an edge—while it does no worse in ranking households (in fact, it excludes fewer amongst the extremely poor), it is cheaper and far more transparent.
10. Identifying the *ideal approach* seems improbable. Certain persons—for example, the lower staff in a Panchayat Office, or Anganwadi teachers—seemed to have a clear grasp of local conditions. Therefore, no matter what method is implemented to identify the poor, there must be some mechanism to tap the rich local resource-base. The list of poor so drawn up must be discussed publicly so that major errors can be corrected before it is finalized. Allowing some flexibility at the local level will also allow minimization of exclusion and inclusion errors.

⁷ There are four separate approaches that can be derived from the exclusion and inclusion criteria. Of these, the Restrictive Approach includes only those households which satisfy at least one of the inclusion criteria and none of the exclusion criteria. See *BPL Census: A Possible Alternative (2009)*, Jean Dreze and Reetika Khera.

⁸ Some of the other, less stricter variants of the DKA nearly always include these households without erring too much on the inclusion side.

⁹ There are four criteria included based on which each household gets a “score”. Any household that gets a score of 2 or more are automatically included.

Occupation: 1 point if some household members work as *agricultural labourer*; 0 otherwise.

Education: 1 point if no *adult* household member is educated beyond Class 5; 0 otherwise.

Landlessness: 1 point if household is landless; 0 otherwise.

Community: 1 point if household is SC/ST; 0 otherwise.

¹⁰ This approach is two-pronged: one, it provisions inclusion contingent on a binary score of at least two—or, in other words, directly includes only those households that are at least doubly disadvantaged; two, of those that are singly disadvantaged, includes all those houses who do not satisfy any of the exclusion criteria

Food Security- A multidimensional issue

-Harsh Agarwal

After India's independence the first annual budget allocated Rs. 20 crore or roughly 15% of the total civilian budget to food subsidy to tackle the issue of hunger and poverty. Today our budgetary expenditure on food subsidy has gone up to Rs. 55,000 crore per annum but the problem of hunger and malnutrition is still as pertinent an issue as it was more than sixty years ago.

In Global Hunger Index of 2009 by World Food Programme, India ranked low at 94th out of 119 countries. WFP estimates say that more than 27% of world's undernourished population lives in India; malnutrition accounts for around 50% child's death, 70% children suffer with anaemia; 43% of children are underweight, which is higher than even the Sub-Sahara Africa's figure of 28%. This is strange as in last one decade India made a rapid industrial progress and became the second fastest growing economy in the world but country is still battling with the high rate of malnutrition and hunger. Last year, when general inflation in India was declining food inflation was touching new peaks- a rare feature seen in the country in past several decades. These paradoxes seem to suggest that perhaps economy is growing rapidly but agriculture and food production are declining at a much faster pace.

In the late 60s when country was witnessing food crisis, it was the Green Revolution that not only saved us from starvation and made us self sufficient in food but also made us a major food exporting nation in the world. Today four decades later, agriculture productivity is not able to keep pace with the growing population and is once again posing challenge to our food security. In recent times our discussion on food inflation and crisis has been limited only to analysis of leakages in Public Distribution System, management of food stock by FCI and hoarding of foodgrain by traders. But if we analyze these issues separately we find how they are closely co-related to the bigger problems pertaining to food production and perhaps in some way only the symptoms of those problems.

Moreover, hoarding or artificial scarcity of food is possible and profitable when there is supply side constraint as well. Consistent and adequate supply of food production and good linkages between the farmers and the consumers can easily nullify the artificial scarcity created by hoarding and make it an unprofitable business in longer run.

To tackle the issue of large scale malnutrition and rising food prices, Government is now busy drafting Food Security Act. After a lot of discussion, Government has finally agreed to cover 38% of country's population under the food distribution programme. However going by Arjun Sengupta's report that 77% of India's population survives on less than Rs. 20 a day it is not difficult to imagine that even after bringing this Act large percentage

poor population would still remain uncovered by the distribution programme and find it difficult to arrange two square meals in a day.. Thus one needs to ask two logical questions- Would this Act actually bring Food Security to the nation. And if no then, is it economically viable for any government to provide highly subsidized food to 800 million people. And if no for both then what is the solution.

Hunger, malnutrition and affordable foodgrain are a multidimensional problem that cannot be solved by passing Food Security Act or revamping distribution system. These measures can no doubt help us solve the problem temporarily and to some extent but not completely and forever. And to do that nation needs to look at this problem with a broader perspective and address all different issues associated with food security and hunger. Let us therefore try to understand various issues associated with food and agriculture and find out how they are inter-related with each other, what role do they play and how much maneuverability each of them provide to address the food security concerns. This might also help us decipher why PDS which worked so well till early 90s has started leaking in last few years.

Global Food Crisis

Today we are living in a highly globalised and interconnected world in which no country can keep itself insulated from the effect of any global problem, whether it is food or economic crisis, the impact is felt worldwide. Moreover, India is one the leading countries in the world in consumption, production, import and export of major food items therefore before we analyse the issue of domestic food price rise and leakage in PDS it is equally essential to understand the international scenario with regard to food security and hunger.

According to the United Nations Food and Agriculture Organisation, food prices have increased by over 75 per cent since 2000 and alarming increase in prices has been seen especially since 2006. In 2008, internationally the price of rice increased by 74% and wheat by more than double of their previous year prices. As a result of this sharp increase in food prices, widespread protests and clashes were reported in several parts of Latin America, Africa and South Asia. In 2008 food shortage brought 33 countries to almost on the brink of massive social unrest. In Haiti the crisis was so acute that it led to the fall of the incumbent government.

Following this crisis, most of the major food exporting countries including India either imposed ban on export or discouraged export by levying heavy tariff on export of rice and wheat to ensure food availability for their citizens. As a result food import became much dearer affecting the developing countries the most.

Experts believe that shortage of food in recent times is mainly because of change in food economics, consumption and cropping pattern across the world. This change has reduced the proportion of grain being directly used as food. This phenomenon first happened in the developed world and is seen in developing world too. Today we are diverting millions of tones of foodgrain to produce fuel and feed our livestock for meat and thus there is not enough cereal to feed the poor in the developing world. As there is more value attached to such use of foodgrains therefore farmers across the world are concentrating on crops that actually address the need of the rich and don't have incentive to grow cereals- something on which poor depend for their survival.

Some Major Global Factors

a) In past few years there has been a surge in demand for meat both in the developed as well as the developing world. Meat production has increased from 27kg/capita in 1974 to 36kg/capita in 1999 (FAO) and it is expected to increase further by 25% from the current level in next 5-7 years. In developing countries demand for meat has

almost doubled since 1980. India and China, which together constitute more than one-third of world's population, are no exception to this phenomenon. In India consumption of animal products is growing at the rate of 9% per annum. In China meat consumption has increased from 20kg/capita in 1980 to 50 kg/capita in 2008. This is diverting food from being fed to humans to first feeding livestock raised for producing meat. It is estimated that 35-40% of the cereal produced in 2008 was used as feed for livestock. One-third of world's cropland is now being used for feedcrop production.

Meat is an inefficient way of utilizing land and other resources for producing food as the amount of calorie obtained from it in terms of land area used is less than the calories obtained directly from grain from that same area of land. A rough calculation states that it takes 8 kg of foodgrain and 15,000 litres of water to produce 1 kg of beef. This is because a lot of energy of the grain gets wasted in the form of metabolic energy of the animal. Therefore it is not difficult to understand that growing demand for meat will just exacerbate the problem of food crisis especially for poor countries which have large population with low income depending largely on cereals.

b) Increase in price of crude oil has also contributed significantly to the inflation in food prices. Petroleum products are major components for producing fertilizers therefore any increase in price of crude oil has a direct bearing on the price of the fertilizer which eventually results in higher cost of agriculture production. In the US, fertilizer contributes one-fourth of the total cost of grain. According to the World Bank, fertilizer prices have risen 150% in the past five years. We can therefore imagine the impact this must have caused on the cost of agriculture input. Secondly as crude oil is becoming more and more expensive, developed world is encouraging its farmers through subsidy to grow crops that can be converted into bio-fuel.

In 2007, US used 54 million tonnes of maize to produce bio-ethanol and the European Union used 2.8 million hectares of land to grow rapeseed for producing bio-fuel. This same area of land could have produced food for more than 370 million people for a year (Greenpeace). Recently a World Bank policy research working paper stated that"large increase in biofuel production in the US and Europe are the major reasons behind the steep rise in global food prices"... However IFPRI chief puts it more specifically and says that bio-fuel utilization of food crops contributed about one-third to the food price rise in 2008.

c) It is also believed that post economic liberalization developing countries have been encouraged to concentrate on cash crops that can be exported to developed world and can earn much needed foreign exchange. This has resulted in diversion of land and resources from cereals to cash crops. In recent past food grain output in poor country has declined rapidly. Global per capita cereal output has come down from 335kg/annum during 1980-85 to 310kg/annum in 2000-05.

MSP- Food Storage - PDS

Minimum Support Price or MSP, carrying or storage cost of mainiting foodstock and cost of distribution together constitute the Economic Cost of the foodgrain. The Government distributes this foodgrain through TPDS and other welfare programmes at a much lower price called as Central Issue Price or CIP. The difference between the economic cost of the foodgrain and CIP is the food subsidy which government bears. In last 10 years economic cost has almost doubled, largely because of significant increase in MSP and stock position in FCI, but the central issue price has remained unchanged since 2002 As a result food subsidy in last nine years has grown from Rs. 17,494 crore in 2001-02 to Rs. 55, 578 crore in 2010-2011.

MSP

MSP or Minimum Support Price is the price, at which the Government procures foodgrains from the farmers. MSP is decided after taking into consideration the recommendations received from the Commission for Agriculture Costs and Prices (CACP). Though MSP primarily covers the input cost of production but it is also an important tool to incentivize farmers to produce foodgrains. Therefore higher MSP for a particular crop means greater encouragement for the farmers to grow that crop. Also, procurement through MSP is open-ended, which means that government has to procure all the foodgrain offered to it at MSP. These two factors together give a huge sense of assurance to the farmers and ensure a smooth supply of major foodgrain for the entire nation every year.

However given the limited agriculture resources, diverse food habit and a huge population of one billion people, deciding MSP is perhaps one of the most difficult tasks for the government. MSP is like a double-edged sword, for example, higher MSP for wheat and rice can no doubt help us achieve their sufficient stock but can at the same time indirectly discourage and lead to fall in production of the other crops. Other major problems with high MSP is that it results in escalation of food prices in the market, building up of stock in FCI godown and higher food subsidy bill for the government. Conversely there is a view that despite of sharp rise in the MSP for wheat and rice the increase is still not in accordance with inflation and any decrease or absence of MSP for wheat and rice could lead farmers to shift to other crops.

We can therefore understand that Minimum Support Price is a necessary burden and a tight rope walk for the government. The only way to lessen its volatility and burden on food subsidy bill is to bring down the cost of food production and increase the agriculture productivity.

Procurement, Storage & Buffer Stock Management

Food Corporation of India procures foodgrain at MSP for distribution through TPDS and other welfare programmes and also to maintain a minimum buffer stock for market intervention purpose. But as procurement is open-ended therefore the food stock position in FCI godown at any given time is not determined on the buffer stock norms but largely dependent on the value of MSP decided in that particular cropping season. Therefore high MSP not only leads to higher production but also greater stocks with FCI, which means higher carrying cost and often rotting and wastage as well.

According to some reports, in 2004 when the central pool stock was much higher than the minimum buffer norm, government was forced to sell the food grain at BPL price, thus incurring heavy losses. Whereas when in 2006-07 and 2007-08 government had to import large quantity of wheat, subsequently MSP for wheat and rice was increased to boost procurement and avoid similar situation. As a result food stock in central pool again started building from April 2008 onwards when the actual stock of wheat and rice was 20% more than the minimum buffer norms and according to the latest figures of January 2010 the stock was 137% more than the required norm. It is believed that this building up of stock could in some way leads to artificial scarcity of food and increase in price in the open market unless and until the extra grain is systematically released in the open market.

Since food stock position is linked with MSP, which itself is complicated therefore there is very little that can be done as far as procurement is concerned. However there are two areas where wise management is urgently required. Firstly despite the Government having decentralized procurement, purchase remains to be concentrated in few states only. In 2008-09, out of the total procurement of rice by FCI, 67% was procured from Punjab,

Haryana, Uttar Pradesh and Andhra Pradesh. For wheat, 85% of the total procurement was from Punjab, Haryana and Uttar Pradesh and remaining 15% from the rest of India. In order to expand the procurement to other regions of the country and encourage large section of farmers, large number of procurement centres should be opened in different regions of the country.

Secondly, government must effectively use the huge buffer stock it maintains to bring down the food prices by releasing the stock in the market, should there be any event of crop failure, hoarding or shortage of grain leading to increase in food prices. And the best way to intervene in the market prices is to release the grain in small quantities directly to retailers, something similar to what Delhi State Government did in recent past. Setting up of institutions like direct purchase centres, consumers'/farmers'Markets, which can link producers to consumers, can play a crucial role in reducing the possibility of hoarding, dependence on MSP and overstocking of grains in FCI godwonds.

PDS

Today Public Distribution System (PDS) has a network of over 4 lakh Fair Price Shops (FPS) across the country and is considered one of the largest distribution programmes in the world. PDS was established in 1965 as a rationing programme and was initially operational in urban areas but during the 1980s it expanded vastly and covered the entire population of the country. In 1992, PDS was modified into a location based scheme and was available only in drought prone, hilly, tribal and backward areas of the country. Then in 1997 PDS was re-modified into its present form called as targeted PDS or TPDS, covering BPL population of the country.

Since its inception, PDS has played a major role in averting any large scale famine or starvation in the country. But in recent times it has become one of the most corrupt sectors in the country. Earlier this year, Supreme Court –appointed Wadhwa Committee found the problem of corruption, mismanagement and diversion of foodgrain at almost every level in the PDS system.

To check the malpractices in PDS, Government is now considering coupon system for food distribution. Though coupon method would definitely reduce leakages and administration cost and ensures better delivery but it would be too optimistic to hope that this system would remain completely insulated from corruption. This system is already in practice in certain districts in Bihar and Wadhwa committee during its field visits noticed several irregularities in the working of this system too. As long as there exist a huge gap in the market price of food and CIP or percentage of people covered under PDS and outside it, food distribution system would always remain vulnerable to corruption.

Therefore we need to understand that too much hope from PDS without augmenting our production and food stock would soon lead to disappointment.

Productivity

Though total food production in the country has increased with time but per capita availability of food has come down in last few years. Per capita availability of cereal and pulses came down from 476.5 grams per day in 1979 to 444.5 grams per day in 2006. Perhaps growth in food production is losing pace with the rate of growth of population. As there is very little possibilities of increase in area under cultivation therefore hope for higher food

production comes only from increase in production from the same area of land i.e. by achieving higher productivity.

Agriculture productivity has two main aspects a) Yield or productivity per unit area and b) Labour productivity or productivity in terms of man-hours, and India's agriculture lags behind in both these aspects. Although country figures first or second in the world in terms of acreage and production of several food crops, but in terms of production per hectare, India ranks abysmally low- 52 for rice, 38 for wheat and much lower for other crops. Similarly, share of agriculture in India's total GDP is less than one-fifth but more than half of country's population is still dependant on it- indicating a dismal per capita labour productivity in the country.

If we compare the yields of some of the major crops in India with those in the other countries, we find stark differences. India's average yield for rice is 2.2 tonnes per hectare as against 6.3 tonnes per hectare in China and 6.8 tonnes per hectare in South Korea. India's average yield for wheat is 2617 kgs. per hectare as compared to 4455 kgs. in China. India's corn productivity is 1606 kgs. per hectare against 9091 kgs per hectare by Greece. Soyabean productivity in India is 804 kgs. per hectare compared to 3,453 kgs. per hectare in Zimbabwe. For sugarcane our productivity is 65,382 kgs per hectare as against 135,448 kgs per hectare in Peru. For pulses our productivity is one-tenth of that of France. Similar discouraging comparisons can be found for several other food items.

Factors affecting productivity

a) After green revolution in late 1960s and 1970s our agricultural productivity showed a rapid increase. We were able to boost our productivity by intensifying use of water and bio-chemical inputs, but this unsustainable practice also resulted in gradual depletion of natural resource base, and in last 10-15 years, our productivity has at many places started showing stagnation or even decline. Between 1970 and 2000 production of Wheat increased from 23 MTonnes to 69 MTonnes (300% increase) and rice from 42 MTonnes to 85 MTonnes (200% increase). But in last one decade production of both Wheat (78 MTonnes in 2008; 13% increase) and Rice (96 MTonnes in 2008; 13% increase) seem to have somewhat plateaued. Likewise, yields of other major food crops are stagnant or showing slow growth since 2000. If we compare the yields in 2008 of four major crops namely Rice, Wheat, Pulses and Sugar with their corresponding yield values of 2000 then we find little or no change. In fact for Pulses and Sugar, productivity has started showing reverse trend. In order to ensure sufficient production of Pulses and Sugar, Government in last two decades increased their MSPs by four folds but neither yield nor production showed any upward trend. Today, one-tenth of country's demand for pulses is met through import.

b) Plan Outlay for Agriculture and allied sectors decreased from 5.2% of the total outlay in the Eighth Five Year Plan (1992-97) to 3.8% of the total outlay in the Tenth Plan (2002-2007) but subsidy on food and its allied sectors has grown manifold. Subsidies to agriculture have increased from 3% of agriculture GDP in 1976-80 to about 7% in 2001-03 whereas during the same period investment in agriculture declined from 4% of agriculture GDP to 2%.

There is an urgent need to rationalize these subsidies and check their efficacies. Huge subsidies given on fertilizer and farm-electricity have not only resulted in inefficient use of resources but have also caused immense damage to our agricultural base. Huge subsidy on fertilizer encouraged its excessive use by farmers which led to deterioration of soil. Today two-third of our farmland is degraded and at several places soil productivity has either stagnated or even showing decline due to excessive and disproportionate use of fertilizers and pesticides. In the

same way, subsidized electricity for pumping ground water for irrigation resulted in huge wastage and depletion of ground water level in several places.

c) In India, approximately 21,000 students graduate from 50 agriculture and veterinary universities every year. However, a report from MS Swaminathan Foundation points out that most of these farm graduates prefer to take job in the Government, financial institution or private industry sector rather than taking farming as a profession. Infrastructure and research facilities in most of these State Agriculture Universities are in shambles. Agriculture Universities are inadequately funded by the State Government and only one-fourth of them are accredited. Several of these Universities don't even have Remote Sensing Department, something which experts say, is vital for agriculture research. We need to establish high quality agriculture research institutions and create promising post academic opportunities to attract talented students and assure them a bright future.

d) Small and marginal farmers face maximum difficulties and find it hard to access credit, farm inputs, market, etc and achieve yields which farmers with larger holding do. According to NSSO 59th round (2003), only 47% of cultivator households received credit from formal and informal sources whereas remaining 53% households, mainly comprising small and marginal farmers didn't have any credit outstanding. Unfortunately, with passage of time farm holdings are becoming increasingly smaller and percentage of small farmers is increasing. According to an estimate, farm families with holdings less than 1 hectare have increased from 56% in 1982 to 70% in 2003. Contract farming can provide necessary linkages and scalability to small and marginal farmers. These farmers can be grouped and enter into collective farming as they will then have better bargaining power.

e) We have always been reluctant to promote mechanization fearing that this move would lead to massive unemployment in the country. We therefore neither encouraged mechanization nor expanded our rural and small industries and thus more than half of country's population is still dependant on agriculture for its livelihood. Mechanization in agriculture is highly important as it can bring down our cost of production and increase our per capita labour productivity. At the same time we have to strengthen our rural industries and small enterprises so that there is enough opportunity for the people to shift from primary to secondary sector of the economy.

Similarly, giving thrust to agro processing units could help us in creating new career opportunities, saving perishable commodities and giving value addition to farm products. Today less than 3% of US population is directly engaged in farming but one out of every three jobs is related to production, processing, distribution or export of agriculture product.

f) If we analyse regional productivity within the country we find huge variations. Some states, particularly in east India have very low agriculture productivity. Six states namely Assam, Bihar, Chhatisgarh, Jharkhand, MP and Orrissa together constitute 40% of national area under rice but have productivity in range between 1 and 1.3 tonnes per hectare- much below the national average. Area specific approach can help us tap the potential of the low yield regions and increase the overall food production of the country.

g) Seed replacement rate is still quite low in our country. 80% of our farmers depend on farm saved seeds. Seed holds key to agriculture production. High yielding seed variety can make a huge difference to total production. Therefore more investment is needed to develop high yielding, drought resistant varieties of seed and make them easily available and affordable to farmers.

h) Still 60% of our total cultivable land is rainfed. Proportion of area covered by irrigation for four major food crops viz wheat, rice, sugar and pulses has increased only marginally in last 10 years, whereas in 80s and 90s proportionate increase in irrigation coverage for these crops was much higher. More investment in irrigation particularly micro-irrigation can help us boost our productivity.

Government's Initiatives

It is not that the Government is not aware of these problems and not taking any steps to address the issue. In fact government has from time to time initiated several programmes and made allocations to address the problem. But these initiatives have so far failed to show the desired results. In the 11th Five Year Plan government has launched two massive programmes namely, Rashtriya Krishi Vikas Yojana and National Food Security Mission with massive allocation to address almost every issue affecting agriculture productivity. However what is most important is to regularly audit and monitor these programmes to see if these programmes are meeting their objectives on time, what are the obstacles if any in their implementation and take timely and specific action to address them.

Potential in Agriculture

It is said that rising agricultural productivity was the main reason behind the industrial revolution in England. It raised the income level of rural population, which increased demand for manufactured good and this resulted in the growth of industry and general prosperity of the nation. Same model of agriculture-driven rural and industrial development has worked in several other countries like US, Canada, South Korea, Taiwan, Malaysia, etc.

India has a vast agriculture area and is endowed with diverse agro-climatic conditions. The current low productivity also means that there is tremendous scope for increasing it and take it to the level achieved by other countries. By using latest technology, investing in advance research and with a better implementation of our agriculture programmes, India can greatly enhance its food production. This would not only ensure food security to the nation but also to address the issue of unemployment and boost our industrial growth.

Conclusion

In its path to economic development, India is perhaps skipping two very important steps that made developed countries economically developed – a developed primary and a developed secondary sector. Today our tertiary sector is booming but our agriculture and rural and small industries are languishing. Revamping PDS is important but for a long term solution, we need a dynamic agriculture and a vibrant rural industry sector so that nation can have enough food for its people and people can have enough money to buy their food. This is perhaps the dream of modern India that we all have in our minds!

(Harsh Agarwal is an independent public policy analyst and a former consultant with the Planning Commission, Government of India, 2007-09)

The Secretary,
National Advisory Council,
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New Delhi 110011.

Dear Dr. Rita Sharma,

I am writing in response to the invitation to send comments on the National Advisory Council's (NAC) Framework Note on the National Food Security Act (NFSA). It is heartening to note that the Framework note attempts to take a comprehensive view on the matter of food security, at least in so far as food entitlements are concerned. The only major missing item seem to be social security pensions for widows, the elderly and persons with disabilities.

In this submission, however, I focus on the PDS proposals in the Framework Note. The recommendations are based on research on the Public Distribution System including several field surveys in the past one year to Chhattisgarh, Himachal Pradesh, Jharkhand Rajasthan and Tamil Nadu. The recommendations relate to the following issues connected to the PDS (pasted below and attached):

1. Problems with the current formulation of "General" and "Priority" households and the need to revisit the 14 July, 2010 NAC statement.
2. "Uniform pricing" for General and Priority households
3. Further suggestions on PDS reforms
4. Arguments against individual entitlements
5. Rangarajan Committee's report on the NAC proposals.

On a slightly different note, I am also attaching a forthcoming article (in the Economic and Political Weekly) on what the UID can and cannot do for the PDS. The UIDAI has had a tendency to exaggerate its claims with respect to the efficiency benefits of linking it with the PDS. The attached article examines these exaggerated claims critically. In the paper and under section (3) of this submission, I discuss various other technological options - currently being used in some parts of the country and possibly considerably cheaper - to deal with existing loopholes in the PDS.

Thanking you,

Reetika Khera (Dr.)

Assistant Professor,

Department of Humanities and Social Sciences,

1. Problems with the current formulation of "General" and "Priority" households.

The Framework note recommends three categories for the PDS - excluded, General and Priority. This is a highly unsatisfactory formulation. The earlier formulation articulated in an NAC press note (dated 14 July 2010, pasted below), was better.

"4.1. While time-bound universalisation of foodgrain entitlements across the country may be desirable, initial universalisation in one-fourth of the most disadvantaged districts or blocks in the first year is recommended, where every household is entitled to receive 35kgs per month of foodgrains at Rs 3 a kg.

4.2. In the remaining districts/blocks, coverage of universal PDS with differentiated entitlements (in terms of quantity and issue price), would progressively be expanded to all rural areas in the country over a reasonable period of time. There shall be a guarantee of 35 kgs of foodgrains per household at Rs 3 a kg for all socially vulnerable groups including SC/STs, and 25 kgs for all others, at an appropriate price. There would also be a category that would be excluded based on transparent and verifiable criteria. Further details of this basic framework will be formulated by the NAC."
(Source: http://www.nac.nic.in/press_releases/14_july_2010.pdf)

Apart from the need for a universal PDS in the most disadvantaged areas of the country, there is evidence now that *one* of the important measures for making the PDS functional is a universal (or near-universal) PDS. (Other measures for PDS reform, especially the use of technology, are discussed below.) It is disappointing that the NAC does not take note of the turnaround of the PDS in several states as a result of an "expansion" of the PDS in those states - beginning with Tamil Nadu's universal system, to Chhattisgarh's experiment with near-universalization in rural areas and Himachal Pradesh providing grain, pulses and oil to both APL and BPL households. National Sample Survey (NSS) data also suggest that the PDS can deliver.

From the Framework Note it is not clear whether the NAC recommends that the selection of households for "general" and "priority" households is to be decided by the Centre or whether it is to be left to the states. This is, in fact, a key issue. Is the survey to be done according to the Saxena Committee recommendations (on that see below); or are the states to decide?

Evidence from the BPL surveys of 1997 and 2002 has shown that using a "scoring method" is seriously flawed. According to NSS data (2004-5) only 53% of the poorest MPCE quintile had a BPL card; the situation is worse if one looks at the poorest wealth index quintile of the National Family Health Survey (2005-6) - only 39% had a BPL card. Recent pilots that test the Saxena Committee recommendations suggest that the bulk of the population will have to be scored (because "automatic inclusion" and "automatic exclusion" criteria cover a small proportion of households); further, these pilots suggest that the scoring method proposed by the Saxena Committee has very little discriminatory power; in fact, it is not very different from a random selection of BPL households.[1] The NAC cannot ignore the sobering results of these pilots.

The "social inclusion" approach can be explored, but that raises the question of how central caps for "general" and "priority" households (44% and 46% respectively) will be reconciled with coverage that results from whichever social inclusion criteria that are used?

Coverage of households for the purpose of the food security act should not, under any circumstances, be linked to poverty figures. These are two separate issues and should be treated as such.

Suggestion: The NAC's 14 July statement should be revisited and given serious consideration. In particular, two proposals in that statement need to be looked at again: one, universal PDS in the poorest districts/block and two, the possibility of "phased" universalization.

2. Principle of "Uniform pricing" for General and Priority households

Even within the current Framework of the NAC, there is one provision that may yet mark a significant step forward. This is the provision related to the price that general category households will pay ("at most half of MSP"). If the proposed Framework discriminates between general and priority households on quantity alone, it could have the desired effect of creating a united stake in the PDS in rural areas (see Khera, 2011).

Suggestion: The issue price for General and Priority households should be the same (i.e. Rs. 3 for rice, Rs. 2 for wheat and Re. 1 for maize/millet), even while they may be entitled to different quantities of grain.

3. Further suggestions for PDS reforms

The range of PDS reforms being considered is encouraging. On this, I have three further suggestions:

3.1 PDS reforms should be initiated without delay: Several PDS reforms mentioned in the Framework Note, e.g., computerization of records, decentralized procurement, etc., can be initiated immediately. These need not wait for the law to be enacted. In fact, there is an argument for initiating reforms ahead of the Act, as they will facilitate proper functioning of the PDS.

3.2 Use of Technology: There is tremendous scope for the use of technology in curbing leakages, though one must be careful to use technology that enhances transparency and empowers people. Several states are already experimenting with different technologies, so there is a wealth of experience to learn from.

For "last mile authentication", the use of handheld billing machines (recently introduced on Delhi and other state transport buses) and electronic weighing scales-cum-receipt machines^[2] can be explored. These electronic machines (handheld billing or weighing scales) combined with bar-coded ration cards, can help to ensure that dealers maintain tamper-proof accounts, solve last mile issues cheaply, and provide proof of purchase to cardholders as it prints a receipt of the transaction. A word of caution about these options - it is essential to pilot them in a few rural and urban areas, to see whether they can work in those circumstances (irregular electricity supply, dust-ridden environments, and so on).

3.3 *Safeguards along with smart cards*: On the specific question of the use of smart cards, given the costs associated with it and that it would require people to learn how it works, if they are used for last mile authentication, smart cards should be (a) first piloted in a few areas and (b) more importantly, these should be in addition to improved maintenance of printed ration cards, *not* replacing them. Further safeguards also need to be put in place - e.g., receipts must be issued when the card is swiped.

4. Arguments against individual entitlements

The NAC has recommended a move from "per household" entitlements to "per capita" entitlements. This also needs to be reconsidered. There are several arguments against individual entitlements:

4.1 The new formulation will create confusion in a system that people have learnt to work.

In order to understand the powerlessness and vulnerability of rural cardholders, a recent example from Jharkhand may help. The PDS dealer (Bhatko village, Latehar District) told the cardholders that he was giving them 35kg. When we weighed the grain, it was only 30kg. Instead of using one weight each of 20kg, 10kg and 5kg (adding up to 35kg), he used several small weights (two of 2kg each, a 10kg weight; one piece of iron that weighed 11kg and one 5kg weight). In this manner, it is easy for him to befuddle the cardholders, who are either unable to add up these weights or too nervous in front of him to do so.

In such a context, to give more to some households and less to others, will increase the chances of being cheated for many cardholders as they may not understand the basis of this differentiation.

4.2. Individual entitlements create an incentive in the system to add "ghost" names in order to get more out of the system.

4.3 Under individual entitlements, smaller households stand to lose. Often, it is the smaller households that are most food insecure (e.g., widows, elderly and so on).

Suggestion: The NFSA should maintain the status quo as far as entitlements are concerned, and be specified "per household". In order to protect larger households, a household should be defined as a "nuclear" family as has been done in the case of NREGA. Further, to protect single-women households, such households should be clearly recognized in the Act. Alternatively, the choice between a household approach and an individual approach could be left to state governments.

5. Rangarajan Committee's report on the NAC proposals.

The Rangarajan Committee, on the PDS recommendations of the NAC claims that procurement on the required scale is not possible. The Rangarajan Committee argues that creating legal entitlements in a situation where they

may not be honoured is not advisable. But the assumptions on the basis of which the Committee comes to this conclusion are questionable.

5.1. *Procurement constraint*: The RC freezes the share of grain procured by the Food Corporation of India (FCI), even though the trend has been of a rising share being procured. Curiously, it ignores the potential of procuring coarse cereals. Currently, barely 4% of coarse cereal output is procured by the FCI. Further, as per FCI data, the economic cost of procuring coarse cereals is half of that of rice. There is, thus, huge potential for *increasing procurement* of the *more nutritious* coarse cereals, while *reducing costs* at the same time.

Finally, the Agriculture Ministry is on record (in a memorandum submitted to the NAC) saying that procurement on the scale suggested by the NAC is not a constraint.

5.2 *Offtake figures*: The Rangarajan committee also raises the requirements of foodgrain under the NAC proposal by increasing offtake figures. However, recent APL allocations were fixed on the basis of offtake, and therefore it is not surprise that APL offtake has been close to 100% (see Himanshu, 2011a). Also, there is evidence from Tamil Nadu, based on NSS data, that a substantial proportion of households self-select out of the system, e.g., about one third of households in the top MPCE quintile did not purchase any grain from the PDS in 2004-5. The addition of coarse cereals to the PDS will further enhance the self-selection attributes of the PDS. Swaminathan Aiyar (2010) has also recommended "universal entitlement to nutritious but unpopular foods that only the poorest quarter or third of the population will actually buy", where the "unpopular foods" refer to bajra, jowar among others.

Suggestion: The Rangarajan Committee seems to have made quick recommendations which do not take into account available data. The suggestion on use of smart cards for the first step (i.e., for authentication) is worth exploring, keeping in mind the safeguards mentioned above. Even the Rangarajan committee admits that "barring some limited experiments at the state level with food coupons and smart cards tied to a designated food price shop, no major scalable alternative to the PDS is currently available". In the light of this, the Committee's recommendation on the second stage of smart cards cannot be accepted (see paper on UID also).

Instead, the decentralized procurement scheme of the central government must be reformed without delay. Measures to start procurement of coarse grains, including fixing "minimum support price", setting realistic quality specifications, etc, should be undertaken immediately.

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The UID Project and Welfare Schemes

The Unique Identification (UID) project is a flagship project of the UPA-II government. The appointment of Nandan Nilekani as chairperson (with rank of Cabinet Minister) of the Unique Identification Authority of India (UIDAI) and the presence of Prime Minister Manmohan Singh and of Ms. Sonia Gandhi in Nandurbar (Maharashtra) where the first few UID numbers were issued, have enhanced the high profile nature of this undertaking. On the other hand, the UIDAI's ambitious plan of issuing a unique biometric-enabled number, innocuously called "aadhaar", to every Indian resident has also begun to generate a debate on citizen-state relations, privacy, financial implications, and operational practicalities.¹¹

What the debate has largely missed so far, however, is the credibility of the UIDAI's claims in the field of social policy, particularly the National Rural Employment Guarantee Act (NREGA) and Public Distribution System (PDS). Tall claims ("the project possesses the power to eliminate financial exclusion, enhance accessibility, and uplift living standards for the majority poor") have been made by the UIDAI, but not carefully analysed.

In this article, I filter the unfounded claims from the valid ones. The misleading claims with respect to the NREGA and PDS seem to be the result of superficial research into what ails these two programmes. Even with respect to the valid claims, such as helping with de-duplication of PDS cards, there are caveats which have not been adequately discussed so far. Thus in Sections 1 and 2, the focus is on what the UID can and cannot do for the NREGA and PDS. In the next section, the possible fallout of a hasty imposition of UID on the NREGA/PDS is examined briefly. I also examine the scenario in which the existence of the "soft infrastructure" that the UIDAI aims to provide is important - namely, a transition from NREGA and PDS to cash transfers. The government needs to initiate an open discussion on cash transfers (if they are on the cards) rather than attempting to make a surreptitious transition to them. In the final section, I highlight some of the larger concerns related to a project such as the UID, by drawing a few parallels between the now-abandoned UK Identity Bill and the UID project in India.

Before proceeding, it is worth recalling that being enrolled in the aadhaar database and being given a number in itself carries no welfare benefits. Having an aadhaar number does not eliminate the need to apply for a bank account, or a ration card or a job card (required to be eligible for work under NREGA). It can only serve as a valid form of identity in the same way that a driver's license or passport currently do.

1. NREGA: Barking up the wrong tree¹²

The UIDAI has a four-page document on NREGA. From this document, it is clear that its officials are poorly informed on issues related to NREGA. Resulting from its poor understanding of the

* I would like to thank Jean Drèze, Alok Shukla and Kamal Mali for discussions on some of these issues.

¹¹ On these issues see Debroy (2010), Drèze (2010), Gupta (2010), Maringanti (2009), Ramanathan (2010a, 2010b and 2010c), Ramkumar (2010), Sharma (2010) and Shukla (2010).

¹² This part of the paper elaborates the discussion in an earlier article. See Khera (2010).

programme are several bogus claims of improving efficiency in government spending. I discuss a few of these bogus claims below: controlling corruption in NREGA, eliminating financial exclusion, preventing exclusion from government programmes due to the lack of identity proof, and so on.

One good example of the UIDAI being poorly informed is its statement regarding NREGA wage payments (see Government of India, 2010a: p. 2). The UIDAI claims that UID will enable financial inclusion, but they seem to be unaware that wage payments through banks and post offices became mandatory in 2008. The transition to bank payments is now largely complete. A large majority of NREGA workers already have a bank (or post office) account: more than nine crore NREGA accounts (covering 83% of NREGA job cards) were opened by the end of 2009-10. This is not to say that the opening of bank accounts was a smooth process. The main hurdle was not so much the KYC norms (as claimed by UIDAI) but that the coverage of banks and post offices in rural areas is inadequate, the ones that exist are under-staffed, and post offices in many parts do not maintain computerized records.¹³ Tamil Nadu is the only state that still makes cash payments, on the grounds that it is able to control leakages within the cash system and that cash payments help to ensure timely disbursement of wages. Field evidence suggests that there is some truth in this claim of the Tamil Nadu government (see Khera and Muthiah, 2010).

The claim of controlling corruption through UID is made on the premise that payments are still being made in cash. In the days of cash payments of NREGA wages, the main source of embezzling NREGA funds was by fudging attendance records - either adding names of people who had not worked, or inflating the attendance of those who had worked. Payment of wages through banks and post office has made wage corruption quite difficult. However, three potential channels of siphoning off money remain open - extortion, collusion and deception.¹⁴ Extortion means that when "inflated" wages are withdrawn by the labourer, the middleman turns extortionist and takes his share from him or her. Collusion means that the labourer and the middleman agree to share the inflated wages that are credited to the labourer's account. Deception means that middlemen open and operate accounts on behalf of labourers, withdraw the inflated wages from these bank accounts, pay workers their due in cash, and pocket the difference. Biometric-enabled UID to authenticate identity can help to prevent "deception", but is of little use in preventing collusion or extortion.

Facilitating "doorstep banking" through banking correspondents (the "BC model") is supposed to be another benefit of the UID. At the moment, labourers often have to go long distances to withdraw their wages. Banking correspondents (intermediaries who extend banking services to remote villages) are supposed to enable disbursement of wages at their doorstep. Here again, however, there are issues of practicality and effectiveness, and need to consider alternatives. Modernizing and computerizing post offices would also contribute to making banking services accessible. As a long term measure, the government should consider an expansion of the rural banking network. Appointment of local kirana stores as banking correspondents could be a regressive step, as it would mean routing NREGA wages through the local bania (often a moneylender also). The BC model could end up diluting the sanctity of existing banking practices.

¹³ See Adhikari and Bhatia (2009) for details on the problems, advantages and labourer's perceptions of the transition to bank/post office payments.

¹⁴ On the issue of corruption and the transition to bank and post office payment of NREGA wages, see Siddharth and Vanaik (2008), Dreze and Khera (2008), and Adhikari and Bhatia (2010).

At the end of the day, it is not clear from the UIDAI documents exactly how UID is supposed to help NREGA. There is no obvious problem of "identity fraud" in NREGA that UID is waiting to resolve. There is no evidence, for instance, of fake job cards being a major problem. An NREGA job card is not like a PDS ration card, which automatically entitles the holder to subsidized grain. To get benefits under NREGA, the job card holder is required to work - so a fake job card is of little use per se. Claiming benefits without working requires collusion between non-working job card holders and implementing officials. If the two parties collude, some job card holders can have wages credited to their bank accounts, by getting on muster rolls. UID purports to prevent this through "biometric attendance at the worksite", but the practicality of this imaginative idea is far from clear - it could easily create more problems than it resolves. And some forms of collusion can persist even with biometric attendance at the worksite.

For the NREGA, the UID, if it works, will help to plug some minor loopholes which does not justify the sweeping claims that are made. In section 3, I discuss the disruption that it can cause, if the two are linked.

2. PDS: Is there a case for UID?

2.1 Improving Inclusion

Similar bloated claims are made with respect to the PDS. For instance, the UIDAI often claims that the project will improve access to government services. UIDAI officials have said that many Indians are deprived of government benefits because they do not have the required identity proof.¹⁵ This claim is based on an incorrect diagnosis of why people are excluded from government schemes.

There are two important causes for the exclusion of a large number of people from government programmes - one, poor coverage related to low allocations for these programmes and two, misclassification of people. Social welfare expenditure in the country is not adequate to provide universal benefits (see Gupta, 2010). In such a situation, the government has resorted to making many social welfare schemes targeted. When schemes are targeted, benefits are conditional upon being classified, say, as a below poverty line (BPL) family. The selection of BPL families is based on a census which is conceptually flawed and poorly implemented (see Hirway 2003, Swaminathan and Mishra 2001, Khera 2008, Drèze and Khera 2010).

Note that mis-classification of families in the "BPL census" has little to do with identity fraud or "duplication". Mis-classification can occur when the criteria used for identification of BPL families are incorrect (e.g., in a previous BPL census, the ownership of a fan led to exclusion of families from the BPL list) or when government criteria are not adhered to (e.g., families mis-report their status, or the surveyor records incorrectly).

Yet the UIDAI gives the impression that mis-classification of households can be controlled (if not stopped) with the help of unique identity numbers. "The eventual nature of an Aadhaar-linked approach in PDS would depend on the particular benefits the government hopes to gain. Using

¹⁵ "There are 75 million homeless people in the country and a lot of nomadic people—all of them don't have an ID. We think UID will enhance their access to public services." (Nilekani in Indian Express, 2009).

Aadhaar solely for identification would enable *clear targeting of PDS beneficiaries*, the inclusion of marginal groups, and expanded coverage of the poor through the elimination of fakes and duplicates" (see Government of India, 2010b: p. 3, italics added).

2.2 Portability of benefits

The UIDAI also makes a claim of "portability of benefits", i.e., that with UID beneficiaries can claim their benefits wherever they go. A PDS that allows beneficiaries to draw their rations from anywhere in the country would indeed be a desirable improvement over the present system. The portability argument is perhaps the most enticing aspect of the UID programme. However, this too is not very well thought through. Though the UID is portable, benefits may not be, because the latter present operational issues that cannot be solved by the UID. The possibility of making the current form of identity authentication (i.e., the ration card) "mobile" has not been explored. A computerized database of card holders, with holograms and/or barcodes on ration cards, could also make ration cards mobile. Smart cards or food coupons can also serve the purpose of providing a portable identity, which can be easily authenticated anywhere.

Returning to operational issues related to portability, if benefits are portable and grain allocations to PDS outlets are based on the previous month's sales (as recommended by UIDAI), matching supplies to an unpredictable demand becomes difficult.¹⁶ Each state gets a fixed quantity of foodgrain based on the number of ration cards from the central government. Streamlining supply to cater to a PDS that allows portability of benefits is not a simple matter. Building in portability across states is especially challenging (think of inter-state migration).¹⁷

2.3 Bogus cards and De-duplication

Another inflated claim relates to the elimination of "bogus" cards in the PDS. There can be three types of bogus cards: (a) "ghost" cards, i.e. where cards exist in the names of non-existent or deceased persons; (b) "duplicates" where one person or household, entitled to one card, manages to get more through unfair means and (c) "misclassified" cards, when *ineligible* persons/households claim benefits (or, inclusion errors).

The main fallout of "bogus" cards where schemes are targeted (such as the PDS) is that it denies a genuine beneficiary his/her entitlements. Elimination of bogus cards can contribute to improving the efficiency of government schemes. UID can help eliminate only the first two types of bogus cards. As discussed earlier, UID can do nothing about inclusion errors.

The question then arises, what proportion of all cards are bogus?¹⁸ Reliable data on the overall proportion of bogus cards are hard to find. Yet the UIDAI claims that ghost ration cards are the main problem: "a key source of leakage identified in the PDS, is subsidized food drawn from the ration shop in the names of eligible families by someone else" (Government of India (2010b), p. 8). Rough

¹⁶ Intriguingly, the portability claim is repeated in at least four places in their paper on the PDS.

¹⁷ Since these claims have begun to be debunked, the UIDAI has responded by qualifying its statements. For instance in a recent Tehelka interview, the problem of "no identity" was referred to as a problem of "no mobile identity" (Vats, 2010b).

¹⁸ The third category, i.e. inclusion errors (or misclassified cards), is known to be quite large. Since UID cannot fix that, I focus on duplicates and ghosts here.

estimates based on newspaper reports (admittedly not the most reliable source for such data) put the proportion of fake cards in the 2-13 percent range (Clara 2010, IANS 2010 and Radhakrishnan 2010). In Tamil Nadu, only 2% of cards were bogus (Planning Commission, 2004). Bogus cards are indeed part of the problem, but there is not enough evidence to say that this is the main source of diversion from the PDS. This is one source of corruption, though quite likely it is not the largest source of diversion of PDS grain today (see more on this below).

Second, elimination of "ghost" and "duplicates" by biometric-enabled de-duplication requires that the adhaar number be compulsory (at least for that particular programme). This is best explained by Chairperson of UIDAI himself: "You can't make it mandatory in the first instance. Let's say a particular state decides to issue fresh ration cards from May 1, 2011. Now, they may decide to have Aadhaar numbers on all these cards. For some time, parallelly there will be the earlier card holders who will not have Aadhaar. We can't completely eliminate duplication. But over time, as Aadhaar numbers in ration cards become nearly universal, they can then say 'from now onwards, only Aadhaar based ration cards will be accepted'. At which point, duplication will cease to exist." (Sebastian, 2010). The UIDAI will not make it compulsory to get an aadhaar number. However, that does not stop them from encouraging various government departments to make it compulsory. There is a tension between voluntary enrolment and achieving de-duplication. Some of implications of this are discussed in Section 3.

In Chhattisgarh, de-duplication has been attempted by computerizing the database of ration card holders and distributing new ration cards with holograms which make each ration card unique. The other option is the use of biometrics (say, at the stage of issuing ration cards), which the UIDAI proposes to use. Tamil Nadu keeps constant vigil on the number of ration cards to eliminate bogus cards.

2.3 The Last Mile Problem

A major cause of diversion from the PDS is the lack of a *functional* system of "last mile" authentication. In the current system, movement of foodgrain is tracked till it leaves the godown for a ration shop.¹⁹ Ration dealers maintain a sales register and a monthly stock register, based upon which the next months' rations are supposed to be released. However, this monthly squaring of records is operational only in a handful of states (including Chhattisgarh, Himachal Pradesh and Tamil Nadu). In other states, dealers fudge information in these registers.

This allows dealers to divert grain in two ways: first, cheating card holders by underselling (e.g., he provides only 25 kg out of the 35 kg entitlement of a family) and yet make them sign for their full quota. When villagers are disempowered and forced to buy from the same dealer, with few options of being heard by higher authorities, they feel resigned to accept this smaller quantity. Second, illegal sale of PDS grain in the open market, en route to the village ration shop. Dealers then appear helpless in the village saying that they have been given less by the authorities ('*pichhe se kam aya hai*').

¹⁹ Tamil Nadu has actually computerized operations so that it is possible to get real time stocks in each ration shop in the state. (Personal communication, Mr. M.V.S. Moni, Managing Director, Tamil Nadu Civil Supplies Corporation)

There are several options to fix the "last mile" problem. Introducing food coupons for all entitled households is one way of dealing with this problem. In this coupon system, each household is required to deposit their coupon at the time of purchase. Dealers have to deposit these in order to get more grain released for the next month. Release of grain is tied to the number of coupons deposited back. Swiping smart cards or authenticating biometric information, at the time of purchase, can perform the same function.²⁰ Even social audits (e.g., reading out details from the daily sales register maintained by the ration dealer) can be employed to resolve last mile issues. Other cost effective and technology savvy solutions have been employed elsewhere - e.g., in Chhattisgarh grain is delivered to the village (in easily identifiable yellow trucks), so that a dealer cannot pretend that he did not get the grain; further, when trucks leave the godowns, an sms alert is sent to a few persons in the village (Drèze and Khera 2010b). The real problem, then, is not so much the lack of options for last mile authentication, rather it is the lack of political will to crackdown on the corrupt. Political will has been lacking because often politicians are part of the corrupt nexus.

Compulsory biometric authentication (with or without UID) at the last mile would require us to consider cases of old or disabled or ill persons, who currently rely on neighbours or relatives to bring home their ration. With biometric authentication, there may not be any scope of buying their ration in the proposed new system. Quite likely, the UIDAI's response would be to say that an "over-ride" facility can be built into the system for such cases. But is this really practical (e.g., if a healthy person falls ill, how quickly can the system respond to his need for the over-ride facility) and will it not again open the door to manipulation?

Before moving to the next section, note that for de-duplication and last-mile authentication, UID is one of at least three distinct options: smart cards, biometrics and UID. UID needs biometrics, not the other way round. The UIDAI does not make a clear distinction between the three, thus suggesting that they are same. The relative merits and demerits - cost, technological requirements, possibility of fraud, etc. - of each of these options need serious consideration. One can have biometric authentication without building an integrated database as proposed by UIDAI. The main utility of the integrated database envisaged by UIDAI is that it would obviate the need for scheme-by-scheme enrolment which can be expensive.²¹ But how many schemes of the Government of India need biometrics for purposes of de-duplication and solving the "last mile" problem? In the NREGA, as explained above, neither bogus cards nor last mile authentication are major concerns.

3. Implications for PDS and NREGA

As noted above, de-duplication can be achieved only by making enrolment compulsory (at least for particular schemes). The UIDAI has set itself a target of covering only half of India's population in the next four years. The UIDAI is engaging many registrars to meet their target. In its eagerness to de-duplicate, there is a danger that the UID will be made compulsory in a rushed manner. Even with an ambitious target, the project will then end up *excluding* large sections of India's population.

²⁰ In these scenario, it is still possible for the dealer to "extort" grain after the coupon is deposited, or the card is swiped, or biometrics are authenticated.. Yet it would mark an improvement in those areas where dealers can get away by saying that the grain has not reached him.

²¹ Inter-operability is another claimed benefit, but this benefits the government, not the claimant.

Hasty integration of UID with the PDS or NREGA could, in practice, go against the rhetoric on "inclusivity". In fact, a "re-engineering" of the NREGA is currently underway.²² This involves the engagement of "service providers" who will be responsible for enrolling individuals for UID, and at a later stage, involved in authentication (including at the worksite using hand-held devices) of workers.

The consequences of this sort of re-engineering are likely to be disastrous for the NREGA. Job cards issued in 2006 are due to expire next year. If, for example, the Ministry of Rural Development links the provision of new job cards to getting a UID, many workers are likely to be denied work for some time to come.²³ There is a real danger that those who do not enrol will be turned away from NREGA. We have already learnt this lesson - the hard way - when the transition to bank payments was made. Poorly equipped and understaffed banks and post offices were expected to open millions of NREGA accounts overnight. Those workers who did not have accounts, began to be denied work.

Moving on to the PDS, one of the proposals mooted by the UIDAI is that PDS dealers buy their grain from the open market at the market price but supply it to PDS beneficiaries at a subsidized price fixed by the government. When a beneficiary buys his/her ration, she/he would be required to give the UID number and be authenticated biometrically. Once this is done, the dealer would be reimbursed the difference between the market price and the subsidized price with a small commission (Government of India 2010b: pp. 4-5 and p. 13). It is expected that since the difference between the market price and the sale price is reimbursed only when the dealer sells to the intended beneficiary, it will ensure that the dealer does not sell on the black market.

Interestingly, the origin of this new model for the PDS can be traced to a study commissioned by the India office of the World Bank (Ahasan et al 2008). The consultants (from a software vending company called Cal2Cal) prepared a report where the use of smart cards and biometrics as well as purchase of grain from the market was proposed (Cal2Cal 2008). This proposal was modified slightly by the Planning Commission - instead of dealers buying from the open market at market price, in the Planning Commission proposal the dealers are to be supplied by the Food Corporation of India.²⁴

Such a proposal, involving a major overhaul of the current system, would need to be discussed and tested on a pilot basis. Possible abuse needs to be explored and debated in a transparent manner. For instance, informal field visits to Chandigarh to study smart cards revealed that dealers keep the swiping machine inside the shop, and buyers have no way of verifying what is being punched into the machine. This suggests that even the smart card requires adequate safeguards (e.g. using automated receipts, voice-overs etc.) against "deception". In some circumstances smart cards could even facilitate fraud, e.g. because people don't understand the whole technology (unlike entries in ration cards).

²² The Ministry of Rural Development (MoRD) has put out a Rs. 2162 crore tender for this purpose. See documents available online at http://nrega.nic.in/circular/eoi_concept.htm

²³ In this scenario, the UID becomes mandatory de facto - this is what "demand-driven" UID will translate into. The likelihood of labourers being explained that enrolment is voluntary seem somewhat slim especially in poorly governed parts of the country.

²⁴ See Planning Commission (2010a and 2010b). Note again that even this model does not necessitate the use of a UID type database. It only needs biometrics or smart cards.

If the benefits of the UID project to two major existing social welfare programmes (NREGA and PDS) are marginal and uncertain, why is the government rushing ahead with it? In fact, the UID project with biometric authentication is very well suited for a particular type of welfare scheme, namely, cash transfers. Nilekani's *Imagining India* refers to such a proposal: "An IT-enabled, accessible national ID system would be nothing less than revolutionary in how we distribute state benefits and welfare handouts" (Nilekani, 2008: p. 372); "The state could instead transfer benefits directly in the form of cash to bank accounts of eligible citizens, based on their income returns or assets." (ibid, p. 374). Planning Commission documents have also floated this idea.²⁵ Cash transfers as a welfare measure are very different from both the NREGA and PDS. If it is the intention of the government to transition to cash transfers, then the government must be transparent about this proposal and allow a public discussion of it.

4. LSE Identity Project Report and UID

A project such as the UID raises a range of concerns.²⁶ Though these are not the subject of this article, it is worth flagging these issues for the interested reader. These concerns have been comprehensively documented by the London School of Economics and Political Science Identity Project report (henceforth LSE, 2005). Though not entirely comparable, there are several parallels between the UK Identity Bill and UIDAI.²⁷

First, the now-scraped UK Identity Bill (UK-ID) was envisioned as a project for "combating terrorism, reducing crime and illegal working, reducing fraud and strengthening national security".²⁸ The UID project also has its origins in a national security project (as admitted by Mr. Nilekani himself).²⁹ Since the formation of the UIDAI, it has been projected as an initiative to promote social inclusion.³⁰

²⁵ See Mehrotra (2010). Several have made this suggestion. E.g., "I venture to say that Aadhaar will enable us to put in place a well functioning social safety net for our citizens by unifying all subsidies into cash-based transfers." (Kelkar, 2010).

²⁶ In a sense, the UID project seems like a 21st century incarnation of the 20th century projects studied by James Scott (1998) in "Seeing Like A State: How Certain Schemes to Improve the Human Condition Have Failed", where he highlights "four conditions common to all planning disasters: administrative ordering of nature and society by the state; a "high-modernist ideology" that places confidence in the ability of science to improve every aspect of human life; a willingness to use authoritarian state power to effect large-scale interventions; and a prostrate civil society that cannot effectively resist such plans."

²⁷ "To give the United Kingdom as an example in relation to India is disingenuous. The stated goal of that scheme was surveillance and immigration control. They already have a number, which they started in 1953. Their ID card was a very different project. So let's not extrapolate randomly. The fact is that most countries have a number." (Nilekani in Vats, 2010b).

²⁸ "The Identity Cards Bill outlines an identity system that has eight components: the *National Identity Register*, a *National Identity Registration Number*, the collection of a range of Biometrics such as fingerprints, the *National Identity Card*, provision for *administrative convergence* in the private and public sectors, establishment of *legal obligations* to disclose personal data, *cross notification requirements*, and the creation of *new crimes and penalties* to enforce compliance with the legislation" (LSE 2005: p. 21).

²⁹ In response to the question "Isn't the main purpose security?", Nilekani said "You are right, the government in 2003 did modify the Citizenship Act to create the National Citizenship Register, which is now the National Population Register (NPR) but that's primarily an initiative by the Registrar General

Second, in both cases there seems to have been a tendency to make unfounded claims. For instance, as discussed earlier, the UIDAI claims that millions of Indians are without any identity which is the cause of them being excluded from the government's schemes. In the case of the UK-ID, the LSE (2005) report states "Many of the claims made about the prevalence of identity fraud are without foundation" (p. 9). Similarly, in both countries, the concerned authorities seem to have overplayed the incidence of "identity fraud" (or, in the Indian context and UIDAI's jargon, "de-duplication") in the social sector.³¹

Third, both projects have raised legal concerns. E.g., the LSE (2005) report, brought up the question of compromise or conflict with other laws (Disability Discrimination Act, Race Relations Act, Data Protection Act to name a few). Further, the report states "The legislation places requirements on individuals and organisations that are substantial and wide-ranging, and yet no indication has been given relating to how liability would be established, who would assess that liability, or who would police it (LSE, 2005: p. 13)." On the other hand, the draft NIDAI Bill (which was placed on the UIDAI's website), had similar clauses, whereby individuals had responsibilities but with little obligation on the authority.³² On the question of oversight too there are similar concerns in both projects (LSE, 2005: p. 13, Drèze, 2010 and Krishnaswamy, 2010).

Fourth, the LSE (2005) report questions the project on technological (especially related to the scale of the project) and financial grounds. The LSE (2005) report is also quite circumspect on the question of biometrics (see pp. 169-186). Two other reports suggest that the science of biometrics is not quite as exact as is commonly believed.³³ These reports further question the scalability of such an exercise.³⁴

Finally, and most surprisingly, in India no serious discussion of the cost of the UID project has taken place. Despite several demands for a cost-benefit analysis, there is no such report so far. Interestingly, one of the main justifications for scrapping the Identity Project in the UK was the cost of the project.

of India. This government took an initiative to have a unique ID for developmental purposes. UIDAI came out of that initiative." See Indian Express (2009).

³⁰ One headline even touts it as the world's largest social inclusion initiative (see Knowledge@Wharton, 2010). However, as noted earlier, the unique number itself carries no welfare benefits.

³¹ "Benefit fraud through false identity is relatively rare and we believe the cost of introducing an identity card in the benefits environment would far outweigh any savings that could be made." (LSE, 2005: p. 10).

³² "Under the proposed National Identification Authority of India Bill ("NIDAI Bill"), if someone finds that her "identity information" is wrong, she is supposed to "request the Authority" to correct it, upon which the Authority "may, if it is satisfied, make such alteration as may be required". There is a legal obligation to alert the Authority, but no right to correction!" (Drèze, 2010).

³³ See The Economist (2010) and Pato and Millett (2010). See also Shukla (2010) who discusses the reliability of various biometrics, error rates, costs, etc.

³⁴ The Chairperson of UIDAI is aware of the unprecedented scale of this project as is evident in this statement "This is a massively complex project as our biometric database will consist of 1.2 billion records which is 10 times larger than the current largest biometric record." (Indian Express, 2009)

Concluding remarks

UID is projected as a "revolutionary" initiative, with unprecedented gains in efficiency and transparency. In this paper, I argued that several claims are unfounded or exaggerated and reflect a superficial understanding of the problems afflicting the implementation of NREGA and the PDS. As discussed earlier, there is little that UID can do to improve implementation of NREGA. In the PDS, there are two problems to which the UID can contribute: last mile authentication and elimination of bogus cards.

An important caveat to bear in mind is that UID can contribute to, but is not necessary for, resolving these problems. UID is one of several technological innovations that are possible. What is not mentioned in the UIDAI's documents is that many of the proposed technological inputs can be implemented *without* a costly UID. Other options are available (e.g., the use of food coupons or smart cards for last mile authentication). These options may well be cheaper, less disruptive, and more people-friendly (e.g. easier to understand), and have the further advantage of having been tested on some scale in some parts of the country. The tendency to conflate all technology measures with UID creates the impression that UID is a necessary condition for reform.

Needless to say, technology can contribute to improving efficiency of these programmes, and is often welcome. Examples of cost-effective technology that enhances transparency and empowers people are readily available - e.g., computerization of PDS operations in Chhattisgarh and Tamil Nadu, sms-based alert systems, and so on. Further, other measures for transparency cannot be discounted simply because they do not involve technological inputs. For instance, in Rajasthan, "transparency walls" listing all job cards issued, along with days of employment in a particular financial year allow people to monitor NREGA expenditure just as much as the on-line MIS. However, even technology has its limits. One issue related to this that has not been discussed adequately is the feasibility of maintaining an updated database of close to one billion people.

Finally, the possible disruption that the transition to a UID-enabled system can cause must be faced squarely by the government. The UID's contribution to plugging leakages is likely to be marginal in the case of the PDS, and even less in NREGA. However, these marginal benefits can be realised only by making a wholesale migration to a new, complex and untested system. In the process, there is a real danger that UID will end up hurting the very people it seeks to help.

It is time to go beyond the hyped benefits of UID and to recognize that, if it succeeds, the benefits in NREGA and PDS will be quite modest. If the UID project is to pave the way for cash transfers, the government needs to state this upfront and allow public debate on the issue.

18 February, 2011.
The Secretary,
National Advisory Council,
2 Moti Lal Nehru Place,

Akbar Road,
New Delhi 110011.

Dear Dr. Rita Sharma,

I am writing in response to the invitation to send comments on the National Advisory Council's (NAC) Framework Note on the National Food Security Act (NFSA). It is heartening to note that the Framework note attempts to take a comprehensive view on the matter of food security, at least in so far as food entitlements are concerned. The only major missing item seem to be social security pensions for widows, the elderly and persons with disabilities.

In this submission, however, I focus on the PDS proposals in the Framework Note. The recommendations are based on research on the Public Distribution System including several field surveys in the past one year to Chhattisgarh, Himachal Pradesh, Jharkhand Rajasthan and Tamil Nadu. The recommendations relate to the following issues connected to the PDS:

1. Problems with the current formulation of "General" and "Priority" households and the need to revisit the 14 July, 2010 NAC statement.
2. Principle of "Uniform pricing" for General and Priority households
3. Further suggestions on PDS reforms
4. Arguments against individual entitlements
5. Rangarajan Committee's report on the NAC proposals.

On a slightly different note, I am also attaching a forthcoming article (in the Economic and Political Weekly) on what the UID can and cannot do for the PDS. The UIDAI has had a tendency to exaggerate its claims with respect to the efficiency benefits of linking it with the PDS. The attached article examines these exaggerated claims critically. In the paper and under section (3) of this submission, I discuss various other technological options - currently being used in some parts of the country and possibly considerably cheaper - to deal with existing loopholes in the PDS.

Thanking you,

Reetika Khera (Dr.)

Assistant Professor,

Department of Humanities and Social Sciences,

Indian Institute of Technology Delhi.

2

1. Problems with the current formulation of "General" and "Priority" households.

The Framework note recommends three categories for the PDS - excluded, General and Priority. This is a highly unsatisfactory formulation. The earlier formulation articulated in an NAC press note (dated 14 July 2010, pasted below), was better.

"4.1. While time-bound universalisation of foodgrain entitlements across the country may be desirable, initial universalisation in one-fourth of the most disadvantaged districts or blocks in the first year is recommended, where every household is entitled to receive 35kgs per month of foodgrains at Rs 3 a kg.

4.2. In the remaining districts/blocks, coverage of universal PDS with differentiated entitlements (in terms of quantity and issue price), would progressively be expanded to all rural areas in the country over a reasonable period of time. There shall be a guarantee of 35 kgs of foodgrains per household at Rs 3 a kg for all socially vulnerable groups including SC/STs, and 25 kgs for all others, at an appropriate price. There would also be a category that would be excluded based on transparent and verifiable criteria. Further details of this basic framework will be formulated by the NAC." (Source: http://www.nac.nic.in/press_releases/14_july_2010.pdf)

Apart from the need for a universal PDS in the most disadvantaged areas of the country, there is evidence now that *one* of the important measures for making the PDS functional is a universal (or near-universal) PDS. (Other measures for PDS reform, especially the use of

technology, are discussed below.) It is disappointing that the NAC does not take note of the turnaround of the PDS in several states as a result of an "expansion" of the PDS in those states - beginning with Tamil Nadu's universal system, to Chhattisgarh's experiment with near-universalization in rural areas and Himachal Pradesh providing grain, pulses and oil to both APL and BPL households. National Sample Survey (NSS) data also suggest that the PDS can deliver.

From the Framework Note it is not clear whether the NAC recommends that the selection of households for "general" and "priority" households is to be decided by the Centre or whether it is to be left to the states. This is, in fact, a key issue. Is the survey to be done according to the Saxena Committee recommendations (on that see below); or are the states to decide? Evidence from the BPL surveys of 1997 and 2002 has shown that using a "scoring method" is seriously flawed. According to NSS data (2004-5) only 53% of the poorest MPCE quintile had a BPL card; the situation is worse if one looks at the poorest wealth index quintile of the National Family Health Survey (2005-6) - only 39% had a BPL card. Recent pilots that test the Saxena Committee recommendations suggest that the bulk of the population will have to be scored (because "automatic inclusion" and "automatic exclusion" criteria cover a small proportion of households); further, these pilots suggest that the scoring method proposed by the Saxena Committee has very little discriminatory power; in fact, it is not very different from a random selection of BPL households.¹ The NAC cannot ignore the sobering results of these pilots.

The "social inclusion" approach can be explored, but that raises the question of how central caps for "general" and "priority" households (44% and 46% respectively) will be reconciled with coverage that results from whichever social inclusion criteria that are used?

¹ See Mishra (2011), M. R. Sharan (2010 and 2011) and Himanshu (2011b).

3

Coverage of households for the purpose of the food security act should not, under any circumstances, be linked to poverty figures. These are two separate issues and should be treated as such.

Suggestion: The NAC's 14 July statement should be revisited and given serious consideration. In particular, two proposals in that statement need to be looked at again: one, universal PDS in the poorest districts/block and two, the possibility of "phased" universalization.

2. Principle of "Uniform pricing" for General and Priority households

Even within the current Framework of the NAC, there is one provision that may yet mark a significant step forward. This is the provision related to the price that general category households will pay ("at most half of MSP"). If the proposed Framework discriminates between general and priority households on quantity alone, it could have the desired effect of creating a united stake in the PDS in rural areas (see Khera, 2011).

Suggestion: The issue price for General and Priority households should be the same (i.e. Rs. 3 for rice, Rs. 2 for wheat and Re. 1 for maize/millet), even while they may be entitled to different quantities of grain.

3. Further suggestions for PDS reforms

The range of PDS reforms being considered is encouraging. On this, I have three further suggestions:

3.1 PDS reforms should be initiated without delay: Several PDS reforms mentioned in the Framework Note, e.g., computerization of records, decentralized procurement, etc., can be initiated immediately. These need not wait for the law to be enacted. In fact, there is an argument for initiating reforms ahead of the Act, as they will facilitate proper functioning of the PDS.

3.2 Use of Technology: There is tremendous scope for the use of technology in curbing

leakages, though one must be careful to use technology that enhances transparency and empowers people. Several states are already experimenting with different technologies, so there is a wealth of experience to learn from.

For "last mile authentication", the use of handheld billing machines (recently introduced on Delhi and other state transport buses) and electronic weighing scales-cum-receipt machines² can be explored. These electronic machines (handheld billing or weighing scales) combined with bar-coded ration cards, can help to ensure that dealers maintain tamper-proof accounts, solve last mile issues cheaply, and provide proof of purchase to cardholders as it prints a receipt of the transaction. A word of caution about these options - it is essential to pilot them in a few rural and urban areas, to see whether they can work in those circumstances (irregular electricity supply, dust-ridden environments, and so on).

² These machines print receipts on the basis of how much is weighed reducing the scope for cheating.

4

3.3 Safeguards along with smart cards: On the specific question of the use of smart cards, given the costs associated with it and that it would require people to learn how it works, if they are used for last mile authentication, smart cards should be (a) first piloted in a few areas and (b) more importantly, these should be in addition to improved maintenance of printed ration cards, *not* replacing them. Further safeguards also need to be put in place - e.g., receipts must be issued when the card is swiped.

4. Arguments against individual entitlements

The NAC has recommended a move from "per household" entitlements to "per capita" entitlements. This also needs to be reconsidered. There are several arguments against individual entitlements:

4.1 The new formulation will create confusion in a system that people have learnt to work. In order to understand the powerlessness and vulnerability of rural cardholders, a recent example from Jharkhand may help. The PDS dealer (Bhatko village, Latehar District) told the cardholders that he was giving them 35kg. When we weighed the grain, it was only 30kg. Instead of using one weight each of 20kg, 10kg and 5kg (adding up to 35kg), he used several small weights (two of 2kg each, a 10kg weight; one piece of iron that weighed 11kg and one 5kg weight). In this manner, it is easy for him to befuddle the cardholders, who are either unable to add up these weights or too nervous in front of him to do so.

In such a context, to give more to some households and less to others, will increase the chances of being cheated for many cardholders as they may not understand the basis of this differentiation.

4.2. Individual entitlements create an incentive in the system to add "ghost" names in order to get more out of the system.

4.3 Under individual entitlements, smaller households stand to lose. Often, it is the smaller households that are most food insecure (e.g., widows, elderly and so on).

Suggestion: The NFSA should maintain the status quo as far as entitlements are concerned, and be specified "per household". In order to protect larger households, a household should be defined as a "nuclear" family as has been done in the case of NREGA. Further, to protect single-women households, such households should be clearly recognized in the Act.

Alternatively, the choice between a household approach and an individual approach could be left to state governments.

5. Rangarajan Committee's report on the NAC proposals.

The Rangarajan Committee, on the PDS recommendations of the NAC claims that procurement on the required scale is not possible. The Rangarajan Committee argues that creating legal entitlements in a situation where they may not be honoured is not advisable. But the assumptions on the basis of which the Committee comes to this conclusion are questionable.

5.1. *Procurement constraint*: The RC freezes the share of grain procured by the Food Corporation of India (FCI), even though the trend has been of a rising share being procured.
5

Curiously, it ignores the potential of procuring coarse cereals. Currently, barely 4% of coarse cereal output is procured by the FCI. Further, as per FCI data, the economic cost of procuring coarse cereals is half of that of rice. There is, thus, huge potential for *increasing procurement* of the *more nutritious* coarse cereals, while *reducing costs* at the same time.

Finally, the Agriculture Ministry is on record (in a memorandum submitted to the NAC) saying that procurement on the scale suggested by the NAC is not a constraint.

5.2 *Offtake figures*: The Rangarajan committee also raises the requirements of foodgrain under the NAC proposal by increasing offtake figures. However, recent APL allocations were fixed on the basis of offtake, and therefore it is not surprise that APL offtake has been close to 100% (see Himanshu, 2011a). Also, there is evidence from Tamil Nadu, based on NSS data, that a substantial proportion of households self-select out of the system, e.g., about one third of households in the top MPCE quintile did not purchase any grain from the PDS in 2004-5. The addition of coarse cereals to the PDS will further enhance the self-selection attributes of the PDS. Swaminathan Aiyar (2010) has also recommended "universal entitlement to nutritious but unpopular foods that only the poorest quarter or third of the population will actually buy", where the "unpopular foods" refer to bajra, jowar among others.

Suggestion: The Rangarajan Committee seems to have made quick recommendations which do not take into account available data. The suggestion on use of smart cards for the first step (i.e., for authentication) is worth exploring, keeping in mind the safeguards mentioned above. Even the Rangarajan committee admits that "barring some limited experiments at the state level with food coupons and smart cards tied to a designated food price shop, no major scalable alternative to the PDS is currently available". In the light of this, the Committee's recommendation on the second stage of smart cards cannot be accepted (see paper on UID also).

Instead, the decentralized procurement scheme of the central government must be reformed without delay. Measures to start procurement of coarse grains, including fixing "minimum support price", setting realistic quality specifications, etc, should be undertaken immediately.

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To

The Secretariat - Right to Food Campaign

Please find attached herewith our comments on draft National Food Security Bill

K.C.Sahu

--

K.C.Sahu
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"Celebrating 50 Years of Life, Freedom and Dignity"

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The following are the comments for right to food on the legal guarantees pertaining to the National Food security Bill

Under Part II: Grievance Redressal system:

Food Adalats should happen every month so that people can directly interact with concerned officials and get their complaints attended publicly.

Part I: Food Entitlements and Related Matters

The rates fixed per person should be revised in the light of increased price rise. For e.g. under Rs.4/day per kid under ICDS is not at all sufficient to get nutritious food. Along with this bill revised rates should be incorporated with immediate effect for implementation.

Under Chapter, 3.2.

1. It is required to ensure supply of nutritious food through fortification in the **point No. 3.2 a, b and c** for overall development of the children aged group 1 to 14 yrs for proper physical and mental growth.

2. The priority category includes 50 percent rural and 28 percent urban population. Our experiences, observations and studies are clearly articulating that about **45-55 percent** of the

urban population is deprived. Share of urban population in priority category need to increase at 50 percent and additional cover of 20 percent.

3. It is mentioned in the bill that Government of India will ensure timely supply of food grains. It is true that there are variations in the production level across the States and regions but local procurement and assured supply from the local procurement to local people need to be included in the bill.

4. It is mentioned in the bill that Rs. 1000 per month for 6 months will be provided as maternity benefits. The need is to put some rider on number of children.

Under Chapter, 3.2.f. Prevention and Treatment of Child Malnutrition

Special counselling, keep track of developments of mal nourished children, additional /variety food items should be available to bring the child to normal with revised rates.

Under 4.2 PDS reform

Whenever the food is wasted in the storage house of Government stringent actions need to be taken on the concerned officer. Time frame to store particular food should be specified on each batch of food arrivals in the store.

Pls see the attachment for suggestion
With thanks
Govinda Rath

Govinda Chandra Rath
Associate Professor
G. B. Pant Social Science Institute
Constituent Institute of Allahabad Central University
Jhusi, Allahabad - 211 019, India

Part I

3.1 PDS

“Households in the priority category shall be entitled to 7kg per person per month at Rs.3/2/1 per kg for rice/wheat/milletts respectively.”

1. To focus on this line, I like to share some of my recent experience. I visited a Baiga tribe settlement located on the hill top village namely Biruldihi, Pandariya Block of Kabardha district of Chhattisgarh. There are around 60 households but nearly half of them availed the scheme of 35kg rice at Rs 1 and other half do not. The level of poverty is extreme in its end. The reason of not availing the scheme is that the sons get separated immediate after marriage but they do not get the card to avail the rice. It is, therefore, needed to assign the task to the Panchayat to register the marriage and to issue the card on the basis of marriage registration.
2. If a household constitutes with more than 4 family members, the Act should make the provision of extending the scheme of 20 kgs at half of MSP (as fixed for the General Category) along with 35 kgs at Rs 3/2/1. The logic of this suggestion is that 35 kgs is a meagre amount for a family of more than 4 members. During my enquiry, the tribal family households in Chhattisgarh, stated that 35 kgs of rice is able to meet the food need of 7 days for a family of 5 members. We may calculate the ratio of total food requirement for larger families. This will be a great support for the families of the priority category mainly for the tribal families.

Govinda Rath

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p v satheesh

National Convener

February 19, 2011

Respected Madame Gandhi,

Let me begin this letter to you with a huge congratulations for the visionary position taken by the National Advisory Council under your inspiring leadership by recommending the inclusion of **Millets in the PDS. This revolutionary step will not only dramatically alter the food and nutritional security of this country but also bring enormous livelihood and farming benefits to hundreds of millions of farmers in the vast dryland areas of India where poverty still reigns in spite of the awesome progress made by India.**

Millions of farmers, women, S Cs and S Ts from across the country have endorsed this historic action of yours. But still they are a bit apprehensive about the possibility of a slip between the cup and the lip. And hence on a request by the Millet Network of India, hundreds of thousands of them from across the South India, Orissa and other parts of the country have signed their own post cards with a passionate message to you to steer this NAC recommendation into a Parliamentary Act.

We have sent all the details of the post cards signed as a attachments to this mail of ours.

We would also like to draw your kind attention to two other documents:

1. **Hyderabad Declaration by a Nutritionists Conclave on Millets in Nutritional Security of India**
2. **Medak Declaration by a group of eminent concerned citizens on the Inclusion of Millets in the Public Food Distribution in India**

Both of these are reflective of the growing concern in the minds of eminent nutritionists and food policy specialists who feel that bypassing millets in National Food Policy might be hugely depriving India of a possible nutritional secure future.

We earnestly request you to kindly look at these documents carefully alongside the fervent appeal by hundreds of thousands of very small, poor farmers, women and men, dalits and tribals from the dryland India and continue to lead this country into a millet based food and nutrition system

with warmest regards

p v satheesh

To

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- Ms. Anu Aga, Director, Thermax Ltd., Dhanraj Mahal, 2nd Floor, Chatrapati Shivaji Maharaj Marg, Nr. Gateway of India, Mumbai - 400 039 Ph: 022 - 6754 2222 ; Fax : 022 - 22040859, Email: aaga@thermaxindia.com, anu.aga@nac.nic.in,
- Ms. Farah Naqvi, farah.n@nac.nic.in
- Shri Harsh Mander, Social activist - Centre for Equity Studies, 105/6, Adhchini, (Near Mr Biliken Restaurant), New Delhi 110017 Tel: 011 2685 1339, 011 26851335, 011 41642147, 09810523018, harsh.m@nac.nic.in
- Ms Mirai Chatterjee, Member NAC, Self Employed Women’s Association (SEWA) “Chanda Niwas”, Opp. Karnavati Hospital, Nr. Town Hall, Ellisbridge, Ahmedabad 380 006 Phone # 079-26580530/265874460, Fax # 079-26580508 /25506446, mirai.c@nac.nic.in
- Mr K Raju, IAS, Secretary to NAC, Secretariat, Hyderabad Tel: 23452421, Fax: 23450270 krajuhyd@yahoo.com, kraju@ap.gov.in

Encl :

1. **Details of the post cards sent to you to steer NAC recommendation into a Parliamentary Act.**
2. **Hyderabad Declaration by a Nutritionists Conclave on Millets in Nutritional Security of India**
3. **Medak Declaration on the Inclusion of Millets in the Public Food Distribution in India**

(signed copy of this letter is enclosed)

--

MINI Secretariat
MILLET NETWORK OF INDIA
Deccan Development Society (DDS)
101 Kishan Residency, Street No- 5,
Begumpet, Hyderabad-500016.
AP, India.
Ph # :+91-40-27764577 /
27764744
Visit us at : www.ddsindia.com
Visit us at: www.milletindia.org

MILLET NETWORK OF INDIA

101, Kishan Residency, Street No 5, Hyderabad, Andhra Pradesh – 500 016,
Ph: 040 27764577 / 27764722, www.milletindia.org

p v satheesh

National Convener

February 19, 2011

Respected Madame Gandhi,

Let me begin this letter to you with a huge congratulations for the visionary position taken by the

National Advisory Council under your inspiring leadership by recommending the inclusion of

Millets in the PDS. This revolutionary step will not only dramatically alter the food and

nutritional security of this country but also bring enormous livelihood and farming benefits to

hundreds of millions of farmers in the vast dryland areas of India where poverty still reigns in

spite of the awesome progress made by India.

Millions of farmers, women, S Cs and S Ts from across the country have endorsed this

historic action of yours. But still they are a bit apprehensive about the possibility of a slip

between the cup and the lip. And hence on a request by the Millet Network of India, hundreds

of thousands of them from across the South India, Orissa and other parts of the country have

signed their own post cards with a passionate message to you to steer this NAC

recommendation into a Parliamentary Act.

We have sent all the details of the post cards signed as a attachments to this mail of ours.

We would also like to draw your kind attention to two other documents:

1. Hyderabad Declaration by a Nutritionists Conclave on Millets in Nutritional Security of India

2. Medak Declaration by a group of eminent concerned citizens on the Inclusion of

Millets in the Public Food Distribution in India

Both of these are reflective of the growing concern in the minds of eminent nutritionists and food policy specialists who feel that bypassing millets in National Food Policy might be hugely depriving India of a possible nutritional secure future. We earnestly request you to kindly look at these documents carefully alongside the fervent appeal by hundreds of thousands of very small, poor farmers, women and men, dalits and tribals from the dryland India and continue to lead this country into a millet based food and nutrition system

with warmest regards

[p v satheesh]

To

Smt. Sonia Gandhi, Chairperson, National Advisory Council, Chairperson, UPA INDIAN

NATIONAL CONGRESS, 24, Akbar Road, New Delhi – 110011 TEL : 91-11-23019080 , FAX :

91-11-23017047 soniagandhi@sansad.nic.in

Copy to

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Email: swami@mssrf.res.in / msswami@vsnl.net, ms.swaminathan@nac.nic.in, chairman@mssrf.res.in , swami.ms@sansad.nic.in

• Dr Ram Dayal Munda, C-101, Swarna Jayanti Sadan, Dr. B.D.Marg, New Delhi 110001

Telephone : 23765354, Mobile : 9013181222 Email : rdmunda@yahoo.co.uk

• Dr. Narendra Jadhav, Member, Planning Commission, Room No. 113, 1st Floor, Yojana

Bhavan, Sansad Marg, New Delhi 110 001. Tel: +91-11 23096566,Fax: +91-11 23096567

Email: contact@drnarendrajadhav.info, narendra.jadhav@nac.nic.in

• Prof. Pramod Tandon, pramod.tandon@nac.nic.in

• Dr. Jean Dreze, Development Economist, G.B. Pant Social Science Institute, Jusi, Allahabad

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• Ms.Aruna Roy, Social activist, Mazdoor Kisan Shakti Sangathan MKSS, Devidungri, Post:

Barar, District: Rajsamand, Rajasthan-313341, Tel: (02951) 243254, (01463) 288246, arunaroy@gmail.com, aruna.roy@nac.nic.in

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• Shri Naresh C. Saxena, former bureaucrat, Supreme Court Commissioner, Right To Food

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ak.skumar@nac.nic.in

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Action

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23450270

krajuhyd@yahoo.com, kraju@ap.gov.in

Encl :

**1. Details of the post cards sent to you to steer NAC recommendation into a
Parliamentary Act.**

**2. Hyderabad Declaration by a Nutritionists Conclave on Millets in Nutritional
Security
of India**

**4. Medak Declaration on the Inclusion of Millets in the Public Food
Distribution in India**

Hyderabad Declaration on

Millets For Health and Nutrition

January 18, 2011

We, nutritional scientists and doctors of Ayurveda, Naturopathy and Allopathy who came together at a seminar on *Millets, Health, Nutrition and Promotional Policies* strongly emphasize our support for millets and millet based food and farming systems. During the one day discussion held at the National Institute of Nutrition, Hyderabad on January 18, 2011 we shared our thoughts, recognised the current policy gaps and looked at specific ways forward to install millets in the national nutritional policies.

We believe that amongst the multiple securities millets bring with them, those related to health and nutrition are crucial to tackle rampant problems like anemia, diabetes, and other degenerative diseases as well as the rampant malnutrition in this country.

We applaud the National Advisory Council (NAC) for recommending the inclusion of millets in the Public Distribution System (PDS) and ICDS schemes through the draft National Food Security Bill. However we request both the NAC and Government of India to approach the issue of food security in a more holistic fashion so that it can also go hand in hand in encouraging millet based farming both in those areas where it has been lost and where it currently exists. There are several official studies since the 1970s which highlight the importance of millets and biodiverse farming systems in the nutritional security of India.

We believe that alongside an urgent and upfront recognition of nutritional and medicinal value of millets, there is an urgent need for:

- (ii) Inclusion of millets in the Public Distribution System (PDS) and other public food programmes, including those linked with social welfare hostels, ICDS and so on.
- (iii) Initiate robust and wide educational programmes for the popularization of millets in such a fashion that they are a part of urban and rural diet in a prominent way. This can be done by highlighting both the nutritional, health and medicinal aspects of millets.
- (iv) Generate public awareness regarding the importance and advantages of millets, especially in tackling chronic diseases like diabetes which are linked with nutritional intake
- (v) Improve nutrition education in various public health systems and AYUSH
- (vi) Start fresh research to ascertain the bio-availability of micro-nutrients in millets and their effects on degenerative diseases.
- (vii) Carry out studies to understand the effect of fine processing [that is often wrongly recommended] on millets and their nutritional content.
- (viii) Make available simple processing technologies such as millet hullers through the establishment of small scale processing units at village level, for use of the

communities in that village and he neighbourhood.

- (ix) Creation of a policy paradigm wherein farmers are specially incentivised to reinstate millet cultivation on their farm lands.
- (x) Recognition of millets as climate compliant crops and thereby promoting their cultivation and wide consumption.
- (xi) Government must provide farmers remunerative prices and other financial benefits such as ecological service costs for the cultivation of millets.
- (xii) Department of Science and technology, ICAR, as well as State Agriculture universities must provide grants for studying the role of preserving and promoting millet based agro-biodiversity systems.
- (xiii) Promote millet cultivation through government schemes such as MGNREGA
- (xiv) Establish community managed nutrition centres to promote knowledge and use of millets to ensure food and nutrition security. There is also a need to integrate community millet kitchens in this initiative.
- (xv) Support from the media community to highlight the importance of millets and generate both policy and consumer awareness

Our deliberations over the day have deepened our belief in millets. We once again reiterate that millets hold the key to resolving the problems of nutritional deficiencies as well as health problems that have surrounded both urban and rural populations today. Reinstatement of millets in our food, farming and dietary patterns is the only way out of the health and nutritional crisis that a country like India is facing today.

Endorsed by

1. P. Indira, Gandhi Naturopathic Medical College, Nature Cure Hospital, Balkampet, Hyderabad
2. Jan Paul Smith, Amsterdam, Netherlands
3. Dr. K.R.K. Murthy, President, ARISE, Mahendrahills, Secunderabad 26
4. Dr. Ganapathi Rao I, Sri Sangameshwara Sameeksha, Ayurvedalaya, Secunderabad
5. Dr. Rashmikala H B, Savaksha Ayurvedalaya, Mallalla, SIRSI, Karnataka
6. Dr. Yajna Naravi, Pranava Ayurvedalaya, Vinoba Bagar, Shimoga
7. Dr. Vibbi Balakrishnan, Ayurveda Academy, Chamrajpet, Bangalore – 18
8. Prof. K. Satya Prasad, Jana Vignana Vedika, Osmania University
9. Dr. A. Vasanthi Naidu, Karuna, Tarnaka, Gandhi Hospital
10. Dr. S. Bhavani, Hyderabad
11. Dr. T. V. Hymavathi, NAIP, ANGRAU
12. N. Kachu, Directorate of Sorghum Research, Rajendranagar, Hyderabad
13. Dr. M. P. Rajendra Prasad, Scientist 'E', Nin, Hyderabad
14. Dr. A. Laxmaiah, Scientist 'E', NIN, Hyderabad
15. Dr. G. M. Subbarao, Scientist, Examiner & Training Division, NIN, Hyderabad
16. Dr. PV Rao, HOD, Professor and Head, Department of Endocrinology and Metabolism, Nizam's Institute of Medical Sciences University [NIMS]
17. Dr. Prakash. Vinjamuri, Chief Functionary, Life-Health Reinforcement Group

18. Dr. Anitha Thippaiah, Assistant Professor, Indian Institute of Public Health, Hyderabad
19. Dr. Vijaya Lakshmi, Professor, College of Home Science, ANGRAU
20. Dr. Satyalakshmi, Research professor, Gandhi Naturopathic Medical College
21. Dr. Kameshwari S, Gynecologist, Life-Health Reinforcement Group, Hyderabad
22. Dr. Savithry, General Secretary, Ayurveda Academy, Karnataka
23. Dr. C V Raghu, Director, Pristine Organics, Bangalore
24. Dr. K Damayanti, Scientist, National Institute of Nutrition
25. Dr. Krishna Kumari, Prof. & Head, Dept of F & N, ANGRAU
26. Ms. Suneetha Sapur, Nutritionist, L.V. Prasad Eye Institute
27. Dr. Vijaya Khader, Formerly DEAN, ANGRAU
28. Ms. Salome Yesudas, Nutritionist, Deccan Development Society
29. Dr. Anurag Chaturvedi, Associate Dean, College of Home Science, ANGRAU
30. Dr. Mahtab S Bamji, Former Director Grade Scientist, NIN & INSA Honorary Scientist
31. P V Satheesh, National Convenor, Millet Network of India
32. Dr. K. Uma Maheswari, Professor (Food & Nutrition), Principal Secretary (QCL), ANGRAU
33. Dr. V. Prakash, Life-HRG, Hyderabad
34. Mr G. Vara Prasad Reddy, Dietician
35. Dr. B. Venkateshar Rao, Dietician, Gandhi Hospital
36. Dr. Latha Sashi, NUTRIFIT, Hyderabad
37. Dr. Mahtab S. Bamji, Dangeria Charitable Trust, Hyderabad
38. Dr. Lakshmi Durga Chava, Director (CMHN), Society for Elimination of Rural Poverty (SERP), Hyderabad
39. Dr. Anitha Thippaiah, Asstant Professor, Indian Institute of Public Health [IIPH], Hyderabad
40. Dr. Vivek Singh, Asstant Professor, Indian Institute of Public Health [IIPH], Hyderabad
41. Dr. Mala Rao, Director, Indian Institute of Public Health [IIPH], Hyderabad
42. Dr. K. Vijayanthimala, Director, Sarojini Naidu Women Studies Centre, [MGNIRSA]

**MEDAK DECLARATION ON
"MILLETS IN THE PUBLIC FOOD
SYSTEMS"**

January 30, 2011

Meeting in Sangareddy town, the administrative headquarters of Medak District, Andhra Pradesh, we senior administrators, agricultural and nutritional professors, civil servants, farmers, academics and civil society workers have come to the conclusion that millets are the foods of future because of their ability to provide high nutrition, conserve water, enhance agrobiodiversity and create millions of livelihoods in the small and marginal farmers in the disadvantaged parts of the country.

In view of this we have come up with the following MEDAK DECLARATION ON MILLETS IN PUBLIC FOOD SYSTEMS:

43. Medak has taken a major initiative in supporting millet food and farming systems in the district which will transform Medak into the FIRST MILLET DISTRICT IN INDIA. We congratulate the District Administration for this bold and radical initiative.
44. The rest of India should take a leaf out of this initiative and immediately introduce millets in all the public food systems in India.
45. We strongly urge that the recommendation made by the National Advisory Council to introduce millets in the PDS should be accepted by the Government of India as the new mandate for public food systems in the country. Accordingly the Government should take urgent steps to strengthen the supply side of millets to enable their introduction into public food systems.
46. As Millet Network of India has repeatedly demanded, millets should be introduced in the PDS in all millet growing areas of the country by 2015. And then make it a part of the PDS grains in the rest of the country by 2025
47. We demand that apart from PDS, government must immediately initiate millets in all anganwadi centres being run under the ICDS programme. This should be further spread at the earliest to mid day meal programmes in government and aided schools as well as in the all welfare hostels.
48. In order to do so, we must initiate a number of measures to encourage millet farming, including giving a bonus to all millet farmers @ Rs.10,000/Ha every year. This bonus should be in recognition of the fact that millet farmers are water conservers, biodiversity conservers as well as food, nutrition and health providers.
49. We also call upon the Medak District Administration to further the millet initiative to cover all mid day meal programmes in government and aided schools as well as in the welfare institutions. This must happen within the next ten years.

50. Medak should also take the lead in spreading and supporting millet farming in all the agricultural lands of the small and marginal farmers in the district.
51. In order to strengthen the supply side of the millet based food, nutrition and health security of the Indian nation we strongly demand that all agricultural operations on millet lands such as ploughing, weeding and harvesting must be supported by MGNREGA programme. This can be immediately piloted on the farm lands of the SCs and STs and in stages spread to all the agricultural lands of the small scale millet farmers.
52. In order to address the production and productivity of millets, public funded research in soil and moisture conservation, backyard biofertiliser production, credit and other supports must be focused on ecological production of millets.
53. We demand highly remunerative pricing and market support to millet farmers.

Endorsed by

1. Mr S Suresh Kumar, District Collector, Medak
2. Mr Biraj Patnaik Principal Advisor to the Supreme Court Commissioners on Right to Food
3. Mr K R Venugopal, Formerly Secretary to the Prime Minister and Rapporteur, National Human Rights Commission
4. Mr P V Sathesh, National Convenor, Millet Network of India
5. Smt Mary Grace Kumari, Project Director, ICDS, Medak District
6. Mr C Sudhakar, Additional Project Director, DRDA, Medak District
7. Dr Anishetty Murthy, Formerly Senior Scientist, Seeds & Plant Genetic Resources, FAO
8. Dr Vijaya Khader, Formerly DEAN, College of Home Science, ANGRAU
9. Prof B N Reddy, President, Jana Vignana Vedika, Dept of Botany
10. Sri A N Murthy, Retired Scientist, Hyderabad
11. Dr R Uma Maheshwari, Freelance Journalist, Hyderabad
12. Sri B Chandra Reddy, Joint Secretary, AP Rythu Sangham
13. Dr K R Chaudhry, formerly Professor in Agricultural Economics, ANGRAU
14. Dr A Prasada Rao, Formerly Professor of Soil Science, ANGRAU
15. Mr Vatturi Srinivas, National Coordinator, Millet Network of India
16. Ms Salome Yesudas, Food and Nutrition Scientist
17. Dr K Sailaja, Head, Medak District Krushi Vigyan Kendra
18. Dr. Anitha, Research Associate, College of Home Science, ANGRAU
19. Smt Samamma, Farmer, Bidakanne, Medak District
20. Smt Chandamma, Farmer, Bidakanne, Medak District
21. Smt Swaroopamma, Farmer, Yedakulapalli, Medak District
22. Smt Susheelamma, Farmer, Raipally, Medak District
23. Dr Brigitte Sebastia, French Institute of Pandicherry
24. Ms Dhana Lakshmi, DDS-KVK, Medak District

25. Mr Budhiram Singh, DULAL, Orissa
 26. Mr R Vishwanathan, Chennai
 27. Dr C Ranga Reddy, DMC HO, Sangareddy
 28. Prof B N Reddy, State Secretary, Jana Vignana Vedica, Hyderabad

Post Cards Dispatch Details as on February 18, 2011

S No	State	No of Cards Posted
1	Andhra Pradesh	95,313
2	Orissa	5,038
3	Karnataka	3,300
4	Madhya Pradesh	2,000
5	Tamilnadu	15,470
6	Gujarat	1,000
7	Maharashtra	1,000
	Total	1,23,121

“I Endorse Millets” endorsements sent from

Member of Parliaments	37
Members of Legislative Assembly	19
Doctors & Nutritionists	195
Scientists/ Academicians/ Teachers	256
Farmers/ Farmers Organisations	6493

Panchayat Sarpanches	59
Civil Society/ NGOs/ Consumer groups	342
Media & Journalists	8
Gen Citizens	63
Total	7472

Hello,

I think in this document missed out the programme for the children belongs to the age group of 14-18. it is also needed for those adolesent children to have better health.

Thanks,
Nagamani C.N.

I PLEDGE SUPPORT FOR MILLET BASED FOOD & FARMING

I _____ Krishna Prasad _____ representing
NGO _____ Bangalore _____,
_____ Karnataka _____ State, commit my support for the revival and
survival of Millet Based Food and Farming systems.

I also demand that Government of India seriously consider the following:

1. **Provide millets highest priority in the National Food Security Act:** Government of India should allocate at least 40% of its food security budget to millet based farming and food systems that will use millets as their major food component. This is because these grains are extremely crucial to tackle food and farming crisis in an era of climate change that warms up the globe and reduces water availability to cropping. Thus these should be the preferred crops while designing the nation's food security.
2. **Put millets into public food systems of India: Millets need to be integrated into the existing Public Distribution System (PDS):** Start with 5 kgs out of the present quota of 25 kgs in the year 2010 and gradually increase it to at least 50% by the year 2020. Also introduce millet meals twice a week in the ICDS, school mid day meals, welfare hostels and such other schemes of the government.
3. **Recognise millets as Climate Change Compliant Crops and promote their cultivation and consumption:** Climate change will result in higher heat, drought, lower rainfall and water crisis as well as high malnutrition. It is likely that rice and wheat might become unviable as food security crops. With the projected increase of 2 degree Celsius in temperature in near future, wheat will disappear from the farming scene. Rice varieties which need standing water for its cultivation, becomes one of the most dangerous emitters of methane, a green house gas. Thus millets will be the saviour or our food and farming systems
4. **Bonus to dryland farmers:** For the ecological role they have played dryland farmers need to be recognised and granted non-monetary bonuses for biodiversity, water conservation and sustaining solutions against climate change. The biggest bonus

here would be a policy push and incentive for millet based cultivation and consumption to be encouraged across the country.

5. **Implement Millet Based NREGA:** Investment on millet lands which apart from creating permanent investment for the poor can also create at half the cost of NREGA, double the employment days. It is also possible to simultaneously produce nearly 30 million tonnes of foodgrains [millets, pulses and oilseeds] and three times the nutrition of an equal amount of rice. A policy push to integrate NREGA investment on millet can be a safe investment for the poor and will continue to safeguard their fragile assets for them. In addition it will also help them produce the most nutritious cereals that defy the climate change crisis.
6. **Convert cultivable fallows into millet farms:** India has nearly 25 million hectares of fallow land under cultivable wastes and current fallows as of 2005-06. This indicates that the poor who are the majority owners of these lands are not able to bring them under plough. If the government works determinedly and helps the farmers to cultivate these lands and farm millets, the country will be able to produce a minimum of 25 million tonnes of millets, 5 million tonnes of pulses and fodder that can feed an astounding 50 million heads of cattle. This is a huge opportunity.
7. **Start a massive educational and promotional programme on millets:** In spite of this extraordinary array of fascinating qualities that millets have, they are condemned to live with the stigma of being called *Coarse Grains, Poor Man's Food* etc. Therefore it is high time that the government takes the lead to present millets in a favourable light which they richly deserve. To begin with millets must be called Nutricereals and not Coarse Grains and must be available to all the people of India and not be revived only as elite food, that is an increasing trend. The Millet Network of India [MINI] actually calls them Miracle Grains for all the securities that they endow us with.

The government must use its media campaign funds to take up millet promotion. If the media through government help is able to create a H1N1 education among people, bring children to polio centres, a strong media action from the government will also surely promote millets to high status grains.

I LOOK FORWARD TO GOVERNMENT OF INDIA'S ACTION AND POLICY IMPERATIVE.

(SD-)

Name: Krishna Prasad

Category: NGO

Organisation/ Institution: Sahaja Samrudha -Organic farmers association

Address: No7. 2 cross, 7th main,sulthanpalya,Bangalore-32

Phone: 080-23655302

Email id: sahajaindia@gmail.com

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G. KRISHNA PRASAD

Sahaja Samrudha

'Nandana', No-7, 2nd Cross,
7th Main, Sulthanpalya, Bangalore-560 032
Phone: 080-23655302 / 9880862058
www.sahajasamrudha.org

I PLEDGE SUPPORT FOR MILLET BASED FOOD & FARMING

I _____ Member of Parliamentarian
(MP)/ Members of Legislative Assembly (MLA)/ Members of Legislative Council (MLC)/
Consumers/ Doctor/ Nutritionist/ Teacher/ Scientist/ Academician/ Lawyers / Farmer/
Farmer organisation/ Union/ Panchayat President / Citizens representing / NGO / Others /
_____ District, _____ State,
commit my support for the revival and survival of Millet Based Food and Farming systems.

I also demand that Government of India seriously consider the following:

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- (v) **Implement Millet Based NREGA:** Investment on millet lands which apart from creating permanent investment for the poor can also create at half the cost of NREGA, double the employment days. It is also possible to simultaneously produce nearly 30 million tonnes of foodgrains [millets, pulses and oilseeds] and three times the nutrition of an equal amount of rice. A policy push to integrate NREGA investment on millet can be a safe investment for the poor and will continue to safeguard their fragile assets for them. In addition it will also help them produce the most nutritious cereals that defy the climate change crisis.
- (vi) **Convert cultivable fallows into millet farms:** India has nearly 25 million hectares of fallow land under cultivable wastes and current fallows as of 2005-06. This indicates that the poor who are the majority owners of these lands are not able to bring them under plough. If the government works determinedly and helps the farmers to cultivate these lands and farm millets, the country will be able to produce a minimum of 25 million tonnes of millets, 5 million tonnes of pulses and fodder that can feed an astounding 50 million heads of cattle. This is a huge opportunity.
- (vii) **Start a massive educational and promotional programme on millets:** In spite of this extraordinary array of fascinating qualities that millets have, they are condemned to live with the stigma of being called *Coarse Grains, Poor Man's Food* etc. Therefore it is high time that the government takes the lead to present millets in a favourable light which they richly deserve. To begin with millets must be called Nutricereals and not Coarse Grains and must be available to all the people of India and not be revived only as elite food, that is an increasing trend. The Millet Network of India [MINI] actually calls them Miracle Grains for all the securities that they endow us with.

The government must use its media campaign funds to take up millet promotion. If the media through government help is able to create a H1N1 education among people, bring children to polio centres, a strong media action from the government will also surely promote millets to high status grains.

I LOOK FORWARD TO GOVERNMENT OF INDIA'S ACTION AND POLICY IMPERATIVE.

(SD-)

Name:

Category: Member of Parliamentarian (MP)/ Members of Legislative Assembly (MLA)/ Members of Legislative Council (MLC)/ Consumers/ Doctor/ Nutritionist/ Teacher/ Scientist/ Academician/ Lawyers / Farmer/ Farmer organisation/ Union/ Panchayat President / Citizens / NGO / Others (please tick the appropriate category)

Organisation/ Institution:

Address:

Phone:

Email id:

Dear Sir/Madam,

I am attaching our response to the draft Food Security Bill on behalf of Rashtriya Raithu Seva Samithi. I hope it will be acknowledged.

Regards, Uma Shankari and Kiran Kumar Vissa

Response to Draft Food Security Bill

by

Uma Shankari

for

Rashtriya Raithu Seva Samithi

Date: 20 Feb 2011.

Rashtriya Raithu Seva Samithi (RRSS) is a farmers' organization working for the welfare of farmers in the state of Andhra Pradesh. On behalf of RRSS I am writing this response to the draft of the proposed Food Security Bill.

It is commendable that in spite of pressures to shrink and reduce the PDS in India (in the name containing the food subsidy), the NAC has come out with a draft of the proposed FSB which essentially seeks to widen and deepen the coverage of the PDS in India. We farmers consider ourselves as "Annadatas" of the country and we welcome this Bill as a progressive measure to address poverty and hunger. It is stating the obvious that majority of the rural population, including and particularly the small and marginal farmers depend on the PDS for part of their food requirements. In our country due to the small size of the land holdings, cultivators are not able to produce adequate grain and other food crops for themselves and the PDS fills this gap substantially, giving much relief and elbow room to the small farmers as well as landless agricultural workers. It is also a matter of satisfaction that the Bill gives special attention to the disadvantaged and needy categories. We also note that millets and pulses are being considered to be included in the Bill; we hope it will revive farmers' interest in dryland agriculture and food crops.

However, we have some reservations which I would like to put forward in the following paragraphs for your consideration.

In the recent years it has become a political expediency to announce the lowest price for the PDS. This has given rise to widespread apprehensions amongst the farmers that such low prices in the PDS drive down the farm gate prices. And although a procurement system is supposed to be in place it doesn't work well enough for the farmers, and they are often at the mercy of the millers and merchants who would naturally quote the lowest prices for the farmers and sell at a much higher price to consumers. This has been the case every year, including this year when rice farmers in AP suffered both from natural calamities as well as price crashes- the millers simply refused to buy saying they have no storage places.

Food prices fluctuate a great deal in our country and while the procurement – PDS system has historically had a function of stabilizing their prices in the open market, in the recent years, with increasing costs, the MSPs have invariably been way below the cost of cultivation for almost all the crops in all parts of the country (Pl. look at Appendix).

Recommendation 1:

To address the legitimate concerns of the farmers, giving remunerative prices to farmers (C2+50% as per the recommendation of Swaminathan Commission) should be made as an essential provision of the Bill, and not just as an Enabling provision as in the current Draft.

Reason: This is most important because the agricultural community, including small and marginal farmers and landless laborers, forms majority of the rural poor – and assuring their minimum livelihood and preventing further impoverishment is an essential part of ensuring the nation's food security.

It is also well-established that good prices are the best incentive to ensure adequate food production. In the light of concerns expressed by the Rangarajan Committee and others about the non-availability of the quantum of foodgrains required for the proposed Bill, we assert as a farmers' organization that the nation's farmers are producing adequately and are ready to raise the production further, *provided that remunerative prices and incentives are provided*. On the other hand, if remunerative prices are not assured, the production may well take a hit, and there will be enormous resistance from farmers if the government tries to meet its procurement needs through levy and other such coercive measures.

We recommend to the NAC that this is the most practical way of addressing the production concerns and overcoming them, and taking farmers' organizations along in support of this Bill.

Recommendation 2:

For the above reason we request you to de-link the issue price for the general category from the MSP and fix an appropriate affordable price for the general category, just as you have done for the priority households and ensure that farmers as well as consumers are protected and long term food security of the country is not undermined.

Reason: In the situation described earlier, it is a matter of deep concern for us that in the general category the issue price of the PDS products is being pegged at half of MSP. We apprehend that pegging the issue price for the general category at half the MSP will tend to keep the MSP down through populist pressure from the consumer side.

Recommendation 3:

Procurement of food free of chemical contamination should be encouraged on a preferential basis, and Genetically Modified food should be disallowed in any of the systems covered in the Food Security Bill.

Reason: Especially since children are covered in this Bill almost wholly, safe food should be our priority, and the heavy contamination of food in production phase through pesticides and agro-chemicals and in processing phase through harmful chemicals is of major concern. Furthermore, the possibility of Genetically Modified food being distributed in our food security system is a major threat to our well-being.

Recommendation 4:

Inclusion of millets, pulses and oilseeds in the PDS should be made an essential provision in the Bill, instead of an Enabling Provision as in the current draft.

Reason: Since the concern is about nutrition security, it is essential to include millets, pulses and oilseeds without which large section of Indian population will continue to be malnourished. Further, it is most important to include these crops in the procurement system since they are mostly dryland crops, take less resources to be cultivated, and form the mainstay of the production system in the vast rainfed areas of India. Mandatory inclusion of these items with remunerative procurement prices will also go a long way towards reducing the overemphasis and

incentivization of major cereals, paddy and wheat, whose cultivation is resource-intensive and suitable only to certain agro-ecological regions.

If there is a concern that buffer stocks and sufficient procurement doesn't exist right now, there can be provision to introduce them in a phased manner with a specified timeline. By leaving it in the Enabling Provisions, it is very much possible that they would not get operationalized citing some practical difficulties, and this would continue the present-day production distortions due to the rice-wheat regime.

In conclusion, we would like to emphasize that everyday we farmers are witnessing not only suicides but also farmers leaving agriculture as well as giving up growing food crops. If farmers' prices and incomes are not taken care of, supplies to the very PDS and other food security systems you are envisaging may itself become problematic, leading to large scale imports with implications for our food sovereignty. We hope you will give our recommendations a serious consideration.

Uma Shankari for Rashtriya Raithu Seva Samithi, Village Venkatramapuram, Vallivedu P.O. , Chittoor Dt. Andhra Pradesh. 517152.

Ph: 9989798493. e-mail: umanarendranath@yahoo.co.in

Appendix

Table 1: Average Monthly Income, Income from Cultivation and Expenditure of Farmer Households in agricultural year 2002-03, Major States of India

State	Monthly Income (All Sources)	Monthly Income (Cultivation)	Monthly Expenditure
Andhra Pradesh	1634	743	2386
Assam	3161	1792	2714

Bihar	1810	846	2459
Chhattisgarh	1618	811	2045
Gujarat	2684	1164	3127
Haryana	2882	1494	4414
Jammu & Kashmir	5488	2426	4109
Jharkhand	2069	852	1897
Karnataka	2616	1266	2608
Kerala	4004	1120	4250
Madhya Pradesh	1430	996	2329
Maharashtra	2463	1263	2689
Orissa	1062	336	1697
Punjab	4960	2822	4840
Rajasthan	1498	359	3288
Tamil Nadu	2072	659	2506
Uttar Pradesh	1633	836	2899
West Bengal	2079	737	2668
All India	2115	969	2770

Source:NSS Report No. 497: Income, Expenditure and Productive Assets of Farmer Households, 2003

Notes:

Income = Average monthly income (excl. rent, interest, dividend etc.) per farmer household in each of the major States during the agricultural year 2002-03.

Expenditure= Average monthly household consumption expenditure (Rs.) separately for farmer households during the agricultural year July 2002 to June 2003.

Table 2: Crop-wise list of states where MSP is lower than Cost of Cultivation

Name of the	States where the C2 cost projection by CACP for 2005-06 were more than

Crop	MSP
Paddy	A.P, Assam, Haryana, Karnataka, Kerala, M.P, Tamil Nadu & West Bengal
Jowar	A.P, Karnataka, M.P, Maharashtra & Tamil Nadu
Bajra	Gujarat, Haryana, U.P, Maharashtra
Maize	A.P, H.P, Karnataka, M.P, Rajasthan & U.P
Ragi	Karnataka, Tamil Nadu
Tur [Arhar]	A.P, Gujarat, Karnataka & Orissa
Moong	A.P, Maharashtra, Orissa & Rajasthan
Urd	M.P, Maharashtra, Orissa, Rajasthan & Tamil Nadu
Gram	Haryana, Rajasthan
Barley	Rajasthan

Compiled using data from Directorate of Economics and Statistics

<http://dacnet.nic.in/eands/costofcultivation.pdf>

The Secretary National Advisory Council,
2, Moti Lal Nehru Place,
Akbar Road, New Delhi -110011.

Dear Sir, Please find attached the Breastfeeding Promotion Network of India Comments on the NAC Draft National Food Security Bill.

Please acknowledge.

Sincerely,

Dr. Arun Gupta MD FIAP
Regional Coordinator IBFAN Asia,
Member, Prime Minister's Council on India's Nutrition Challenges,
Member Steering Committee World Alliance for Breastfeeding Action.
Chair, global Breastfeeding Initiative for Child Survival(gBICS)
Phone 91-9899676306

**The Secretary National Advisory Council,
2, Moti Lal Nehru Place,
Akbar Road, New Delhi -110011.**

Dear Sir, Please find attached the Breastfeeding Promotion Network of India Comments on the NAC Draft National Food Security Bill.

Please acknowledge.

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Dr. Arun Gupta MD FIAP
Regional Coordinator IBFAN Asia,
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Breastfeeding Promotion Network of India Comments on the NAC Draft National Food Security Bill hereinafter referred to as “Bill”

Feb 20,2011

“The National Food Security Act is envisaged as a path-breaking legislation, aimed at protecting all children, women and men from hunger and food deprivation”.

Stated Objective

An Act to ensure public provisioning of food and related measures to enable assured economic and social access to adequate food with dignity, for all persons in the country, at all times, in pursuance of their fundamental right to be free from hunger, malnutrition and other deprivations associated with the lack of food and related matters. The food entitlements created by this Act will cover the entire life cycle of a human being, starting with overcoming maternal and foetal under-nutrition resulting in low birth weight babies, and extending up to old and infirm persons. The first 1000 days in a child’s life (starting with conception up to the end of 2 years of age) will receive special attention.

The Breastfeeding Promotion Network of India (BPNI) welcomes the move to propose this Bill, and is happy to provide comments, which are related to infants’ right to food and other aspects of nutrition security which this Bill should seek to address for children under 2 i.e. 1000 days as mentioned in the Bill. If the Bill restricts to ‘food’ only entitlements and leaves out infants out of the Bill it will be seen as if these small under 12 months olds don’t have a right to food.

Our comments are para wise and page wise.

1. **Page 4 Under “enabling provisions** add “ (3) Universal access to breastfeeding counselling and support”.

(Rationale: Infant’s food is entirely ‘Breastfeeding for the first six months and much of this during second six months of life. He is dependant on their mothers and their success on the provision of services by the State. This is usually forgotten under discussions of Food. Other numbers can be changes accordingly.)

2. **Page 5 : In case the ‘Food and Nutrition Commissions’** are set up how will this commission ensure what is needed for nutrition security if the Bill does not provide for. **Add** in last line of the para “Nutrition related schemes” as well.
3. **Page 6 Objective : Add** in the last line of the objective, after ‘receive special attention..... “ through individual growth monitoring as well as protection, promotion and support of

breastfeeding that includes accurate information and skilled breastfeeding counselling, and support of breastfeeding at work places.

*(Rationale: Rates of exclusive breastfeeding for the first six months have not shown ANY rise in past 2 decades, and for this to go up it requires a set of six strategies , 3 main as protection from commercial influence, promotion , and support to women and 3 related strategies like research , data management and coordination. **That means India needs a plan , a budget and coordination to realize infants right to food.** Infant Milk Substitutes Feeding Bottles, and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992 as amended in 2003 provides for protection and promotion, but it has lacked implementation because Government of India has not put in a budget to implement this law)*

4. **Page 7. Under Maternal and Child Support: Add ..(7)** Breastfeeding and infant and young child feeding counselling as a service guarantee. Ensuring food at household level will help provide good home based timely and appropriate complementary feeding after six months along with continued breastfeeding.

Rationale: Counselling on breastfeeding is different from delivering a message, it's like confidence building measures for women because breastfeeding is under hormonal control and human milk flow depends on the state of mind of mothers. Clever baby food industry planed fears in the mind of women 4-5 decades ago that they may not have enough milk for their babies. This has to be special skill in health workers who can impart it to women. Apart from other strategies mentioned above, this needs a serious understanding by those programme and policy mangers who are trying to ensure food and nutrition security. Same logic has to apply to the Commissions, if they don't understand such details it is futile to expect from them responses on nutrition security.

5. **Page 12** under redressal mechanisms: Add National Nutrition Authority will be set up with the same principles as a national institutional mechanisms to address nutrition security of infants and young children particularly.

Rationale : As actions are being taken by the Prime Ministers' Council on India's Nutrition Challenges there seems to be no mechanisms that would lead to coordinated and convergent actions among many ministries, as well as provide guidance to centre and states. Food related issues are different from Nutrition issues and thus it require deeper understanding.

6. **Page 12 Under redressal mechanisms:** Add a line saying these bodies will be constituted avoiding all kinds of conflicts of interests. **This is important to keep away corruption and scams.**

To
The Secretary,
National Advisory Council,
2, Moti Lal Nehru Place, Akbar Road, New Delhi

Dear Madam,

We are writing on behalf of the Working Group for Children under Six (a joint working group of the Right to Food Campaign and Jan Swasthya Abhiyan). Please find enclosed our comments on the NAC's Framework Note on National Food Security Bill, from the perspective of children's right to food.

Thank you for giving us this opportunity to send our response.

With Regards,

Arun Gupta, Biraj Patnaik, Devika Singh, Dipa Sinha, Radha Holla, Samir Garg, Sachin Jain, Sejal Dand, T.Sundararaman, Vandana Prasad and Veena Shatrugna

WORKING GROUP FOR CHILDREN UNDER SIX

(A Joint Working Group of the Right to Food Campaign and Jan Swasthya Abhiyan)

Response to the NAC's Framework Note on Draft National Food Security Bill

Child undernutrition levels in India are among the highest in the world. This situation has been tolerated for

too long, and the National Food Security Act is a unique opportunity for radical change in this field.

Even

though the NAC has made some welcome recommendations, we are dismayed to note that children's entitlements have been completely sidelined by the "Expert Committee" appointed by the Prime Minister

(chaired by Dr. C. Rangarajan).

Over one third of children have low birth weights, and by the age of 1-2 years nearly half are underweight,

and close to 80% are anaemic. These appalling figures are associated with equally dismal nutrition indicators

among adult women, especially pregnant or lactating women. Ensuring children's right to food depends upon

the existence of comprehensive and universal minimum entitlements of all households to food and nutrition

including a universal PDS. Further, specific actions are required for children based on age-appropriate strategies as have been elaborated upon by the Right to Food Campaign in its draft Food Entitlements Act².

One of the main shortcomings of the NAC framework is its failure to protect the universality of the entitlements to food in general, whereas it does better in terms of spelling out entitlements for children. Some of these entitlements are already included, wholly or partly, in a series of Supreme Court orders on the

right to food. These orders must be incorporated *in toto* in the draft Act, as a basic first step towards the

protection of children's right to food. Beyond this, the NFSA must create and safeguard new entitlements.

The NAC has in fact adopted many of the recommendations of the Right to Food Campaign and also broken

new ground in spelling out some important preconditions for actualisation of children's right to food such as

stating, "Any child below the age of 14 years may approach any feeding facility ... for a freshly cooked nutritious meal, and will not be turned away on any ground" and laying out a well thought out grievance

redressal mechanism.

However, the NAC framework falls short on many counts. For instance, **adolescent girls have not been**

included in the NAC draft, in spite of a far-reaching Supreme Court order dated 13 December 2006,

directing Governments to universalize the ICDS, in the specific sense of "extending all ICDS services (supplementary nutrition, growth monitoring, nutrition and health education, immunization, referral and preschool

education) to every child under the age of 6, all pregnant women and lactating mothers and all adolescent girls". It is impossible to understand the grounds or logic upon which an already existing legal

entitlement for a group of children has been omitted in the proposed NAC framework.

The NAC has also **fallen short of laying out the reforms required in the existing programmes** such as

ICDS, to meet these entitlements. For e.g. there is no mention of ensuring adequate human resources, better

training, improving conditions of work for anganwadi workers, providing required financial investments for

adequate infrastructure and quality improvements, enhancing the quality of supplementary nutrition through

introduction of animal proteins, conducting awareness campaigns etc.

¹ The Working Group for Children under Six endorses the Right to Food Campaign's general response on the NAC's

Framework Note, all of which has significance for children. This response focuses specifically on the entitlements

relating to children.

² The draft Act of the Right to Food campaign is available at www.righttofoodindia.org

2

On the other hand in the case of maternity entitlements though the NAC has extended beyond Supreme Court

orders by recommending universal benefits, **it has only committed a half-hearted Rs. 1000 per month for**

six months which is not in consonance with rights available to women in the formal sector. At the very

least maternity benefits should be linked to existing wages to prevent an inequity being created in the law.

Provision of skilled breastfeeding counselling, maternity benefits and child care facilities must be seen as

enabling conditions for food security.

Meanwhile, the Rangarajan Committee did not even acknowledge the recommendations of the NAC

pertaining to children leave alone respond to them. The Committee's report, submitted to the Prime Minister on 7 January 2011, focuses exclusively on the Public Distribution System (PDS), that too in an

obstructive mode. This blind spot jars with the Expert Committee's opening recognition of the "disturbing

statistics” of nutritional deficiencies in India, and of the potential of the proposed Act as “the most important national effort yet to address these deficiencies”.

The Government must recognise that children are citizens *of today* whose nutritional rights have been grossly

violated for far too long and who must not be kept waiting any longer. We demand that the NAC rectifies its

recommendations in relation to children’s right to food and that these be incorporated into the law.

Such a law

must also guarantee sufficiency of funds for its effective implementation.

We reiterate our demand for full-fledged inclusion of the entitlements below in the NFSA.

I. Infant and Young Child Feeding

1. **Breastfeeding support:** Every mother shall be provided with all support services required for exclusive breastfeeding up to six months, including: (a) Skill counselling during pregnancy (b) Practical and skilled support at time of birth for initiating breastfeeding (c) On-going support during first six months through maternity entitlements and (d) Monthly visits by a skilled worker during the first six months after delivery. That means India needs a plan, a budget and coordination to realize infants right to food.

2. **No promotion of baby foods and foods for children under six years:** No person shall take part in the promotion of any commercial foods meant for children, directly or indirectly. Promotion of baby foods or infant milk substitutes, using any kind of media, gifts and other incentives such as sponsorship, seminars and workshops for health personnel, distribution of child health cards or other material related to infant and young child health using manufacturer’s logo, name, etc., by public or private companies, shall not be allowed at any level either with the public or with professionals. The provisions of this Act shall be in addition to the Infant Milk Substitutes (IMS) Act, 2003. In the case of any conflict the latter Act shall prevail.

3. **Take-home rations:** All pregnant and nursing women and all children in the age group of 6 months to

3 years shall be provided weekly take-home rations that can be locally prepared and meet minimum nutrition norms, with adequate animal proteins (milk, eggs, meat, fish) as well as fats, fruit and vegetables. The take-home rations shall be provided for at least 300 days in a year. No private contractors shall be used for the supply of take-home rations. In the event that the family is unable to collect the ration, it will be delivered to the home of the infant/young child.

3

II. Children Aged 0-6 Years

1. **Universalization of ICDS:** All children in the age group of 0-6 years shall be entitled to basic nutrition, health and pre-school education services under the Integrated Child Development Services (ICDS).

2. **Basic services:** These basic services shall include all child development services available under ICDS as of 1 April 2009, namely: (1) supplementary nutrition; (2) immunization; (2) health checkups; (4) referral services; (5) growth monitoring and promotion; (6) pre-school education.

3. **Anganwadis for all:** For the purpose of providing ICDS services, a full fledged Anganwadi shall be made available in every habitation of at least 300 persons. There shall be no ceiling on the number of children to be enrolled in a particular Anganwadi, and no eligibility criterion other than age. In habitations of less than 300 persons, ICDS services shall be provided through extension services or mini-Anganwadis, linked with the nearest Anganwadi.

4. **Anganwadis on demand:** Rural communities and slum dwellers shall be entitled to an “Anganwadi on demand” (not later than three months from the date of demand) in cases where a settlement has at least 40 children under the age of six years but no Anganwadi.

5. **Cooked mid-day meal:** It shall be the duty of all Anganwadis to provide a hot, cooked, nutritious mid-day meal to children who attend the Anganwadi every day of the year, except during holidays (and in any case for at least 300 days).

6. **No private contractors:** The mid-day meal under ICDS shall be cooked on the Anganwadi premises,

using local foods, without the involvement of any private contractor.

7. **Inclusion:** Special provisions shall be made for the inclusion of marginalized children in ICDS, including disabled children, street children, and children of migrant families.

8. **Minimum Facilities:** Each Anganwadi shall have the following minimum facilities:

- a. At least two Anganwadi workers and one Anganwadi helper.
- b. Its own, independent pacca building.
- c. Weighing scales required for different age groups.
- d. A medical kit with basic drugs (including ORS and IFA tablets/syrup).
- e. A kitchen with adequate ventilation, utensils, storage facilities, etc.
- f. Child-friendly toilets
- g. Safe drinking water as well as adequate water for cleaning
- h. Plates in sufficient quantity for all children.
- i. Toys and teaching material for pre-school education.

III. Identification and treatment of acute malnutrition:

1. Anganwadi workers under ICDS will be imparted suitable training to identify children with growth faltering, including those who are severe acute malnourished (SAM), and referring them for further treatment and nutrition education. In the event of any complaint or other alert of the possibility of a child suffering from severe malnutrition in the Gram Panchayat, it shall be the duty of the Anganwadi worker to investigate the situation and refer the mother and child to a nutrition rehabilitation centre if required.

2. Nutrition Rehabilitation Centres (NRCs) shall be set up in every District within one year and in every

Primary Health Centre within five years of this Act coming into force.

3. All children with growth faltering referred to NRCs shall be entitled to free treatment at the nearest NRC, for as long as may be required to restore them to good health. During this period, the mother of the concerned child shall also be entitled to free board and lodging at or near the same NRC

4. Any therapeutic food that is provided for the treatment of SAM shall be domestically produced with a special effort being made to procure the food locally, without the involvement of private contractors.

4

IV. School Meals

1. **Cooked mid-day meals:** It shall be the duty of all government and government-aided schools to provide a hot, cooked, nutritious mid-day meal to children up to Class 10 every day of the year, except during school holidays (and in any case for at least 200 days).

2. **Droughts and disasters:** At times of drought or natural or human-made disasters, mid-day meals shall also be provided during school holidays.

3. **Weekly menu:** The mid-day meal shall have a different menu on each day of the week. The weekly menu shall be prominently painted on the walls of the school, along with a functional Helpline number.

4. **Nutrition norms:** The nutrition content of the mid-day meal should be such as to meet minimum nutrition norms (calories, proteins etc.)

5. **No private contractors:** In rural areas, the mid-day meal shall be cooked on the school premises, using local foods. Private contractors shall not be allowed to supply the meal.

6. **Minimum facilities:** For the purpose of effective and hygienic provision of the mid-day meal, every government or government-aided primary school (or school with a primary section) in rural areas shall have the following minimum facilities:

- a. A kitchen shed with adequate ventilation, utensils, storage facilities, etc.
- b. At least one cook and helper, earning the minimum wage applicable to NREGA workers.
- c. Toilets
- d. Safe drinking water as well as adequate water for cleaning.
- e. Plates in sufficient quantity for all children.

7. **Social equity:** Mid-day meal cooks and helpers shall be women from the local community.

Preference

shall be given to single women and SC/ST women in the appointment of cooks and helpers; in such a way that at least half of them are from these disadvantaged groups.

V. **Financial Allocations:** Different recipes for take home rations and mid day meals in ICDS and

schools should be finalized by nutritionists such that nutritional norms are met. The financial allocations should be based on this and further, inflation indexed. There should be special financial allocation as a separate 'budget line' (as for immunisation) under child related schemes for protection, promotion and support of breastfeeding of infants to realise infants' right to food.

Arun Gupta Biraj Patnaik Devika Singh Dipa Sinha

The Secretary,

National Advisory Council,

2, Moti Lal Nehru Place, Akbar Road, New Delhi -110011.

Comment on the Framework Note on National Food Security Bill As Proposed by the National Advisory Council, Govt. of India

1. On one hand the Note states that the objective of the bill is to ensure "assured economic and social access to **adequate food** with dignity, for **all persons** in the country, at all times", and on the other hand, it restricts the coverage only to some arbitrary proportions of selected priority group and general group in rural and urban areas, and promises arbitrarily decided items and quantities of food.
2. This is untenable. If right to food is considered a Constitutional Right, such right cannot be restricted to some defined groups and categories of people, which would be discriminatory and hence unconstitutional. **The right should extend to ALL PERSONS**, as stated in the objective, without creating the so-called APL-BPL and urban-rural distinctions.
3. It appears that the Note mixes up Schemes with Acts, and has prepared the Food Security Bill, as if it were to be implemented as another Scheme. While a Scheme may address to the problems of a particular group, a National Act must have a general character. Since it is a matter of National Food Policy leading to National Food Security Act, it is desirable that **a general Public Distribution System should be proposed covering all persons**. To address the issue of hunger, price subsidies for the disadvantaged persons may be kept in the Fair Price Shops under the general PDS for all.
4. There is arbitrariness in determining the adequate food both in quantity and in items in food basket. There is no rationale for the proposed 7 kg and 4 kg per head in priority and general groups respectively. **The ICMR norm specifies it as 14 kg**. Secondly no pulses or oils have been included. So the proclaimed adequate food is not really provided.
5. An Act must spell out unambiguously the **authorities and the powers, functions or duties and responsibilities**, as well as penal measures for flouting the provisions of the Act. The Note is completely silent on this aspect.
6. An Act must also specify the system that can operate and is feasible. It is meaningless to talk about National Food security without clearly specifying the duties and responsibilities in respect of the system of food production and procurement. In this regard the Note has stated only a wish list. Such wish list cannot have any legal significance or meaning and ultimately kept as provisions under the Act. It is therefore desired that the NAC come out with **concrete proposal in respect of food production and distribution** also, so that the amount required under the PDS would be available.

--

Sutanu Bhattacharya, MA, PhD, AICWA,
Professor of Economics, University of Kalyani, Nadia, West Bengal, India
741235
Ph 943306 4877

Dear Dr. Rita Sharma,

We are writing in response to the invitation to send comments on the National Advisory Council's Framework Note on the National Food Security Act (NFSA). As outlined below, we are a group of students from various colleges across the country. Over the last six months or so, we have been trying to intervene in the debate on the National Food Security Act in a variety of ways.

We have attached our submission to this email.

Regards,

Students for Right to Food

Submission to the National Advisory Council on the Food Security Act by "Students for Right to Food"

The Secretary,
National Advisory Council,
2 Moti Lal Nehru Place,
Akbar Road,
New Delhi 110011.

Dear Dr. Rita Sharma,

We are writing in response to the invitation to send comments on the National Advisory Council's Framework Note on the National Food Security Act (NFSA). As outlined below, we are a group of students from various colleges across the country. Over the last six months or so, we have been trying to intervene in the debate on the National Food Security Act in a variety of ways.

The contents of this submission are organised as follows:

A. Who we are

B. BPL Survey 2010

C. NAC Draft National Food Security Bill: Criticisms

D. NAC Draft National Food Security Bill: Appreciation

E. NAC Draft National Food Security Bill: Our Recommendations

Appendix 1: Note on interaction with MPs about Food Security Act

Appendix 2: List of colleges participating in Students for Right to Food

Thanking you,

On behalf of "Students for Right to Food"

Aashish Gupta, Akansha Batra , Anish Vanaik, Madhulika Khanna , Prathamesh Turaga, Ria

Singh , Sahib Tulsi, Saloni Chopra, Simi Chacko

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A. Who we are

The grave situation with respect to food distribution and the nutritional crisis in the country

has been a longstanding issue of concern for most of us as informed young citizens.

More

recently, many of us have been struck by the urgency of the question based on what we have

seen and experienced during the course of field surveys and audits in rural areas across India

primarily related to the MGNREGA. Sixty four years after independence, malnutrition on a

mass scale ought to be a closed chapter. We feel that the proposed National Food Security Act

has the potential to tackle this serious problem.

Students for Right to Food was created out of a need to engage students and legislators on the

pressing question of the right to food for all and to create a flow of information between

students and the nation's policy makers. It started in July 2010 with a mixed group of students from Delhi University and JNU and has since grown to include students from other

universities in Chennai, Mumbai, Bangalore and Jharkhand. Over this period we have steadily been extending the scope of our activities apart from closely following the course of

the debate on the Right to Food Act.

Meetings with Members of Parliament

We felt that our discussions needed to transcend the realm of our regular spaces and an effort

should to be made to engage the elected representatives of our country in this process as well.

In little over six months, we have met more than 80 Members of Parliament (MP) from 18

different political parties across the country to share our views on food security and to listen

to their opinions. Through this we hoped to play a small part in facilitating an informed debate on this issue amongst our legislators, and also to make them realize that young people

are carefully watching their actions and hearing their words. Meeting with MP's has been an

interesting, enlightening, and occasionally entertaining experience. You can find out more

about what we heard and learnt in the appendix below and at our very popular facebook page.

Survey about PDS, October 2010

Having heard from some MPs that we were inexperienced and had little idea about the issues

that we were talking about, we decided to conduct a survey of the situation of the PDS across

three different states. We were particularly keen to understand more about the key question of

targetting, apart from learning more about the vulnerabilities and strengths of the existing

system. As one of the few systematic and focussed studies of this kind, we are eager to share

the results of this study and the next section outlines our major findings.

Documentaries and Discussions in colleges

Apart from continuing to spread the message online and through our meetings with MPs, we

have made a documentary about the Right to Food, clips of which are available on youtube.

Discussions have already been organized in several colleges – most notably St. Xavier's

college in Bombay, Lady Shri Ram College, Ramjas College and Khalsa College in Delhi. In

the coming weeks we shall be meeting with students of IIT Madras and St. Stephen's college

as well.

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B. BPL Survey, October 2010

In October 2010, three teams visited 3 villages each in the districts of Sirmaur (Himachal

Pradesh), Bikaner (Rajasthan) and Khunti (Jharkhand) to test the various methodologies for

identification of BPL households. This short note puts together our main findings from that

survey.

Observations on Identification of households:

1. Faulty BPL list

In Himachal Pradesh, we believe that the current allocation of APL and BPL ration cards was

more or less a case of hit or miss. There is no foolproof system for targeting the BPL, and the

basis for such economic and poverty demarcations between households is blurred and

unreliable.

2. Large exclusion errors due to poor overall coverage of the PDS

In our sample, 55% had a BPL card; but according to our survey (which combined the use of

a questionnaire with our own subjective evaluation and the judgement of local persons)

between 63-76% ought to have been classified as poor. Despite a high percentage of inclusion in each village, we could deduce that some vulnerable households were still left out, with special focus on the elderly and single women households. In Rajasthan, despite the recent increased coverage of BPL households, we felt that there were a number of households which had been left out of both of the BPL category lists.

3. Uniform inclusion/exclusion criteria cannot be applied across the country

Given the variations within the sample villages of a single district, we felt that no single method can be applied throughout the country. The approach should be state-specific as different states and regions have different circumstances and conditions to deal with.

4. Problems associated with "caps" specified from above

An important point that struck us (through our conversations with the Pradhan of one of the villages) was that there was cap on the number of BPL cards that could be allotted in a particular village. The imposition of caps led to an unfair distribution of the cards amongst the households.

5. Acrimony due to distribution of ration cards

In the sample villages of Rajasthan, there was a clear caste pattern in the way BPL status was accorded. All Muslims in Kanwalisar had been excluded from the government BPL lists though they seemed to live in poor conditions. People belonging to "lower" castes, living in a particular locality, had been wholly excluded from government lists. We noticed that castebased exclusion had led some acrimonious feelings among lower caste households towards the Rajputs.

6. Vulnerability remains high and people move in and out of poverty

Except for a few rich households, we believed that most households were poor or at least vulnerable to poverty, that is, they can slide to being classified as poor down with even a single mishap. In such cases, the concerned families are unable to get themselves reclassified, as there is no provision for this, and there are pre-specified "caps".

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7. Vulnerable individuals within households have insufficient coverage

There were certain households which though did not fall under BPL category even in our list. But we felt that there were individuals within the household which were vulnerable to food poverty- like old people and unwanted children, especially daughters given son-preference in

this region.

Performance of the PDS

In HP, the system of public services was fairly efficient. The ration shops in the district were

in good condition. People have benefited from the PDS. They are provided with wheat/rice,

oil, and one packet of dal. Record maintenance was poor but through public meetings we

learnt that people got their ration more or less on time. Even in Rajasthan, despite its faults,

villagers seemed to be benefiting from PDS system. PDS grain was a great cushion to many

households against the vagaries of weather and the uncertain nature of agriculture.

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C. NAC Draft National Food Security Bill: Criticisms

The Draft The National Food Security Act (DNFSA) begins by setting out that it “is envisaged as a path-breaking legislation, aimed at protecting all children, women and men

from hunger and food deprivation.” This is indeed laudable. It is only through such an ambitious vision that we can address the vast and crippling problem that pervasive malnutrition represents in India. Unfortunately, we feel that many of the stipulations of the

current draft end up short of ensuring that all children, women and men are protected from

hunger and food deprivation. Indeed certain sections seem to maintain the status quo rather

than being “path breaking”.

Criticisms relating to targeting and entitlements

1) Linking poverty figures and food security coverage

The draft begins with the claim that this bill aims to cover 90% of the rural population and

50% of the urban population. It goes on to state that the recipients would be divided into two

categories -- 'priority' and 'general'. While claiming that 'priority' groups shall be identified to

ensure that they constitute at least 46% of the rural population and 28% of the urban population. The draft does not state the rationale behind these proportions; however, they

appear to be based upon the poverty estimates of the Planning Commission.

The idea that a food security act should base itself upon a poverty estimate is extremely

questionable. Almost everyone agrees that the extent of the nutrition crisis in India goes well

beyond any of the various estimates for poverty. For instance, NSSO 61st round tells us that

79.8% of the population in rural areas and 63.9% of the population in urban areas fails to

achieve consumption of 2400/2100 calories, and that the extent of this deprivation has been

rising over the years. Second, at an individual level, food insecurity is an extremely dynamic situation. Families that were relatively secure can be pushed into difficult circumstances through any one of a variety of occurrences – prolonged illness, failure of a harvest, or death of an earning member, to name just three. A true food security act would provide security in precisely such circumstances. This cannot be guaranteed through a rigid, one-time definition as is necessary for a poverty estimate. The fundamental aim of providing food security – which must surely be to ensure that absolutely no one who needs food is left out – is of an entirely different nature than the aim of estimating the extent of poverty. Poverty estimates might have a variety of uses, and could be used to guide certain kinds of government policy. The provision of food security for every citizen is not one of them.

2) Problems of targeting and disparity in pricing between the entitlements of 'priority' and 'general'

The gaps between the entitlements of the priority and general gap seems to be fairly substantial. Especially when we consider the fact that 'half the minimum support price' is not very different from the current prices for the APL, which have driven a large chunk of households away from the PDS. Considering that any exclusion and inclusion criterion would have targeting errors (which might translate into sizeable numbers), disparity in terms of pricing will exaggerate the effects of these errors. This can be minimised with uniform pricing, while allowing the quantity of entitlements to vary within reasonable limits. (35 kg for priority and 20 kg for general)

3) Relationship between inclusion/exclusion criteria and proportions

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At its best, using inclusion/exclusion criteria rather than complicated points-based systems has the advantage of transparency, ease of targeting and the potential for a 'bottom-up' approach to food entitlement. If the criteria are simple then people can easily decide who should (or should not) be receiving food entitlements. In spirit, this is a step away from the current system of 'caps' based on pre-stipulated quantum of population and opaque criteria for the selection of beneficiaries. The present system of caps is 'top-down' and, as we found during the survey mentioned above, responsible in some measure for the targeting problems

of the PDS.

In a real sense, then, stipulating proportions of beneficiaries in advance of the criteria to be

used is contradictory. You cannot have both a top-down and a 'bottom-up' approach. This

takes on particular significance given that the provisional formulation about cost sharing

states that central financial assistance will correspond to the proportion of 46% and 28%

priority and 44% and 18% general recipients. In effect, this means a cap on the numbers of

people who can potentially be covered by the act. We fear that this will end up reproducing

some of the worst targeting problems of the present PDS. What about the situation where the

budget allocated for a certain area is exhausted but there remain people entitled as per the

inclusion/exclusion criteria? These inclusion/exclusion criteria might end up a dead letter

rather than truly correcting the targeting problems of the current system.

4) Insufficient specification about the nature and process of formulation of inclusion/exclusion criteria

DNFSA does not specify what the inclusion/exclusion criteria are to be. Nor does it stipulate

a transparent process by which these might be arrived at. We believe that it is possible to

have bad inclusion/exclusion criteria, or even good criteria implemented badly. These would

would perpetuate the persistent exclusion errors that mark the current PDS. It cannot be

stated whether the inclusion/exclusion approach would be an 'adequate' measure or substitute

for nutritional deprivation without any exclusion errors, unless it is known what they are.

Equally important, we believe, is that given the immense variability of the situations of people, it is important that there be sensitivity to the diversity of circumstances when

formulating these criteria. This is one of the things that we found in the survey we conducted

as well. For instance, a cap on size of land holding would operate differently in Rajasthan

than it would in Tamil Nadu. Or the example of weavers in Benares who constructed pucca

houses during their years of relative prosperity which excluded them from BPL lists despite

the severe malnutrition problems and induced deaths. The question of which body (central

government, state government, or some other authority) will formulate the criteria for inclusion and exclusion is crucially important.

5) Entitlements for vulnerable groups (aged and destitute)

While the entitlements of mothers and infants in the present draft are clearly safeguarded, there are no similarly clear provisions in terms of security for the aged. The summary also mandates entitlements for the destitute without specifying sources of the meal. The key suggestion of community kitchen is stated to be subject to “successful pilot tests”. This leaves room for introducing highly contentious forms of entitlements like food coupons, instead of ensuring successful running of community kitchens.

6) Fixing PDS entitlements only till the end of the 12th five year plan

Given the present rate at which the process of consultations and drafting of the Food Security

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Act is proceeding, it seems likely that by the time it is notified, we will be well into 2012.

Even after that, there are a number of pilots and experiments that have been mandated in the

current draft. It seems likely that the Food Security Act in its full form will only just have

started rolling out across the country by 2017. Thus, we urge that it would be too early to

allow entitlements accessed through the PDS to be revised. If the experience of the NREGA

is any indicator, a period of five years or so is the least that it will take for administrative

setups and people to get used to the functioning of the Act. To allow the revision of entitlements at that stage around 2017 runs the risk of allowing the programme to be crippled

just when it has got going.

Criticism relating to ‘Enabling provisions’

7) Lack of Mandatory Provision for Non Cereals

DNFSA states that ‘Governments shall endeavour to diversify commodities available under

the Public Distribution System (PDS), to include, over time, pulses, millets, oil and cooking

fuel,’(Part I Section 5.2.ii) it does not make it mandatory to include these (non cereal) sources

of nutrition to be covered under the Act. Given that the abysmal nutrition levels in India

include a decline in per capita protein and calorie intake over the last two decades, the above

commodities should be necessarily provided at least for those listed under the priority households. This is among the more crucial provisions that would genuinely herald a “path

breaking” change. It should, therefore, be moved into the binding entitlements rather than in

the seemingly advisory enabling provisions

8) Other 'enabling provisions' that should be entitlements

Certain other stipulations included in the enabling provisions are specific and important

enough to be included in the main entitlements. In particular, cooked rations and appropriate

health, nutrition and education services for adolescent girls; universal access to iodine, iron

and vitamin A supplementation; and universal access to pensions for aged, single and

disabled people at prevailing rates of minimum wages.

We understand and commend the idea that the enabling provisions contain aspects that are

necessary supplements to true food security but nevertheless require multi-faceted interventions in their own right. This is the case with universal health care or the revival of

agriculture. The ones that we have outlined here are very different. They are both clearly

specifiable and necessary to achieving the goal of food security for all. The enabling provisions have an uncertain status as they seem to be non-enforceable. We are concerned

that if some of the provisions included are, consequently, not enforced, we shall be falling

well short of the stated goals of DNFSA.

Criticisms relating to administration-related provisions

9) Incentivising uses of ICT, without adequate safeguards

The use of phrases like 'create space for innovative uses of ICT' (Executive summary) or

'They may also apply ICT, Smart Cards and other innovative technologies subject to successful pilots' (4.2.j) in the present draft is very vague. It must be recognized that technologies come in different stripes. There is, at present, much debate about the efficacy of

certain kinds of technology for the PDS, particularly those related to biometric identification

like the UID. Other kinds of technology are already proving useful – e.g., GPS for monitoring

trucks carrying PDS supplies, or computerization of records. Yet others might be potentially

useful though logistically difficult, e.g. hand-held computerized billing at every PDS shop. At

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any rate, the delivery of entitlements should not be made contingent upon the prior implementation of any of these.

It is not clear why any of these, essentially administrative innovations, need be enshrined in a

piece of legislation (rather than suggested best practices). Even if they are to be included,

there is an urgent need to clarify and specify the uses of these rather than leaving in vague

phrases that, in the present context, can be used to drive and incentivise technologies without

adequately debating, analysing and testing their claims and drawbacks. In the worst case scenario, reckless introduction of technologies might even have an adverse impact on the efficiency of PDS.

10) Management of Fair Price Shops

DNFSA only states that, 'preference shall be given to licensing Fair Price Shops to community institutions or public bodies such as Gram Panchayats, Self-Help Groups, cooperatives, etc.' (4.2.g). The conditions or timeframe under which public bodies would be

passed over for the running the Fair Price Shop are not specified. Experience from Chhattisgarh suggests that licensing FPS to gram panchayats result in greater accountability

of these Fair Price Shops. Licensing to community institutions ought not to be just a preference. This should be made mandatory.

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D. NAC Draft National Food Security Bill: Appreciation

While we do have serious reservations about many aspects of DNSFA, as outlined above,

there are elements of it that we do appreciate. The aspects outlined here, we believe, represent

a genuine step towards the provision of achievable food security for all. Each of these elements can be built upon. However, no future draft of the Food Security Act should scale

any of these provisions back.

1) PDS is mechanism of delivery

We are extremely pleased that the NAC has chosen to place the PDS at the heart of the

DNSFA. A transparent, accountable and efficient PDS functions better than any alternative

for the provision of the entitlements of the Food Security Act. It is already doing so in states

where the political will to implement and expand it has been demonstrated – Tamil Nadu,

Chattisgarh and Himachal Pradesh, among others. Other delivery mechanisms, in particular

market-based ones, should not be introduced into subsequent drafts of the Food Security Act.

2) Non-negotiable entitlements for maternal and child support

Scientific research has demonstrated that malnutrition between the ages of 0 and 3 years leads

to consequences that are irreversible even through a nutritious diet later on. It is crucial, then,

to address food security at this early age. By incorporating a universalised ICDS as per

Supreme Court instructions, DNSFA is taking a significant step. Furthermore, the fact that

entitlements to pregnant and lactating mothers and children up to the age of 14 cannot be

revised except through an amendment of the act, is welcome. One hopes, however, that improvements in the ICDS could also be incorporated in parallel with the stipulations for PDS reform. Most crucial among these is ensuring anganwadi coverage of every community and increasing the wages of anganwadi workers.

3) *Provision for decentralised procurement*

This provision is a welcome reform to the over-centralised system currently in place. It is also a more practical and economical system.

4) *Introduction of millets procurement*

The introduction of millets into the PDS is very significant from many points of view.

First, it

adds an extremely nutritious set of grains to the entitlements. Second, cost of procuring

millets is half that of rice, it will, therefore, reduce overall costs. Third, currently only 4 per

cent of coarse grains production is procured, this stipulation would encourage the production

of millets on a larger scale and provide a boost to a relatively undervalued area of the agrarian economy. In fact, these grains are more suited to the rainfed agro-climatic conditions

of India. Fourth, with the inclusion of millets, many of the doubts about the procurement and

production of enough grains to meet demand can be laid to rest.

5) *Incorporating grievance redressal*

DNFSA perceptively notes that 'The experience with rights based legislation is that the actual

delivery and realisation of these rights depends critically on the systems of enforcement and

accountability, as well as transparency, which are incorporated within the legislation.'

While

more work needs to be done on this aspect, incorporating grievance redressal provisions

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which are enforceable and have real teeth is necessary.

We do feel, however, that some provisions with respect to DNFSA need to be considered

more carefully. Might not the drawing of District Grievance Redressal Officers on a temporary basis from the private sector make the office vulnerable to manipulations by

commercial interests with no long term stake? The role of the Block People's Facilitation

Centre also seems to be insufficiently defined.

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E. NAC Draft National Food Security Bill: Our Recommendations

1) *Universal, not uniform*

We believe that "universal not uniform" is a sound principle for the PDS. This means that everyone should have access to the PDS, but the poor can be given more. This is possible, by tweaking the NAC framework. ALL rural households should get at least 35kg or 20kg. ALL households pay the same price. i.e., Rs. 3/2/1/ for rice/wheat/millet. In other words, we believe that the Food Security Act should **DIFFERENTIATE ON QUANTITY NOT PRICE!**

We believe that this is important for a number of reasons.

1) It creates a united stake in the PDS. A situation where practically everyone in a village is invested in a well-functioning is likely to be more vigilantly monitored and function more effectively than one where only the most vulnerable have such a stake
2) Everyone is assured of a sizeable subsidy (either for 20kg or 35kg). This would truly be an assurance of food security for all. We have seen that many households tend

to select themselves out of the PDS at the APL prices which are very similar to those proposed for the 'general' category.

3) Misclassification of households would no longer be as serious an issue. Since everyone would receive a sizeable subsidy, being classified incorrectly, or having your situation change would not have consequences as devastating as under the system currently proposed.

Cost implications: It will add approximately Rs. 7000 crores to the total cost of the NAC

proposal, i.e. 10% extra. Sounds like a lot? In 2009-10, the government gave customs duty

breaks worth the same amount for only TWO luxury goods: motor cars and photography instruments!

2) Ability to challenge classification as part of grievance redressal

The classification of households into 'general' and 'priority' based on clearly advertised

exclusion and inclusion criteria holds out the possibility of households being able to challenge their current classification. That is, if a family feels that it has been wrongly excluded by the survey (or put into the non-priority category when it should be in the priority

list) or has fallen into poverty because of an external shock after the survey, it should be easy

enough for that family to get itself correctly classified. Any system of grievance redressal

being outlined as part of the current PDS reform should incorporate this aspect as well. This

would add much needed dynamism to the process of targeting and, in conjunction with the

provision of universal price, significantly address the consequences of misclassification.

3) Add pulses and oils to the entitlements to be delivered through PDS

Given that the key issue to be tackled through the Food Security Act is malnutrition, it is

essential that sources of protein and fats be incorporated into the entitlements. At the very minimum this should be done for the households categorised as 'priority'.

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Appendix 1: Note on interaction with MPs about Food Security Act

"Food Security Act: Time to Act" is a platform of concerned students and citizens which

aims to deepen and sharpen the debate on the proposed Food Security Act, and has been

engaging with members of parliament, to convince them that the act should be universal and

comprehensive, with adequate safeguards for accountability and transparency. The following

note gives a taste of some of the interactions that we have had with Mps. More details can be

found at our facebook page <[http://www.facebook.com/#!/pages/Food-Security-Act-Time-to-](http://www.facebook.com/#!/pages/Food-Security-Act-Time-to-Act/143062112384331)

[Act/143062112384331](http://www.facebook.com/#!/pages/Food-Security-Act-Time-to-Act/143062112384331)>

Over the past six months or so, "Time To Act" volunteers have met more than 80 MPs, from

political parties of every possible hue, from diverse regions of the country and with very

different orientations. One of them hung images of Bharat Mata and MS Golwakar in his

home while another one from UP had a home office which looked like that of a high-end

technology enterprise. An MP came to talk in his pyjamas (wearing nothing above the waist),

while another one was a well-informed gynaecologist from Gujarat. It is common to dismiss

students in India's elite colleges and universities as elitists themselves, but through "Time to

Act", we have creatively used a democratic space that is available but seldom utilised, to

push the concerns of some of the most marginalised sections of our society.

The minutes of these meetings are being compiled regularly (and made available on the

facebook page of this initiative.) These 'notes' give us some remarkable insights about the

food security debate (while also telling us important things about democratic processes and

outcomes in India).

Universal entitlements: A marginal opinion?

A contentious point in the debate on the "Food Security Act" is whether food entitlements

should be universal or targeted to those who possess a BPL card. The Agriculture Ministry,

Planning Commission and the government support a targeted PDS. Do our MPs agree? Not

quite. A third fully supported universalisation. Consider Arjun Singh Meghwal, an ex-
IAS
BJP MP from Bikaner, who said that the process of targeting is corrupt, and that it
really is a
matter of chance who gets selected and who doesn't. Or consider Vilas Baburao
Muttemwar,
a congress MP from Nagpur, who countered the fiscal conservative rhetoric of the
planning
commission by saying that "A universal PDS is possible". Pradeep Tamta (Almora,
INC)
concurred – "Universalisation is the only way forward" and Abani Roy from West
Bengal's
revolutionary socialist party joined the chorus: "This government is not for the poor, it
is only
for the rich." Tapan Kumar Sen (CPIM) added to the demand: "A right is supposed to
be
universal."

We managed to change the views of 18 MPs, who initially were sceptical of the idea
of
universalisation. Thus, when volunteers first met Chonsheng Chang, Lok Sabha MP
from
Nagaland, he said that "A Universal PDS is not possible." When it was mentioned
that Tamil
Nadu has a universal PDS, his reply was, "I do not believe that!" Volunteers showed
him
websites of the Tamil Nadu civil supplies corporation, as also those related to the
PDS in
Chattisgarh. Towards the end of our discussion, he was asking, "If they don't have
money for
the poor, who do they have money for?!" Of course, it is not entirely possible to
change the
views of MPs in a small meeting, and there is also the possibility that MPs were just
being
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politically correct, and we shouldn't be naive in thinking that if they say the right
things,
they actually mean it.

About 12 of 72 (see Graph 1) were completely opposed to the idea of a universal
PDS. Dr.
Ram Prakash of the INC dismissed universal PDS as too theoretical (ignoring the fact
that it
practically exists in some states) and made a universal claim, "people don't want to
work".
Mr. Shanavas from Kerala (INC) thinks that only 25% of the people in the country are
poor,
and glorified our impressive economic growth in the past few years. Aditya Nath Jogi,
from
the BJP thought that the idea is *bakwaas* (useless), and reminded volunteers that
they should

speak in *Shuddh Hindi* (Pure Hindi) (Rajnath Singh, a senior leader of the BJP also did the same).

Wide support for comprehensive coverage

Another big debate is that of comprehensiveness. The Right to Food Campaign has argued that given the nature and extent of malnutrition in the country, just entitlements under the PDS would not be enough. The PDS cannot tackle malnourishment in children under six, iron deficiency and anaemia. Nursing, lactating and pregnant mothers need other interventions to ensure nutrition for themselves and their children. Thus we need to include children's right to food (through the ICDS) and mother's entitlements. The nutrition needs of the sick, the elderly, vulnerable groups as well as those of disabled are hardly met by the PDS in its current form.

We found that it is much easier to convince MPs that the right to food should be comprehensive (compared to convincing them that the act should be universal), but the debate on comprehensiveness seems to have received much less attention than it deserves, getting lost in the noisy debate on universalisation. The Rangarajan Committee, for instance, seeks to bother only about the PDS, despite acknowledging the nutritional emergency facing the country. In our meetings, 28 MPs supported comprehensiveness, 6 agreed to support after discussions, while another 15 were still confused, but did change their stand against comprehensiveness. Only 4 MPs (Graph 2) refused to listen to reason: A very significant finding, we think.

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Tamil Nadu's Adhi Shankar (DMK) informed us that the TN government is already giving bananas and eggs in Mid-Day Meals (Tamil Nadu introduced the scheme in the 1960s, but the rest of the country adopted it only after a hard legal and political battle fought by the Right to Food Campaign), and emphasised the importance of preventing lapses in hygiene and food quality. Smt. Helen Davidson, from the same state and party, wanted the act to explicitly make the District Commissioner accountable to implement nutrition-related schemes. Tamil Nadu pays, according to her, Rs. 6000 to pregnant women, compared to Rs. 1000 elsewhere.

We did try to convince these DMK MPs to push for similar demands for the rest of the

country. It should be easier for them, DMK being a part of the ruling coalition. If the DMK does make it an issue and manages to be successful, it would be one of the few instances when “coalition politics” managed to extract real victories for the people of India. *Nutrition emergency: a crisis unrecognised*
A big worry, however is that MPs seem unaware of the nutritional emergency which India’s citizens have been facing for the past decades. In an earlier article describing the Meetings with MPs, economist Reetika Khera, had written that “Most serious though, is the fact it has not occurred to any of the MPs we met so far that the country faces nothing short of a “nutritional emergency”, with a bad record on nutrition indicators, which are hardly improving over time.”

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As Graph 3 shows, very few (8) MPs are aware of these indicators. About 18 MPs are at best acquainted, having only a faint or vague idea of nutrition indicators. A large number (19) just need to be shaken up, and a small minority are ready to question even data collected by the National Family Health Survey. It is well worth noting that at least some MPs realise this distrust of hard numbers and lack of awareness in MPs of our pathetic record on nutrition. They urged us to make our representatives in parliament alert and aware – Mr. Gadhvi (INC, Gujarat) told us, “I am with you!”, while Mr. Charan Das Mahant, said “Only 5% of the MPs are interested in the country, and only 10% know about India. The rest are looting the country, or sleeping. We are with you, you have to wake those up who are sleeping.” Thank you, Sir! We are trying our very best.

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Appendix 2: List of colleges participating in Students for Right to Food

Delhi: Delhi School of Economics, Khalsa college, Kirorimal college, Lady Shri Ram College for Women, Delhi University Campus Law Centre, St.Stephen's College, Ambedkar

University, Jawaharlal Nehru University

Bangalore: Indian Institute of Science, National Law School, University Law College, Jain College, BMS College of Engineering

Mumbai: St. Xavier's college

Madras: Indian Institute of Technology

Oxford: Oxford University

Dear Sir /Madam,

I am hugely disappointed with the proposed draft which reinforces the dependency syndrome - the handout system as George Kent likes to say... By way of comments and feedback, I attach the paper that I had submitted to Dr N C Saxena and others at the NAC way back in June 2010. Briefly, I question the logic behind continuing with centrally sponsored schemes [which is what the Bill proposes to further consolidate in terms of universal PDS and all...] after having amended the Constitution to shift resources and responsibilities to the right level of self government.

I only hope that we all have the courage to get away from the usual posturing on party and ideology basis that we generally do and start asking the right questions which is the beginning of getting to solutions... It pains me that we are unable to conquer hunger not because of lack of resources but lack of will to "let go" and help people handle the poverty in their midst, than prescribing how many morsels the government must put in some body's mouth at intervals that a few decide sitting in Delhi !

--

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Food Security : An Alternative Framework

J P Misra

It is unfortunate that we continue to be pre-occupied with the quantity of grain or, at best, reverting back to universal PDS system. In other words, the existing paradigm is not being questioned to examine whether there can be an alternative framework for enhancing food security in a way that looks at peoples' lives than their entitlement to receive a few KGs of subsidized grains where the choice is any way limited to wheat and rice.

Are we asking the 'right' questions ?

Why does the Government continue to ignore the words of wisdom emanating from its own committees / Expert Groups ?

Abhijit Sen Committee [2001]

Constituted by Department of Food and Public Distribution in the context of deteriorating stocks [mainly due to serious shortages in storage facilities] and for examining long term grain policy, the Committee made a number of specific recommendations relating to food security issues. The Committee concluded that going from universal PDS to the targeted PDS has been a mistake and "it is essential to go back to an universal PDS...."

In relation to PRI role, this is what was recommended:

- "Expanding the existing Antyodaya Scheme of food support to become a food security system for the entire population. In particular, we recommend:
 - To include other destitute persons, covering those without regular income or economic support, in particular: old people, widows and other single women without regular support; disabled persons and terminally ill persons in BPL families; homeless and other households in extreme poverty. **Identification should be done by Panchayati Raj Institutions.** [emphasis added]
 - Where identification has already taken place and where PDS works reasonably well, Antyodaya persons/families can continue to be supplied grain through the PDS. However, in areas where there are problems with current Antyodaya offtake, **grain may be made available to Panchayats or other alternative channels to distribute to the identified persons.**" [emphasis added]

In relation to food security for the vulnerable, the Committee recommended that the universal PDS [with uniform issue /sale price] be supplemented with a cash subsidy component which the States can use to design their own food security scheme, e.g. issue of food coupons for the poor which entitles them to discounts in the PDS outlets. The cash subsidy could also be used by the States to strengthen food distribution system, either through measures to improve the PDS or on alternative

delivery mechanisms, e.g. grain banks. The Committee also recommended setting up a watch dog body to monitor the use of cash subsidy component by the States.

N C Saxena Report on PDS modernization [2009]

This report highlights the continuing lack of storage infrastructure [which prompted the constitution of Sen Committee nearly a decade back!] and sums up the situation as follows: “ the allocation of poorer States such as UP, Bihar and Assam got more than doubled, as a result of shifting to TPDS, yet due to poor off-take by the states and even poorer actual lifting by the BPL families, the scheme has not made any impact on nutritional levels in these states.” “ cost of handling of food grains is very high... for one rupee worth of income transfer to the poor, the Gol spends Rs 3.65, indicating that one rupee of budgetary consumer subsidy is worth only 27 paise to the poor. Thus the cost of income transfer to the poor through the PDS is much higher than that through other modes.”

The Report recommends a number of procedural and policy reforms. One of these related to resorting to cash transfers to the beneficiary’s bank account.

Bandopadhyay Committee Report [April 2008]

In 2006, the Planning Commission constituted an Expert Group under the chairmanship of Shri D Bandopadhyay to examine development issues to deal with causes of discontent, unrest and extremism. Among others, the Expert Group was called upon to “suggest measures for ensuring time bound achievement of livelihood security, health and nutrition security, food security etc. and also suggest changes in Central and State Legislations impeding the achievement of these objectives”.

On livelihood security issue, the Committee notes the multiplicity of “a half dozen programmes relating to Rural Development Division for alleviation of poverty” often with “a large disconnect among these programmes” at the field level. The Group notes that all naxalite affected districts are included in the BRGF and NREGA schemes and although the gram panchayats / intermediate panchayats are involved in the implementation of both, they often do not converge at the implementation level. In short, the Group concludes that “what goes on in the name of “naxalism” is to a large extent a product of collective failure to assure to different segments of society their basic entitlements.”

While the Report makes a good reading in so far as the diagnosis is concerned, its recommendations do not promise a fundamental change to the way the things happen now. For example, the Report

recommends that schemes meant for the SC/ST communities must be implemented vigorously by ensuring that staff is posted, it doesn't offer an alternative institutional framework except making oft repeated suggestions that *“ all central and state schemes should have enough flexibility to allow panchayat bodies to reshape them to suit their objective conditions”* or that *“panchayats should have authority to hold officers of the state working there accountable for their acts of omission and commission”*.

Why do the CSSs remain the way they were ?

What should become increasingly clear is that the people affected by the welfare schemes of the government ought to have a more direct role in the design and implementation of those scheme. This, one may argue, would have been the very logic behind the 73rd /74th Amendment Act. Eleventh Schedule [Article 243G], for example, assigns the following subjects [among others] to the local governments:

- Sl. No. 16: Poverty alleviation programmes,
- Sl. No. 25: Women and Child Development,
- Sl. No. 26: Social Welfare, including the welfare of the handicapped and mentally retarded,
- Sl. No. 27: Welfare of the weaker sections, and in particular, of the Scheduled Castes and Scheduled Tribes,
- Sl. No. 28: Public Distribution System.

The Amendments ought to have been followed by adoption of a time bound plan for re-structuring the CSSs. However, the CSSs have actually grown –both in number and size. Since each scheme has its own rules and procedures, often in contradiction with the rest and the people affected by them are not as 'knowledgeable' as the people who designed them or those who interpret them, the beneficiary becomes incidental than central to the 'scheme'.

Sure, every scheme now has a role for the PRI. However, it is more notional and recommendatory; even the NREGA, which is by far the best example of empowerment of local bodies, the GPs can undertake a 'work' only after it has been approved by the Programme Manager. Even the recommendatory role can be, and often is, undermined almost with impunity. Deccan Chronicle (Hyderabad), 12 March, 2010 reports, for example, how the Ministers 'forced' the State Finance and Rural Development Departments to release Rs 400 crores without bothering about the GP resolution; works were gotten approved on the basis of recommendation letters!

All the processes are in place supposedly to ensure proper utilization. However, these very processes are exploited by the vested interests and one reads a report almost on a daily basis about the misuse of funds. The HT (Delhi), 4th April, 2010, for example, carries a report of CAG audit of flagship CSSs [NREGS, Sarva Shiksha Abhiyan, National Rural Health Mission]; the CAG is reported to have found

grave inconsistencies in the utilization of funds for many schemes; improper identification of beneficiaries, diversion of funds, false NREGA muster rolls, inflated enrolment data (in the mid day meal scheme) and so on.

The question that must be asked therefore is this : when we know that existing processes are not working well, should we not try the alternative of transferring the resources to the local bodies along with the responsibility for outcomes ?

The Alternative Framework

George Kent, in his article “Swaraj Against Hunger” refers to the International Covenant on Economic, Social and Cultural Rights and emphasizes the distinction between two distinct obligations of the State, namely the obligation of facilitate the peoples’ access to utilization of resources and obligation to provide the resources. He argues that for all social programmes, government’s primary task should be to empower the communities to look after themselves instead of stunting their abilities to look after themselves by direct provisioning of food or social services. According to him, providing free food without end

Ideally, therefore, every level of the PRI should be given a block grant for discharging its assigned functions. For example, every Gram Sabha should be given resources for managing its Angawadi Centre and every GP should receive annual grant for managing its own primary school and its Sub-health centre. The Communitization programme in Nagaland has already demonstrated how this can be done and there is no reason why this can not be done in all parts of India.

However, it may be too much to ask in one go, so let us just keep to proposing an alternative framework for ‘food grain security’. Consider these:

- Establish a National Food Security Fund at the National, State, District, and Panchayat levels. The actual utilization of funds must rest with the Panchayat and the higher levels’ role must be limited to holding the funds, disbursing it to lower levels subject to whatever arrangements may be agreed between the Centre and the States. In fact, since the nature of the Fund is to provide ‘relief’ to the vulnerable families / persons with no / insufficient purchasing power, donations / contributions can be invited to enlarge the Fund and IT deductions allowed on same footing as contribution to CM/PM Relief Fund. Tapping additional sources must however be preceded by demonstrated effectiveness of the Fund operations.
- How do the GPs use the Panchayat Food Security Fund ? They can :

- Use a part of these funds to establish and maintain food grain banks in every Gram Sabha (hamlet in the case of remote areas). The Gram Sabha / hamlet will be crucial as we all know that this is the only level in our rural society where one can expect optimum cooperation among the families. This is already demonstrated in the State of Chhattisgarh where all hamlets selected their own Mitaniin [a woman community health volunteer] who were in turn capacitated by the State in terms of knowledge and skills and we have the evidence that malnutrition deaths in that State have come down considerably as the volunteers applied their knowledge and skills for looking after the children in their hamlets.
- Where to locate the food grain bank and how much space will it need? Considering that these must be in each Gram Sabha / hamlet, the space requirement will actually be quite small and can be set up in anyone's home. However, the Fund should allow construction of a small but secure structure to house the grain bank. This could be located in the existing Anganwadi or existing panchayat bhawan or primary school provided that the building is physically located within the boundary of the Gram Sabha / hamlet.
- Who manages the grain bank ? Given that food management has been traditionally the job of the women, this task must be assigned to a group of women from within the Gram Sabha / hamlet. There already exist a large number of Self-Help-Groups who can take over this responsibility. Ideally, all members of a SHG should be from within the Gram Sabha / hamlet. However, where the SHG cuts across Gram Sabhas /hamlets, this task can still be assigned to them provided the SHG looks after all grain banks, collectively, in all the Gram Sabhas /hamlets from where the SHG members are drawn. In Gram Sabhas / hamlets not having SHGs, such groups can be formed through facilitation by the NGOs.
- What happens to existing FPSs ? These should be converted into the grain banks for the Gram Sabha / hamlets where they are located and handed over to the existing [or to be formed] SHGs. It may be mentioned that the FPSs are already managed by women SHGs in some places [e.g. Chhattisgarh] and results have been at least better than the operator run FPSs.
- The SHGs, individually or collectively, procure any food grains locally, during the harvest time, or from the FCI / SFC outlets at any time. There should be no restriction in terms of what to procure except that the procurement price should not be more than the Minimum Support Price (MSP).
- The SHGs sell the food grains to all those who want to buy from the local food grain bank. This is where the subsidy to the end beneficiary can be built in; the food grain is issued to all at "MSP+" price [say, 10% over and above the MSP] or "purchase+" price [actual purchase price plus 15% if the purchase price was less than the MSP] to ensure financial sustainability of the SHGs and allowing them a small margin of 'profit'. While the rest buy the food grain directly, the GP can issue a voucher for the vulnerable families / persons. These vouchers, signed by the Gram Pradhan, are later en-cashed by the SHG. It may be relevant to mention that organizing vouchers [which can be a simple handwritten and signed note] at the GP level will be much less amenable to abuse than vouchers being issued at higher levels, simply because the SHGs would recognize the signature of the Gram Pradhan. It is also pertinent to mention that the issuance of voucher must not be assigned to those operating the grain banks; hence the suggestion to assign this task to the Gram Pradhan.

What are the advantages of the above alternative framework ?

Besides empowering the communities to 'look after the vulnerable among themselves', this helps address at least three other key issues:

- It will reduce the huge storage costs as the food grains will get distributed to smaller storage facilities closer to procurement points than now where even a non-surplus state like MP sends food grains procured to far away places in Maharashtra and Gujarat [Navduniya Bhopal edition dated 6 May, 2010 reports that the State had procured 29 lakh metric tonnes against a storage capacity of only 22 lakh metric tonnes and had agreed to send the 'extra' procurement to godowns in Gujarat and Maharashtra] !
- Distributed storage will not only bring down the storage costs [by reducing the volumes which are currently transported to and fro from one region (in a state) to another or from one state to another, this will also help eliminate rotting of food grains in the open; losses one sees more frequently these days through exposes by the media.
- It will divert a substantial quantity of food grains to the grain banks reducing the pressure on the FCI / SFC godowns. To be sure, we will still need these godowns as well as the corporations; however, allowing the village communities to procure around the harvest time will reduce the storage volumes they need as well as reduce the storage and transportation costs as mentioned. The Planning Commission estimates that investment of Rs. 7687 crore will be needed to expand the storage capacity [see article "India's Mountains of Shame", HT Delhi, 31st March 2010]. This translates into just about Rs 1.30 lakh per village [assuming 6 lakh villages, not Panchayats which are only 232855 as per MoPR data]. This is enough money to set up grain banks in every Gram Sabha / hamlet.
- It will allow the local communities to procure locally available and preferred cereals / grains. In fact, over a period of time, the SHGs would diversify into purchasing and selling even the food grains outside the MSP regime.

The cherry on the cake:

The distributed model suggested above will reduce the economic costs substantially [linear programming experts can make a more definitive estimation of this – which incidentally raises the question whether the existing procurement, storage and distribution model has ever been subjected to optimization analysis – the first thing that any retail chain owner will do !]. Assuming that the distributed model can achieve a modest reduction of 25-30% in the current economic cost of the PDS [Rs 19 per Kg for rice and Rs 14 per kg for wheat], the resultant savings can finance a major portion of the 'food security fund' proposed above.

The question, however, is whether the powers that be are willing to examine alternatives to existing seriously malfunctioning PDS.

Observations on National Draft Food Security Bill

1. The proposals in the Note will do little to meet the real needs of the poor and the dispossessed, in particular the pregnant and lactating mothers, and the young children amongst them, in any serious way.

The observation stems from the fact that the Draft is about "rice, wheat and millets" only. The unknown people who drafted it are members of the "General" category that the Draft specifies. They might try to live, for a month, on those three food grains, supplemented by the average rations of oil and vegetables that the homeless make do with, in the cities and towns in which they live. The experience might make them change their minds.

2. Nutrition Security is an obligation of the Indian State. It finds place in the Indian Constitution:

- In Article 21, which guarantees the fundamental right to life and personal liberty, the right to food being part of the right to life, and in,
- In Article 47, which makes it a primary duty of the State to raise the standard of nutrition, the standard of living, and the health of its people.

It also finds place:

- In Article 25 of the Universal Declaration of Human Rights (1949), which recognizes that every human being has the right to adequate food;
- In Article 11 of the International Covenant on Economic, Social and Cultural Rights (1966) and General Comment 12 of the Committee on Economic, Social and Cultural Rights, which elaborate the responsibilities of all State Parties to recognize the right of everyone to be free from hunger.

Finally, it finds place in:

- The Convention on the Rights of the Child (Articles 27.1 and 27.3) and the

Convention on the Elimination of All Forms of Discrimination against Women (Article 12).

India is a signatory to the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child.

3. The Draft Bill recognizes those forced to migrate away from their families to distant places in search of paid work as a category. There are areas in West Bengal in which the category consists almost entirely of men.

a) In the Sundarbans, young men of almost every household remain away from their homes and villages for more than half the year. They seek work, not just in the traditional places, meaning India's big cities and rich agricultural areas, but in new places like the Andaman islands. A team of us who did a post Cyclone Aila survey over a period of 4 days in the area heard were told about this phenomenon over and over again: young women who remain behind to look after the children and the aged in the family, stated it in a most matter of fact way.

b) In the yearly flux of migrant laborers, many of them Santhals, from the water stressed Western districts of Purulia, Bankura, Birbhum and West Mednipur to the fertile and water rich districts in the Eastern parts of the state is another such feature.

Will the people of the Sundarbans and the Santhals of the Eastern districts stay in their homelands as a result of the proposed Bill? No provision in it is aimed at ending this migration, huge though the all India numbers involved are.

4. The beneficiaries of the Scheme are to be part of proposed Vigilance Committees. About those Committees the Draft says, "At the time of delivery, the grain shall be weighed in public in the presence of members of the Vigilance Committee" (Section 4.2e), and says, "Every Fair Price Shop shall have a Vigilance Committee of 5 members. At least 3 of the Vigilance Committee members shall be women, and a majority shall be PDS card holders attached to that Fair Price Shop" (Section 4.2 k).

A bare majority amongst 5 is 3. Suppose the proposed majority consists of 3 women. What happens to it if one or more of them falls sick? The just procedure, if providing the adequate and nutritious food that is the Constitutional right of every Indian were the real object of the drafters, would have been, one to choose the entire Vigilance Committee only from amongst the women who get their quota of PDS food grains from the Fair Price shop that they are to keep vigil over, and two to pay them for the job that they do, which, since it is the Government's job as per its Constitutional obligations, should be paid for at 6th

Pay Commission rates.

5. That focus on women must prevail in all aspects of the scheme. If, for instance, cash or vouchers are to be provided, they must go to the woman of the family. The logic is clear. It is the women who are in charge of providing meals at home, not the men.

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meher engineer

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Dear sir/madam

greetings from Alliance for Sustainable and Holistic Agriculture (ASHA)!

Alliance for Sustainable and Holistic Agriculture (ASHA), a large network of organisations and individuals from across the country, welcomes the initiative by the National Advisory Council to create a statutory framework for ensuring food security for all Indians through entitlements around food, delivered through various programmes and schemes.

however, as a group which is greatly concerned about the agrarian crisis and the sustainability of farming and farming based livelihoods which has a direct relevance to the food security, we wish to share some of our concerns.

please find enclosed our response

with regards

ramoo

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www.agrariancrisis.in

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<http://www.takingroots.in>

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Alliance for Sustainable and Holistic Agriculture³⁵

Response to draft National Food Security Bill, 2010 by National Advisory Council

Alliance for Sustainable and Holistic Agriculture (ASHA), a large network of organisations and individuals from across the country, welcomes the initiative by the National Advisory Council to create a statutory framework for ensuring food security for all Indians through entitlements around food, delivered through various programmes and schemes. In light of the levels of hunger, malnutrition and destitution in the country, the fact that India ranks 126 on Human Development Index, and below our neighbours like Pakistan and Bangladesh on the Multi-dimensional Poverty Index, hunger should become the highest priority to the nation. The food entitlements covering the entire life cycle of a human being, starting with overcoming maternal and foetal under-nutrition resulting in low birth weight babies, and extending up to old and infirm persons as defined in the Bill is a positive step to address hunger in this country. Similarly, focusing on specially vulnerable groups in addition to localising procurement and distribution, broad-basing the PDS and incorporating clearly defined redressal mechanisms are positive steps towards eradicating hunger in the country.

However, at a deeper level, ASHA fundamentally recognizes that the current hunger, malnourishment and rural poverty are manifestations of the deep underlying agrarian crisis which needs to be addressed immediately. Long term food security of the people and the nation can be ensured ONLY through KISAN SWARAJ i.e., (a) a sustainable and viable production process, and (b) producers having access and control over their productive resources. This can be achieved only by ensuring livelihood and income security for the agricultural producer community, especially the small/marginal farmers (who form 90 % of farmers) and agricultural labourers, who also form a big proportion of the poor along with ensuring that diverse, nutritious and safe food is produced in sustainable ways with the productive base sustained. We believe that livelihood security for agricultural households and remunerative prices to farmers should be an essential part of the Food Security Bill.

Keeping this in mind, the Government should compulsorily ensure that provision of low-cost food should not create a downward pressure on procurement prices resulting in unremunerative prices for farmers. This could also tend to reduce the market price for food grains. There needs to be a guarantee within the Food Security Bill itself of remunerative prices for producers. Otherwise, the expanded food security system could have the unintended consequence of unfair burden on the agricultural community which would exacerbate the rural distress in the country.

In this context we strongly demand the following:

³⁵ Alliance for Sustainable and Holistic Agriculture, Alliance for Sustainable & Holistic Agriculture (ASHA)
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- a. Livelihood security for agricultural households and remunerative prices to farmers should be an *essential* part of the Food Security Bill in addition to ensuring access and control over resources for food producers, who also form a large chunk of consumers in this country.
- b. Expanding the scope of the PDS to include millets, pulses and oilseeds will go a long way in addressing malnourishment; therefore, these should not be kept in the enabling provisions of the Act but should be in the essential provisions. Further, these foods are predominantly from dryland crops, take less resources for cultivation and are the mainstay of sustainable production system in the vast rainfed areas. Mandatory inclusion of these would restore balance to the nutrition as well as cultivation systems of the country which have been distorted by the overemphasis on the major cereals rice and wheat. We also bring to your notice that millets which have already been kept in the Essential Provisions for some reason appear in the Enabling Provisions too. If there is a concern about the absence of buffer-stocks and current procurement levels for these crops, that can well be addressed by setting a timeline for phased inclusion. Instead, keeping it out of the essential provisions deprives the people of a major component of food security.
- c. For all other Enabling Provisions too, the Act should specify a timeline, ideally, of two years, to bring them into implementation.
- d. Localised procurement within a 10 kms radius is a welcome proposal away from the current inefficient centralised model of PDS which has neglected and destroyed vast tracts of cultivation in this country. However, the qualifying phrase which says “wherever feasible...” should be removed since this will be used as an excuse for not implementing this progressive clause.
- e. Just as there are many progressive clauses with regard to oversight, monitoring and transparent governance at the end of delivery of the entitlements to citizens, there should be such oversight and monitoring systems and mechanisms at the procurement and storage end too.
- f. In addition, the Bill in its final form must ensure that all problems like levy, restrictions on movement of food grains between districts and states which exists today in states like AP must be addressed.
- g. This legislation should not in anyway be linking issue prices with Minimum Support Prices (MSPs) as it may continue the tendency to keep the MSPs low.
- h. Unless large scale diversion of agricultural land to non-agricultural purposes is immediately stemmed, the purpose of the Bill may be defeated.
- i. Access to safe food must be ensured in addition to it being nutritious. In this regard government should ensure that no GM food enters the food chain and should prioritise and promote in various ways food produced without the use of agro-chemicals.
- j. The Bill should have an explicit provision against import of food grains to meet the food security needs; As an alliance that works with farmers around the country, ASHA asserts that the farmers of India are very much capable of meeting the current and future production and procurement needs for ensuring food security of the nation – *provided* that remunerative prices and incentives are given for food production, and diversion of agricultural land to non-agricultural purposes is prevented. A food security system that relies on imports while neglecting the production systems and producer community in the country is not meaningful.

In the light of production-related concerns being raised about the viability of the Food Security Bill, ASHA emphasizes that the most effective response by the NAC to those concerns would be to place the provisions for remunerative prices and protection of farmers' resources as an essential portion of the Food Security Bill. This would make farmers and agricultural workers of the nation true partners in this endeavour to provide food security to its people, and they will surely rise to the challenge now and in the future.

The Secretary,
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Dear,

Please find attached comments from Paschim Banga Khet Majoor Samity on the NAC's Note on the Draft National Food Security Bill.

Thanking you

Mijanur Rehaman

General Secretary

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For more information about our work and struggles , please also look at our new blog site at <http://khetmajoorsamity.blogspot.com>.

Critique of NAC's Note on the Draft National Food Security(NFS) Bill

The Background:- PBKMS's stand on what consists of food security is based on a development paradigm in which development is equitable, people centric and nature friendly. Hence we strongly believe that access to food for all can only be assured if we strongly emphasise on the development of sustainable and ecologically safe agriculture. We also believe that the development of agriculture in this manner is necessary because not only will it assure that there is sufficient food production, but it will also ensure that the producers of food- agricultural workers, share croppers, small and marginal farmers- who are also amongst the most hungry sections of the population become productive and economically better off. The NFS Bill put forward by the Right to Food Campaign, which we also helped to draft, therefore emphasized greatly on using an expanded and universal PDS

to revive agriculture, and on ensuring that resources within the country are first used for food production.

On the other hand, unfortunately, the general thinking today within the Government has been to delink issues of food production from food security in the NFSA. An expanded and universal PDS has been attacked as being unfeasible both from the point of view of financial resources and food grains necessary to implement it. The debate around the food security bill so far has therefore been based on how to ensure food security with as little resources as possible. While in 2008-09, for the benefit of the corporate sector, Rs.4.14 lakh crores of taxes, and in 2009-10, over Rs.5 lakh crores of taxes were waived, industry today before the budget is asking for further concessions from the forthcoming budget at the cost of food security. Before the Budget, for example, in an interview with CNBC-TV18, Director General of FICCI, Rajiv Kumar has opposed spending on the NFSA, saying that the food subsidy bill is already 1.4% of the Budget and the country cannot afford to spend anymore on this. Industry and many policy makers within Government have given their preference for retrogressive measures like

- i. cash transfers, instead of schemes like the Public Distribution System which also has a procurement side and therefore ensures food is grown.
- ii. helping in the second green revolution, a euphuism for changing agriculture from small peasant based sustainable agriculture into corporate controlled agriculture with GM seeds, increased use of company manufactured pesticides and fertilizers and other corporate manufactured inputs, with corporate determining crops and their usage, instead of hunger and people's needs determining this.
- iii. medicalising of the problem for starvation where fortification of food, addition of micronutrients, use of pre packaged balanced food (all of which are to be produced by the corporate) are being portrayed as the solution to hunger rather than increasing the capacity of food producers locally.

While the NAC has had within it many people who are friendly to the Campaign's view (and who are in fact members of the campaign), they have faced pressure on a consistent basis from people within Government to dilute their stand on what is necessary for food security. The NAC Note on food security is therefore a highly diluted version of an Act that could actually ensure food security. The main problems are as follows:-

OVERALL

1. While the objective of the bill says that it aims to ensure "assured economic and social access to adequate food with dignity, for all persons in the country, at all times", our experience with schemes and even the Supreme Court orders tells us that provision of food through multiple schemes and multiple places (TPDS, ICDS, MDMS, community kitchens, maternity benefits) means that people will have to run from one line to another and from one department to another at various stages of their lives to get food. Not all of these experiences of obtaining food from the system are "with dignity" and in fact are disempowering experiences where people have to deal with an insensitive bureaucracy.
2. Food production has been delinked from food security. Hence measures that could ensure food security through ensuring food production have been relegated to "Enabling Provisions" (part I, section 5). These provisions therefore are a wish list of what should be done, but there are no legal guarantees that these provisions are enforceable at any point of time, even in the future.
3. Food security has been reduced to a number of entitlements that provide food to various age groups and various social groups. The Note therefore tends to provide food to the hungry without any thinking about the causes of hunger or dealing with the causes.

PUBLIC DISTRIBUTION SYSTEM(PDS)

1. There is provision for only cereals in the PDS. No pulses and oils have been included. So we are talking about cereal security rather than nutritional security.
2. The BPL- APL categorization in the present PDS is the source of huge exclusion and inclusion errors, corruption and nepotism and also aids in siphoning off of foodgrains. The NAC draft continues this system and in fact complicates it further by now having three categories – excluded, general and priority- which will mean a continuation of the problems of targeting.
3. Amounts have been fixed at 35 kgs or 7 kgs per head for priority groups and 4 kgs per head or 20 kgs per household for general groups. There is no rationale for this, while the Campaign when it demanded 14 kgs per head of foodgrains had followed the ICMR norms.

4. The PDS will cover 46% of the rural population as priority group and 44% as general group, while in urban areas the figures are 28% for priority group and 22% as general group. This is roughly following the Tendulkar Committee and Hashmi Committee recommendation on the BPL for numbers who will come under the priority group. However, there is no reasoning given why the Government should not have followed the Dr. NC Saxena committee (which asked for 50% of the rural population to be covered) and Arjun Sengupta committee (which gave 77% as the population living below the poverty line)
5. Priority groups will pay Rs.3/2/1 for 1 kg of rice/wheat/millets. General groups will pay at most half the MSP for the food grains. However, again there is no logic given for this.
6. Prices, quantities and percentages of population covered in the PDS are only guaranteed till the 12th five year plan (point 3.5).
7. On the whole in the PDS, percentages of population to be covered, items and quantities to be given and prices – all seem to have been determined by the minimum the Government is willing to concede. There is no other visible logic. We can also expect a further cut back in all this once the Bill goes to the Government, going by the way in which the PMO has responded by setting up the Rangarajan committee over and above the NAC to question the recommendations of the NAC.
8. While decentralized procurement has received a lot of emphasis in the section on PDS reforms (Section 4.2), no mention is being made about an assured and remunerative support price (MSP) for rice and wheat (for millets this has been mentioned in 4.2b). Without this, procurement itself will falter as a good MSP is the key to procurement as well as production of foodgrains.
9. Section 4.1.3 admits that a significant expansion in production and decentralized procurement is needed but legal commitments to increased production have not been made.
10. Section 4.2 'a' to 'o' give a number of well thought out steps on PDS reform. However there is in 'g' ,“preference” for community management which should be changed to mandatorily having community management.
11. An additional safeguard that should be added to the section on PDS reforms is to make Gram Sabha approval compulsory every year for renewal of licenses.

MATERNAL AND CHILD SUPPORT

1. In this section ,care of mothers, support for breast feeding and supplementary nutrition for both mothers and children have been well outlined, generally in terms of a hot cooked meal and a snack, or in terms of take home rations. The Note is however silent on the condition of the families from which these children and mothers come. For families in poverty, where no steps are being taken in the Note to deal with situations of deprivation, supplementary nutrition will end up taking the place of meals within the family rather than supplementing nutrition given by the family. Thus, the entitlements outlined here cannot deal with hunger as a whole.
2. Maternity benefit of Rs.1000 per month for 6 months are being given which is a major improvement on the present JSY and NMBS. However, if we want women to rest and not work during pregnancy, maternity leave for six months with minimum wages should be assured, which would be much higher than Rs.1000 per month.(section 3.2.a b)
3. Provisions for adolescent girls that already form a part of the Supreme Court orders on Right to Food are glaringly absent.

ENTITLEMENTS FOR SPECIAL GROUPS

This section is to be welcomed because it at least begins to address the needs of migrants, destitute, homeless and urban poor and emergency and disaster affected persons. However again the Note does not deal with causes or with development measures to stop hunger, but only provides short term relief, generally again in terms of a hot cooked meal.

COMMERCIAL INTERESTS

The Note also adds “all commercial interests will be barred from supplying ready-to-eat or any other items for all child nutrition programmes. “, a welcome move, which should however be extended to all programmes in the Note and not just for children

PROTECTION AGAINST STARVATION

Section 3.4 states that it will be the duty of every state Government “to prevent starvation; to proactively identify people living with starvation or threatened by starvation for any reason; and to investigate and effectively respond to end conditions of starvation.” This is the only section in the Note that deals with causes of hunger and makes it legally necessary for every State Government to take preventive action against starvation . This section should be strengthened and should be extended to the Central Government also. It could if strong enough lead to the Government being forced for example to take action to re-open abandoned tea gardens where starvation is taking place amongst workers or for example to stop displacement when displacement is leading to hunger.

ENABLING PROVISIONS

These have remained only a wish list. To strengthen these provisions, it should be made time bound and there should be provision for periodic evaluation of whether the Government is taking such action.

SYSTEMS OF ENFORCEMENT AND TRANSPARENCY

Elaborate provisions have been made for grievance redressal , monitoring, fines and compensation and transparency. However, the powers to enforce of the District Grievance Redressal Officer and the National and State Commissions , as well as financial provision to cover their expenses (as well as that of the Block facilitation Centre) are also necessary. Otherwise, these provisions remain toothless.

A provision for the protection of activists who fight for their entitlements in this Act is also necessary, in order to stop violence, harassment and filing of false cases against those who use the Act to establish people’s rights.

Comments on the National Food Security Bill

The act appears to be comprehensive and promising one to cater to the nutritional security of the population. However, i have certain reservation about some of the provisions mentioned in the bill which are presented below

Part I

3.2,a(b)- The bill favours maternity benefit of Rs 1000/- per month to pregnant women for a period of six months in order to facilitate care, nutrition and rest during the pregnancy and after delivery.

As insights obtained from my recent research, i have found that maternity benefits given under Janani Suraksha Yojna (Rs.500 given to women towards the same) is hardly ever spent on the stated objectives. many a times these are taken away by the spouse for alchohal or is spent on other household consumerables. if the objective is to enhance the nutritional intake of women, it would be better to provide them adequate food (full meal-cooked cereals, eggs or vegetables and pulse), counselling and support the expenditure incurred during delivery by appropriate way (Gujarat's chiranjeevi yojna and 108 emergency transporation can be a model).

Part II

2- Fines and Compensation: The bill while proposes higher penalty to high up officials for erring on their responsibility, it is not very clear in terms of distribution of fine among the lower and higher rank officials. penalty is suggested three times to the cash equivalentof the entitlement but there is no clarity on the fined amount to be realised from the officials at all levels involved in the violation of entitlement.

A regular check on Anganwadi workers and opinion of the population about their working should be a mandatory provision. many atimes even the supervisors do not report or take proper action against the erring worker. Irregularities like not opening the anganwadis or not preparing the cooked food, poor attention to children's education are sometimes a regular feature in the remote areas. hope penalties will also be directed towards them.

There is also a need to put measures on the misuse of the card by the card holders (like selling the cereals or lending the card to others). appropriate and transparent methods need to be adopted in identifying the needy ones. Management of the PDS shop should be given to the mahila mandal or SHGs and procurement should be made at the local level first. an assessment in this regard should be made by the panchayats and preference should be given to small and marginal farmers.

Regards

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To

The Secretary
National Advisory Council
2, Moti Lal Nehru Place
Akbar Road
New Delhi

Dear Dr. Rita Sharma

I am writing in response to the invitation to send comments on the National Advisory Council's Framework Note on the National Food Security Act (NFSA). Since many submissions have already spoken about various details involved in the operationalisation of the act, I would only focus on the idea of universalisation and whether a universal PDS be financially feasible in India.

I know that the NAC has, more often than not, maintained a stance in favour of a universal strategy. However, I must clarify that universalisation is more about its principle rather than treating pre-1997 period as a "model PDS". While arguing for a *universal* PDS, we assert the need for a debate around universalisation and a move away from APL-BPL distinctions and also demonstrate that this is within reach, financially. In other words, our argument is that the starting point of the debate must be a universal PDS; we can then devise strategies for the poor within it.

Let us also add that universalisation is also, crucially, about inherent policy signals which it provides to the market as well as 'consumers'. It can also be argued that universalisation is not only contained in non-binding 'right' of all households to get subsidised food but also in actual distribution and offtake of food to the needy and general public at large. However, it is important to point out that offtake and demand themselves are functions of, among other things, the Central Issue Price (CIP), overall food subsidy regime, fiscal health of state governments and now the crucial distinction between APL-BPL-Antyodaya quotas which critically affect the PDS choices of various state governments. The data on offtake (which is often cited as a failure of universal PDS in "reaching the true poor") might reflect any (or a combination) of the above mentioned factors.

The argument can be understood in another manner too by simply witnessing the deep discomfort of the government towards the *principle* and *operation* of universalisation. The state seems to be afraid of universalisation because it creates concrete stakes for people in the entire process and content of public policy. In this sense, universalisation is a political goal to be achieved for equitable and progressive public policy in the country. The point that I have consistently made remains that while an expanded universal PDS can act as the basis for reasonably food sufficient households, other entitlements of the citizens must also be enhanced and expanded to cover the wide range of issues concerning infants and under-5 children, school-going children, pregnant mothers, homeless and street-children; and urban poor. But, all other interventions would remain stunted unless an *expanded universal PDS* is in place.

I am attaching a paper that I have co-authored on the "cost" of a universal PDS in India. We assumed *near-universal* PDS both to assert the need for a debate around universalisation and a move away from APL-BPL distinctions and also demonstrate that this is within reach, financially. It is clear from the analysis done in the paper that a basic universal PDS is very much feasible and does not cost much more than what is currently spent. It also presents a clear view about what is wrong with the PDS in the country and how is it less to do with *inefficiencies* and *leakages* in the system and more about the ideological transformation of the state/public policy in recent decades. The disproportionately modest cost implications of a basic universal PDS and the correspondingly vocal opposition testifies to this trend within and outside the government.

I hope the attached 'feasibility' study of the proposed 'universal' PDS would be taken into account for better mobilisation around the NAC draft before the government. Please note that the attached paper uses multiple methods and scenarios to arrive at the cost implications of the universal PDS in the country.

With Regards

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Project on
MONITORING AND ANALYSIS
OF BUDGETS IN
MAHARASHTRA STATE

RESEARCH

BRIEF - 4

Is a Universal PDS Financially Feasible in India?

Awanish Kumar and Aditi Dixit

The Committee is of the view that the Targeted PDS has failed and tinkering with it further will not help... We believe that given the balance between grain supply and demand, the persistence of regions of surplus and deficit grain production in the country, the underdeveloped nature of food grain markets in parts of the country, and undernutrition on a mass scale, there is still need for price stabilization nationally... This goal is best achieved by reverting to a system of allocations of grain at uniform issue prices with universal coverage.

(High Level Committee on Long Term Grain Policy, Government of India, 2002)

The Context

Malnourishment is an everyday reality in the underbelly of "shining" India. Dubbed by Utsa Patnaik (2007) as the "Republic of Hunger", India today has a vast majority of population that suffers from poverty and lack of adequate calorific intake.¹ For instance, in 2005-06, almost half the children under age 5 were stunted and 43 per cent were underweight. Among children between 6 months and 59

months, 70 per cent were anemic (IIPS, 2006).² According to Madhura Swaminathan (2004), “no country in the world comes close to India, in the absolute number of people living in chronic hunger”.³ Not surprisingly, in terms of depth and extent of the problem of malnutrition and hunger, India not only stands worse than other developing countries but even Sub-Saharan Africa (Dreze and Sen, 2002).⁴

¹ See Patnaik, Utsa (2007), “The Republic of Hunger”, in *The Republic of Hunger and Other Essays*, Three Essays Collective, New Delhi.

² See IIPS (2006), ‘NFHS-3 Factsheets’, National Family Health Survey 2005-06 (NFHS-3), International Institute of Population Sciences, Mumbai.

³ See Swaminathan, Madhura (2004), “Ending Endemic Hunger”, *Social Scientist*, 32 (7/8), pp. 42-47.

⁴ See Drèze, Jean and Sen, Amartya (2002), *India: Development and Participation*, Oxford University Press, New Delhi.

2

The declared objective of the UPA-II government’s proposed Food Security Bill is to address the acute problems of hunger and malnutrition in India.⁵ This Bill, drafts of which are doing the rounds, is yet to be presented in the Parliament. The important feature of the Bill is that it tries to ensure 35 kg of rice and wheat to all the Below Poverty Line (BPL) households in India at Rs 3 per kg. There is no general provision for supply of subsidized food grains for the Above Poverty Line (APL) households in the Bill. In other words, the proposed public distribution system (PDS) under the Bill would continue to follow the BPL-APL division, and further, eliminate the APL sections from its purview. The argument has been put forward by many official quarters that a universal PDS is not financially affordable for a large country like India. In this brief, our effort is to analyse this argument and estimate how much it would cost if the PDS has to be universalized in India.

The PDS in India

Till 1997, the PDS in India had universal coverage in all the States. The PDS was institutionalized in the 1960s and its major objectives were declared to be:

(a) maintaining stability in the prices of essential commodities across regions and in periods of price inflation;

⁵ The Rome Declaration at the World Food Summit

(1996) defined food security as “when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life”. Similarly, the Report on the State of Food Insecurity in Rural India puts it, “food security has three components a) availability of food in the market; b) access to food through adequate purchasing power; and c) absorption of food in the body”; see MSSRF and WFP (2008), Report on the State of Food Insecurity in Rural India, M. S. Swaminathan Research Foundation, Chennai.

(b) ensuring the entitlement of basic commodities at reasonable and affordable prices, especially to the poor;
(c) introducing rationing during scarcity; and
(d) keeping a check on private trade, hoarding and black-marketing (Swaminathan, 2000).

With all its problems of leakage and inadequate coverage, the PDS was successful in bringing a large section of our population under a food security net. As Isaac and Ramakumar (2009) argue using NSS data for 1986-87:

...subsidised purchases from the PDS acted as an important supplement to other sources of purchase of the major food items. The share of purchase from PDS in the total quantity purchased was higher in urban areas compared to rural areas. The fact that, with all its infirmities, the PDS played a role in keeping in check regional disparities in food grain consumption shows its potential as an instrument of welfare (p. 4).⁶

Thus, what was needed in the PDS by the 1980s was its further expansion, to regions and sections not covered (ibid.). However, official policy in the 1990s took the PDS onto a completely different trajectory. Under economic reforms, primacy was accorded to the logic of fiscal prudence, which entailed drastic reductions in subsidies, including food subsidy. This phase marked an important reform in the PDS, wherein the system was converted from a universal to a targeted system in 1997.

⁶ See Isaac, T. M. Thomas and Ramakumar, R (2009), “The Assault on Food Security: A Critique of the Food Security Bill in the Context of Kerala”, Paper presented at the National Meeting of Food Ministers, Government of Kerala, Trivandrum, September 19, available at

<http://www.agrarianstudies.org/UserFiles/File/isaac_and_ramakumar_The_Assault_on_food_Security.pdf>.

3

Following the introduction of the Targeted Public Distribution System (TPDS), the population had to be classified into Above Poverty Line (APL) and Below Poverty Line (BPL) categories. Only those households classified as BPL were eligible for subsidised purchase of commodities from the ration shops. In the first phase of TPDS, the APL households were eligible to purchase commodities from ration shops, but had to pay the full “economic cost” of the handling of commodities.

Errors of Exclusion under TPDS

Most contributions to the poverty debate in India employ NSSO surveys that estimate household consumption expenditures. If we take the nutritional status of the population to define the poverty line, a larger number than those identified as “not poor” by the NSSO fall in the category “nutritionally poor” (see Patnaik, 2010 on the validity of the nutrition norm).⁷ While not going into the ensuing debate, it is clear that Deaton and Dreze (2009) also conclude that nearly 80 per cent of the rural and 76 per cent of total population was below the nutritional consumption norm of 2400 calories in 2004-05.⁸ They also highlight an increase in poverty, according to the nutrition norm, from around 68 per cent in 1993-94 to 76 per cent in 2004-05.

The Arjun Sengupta committee estimated using the NSS data itself that around 77 per cent of the Indian population could be classified into what the committee calls the “poor and vulnerable” category (with a per capita consumption expenditure of less than Rs 20 per day).

⁷ Patnaik, Utsa (2010), “A Critical Look at Some Propositions on Consumption and Poverty”, *Economic and Political Weekly*, 45(6), pp. 74-80. See also Patnaik, Utsa (2008), “Re-conceptualising Poverty”, *The Hindu*, September 3.

⁸ Deaton, Angus and Dreze, Jean (2009), “Food and Nutrition in India: Fact and Interpretations”, *Economic and Political Weekly*, 44 (7), pp. 42-65.

On the other hand, the Suresh Tendulkar committee, which abandoned the calorie norm method of estimating poverty and substituted it with an arbitrary poverty line, estimated the share of the income poor population to be

41.8 per cent in the rural areas and 25.7 per cent in the urban areas (for critiques, see Ramakumar, 2010 and Swaminathan, 2010).⁹

All the above estimates of poverty are based on sample survey data, and do not aid in the identification of who the poor are. As Ramakumar (2010) noted:

Errors of “wrong exclusion” in targeted programmes in India are due to the separation of the processes of (a) the estimation of the number of poor and (b) the identification of the poor. It is for the absence of a reliable and feasible method of combining estimation and identification that political and social movements have been demanding universalisation of welfare schemes like the PDS. It is, thus, essential that samplebased poverty estimates from the NSS are not mechanically linked to the eligibility to access welfare programmes.¹⁰

After 1997, there has been a massive exclusion of the needy households from the PDS. There have been major mismatches between households classified as BPL by the government and their actual standard of living (Swaminathan, 2000; Gol, 2002; Ramachandran, Usami and Sarkar, 2010).¹¹ As

⁹ See Ramakumar, R (2010), “The Unsettled Debate on Indian Poverty”, The Hindu, January 2, available at <<http://beta.thehindu.com/opinion/lead/article74196.ec>>; and Swaminathan, Madhura (2010), “A Methodology Deeply Flawed”, The Hindu, February 5, available at <<http://www.hindu.com/2010/02/05/stories/201002054300800.htm>>.

¹⁰ Ramakumar (2010), cited above.

¹¹ See Swaminathan, Madhura (2000), *Weakening Welfare: Public Distribution of Food in India*, LeftWord Books, New Delhi; Government of India (Gol) (2002), “Report of the High Level Committee on Long Term Food Grain Policy”, Department of Food and Public Distribution, Ministry of Consumer Affairs, Food and Public Distribution, New Delhi; and Ramachandran, V. K., Usami, Y. and Sarkar, Biplab

4 noted in report of the “High Level Committee on Long Term Grain Policy” (chaired by Abhijit Sen), “the narrow targeting of the PDS based on absolute income-poverty is likely to have excluded a large part of the nutritionally vulnerable population from the PDS” (Gol, 2002).¹²

Swaminathan and Misra (2001), based on a survey conducted in Mohakal village in Thane in Maharashtra, identify numerous issues with

the actual operationalisation of TPDS including the fact that the persons responsible for the task of identification of BPL households are often untrained.¹³ This, in turn, gave rise to many errors in the field during process of identification of 'poor' households. It is also clear that since the poverty estimates are not dependent on any objective criteria, they are often prone to erroneous judgments. In this context, Table 1 presents the distribution of households by types of ration cards possessed; it shows that less than 30 per cent of the rural population was classified as BPL in 2004-05, and thus eligible for the (2010), "Lessons from BPL Censuses", The Hindu, April 21, available at <<http://www.hindu.com/2010/04/21/stories/2010042153701000.htm>>.

¹² Gol (2002), cited above.

¹³ See Swaminathan, Madhura and Misra, Neeta (2001), "Errors of Targeting: Public Distribution of Food in a Maharashtra Village, 1995-2000", *Economic and Political Weekly*, 36 (26), pp. 2447-2454.

TPDS. The remaining 70 per cent of the rural population was classified into the 'de facto APL' category and hence not covered under TPDS. Further, in poorer states like Bihar and Rajasthan, this figure was even lower at less than 20 per cent (see Swaminathan, 2008).¹⁴ Let us now consider agricultural laborers, who form the most marginalised section of the Indian society. Only 48 per cent of the agricultural laborers in rural India possessed BPL or Antyodaya cards (Table 2). Further, in states like Bihar, the share of households that possessed BPL or Antyodaya cards was lower at less than 30 per cent.

It is thus clear that while the TPDS is ostensibly aimed at reducing the Type I error in targeting, it invariably enhances the Type II error with heavy human and social costs. The results of the study in Mohakal village indicate that the Type I errors in entitlement reduced from 34.6 per cent to 10.1 per cent in the TPDS interim period (1995-2000) and further to 2 per cent in the final TPDS period (after 2000). On the other hand, the Type II errors in entitlement increased from 5.5 per cent to 25.7 per cent during the interim period and

¹⁴ See Swaminathan, Madhura (2008), "Programmes to Protect the Hungry: Lessons from India", DESA Working Paper No. 70, United Nations Department of Economic and Social Affairs, available at <http://www.un.org/esa/desa/papers/2008/wp70_2008.pdf>.

Table 1 Distribution of households by type of ration card possessed, rural areas, India, 2004-05, in

per cent

State

Share (%) of households with cards of type:

Antyodaya BPL APL No Card

India 2.9 26.5 51.8 18.7

Bihar 2.3 15.1 60.1 22.5

Rajasthan 2.8 15.7 77.9 3.6

Chhattisgarh 4.4 34.9 32.1 28.6

Nagaland 0.4 6.3 3.0 90.4

Orissa 2.0 42.4 22.5 33.1

Source : Swaminathan (2008).

5

further to 54 per cent in the final TPDS period.

Debates have been raging in learned journals on the misplaced contours of 'poverty lines' and 'efficient targeting' as integral to public programmes while summarily ignoring pleas for appropriately applying nutritional norms instead of arbitrary 'normative' estimates. Universal PDS has been the prime victim of this misplaced academic and policy emphasis. On the one hand, we have numerous studies attempting to estimate 'true poverty' on the basis of the nutrition norm and coming up with significantly higher incidence of poverty than officially acknowledged.¹⁵ On the other, with the ever more conservative social policy stance of the ruling UPA-II regime, we have seen a progressive increase in the arbitrary nature of TPDS with the almost complete removal of APL allocations from the central quota to States and the whimsical 'fixing' of the number of BPL and Antyodaya households. The hope raised by the proposed Food Security Bill would amount to nothing if it follows the current APL-BPL-Antyodaya model and shies away from the fundamental question of universalizing PDS.

¹⁵ The term "true poverty" is used by Patnaik (2008).

Universal PDS: How Much Would It Cost?

As fiscal rectitude is given as the primary reason for not having a universal PDS, it is important to look at how much a universalized PDS would actually cost.

The M. S. Swaminathan Research Foundation (MSSRF), in its recently released Report on the State of Food Insecurity in Rural India, attempts to analyse the economic feasibility of a universalized PDS (MSSRF and WFP, 2008).¹⁶ The calculations in this report are

attributed to Madhura Swaminathan, and are reproduced from the final report of the National Commission for Farmers (NCF). The analysis has following assumptions:

a) Universalisation implies coverage for at least 80 per cent of the population of India.¹⁷ The universal PDS should exclude (through self-selection) the richest 20 per cent of the population.

b) Universal PDS would provide the prevailing BPL allocations of 35 kg of wheat and rice at Rs 4.15 per kg and Rs 5.65 per kg respectively to 80 crore persons.

¹⁶ See MSSRF and WFP (2008) cited above.

¹⁷ The figure of 80 per cent is close to the proportion of population classified into 'poor and vulnerable' by the Arjun Sengupta Committee.

Table 2 Distribution of agricultural labour households by type of ration card possessed, rural areas, India, 2004-05, in per cent

State

Share (%) of households with cards of type:

BPL/Antyodaya APL/No Card

India 48.0 52.1

Bihar 29.1 70.9

Rajasthan 32.4 67.7

Chhattisgarh 54.3 45.8

Nagaland 0.0 100.0

Orissa 59.8 40.2

Source : Swaminathan (2008).

⁶

c) The current economic cost borne by the FCI and an average family size of 5 (NFHS-3 estimates the average size to be 4.8).

The Centre for Budget and Governance Accountability (CBGA) attempts a similar estimation (CBGA, 2010; also see Jha and Acharya, 2009).¹⁸ The assumptions in this analysis are:

a) Coverage of all the 23.96 crore households of the country with 35 kg of

¹⁸ See CBGA (2010), Union Budget 2010-11: Which Way Now?, Centre for Budget and Governance Accountability, New Delhi; and Jha, Praveen and Acharya, Neelachal (2009), "Universalising PDS: How Much does it Cost Anyway?", People's Democracy, 33 (44), November 1.

food grains at the Central Issue Price (CIP) of Rs 3 per kg.¹⁹

b) The prevailing Minimum Support Price (MSP) and economic costs of wheat and rice with provisioning of rice and wheat in

the ratio of 2:1.

We adopted these two methodologies and calculated the amount of financial resources required for universalizing PDS today. Table 3 shows the estimates as per the NCF approach i.e., assuming 80 per cent coverage and CIP meant for BPL population applied to the entire covered population.

¹⁹ The assumption here is a population of around 115 crore and an average family size of 4.8.

Table 3 Estimated Costs for Universal PDS with 80 per cent Coverage and BPL-CIP Item Amount/Quantity

Annual total amount of food grains required @ 35 kg per month per household

805.1 lakh tones

CIP Proposed (BPL Rice) Rs 5.65 per kg

CIP Proposed (BPL Wheat) Rs 4.15 per kg

Total Amount of Rice to be distributed 536.7 lakh tones

Total Amount of Wheat to be distributed 268.4 lakh tones

Amount Recovered through CIP (Rice) $5650 \times 536.7 = \text{Rs } 30,323.5$ crore

Amount Recovered through CIP (Wheat) $4150 \times 268.4 = \text{Rs } 11,138.6$ crore

Total Amount Recovered Rs 41,462.1 crore

Economic Cost of Rice (Budget Estimate 2010-11) Rs 18.94 per kg

Economic Cost of Wheat (BE 2010-11) Rs 14.01 per kg

Total Economic Cost for the proposed amount (Rice) $18937 \times 536.7 = \text{Rs } 1,01,634.9$ crore

Total Economic Cost for the proposed amount (Wheat) $14025 \times 268.4 = \text{Rs } 37,643.1$ crore

Total Economic Cost for proposed amount of food grains Rs 1,39,278 crore

Annual Food Subsidy required (Budget Estimate 2010-11) Rs 97,815.9 crore

Annual Food Subsidy required as share of GDP (BE 2010-11) 1.48 per cent

Present Food Subsidy (BE 2010-11) Rs 55,578 crore

Present Food Subsidy as share of GDP (BE 2010-11) 0.84 per cent

Additional Annual Food Subsidy required (2010-11) Rs 42,237.9 crore

Additional Annual Food Subsidy as share of GDP (2010-11) 0.64 per cent

Source : MSSRF and WFP (2008); GoI (2010a) and authors' own calculations.

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With the current population estimated at 115 crore, 80 per cent coverage would imply 92 crore individuals. With an average family size around 4.8, total number of households to be covered would be 19.17 crore and the total amount of food grains required would be 805.1 lakh tonnes. The offtake of food grains under TPDS was only 348 lakh tones in 2008-09 (GoI, 2010a).²⁰ We also assume a provisioning of rice and wheat at the ratio of 2:1. The estimates are given in Table 3.

²⁰ See Government of India (2010a), "Agriculture and Food Management", Chapter 8 in Economic Survey 2009-10, Ministry of Finance, New Delhi. However, the proposed amount of required food grains as well as financial allocation would be overestimated since all 19.17 crore households are not expected to purchase 35 kg of the allocated food grains (MSSRF and WFP, 2008, cited above).

Thus, to provide 35 kg of food grains to 80 per cent of households in India, at the currently applicable BPL central issues prices (CIP) for rice and wheat, would require an additional amount of only about Rs 42,237.9 crore (assuming MSP and economic costs remaining constant). This additional amount would amount to only 0.64 per cent of India's GDP. The total food subsidy required would amount to just 1.48 per cent of the GDP. If we calculate the total financial allocation required for universal PDS according to the CBGA approach, making some simple modifications, we get a slightly different picture. The added assumption here would be that food grains are supplied at CIP for Antyodaya households, since we want to arrive at a reasonably practical range of calculations for various possible arrangements under a 'truly' universal PDS. In other words, through Table 4 Estimated Costs for Universal PDS with 100 per cent Coverage and Antyodaya-CIP

Item Amount/Quantity

Annual total amount of food grains required @ 35 kg per month per household

1008 lakh tones

CIP Proposed Rs 3 per kg

CIP Proposed Rs 2 per kg

Total Amount of Rice to be distributed 672 lakh tones

Total Amount of Wheat to be distributed 336 lakh tones

Amount Recovered through CIP (Rice) $3000 \times 672 = \text{Rs } 20,160$ crore

Amount Recovered through CIP (Wheat) $2000 \times 336 = \text{Rs } 6,720$ crore

Total Amount Recovered Rs 26,880 crore

Economic Cost of Rice (Budget Estimate 2010-11) Rs 18.94 per kg

Economic Cost of Wheat (BE 2010-11) Rs 14.03 per kg

Total Economic Cost for the proposed amount (Rice) $18937 \times 672 = \text{Rs } 127,256$ crore

Total Economic Cost for the proposed amount (Wheat) $14025 \times 336 = \text{Rs } 47,124$ crore

Total Economic Cost for proposed amount food grains Rs 174,380 crore

Annual Food Subsidy required (Budget Estimate 2010-11) Rs 147,500 crore

Annual Food Subsidy required as share of GDP (BE 2010-11) 2.23 per cent

Present Food Subsidy (BE 2010-11) Rs 55,578 crore

Present Food Subsidy as share of GDP (BE 2010-11) 0.84 per cent

Additional Food Subsidy required (2010-11) Rs 91,922 crore

Additional Food Subsidy as share of GDP (2010-11) 1.39 per cent

Source : CBGA (2010); GoI (2010a) and authors' own calculations.

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these two sets of calculations, we attempt to present the upper and lower limits of expenditure required for universalizing PDS.

Table 4 attempts to calculate the total food subsidy required accordingly. It turns out that

the additional food subsidy required would

amount to Rs 91,922 crore, which amounts to 1.39 per cent of India's GDP. The total food subsidy required would amount to 2.23 per cent of the GDP.

Table 3 and Table 4, if viewed together, present a 'range' for the possible financial commitment that the government would need to make with regard to a universal system of PDS in the country. Table 4 shows a higher cost of Rs 91,922 crore for universal PDS since it assumes that all 24 crore households of the country would buy 35 kg of food grains.

Further, if the CIP is assumed to be Rs 3 per kg for both rice and wheat, the total amount of food subsidy required over and above the present subsidy comes to Rs 88,563 crore (CBGA, 2010).²¹

On the other hand, the UPA-II government has foregone an amount of Rs 414,099 crore in terms of tax revenue and other exemptions for 2008-09 and Rs 502,299 crore for 2009-10, which amounted to almost 79 per cent of the aggregate tax collection in the fiscal year 2009-10 (RE) (GoI, 2010b) and nearly 8 per cent of the GDP of India.²² Further, the effective tax rate of the corporate sector, at 22.78 per cent, (in itself much below the statutory tax rate of 33.99 per cent) was significantly less than of the public sector companies. Even the said amount of revenue foregone is an underestimate since the concerned budget exercise operates only on a sample of 90 per cent companies.

²¹ CBGA (2010), cited above.

²² See Government of India (2010b), Union Budget of India, Annexure on Revenue Foregone, available at <indiabudget.nic.in/ub2010-11/statrevfor/annex12.pdf>.

In Conclusion

Given the huge human and social costs associated with the TPDS owing to the errors of exclusion, along with serious issues of leakage and efficiency, the cost of a universal PDS is negligible. If the government could divert a part of the revenue foregone from the corporate houses this fiscal year, a universal PDS can be easily established in the country. In this context, the debate on the proposed Food Security Bill has seriously missed the mark in many respects.

First, the framework of the debate almost absolutely rests on BPL-APL-Antyodaya division of households, which itself, in turn, is a direct product of the rollback of universal

PDS and introduction of targeting.
Secondly, it is easily discernible that even if the debate restricts itself to the framework of targeting, the question of procurement policy remains. Is the current polity, with its associated ideological orthodoxy, prepared to increased procurement to support a universal PDS?

(Awanish Kumar and Aditi Dixit are former students of the MA programme in Development Studies at the Tata Institute of Social Sciences, Mumbai)

⁹

This 'Research Brief' was prepared at the School of Social Sciences as part of the project titled

MONITORING AND ANALYSIS OF BUDGETS IN MAHARASHTRA STATE, internally funded by

the Research Council of the Tata Institute of Social Sciences, Mumbai. Corresponding email:

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Research Briefs are envisaged to be short and structured summaries on important research and

policy issues. The opinions and comments in the research briefs are the personal views of the authors, and do not reflect the official positions of the institutions with which they are associated.

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21st February 2011

The Secretary,
National Advisory Council,
2 Moti Lal Nehru Place,
Akbar Road,
New Delhi 110011.

Dear Madam,

Subject: Submission to the National Advisory Council on the Food Security Act

CIVIC Bangalore is a non-profit organisation working since 18 years on governance issues. We are members of the Right to Food Campaign – Karnataka and convenors of the Right to Food Campaign's

Bangalore Urban District Chapter. Kindly find below our inputs on the NAC framework for the Food Security Act.

1. **Universalisation of PDS is the answer:** A fundamental right cannot be restricted to a few persons. By definition it has to be universal. Thus the arbitrary limits on the proportion of families in rural and urban areas who can be entitled to PDS foodgrain as spelt out in the NAC Framework is ultra vires in addition to not having any logical basis or criteria. Hence the Food Security Act should entitle everybody to a Right to Food. However, it can be made self-selecting like the NREGA or the ICDS. Only those who seek PDS food can be given access to it. One should also de-link the use of ration cards as a means of identity proof by creating some other basis for establishing identity and thus remove the incentive to take a ration card just to prove identity, even when one does not wish to draw grains. One could also think of invalidating cards which do not draw rations for a specified period of time, for instance, for six months.

Alternatively, once the system is universalised, those who do not wish to take foodgrain from PDS (many are even now not seeking rations from the PDS) can be made to give an undertaking that they do not wish to claim their entitlements. This will ensure that their entitlements are not siphoned off and misused.

2. **Targeting is the cause of inclusion and exclusion errors:** The mad scramble to get BPL cards is because of the targeted system which creates two different categories of beneficiaries. Any distinction between APL and BPL, between 'priority' and 'general' categories, or in quantity of entitlements (25 kg to some and 35 kg to some) and in issue prices (Rs. 3, 2 and 1 for rice, wheat and millets for priority categories and half of MSP for others) will lead to inclusion and exclusion errors and be an incentive to abuse and misappropriation. For instance in Karnataka, Rs. 70 crores is the leakage per month due to errors of classification, bogus cards, etc. More money can be saved and more foodgrain can reach the intended beneficiaries if there is universalisation with self-selection.

Universalisation was the practice earlier until the targeted system was introduced in the nineties. The errors of inclusion and exclusion were not there earlier and the system used to work smoothly. If the universal system could be sustained earlier when the GDP growth rate was 3%, it would be easier now when the growth rate is 8 to 9%. A universal system would in the long run be less expensive than a targeted system which only leads to abuse and genuine beneficiaries being left out. Governments have shown that they are not capable of preventing these abuses. The Agriculture Ministry has stated that procurement of additional grain to meet this goal of universalisation is feasible. The success of almost universal PDS in Tamil nadu and elsewhere proves that this is possible.

3. **Only individual entitlement will create right for all:** Entitlement should be on 'individual' basis and not on 'household' basis if the aim of ensuring food security of 'all' as claimed in the preamble to the Act is to be fulfilled. **This too was the practice earlier and no one was confused about the varying entitlements for each household.** Currently, the entitlement of 35 kg or 25Kg per family is sufficient only to meet the requirements of some families for a period of just a week every month. There is also no logical basis for the cap of 25 or 35 Kg per family. It is illogical, unfair and unjust to give the same amount of grain to large and small families. There is no need to give a family 35 kg if there are only one or two persons in it. By having individual entitlements, some small families could be given less and the grain thus saved could be given to the larger families. But this would ensure that all have a right to food which the current system does not ensure.
4. **Entitlements should be based on nutrition norms:** When the ICMR recommends that 14kg of cereals per person per month is the requirement, the current entitlement of 4-5 kg per person has neither a nutritional nor logical basis. Given the current malnutrition levels in the country, the aim of the Food Security Act should be to attain better nutritional levels in the country for its citizens and not merely to give a tokenistic entitlement. Hence the individual entitlements for cereals per person through the PDS should be 14 Kg.
5. **Pulses and oil need to be included:** The problem of malnutrition in India is due to the lack of adequate proteins, vitamins and other micronutrients in the diet. But there is nothing in the Food Security Act to address this. PDS has to make available pulses and oil (one and a half kg of pulses and 800g of oil per person per month) in addition to cereals if a dent has to be made on malnutrition. Currently, protein-energy malnutrition can be linked to the unaffordable prices of pulses in the market. This would also give a boost to the production of pulses and oil seeds which has been showing stark decline over the decades due to lack of

incentives and over-emphasis on the growing of cereals. This would give a boost to dry land agriculture which is the mainstay of the country's farmers, which is currently the cause of large-scale farmers' suicides. Several goals could be met with this single initiative.

6. **Millets to be included:**The inclusion of millets in the PDS is very essential as it is still the staple food of most of the poor. The PDS is currently not meeting their requirement for their staple food. This would again give the growing of millets, which are again mostly grown in dry land areas, a boost and help in the recovery of agriculture in the country.
7. **Fruits and vegetables to be included:** Almost 40-50% of fruits and vegetables are wasted in India due to lack of adequate storage facilities and food processing units, even as poor children and adults hardly consume any fruits and vegetables. The Food Security Act should contain measures to somehow avoid this wastage of precious fruits and vegetables by making them available cheaply through the PDS rather than letting them rot. Adequate fruits and vegetables should also be included in the menu of the ICDS and midday meal programmes and made available through local procurement to all ICDS centres and government schools.
8. **Creating enabling environment for citizens to provide for themselves:** Mr. George Kent, food rights expert, has pointed out the larger issue of rights: "The dominant view under international human rights law is that the primary legal obligation of the state is to *facilitate* by establishing enabling conditions under which people can provide for themselves. The obligation of the state to *provide* food directly applies only **when people are unable to provide for themselves through no fault of their own**. He says: "Hunger will never be solved by charity or by food aid. ***It must be solved by creating the conditions in which all human beings can live a decent life, providing for themselves (emphasis added).***"

We wish to point out that the current situation in India is exactly this: **it does not create the conditions in which people can provide for themselves, which makes provisioning by the state imperative**. Crucial in this is the number of days of employment available to a person and the minimum wages earned by the person for 8 hours of work. This determines how much of his needs a worker can fulfil.

9. **15th ILC norms for need-based minimum wages not implemented:** Studies say that if all the criteria fixed by the 15th Indian Labour Conference in 1957 for fixing the need-based minimum wage were followed, the figure would be Rs. 207 per earner per day today. (Each worker is supposed to be able to look after a spouse and two children.) This works out to a need of more than Rs. 50 per capita per day for a family of four. A need-based minimum wage as per 15th ILC would cover all the needs of a worker's family for food, clothing, shelter, health care, education and a modicum of recreation and festivities. But nowhere in the country are minimum wages at these levels being fixed, leave alone being paid. The current poverty line which is fixed at around Rs. 12 to Rs. 15 per day per person is woefully below this figure and even the minimum wage of Rs. 100 per worker per day under NREGA fails to meet this criterion. By this, we are forcing the poor to beg for handouts. In such a situation, it becomes imperative for the state to subsidise either in cash or kind those who do not earn these amounts.
10. **Need-based minimum wages will create enabling environment:** Rather than the state subsidising with cash or kind, the preferable way would be to ensure that ***the minimum wages fixed by the state are high enough to enable the worker to fulfil all his basic needs by paying prevailing prices for the goods and services he needs. Alternatively, the prices of goods and services that he needs need to be kept at such a level that the minimum wage can cover all these costs.*** The 15th ILC has fixed the norms for the break up of the minimum wage to cover various expenses: approximately 30% of the minimum wage should be for rent, 30% for food, 20% for fuel, transport and other needs and 20% for health and education. 20% more was added by the SC for festivities and leisure. In addition, a worker needs at least 250 days of employment in a year. If he can work for this many days and he is paid a need-based minimum wage, the worker can fulfil his needs with dignity instead of depending on charity as the conditions that enable him to lead a decent life would have been created. This would ensure that all those who work need not depend upon hand-outs.
11. **Need-based minimum wage level to be poverty line:** The Supreme Court too has endorsed the 15th ILC criteria and said that a minimum wage fixed as per these criteria was the barest minimum that should be paid to all workers everywhere at all times. Essentially, it means that anyone earning less than this amount should be considered poor as otherwise, one or other of his/her basic needs would not be met. This should be the criterion for fixing a poverty line, if at all, rather than the dubious criteria currently in vogue for determining who is poor. **As long as this condition for enabling a worker to lead a decent life are not fulfilled, the PDS as a hand-out will have to be continued.**

Yours sincerely,

Kathyayini Chamaraj

Executive Trustee

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(i) 21st February
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Yours sincerely,
Kathyayini Chamaraj
Executive Trustee
February 21, 2011

To,
The Secretary,
National Advisory Council,
2, Moti Lal Nehru Place, Akbar Road
New Delhi -110011

Re: Comments on the Framework Note on National Food Security Bill formulated by the National Advisory Council

Dear Ms. Sharma,

Please find below a few comments and observations on the Framework note on National Food Security Bill formulated by the National Advisory Council.

With best regards,

Anindo Banerjee
Head, Programme Initiatives
Praxis – Institute for Participatory Practices

Comments on the Framework Note on National Food Security Bill formulated by the National Advisory Council

The Framework note on National Food Security Bill formulated by the National Advisory Council contains a critical set of very feasible provisions for food and nutrition security, which need to be seen as ‘basic minimum’ requirements and should certainly not be subjected to further dilution. Congratulations and thanks to all the people who have been involved in drafting the excellent Framework note.

Some of its aspects, which might be good to revisit and further strengthen, include the following:

1. It is really good that the Framework note makes an explicit mention of the critical significance of systems of enforcement and accountability in actual delivery and realization of rights based legislations. While the proposed position of District Grievance Redressal Officer is a crucial innovation proposed, ‘district’ would be too far a point of redressal for a majority of households from the priority category, necessitating at least an equivalent Block level position for dealing with grievances in a regular and more inclusive manner;
2. In view of the well-known problems of targeting, leakages and exclusions experienced in implementation of the PDS, the Framework note should not compromise on the critical need of universalisation of the entitlements and can propose a time-bound route to universalisation even if it stops short of proposing universalisation as an immediate step;
3. The recommendation of a ‘social inclusion’ approach (ref. Section 3.1 a), under which certain vulnerable social and economic categories of persons would be identified and fully covered as a right

under this Act, is very welcome. It would be good if some of the vulnerable categories are clearly spelt out in the Framework note and accorded sweeping universal entitlement across the category – particularly scheduled castes and scheduled tribes;

4. While a possible role of *gram panchayats* has been mentioned in the provision related to community management of fair price shops (ref. Section 4.2 g), a more sensible role for PRIs might relate to accountability-enforcement of the fair price shops, *Anganwadis*, schools and other local institutions that will have a role in implementing the contents of the Bill. The Framework note should suggest safeguards to ensure that the important authority of the institutions of local self-governance is further empowered and not undermined or bypassed due to over reliance on bureaucratic structures;

5. It would be important to spell out the entitlements of free, immediate and unconditional additional assistance for households living with starvation or at risk of starvation (ref. Section 3.4), and a draft model set of notifications for identification of such people, necessary investigations and response can also be included in the contents of the Framework note for the state governments to use.

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Anindo Banerjee
Head, Programme Initiatives
Praxis - Institute for Participatory Practices
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Praxis- Institute for Participatory Practices, is a registered development support organization working towards democratization of development processes and institutions.

Dear Secretary, please find comments and suggestions in the attached file. Thanks and regards,
Rahul Goswami

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2011 February 21
The Secretary,
National Advisory Council,
2, Moti Lal Nehru Place
Akbar Road, New Delhi -110011

Dear Secretary,

Please find my comments and suggestions on the Framework Note on the National Food Security Bill.

Yours sincerely,

Rahul Goswami

(Research Associate, Centre for Communication
and Development Studies, Pune)

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Suggestions and comments on the National Advisory Council's Framework Note on the National Food Security Bill.

Part I

3.1.a "Rural areas: Every rural household shall be entitled to a monthly quota of subsidised food commodities under the Public Distribution System (PDS)...Households in the priority category shall be entitled to 7kg per person per month"

Comment: The rural per capita dependence on rice/wheat is 9 to 11 kg per month. The NAC may have envisaged that the saving per household on rice/wheat to the extent of the cost of 7kg can be used to fulfil the remaining need for cereal staples without compromise. However, the real prices of both pulses and vegetables has increased by 35%-75% over the 2008-10 period. Will the savings from the 7kg entitlement+subsidy be enough to balance the need for the rest of the nutritional intake, especially over the next five years?

"Those in the "general" category shall be entitled to 4kg per person per month at no more than half of the Minimum Support Price (MSP)."

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Comment: No doubt the NAC has examined the financial implications at household level and to centre/state finances. However the 50% of MSP peg will in fact rise when the issue of fair remuneration to farmers is implemented. In either case this will become feasible only when both procurement and distribution are localised enough to make a cost difference.

3.1.b "Urban areas: The same norms shall apply to priority and general households in urban areas together covering at least 50% of the urban population..."

Comment: This is especially welcome, Occupational insecurity in urban slums is very high. In December 2010, in a slum in north Mumbai, 16 malnutrition deaths of children were reported.

3.2.a. "Pregnant and Lactating Mothers. Maternity benefits of Rs. 1000 per month, for a period of six months, to all pregnant women for care, nutrition and rest during pregnancy and after delivery"

Comment: Transfers directly to bank accounts of these women recommended.

3.2.e "No Denial to Children. Any child below the age of 14 years may approach any feeding facility such as anganwadi centre, school mid-day meals, destitute feeding centres etc.."

Comment: Excellent. An enormous step forward if implemented fully.

3.2.f "Prevention and Treatment of Child Malnutrition. Severely underweight, undernourished or sick malnourished children shall be entitled to supplementary nutrition and special care at a Nutrition Rehabilitation Centre or community as appropriate."

Comment: Welcome measure. Please build in the training need for the volunteers at such centres. In urban, peri-urban and rural India it is processed foods in small quantities made available for Rs 5-10 which are taking the place of freshly cooked meals.

3.3 "Entitlements for Special Groups. (iv) Emergency and Disaster Affected Persons: All individuals and households affected by emergency or disaster shall be entitled to special ration cards under the PDS.."

Comment: A welcome provision, especially pertinent after the experiences of the 2004 tsunami. It may be operationally easier to make such provision in all existing (new) ration cards so that under such conditions, the emergency entitlement applies (see 4.2.m). The National Disaster Management Authority may be included. Specifying what 'disaster' and 'emergency' are at the outset - perhaps in the accompanying Rules of the draft Bill - will go a long way towards avoiding administrative exclusion in times of urgent need.

3. "All commercial interests will be barred from supplying ready-to-eat or any other items for all child nutrition programmes."

Comment: This is vital. Although this is explicit enough, commercial interests may well seek entry using Community Canteen or Nutrition Rehabilitation Centre routes. For all such supporting infrastructure at community level, they must be unambiguously and clearly protected from commercial food and beverage influence (and including nutritional pharma).

3.4 "Protection from Starvation. It shall be the duty of every state government to notify a set of procedures and fix duties to prevent starvation; to proactively identify people living with starvation or threatened by starvation for any reason.."

Comment: Please fix a deadline for the procedures to be made ready and public, and for the identification.

3.5 "No Reduction of Entitlements. The minimum entitlements PDS shall not be reduced, whether through diminution of quantity, or increase of issue price, or in any other manner until at least the end of the 12th Five Year Plan period. All other entitlements cannot be reduced except by amendment of the Act. The cash value of all food and non-food assistance will be suitably pegged to inflation."

Comment: Is the "increase of issue price" pegged to MSP? If so this will exert upward price pressure.

The end of the 12th Plan period is too short a horizon for the NFSB. In 3.2.d the NFSB identifies "Children Aged 6-14 Years". An infant in 2011 will be 14 years old in 2025 whereas the 12th Plan ends in March 2017.

Does "All other entitlements cannot be reduced" mean other than the 7kg/person? Perhaps this could be rephrased to remove any misinterpretation concerning essential quantity and price entitlements.

When pegging the cash value to inflation, please peg it to regional/local CPI (not WPI) - the CPI has just been reformulated and must be examined to assess whether it will continue to reflect real increases in the basket of food staples.

4.1.3. "Meeting the proposed food entitlements within a reasonable time frame (say two to three years) would require a continuation of the current growth rate of food procurement, as well as enhanced buffer stock norms."

Comment: The food procurement systems are relying on long distance rail movements, central and private sector storage and the balancing of cereals surpluses. The 'growth' of procurement will also be an index for private sector participation (PPP or otherwise).

That is why this clause needs to be re-examined carefully. Local procurement, making full use of the Gramin Bhandaran Yojana for example, will help maximise availability at affordable rates.

4.2 "PDS Reform. The proposed Act includes reform, drawing on recent experience in various states. The reformed PDS is to have a transparent structure.."

Comment: Steps (a) to (o) are welcome. The end-to-end reporting will need the support of up-to-date and reliable data on district-level crop production from the Ministry of Agriculture. This system is currently in some disarray in many districts, as the Vaidyanathan Committee on Agricultural Statistics has pointed out.

Without a fair knowledge of what our cultivating districts are producing, the monitoring of produce from the mandis onwards will be incomplete. The Ministry of Agriculture's Department of Agriculture and Cooperation may be included as a partner agency.

The MIS required for such monitoring and transparency already exists in the form of NREGAssoft, which is used for the MGNREGA programme. There are large areas of overlap and using the same system will enable sharing and pooling of data.

5. "Enabling Provisions. (i) Governments shall endeavour to revitalize agriculture and promote agrarian reform, through measures including securing the interests of small and marginal farmers through ensuring remunerative prices, credit, irrigation, crop insurance and technical assistance; endeavouring to prohibit unnecessary and unwarranted diversion of land and water from food production; and promoting decentralized food production, procurement and distribution systems. Greater attention is needed for women and youth farmers who constitute the majority of the farming population."

Comment: This alone constitutes a programme of considerable agrarian reform which builds on the work of the National Farmers Commission and the NCEUS. Rights to the sustainable use of commons and natural resources is a primary entitlement for cultivating households and ought to be explicitly stated. Else, 'necessary' and 'warranted' diversions of land will continue to take place using various central and state legislation and ordinances.

Part II

"Systems of Enforcement and Transparency."

Comment: For the grievance redressal and monitoring to carry weight, the penalties should go beyond fines and compensation to include the threat of, as 'or/and' consequences, jail terms. This has been seen in Kerala for example concerning the law against filling paddy fields, as being a deterrent more powerful than fines alone. Where the objectives of the NFSB are concerned, any tampering with its provisions does in fact have the possible impact on a beneficiary's life after all.

Ms. Rita Sharma,.

The Secretary,
National Advisory Council,
2, Moti Lal Nehru Place, Akbar Road, New Delhi -110011
Fax: (011) 23062599

Dear Madam Rita Sharma,

Please find enclosed the comments on the NAC draft proposals on the National Food Security Act of the Rozi Roti Adhikar Abhiyan Rajasthan, Which is the Rajasthan Campaign on the Right to food and a constituent of the National Campaign.

We will be very grateful, if these comments are taken seriously and included in the NFSA.

Bhanwar Singh, Narendra Gupta, Khemraj, Kavita Srivastava, Satish, Prem Ranjan, Navin, Vijay Lakshmi Joshi, AShok Khandelwal, Komal Srivastava, Noor Mohammed, Dineshji and others on behalf of the campaign.

C/ o Kavita Srivastava,
(General Secretary) PUCL Rajasthan

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ROZI ROTI ADHIKAR ABHIYAN, RAJASTHAN

COMMENTS ON PROPOSALS OF THE NATIONAL ADVISORY COUNCIL

ON THE

DRAFT NATIONAL FOOD SECURITY BILL

More than fifty Members of the Rozi Roti Adhikar Abhiyan, Rajasthan a constituent of the Right to Food Campaign at the national level met on 15th of February, 2011. These members came from about thirty organizations from eighteen districts of the State. The meeting discussed the Proposal of the NAC and prepared the following critique.

The note is in two parts.

Part I gives the Discourse on the Right to Food, showing the difference of understandings between the Campaign and the Government on this issue and the location of the NAC bill within that context.

Part II gives the critique of the NAC Proposals along with recommendations

The Discourse on the Right to Food:-

Campaign's belief's

For the Right to Food Campaign food security can be achieved for all within a framework of development which is Just, Equitable, Nature and Human Centric, where the first call on natural resources like land, water, forest is for Food, where development also does not mean displacement. We also believe that Access to food for all is connected with development of sustainable and a viable production process with the producers having access and control over their productive resources. Along with ensuring livelihood and income security for the producers including agricultural workers, share croppers, small and marginal farmers- who are also amongst the most hungry sections of the population.

The NFSA put forward by the Campaign therefore emphasized greatly on using an expanded and universal PDS which would not only provide cereals, millets, pulses and oilseeds at subsidized prices but would also become a means to revive agriculture, thus addressing the agrarian crises also. IT also

was clear that the issues relating to PDS reform along with procurement, storage were to be at the core of any law, however, with safeguards on use of technology as a means to ensure delivery.

It also demanded urgent implementation of all laws relating to land rights, including the Forest Rights Act, the Panchayat Extension to Scheduled Areas Act, while amending and repealing laws which change land use, displace people, acquire agriculture land, water bodies and pasture land for non-agriculture purpose.

It was also visualised that apart from the PDS the NFSA would also declare women as the head of the household, provide universal nutritious cooked food entitlements to all children under age 18 years, all the old, vulnerable, migrants, differently abled and providing direct cash entitlements for socially vulnerable groups in the form of pensions and universal maternal entitlements. The Campaign also put across principles of accountability measures with civil and criminal liabilities, for non-compliance and denial of a right.

The Government's view.

On the contrary the dominant view of the Government, its think tank the Planning Commission along with the various economists in various positions of Advisors to PM and the Industrialists lobby, has been to view

- A Food Security law in a vacuum without linking it to Food Production issues.
- Food Security is interpreted as only Cereal security thus denying the introduction of subsidised pulses and oil in the PDS and maintaining a silence on Nutritional Security which needs to be addressed urgently.
- Hunger and malnutrition elimination is connected to availability funds thus despite an 8% growth, the fate of the food security bill hinges on the argument that the food subsidy needs to be small, in order to rein in the fiscal deficit. This is contrary to the

benefits provided to corporate sector whose tax waiver was to the tune of over Rs.5 lakh crores in 2009 -2010. Already the Industry is asking for further concessions from the forthcoming budget at the cost of food security.

- Best form of intervention is through "**Targetting**" with quotas and criteria of selection decided centrally, as if that is a sure way of reaching food to the needy, thus ignoring the lessons learnt from the last fifteen years experience of Targetting which excluded those who needed it most. More importantly this discourse even denies that several State Government's have rejected the targeting approach and have expanded the PDS to a substantial population within their State's.
- Replacement of the direct transfer of food through the PDS by Conditional cash transfers arguing that this will check corruption and reduce the subsidy bill, by removing the bureaucratic maze. .
- Biometric UID as the panacea of all corruption related ills linking benefits to this number.
- The solution of pulling out of the agrarian crises is by creating policies whereby small peasant based sustainable agriculture goes into the hands of the corporates with GM seeds, increased use of company manufactured pesticides and fertilizers and other corporate manufactured inputs, with corporate determining crops and their usage , instead of hunger and people's needs determining this.

Thus the NAC Note on the Draft National food security bill has to be seen in within the two discourses. We are extremely disappointed to see that the draft bill based on the consensus arrived in the meeting held on the 23rd Oct, 2010 actually finds itself within the dominant Government framework of what constitutes Food Security rather than what the various constituents of the campaign had been demanding. IT is in this backdrop that the critique that follows has been written out. .

WE demand several changes. Some of problems are as follows:-

Food Security be linked to Food Production

4. Food production has been delinked from food security. Hence measures that could ensure food security through ensuring food production have been relegated to “Enabling Provisions” (part I, section 5). These provisions therefore are a wish list of what should be done, but there are no legal guarantees that these provisions are enforceable at any point of time, even in the future.

WE demand that these enabling provisions be brought into the section on essential guarantees, with a time bound implementation responsibility on the Government.

PUBLIC DISTRIBUTION SYSTEM

5. Food Security has also been delinked from Nutritional Security and the bills most outstanding entitlement the PDS only talks of providing cereals and not pulses and oil, which are essential if nutritional security has to be addressed. Although the inclusion of millets is a welcome move. Which needs to be further strengthened.

Entitlements relating to 1.5 kgs of Pulses per adult and 800 gms of oil per adult at subsidized prices needs to be included as a part of essential entitlements as per ICMR norms.

6. Amounts have been fixed at 35 kgs per household (see executive summary) and in Chapter 2- 3.1, it seems that individual entitlement will be the norm, being fixed at 7 kgs per head for priority groups and 4 kgs per head or 20 kgs per household for general groups. There is no rationale for this calculation. This is much lower than the ICMR norm of. 14 Kgs of food grain per adult and 7kgs of food gain per child. WE would like clarity on whether households will get less than 35 kgs? This would affect the vulnerable groups, as they will only get 7kgs for a month.

WE strongly feel that 14 kgs per head of foodgrains following the ICMR norms should be the entitlement for cereal for all.

7. The NAC bill continues the status quo of Targetting of Food entitlements. Despite giving new names to the targeting scheme called Priority and General, the framework is the same, basically in the same old BPL-APL cask. Infact what was just APL - BPL will now become three categories. General, Priority and Excluded. This system of classification of the people is neither feasible nor desirable. Section 3.1(A) states that the PDS will cover 46% of the rural population as priority group and 44% as general group, while in urban areas the figures are 28% for priority group and 22% as general group. This is roughly following the Tendulkar Committee recommendation on the BPL for numbers who will come under the priority group. However, there is no reasoning as to why the NAC adopted the Tendulkar committee recommendations and should not have followed either the Dr. NC Saxena committee or the Dr. Arjun Sengupta committee recommendations which have come up with much higher estimates for BPL.

We demand that definitely 80 percent of the population (both rural and Urban) need to be covered without any differential pricing of commodities. As suggested in the NAC draft of 14th July, "While time-bound universalisation of foodgrain entitlements across the country may be desirable, initial universalisation in one-fourth of the most disadvantaged districts or blocks in the first year is recommended...." Thus we recommend that Universalisation should begin in the first year with atleast 200 districts, if there is problem of universalising PDS in one stroke.

8. Selection of beneficiaries for the Priority group it states, will be done through the social inclusion approach.

The recent pilot testing of the Saxena methodology carried by the Ministry of Rural Development, found out that the criteria of automatic self inclusion constituted only ten percent of people and that the major section of people had to be selected through the "scoring" criteria, which had huge exclusion errors, which excluded dalits and Tribals among the really poor people. This pilot testing shows that targeting cannot ensure selection of those who really need it. It confirms our fears on targeting.

Thus we once again reiterate our demand for universalising PDS in order to ensure the inclusion of all needy particularly Dalits, Tribals and other poor.

9. Priority groups will pay Rs.3/2/1 for 1 kg of rice/wheat/millets. General groups will pay at most half the MSP for the food grains . However, again there is no logic given for this. In addition, the price of half the MSP is guaranteed for the general group only till the 12th five year plan (point 3.5).

WE once again demand a single price and not differentiated prices for atleast 80 percent of the population.

10. While the objective of the bill says that it aims to ensure “ assured economic and social access to adequate food with dignity, for all persons in the country, at all times”, Food security has been reduced to a number of entitlements that provide food to various age groups and various social groups. Our experience with schemes and even the Supreme Court orders tells us that provision of food through multiple schemes and multiple places (TPDS, ICDS, MDMS, community kitchens, maternity benefits) means that people will have to run from one line to another and from one department to another at various stages of their lives to get food. Not all of these experiences of obtaining food from the system are “with dignity” and in fact are disempowering experiences where people have to deal with an insensitive bureaucracy.

The law must address the causes of hunger centrally in order to pursue the "fundamental right to be free from hunger, malnutrition and other deprivations associated with the lack of food.."as stated in its own objective

The Multiple food entitlements need to administratively come under one nodal department so that redressal is from a single window.

11. While decentralized procurement has received a lot of emphasis in the section on PDS reforms (Section 4.2), no mention is being made about an assured and remunerative support price (MSP) for rice and wheat (for millets this has been mentioned in 4.2b). Without this, procurement itself will falter as a good MSP is the key to procurement as well as production of foodgrains.

12. Part I of the executive summary states that the PDS entitlements will not be reduced until atleast till the end of the 12th five year plan period. Although for other entitlements it states that they can only be changed by an amendment of the Act, actually, which means that the PDS benefits are not entitlements as any bureaucrat or Government can change it after the 12th five year plan. It is just a time bound scheme which can be tampered after a certain periodicity.

This line should be done away with stating that all entitlements can be changed only by an amendment of the Act.

We wish to reiterate this point as we fear that there may be a move towards replacing grains with cash transfers as is the recent trend within the Government.

13. Entitlements of Migrant, while we appreciate the provision provided in 3.3 (1), however, it also needs to be added that the families of the migrants who may continue to stay in their original place of residence will not be deprived of their entitlement, where the entitlements are household entitlements.

14. Maternal and Children's Entitlements.

- a. We appreciate that Child and maternal support guarantees are being addressed universally and holistically, making all the services of the ICDS entitlements for children and women.
- b. WE also appreciate that out of school children will also be entitled to a mid day meal.
- c. WE would appreciate the introduction of cooked entitlements for adolescents girls.
- d. We would appreciate if private contractors are completely removed from the supply side of both ICDS and Mid Day meal entitlements and statement emphasizing provision of locally prepared food from local institutions.
- e. We would also appreciate the provision that allows for feeding children animal protein particularly eggs and meat products in the food provided to children, needs to be included, particularly looking at the present, where the cooked food policies are retrenched in a brahmanical framework of what constitutes food.
- f. Maternity benefit of Rs.1000 per month for 6 months are being given which is a major improvement. However, if we want women to rest and not work during pregnancy , maternity leave for six months with minimum wages should be assured, which would be much higher than Rs.1000 per month.(section 3.2.a b)

15. **Bringing Back Pensions in the framework of National Food security Act.** The removal of a guarantee of pensions to the old, single women, differently abled from the framework of entitlements on food security is a major step backwards, violating

the framework evolved through the PUCL case in the Supreme Court on the Right to Food. It is well known that 94% of the money obtained through the paltry some of pensions has been used for food by the beneficiaries. The amount of pension must be fixed at half the minimum wages and connected with CPI.

Entitlements relating to pensions should be reintroduced in the framework of entitlements.

16. Accountability and Transparency measures : The delivery of the entitlement has been backed by putting in place a system of enforcement mechanism from the block to the State and national level as well as District Grievance Redressal Authorities along with ensuring transparency measures and Fines and compensation. However, what is missing is redressal through the criminal justice system. IT does not provide a binding bargaining status for those whom the law intends to serve. In developing such a framework the Prevention of Atrocities on Scheduled Castes and Scheduled Tribes Act, 1989, should be kept in mind.

Penalty measures relating to neglect of duties, enhancement of punishment for subsequent conviction, presumption as to offence being carried out, penalty for non-compliance . need to be introduced in the National Food Security bill too, within the criminal justice framework

14. PROTECTION AGAINST STARVATION Section 3.4 states that it will be the duty of every state Government “to prevent starvation; to proactively identify people living with starvation or threatened by starvation for any reason; and to investigate and effectively respond to end conditions of starvation.” This is the only section in the Note that deals with causes of hunger and makes it legally necessary for every State Government to take preventive action against starvation. This section should be strengthened and should be extended to the Central Government also. It could if strong enough lead to the Government being forced for example

to take action to re-open abandoned tea gardens where starvation is taking place amongst workers or for example to stop displacement when displacement is leading to hunger.

1. NO to Cash Transfers and UID : With the Trend in Government of converting all subsidies to cash transfers through the UID, we would like the draft bill to categorically state that there is a provisions stating No to Cash Transfers and use of UID. The use of phrases like 'create space for innovative uses of ICT' (Executive summary) or 'They may also apply ICT, Smart Cards and other innovative technologies subject to successful pilots' (4.2.j) in the present draft needs to be specified as under its garb, untested biometric technologies like the UID may be brought in, which according to us maybe used for surveillance, tagging, profiling and convergence as well as we feel that there is no law for safeguarding the privacy and security of the individual data theft, identity theft and data abuse must be built into the law. IT should also be stated that the delivery of entitlements will not be linked to these technologies.

Dear members of the NAC,

WE hope that you will pay heed to these suggestions, break out of the mould of targeting, non-availability of fund/ non-availability of grain discourse and prepare a draft bill which really addresses food security in a comprehensive way, for placing in the Lok Sabha by the Concerned Minister in Government. .

We are,

2. Bhanwar Singh and Hari Om, Astha
3. Narendra Gupta, Prayas, Chittorgarh
4. Khemraj, Prayas, Chittogarh
5. Dhanna Ram, Urmul Khejari, Nagaur, District
6. Man Singh, Wagad Masdoor Sangathan, Dungarpur
7. Richa and Ashok, Jan Chetna Sansthan, Sirohi District.
8. Meva Bharti, Mehnat Kas Kalyan evem Sandharbh Kendra, Jaipur
9. Harkesh Bugaliya, Rajasthan Nirman evam General Workers Union

10. Kamlesh, Rajasthan Mahila Kamgaar Union, Jaipur
11. Shiv, Alarippu, Ajmer and Jaipur
12. Magraj Jain and Lata Society for the upliftment of Rural Economy, SURE, Barmer
13. Smriti, CRY, Jaipur
14. Sohan Godara, Rajasthan Shikshak Sangh, Sri Dungargarh, Bikaner
15. Geeta Godara, Anganwadi Workers Union, Rajasthan, Sri Dungargarh, Bikaner,
16. Arvind Ojha, URmul Trust, Bikaner,
17. Chetan Ram, Urmul Jyoti, Nokha, Bikaner.
18. Nesar Ahmed, Budget Analysis and Research Centre, Jaipur
19. Komal Srivastava and Pappu, Bharat Gyan Vigyan Samiti, Jaipur
20. Vijay Ragahv, Bharat Gyan Vigyan Samiti, Baran
21. Moti Lal, Sankalp, Baran
22. Vijay Goyal, Resource Institute of Human Rights, Jaipur
23. Mamta Jaitly, Vividha, Jaipur
24. David Khedai, Banswara,
25. G S Nathawat, WASCO, Jalore
26. Dinesh Vyas and Sunita, CASA, Udaipur
27. Radha Kant Saxena and Kavita Srivastva, PUCL, Rajsathan, Jaipur
28. Jagdish Meena, Rajasthan Youa Sansthan, Jaipur
29. Dr. Pawan Surana, Former Chairperson, STate Women's Commission
30. Dr. Malati Gupta and Dr. Maya Tandon, Rajasthan Univeristy Women's Association, Jaipur
31. Prem Ranjan and Navin Narayan, Action Aid
32. P. L. Mimroth, Centre for Dalit Rights.
33. Kailash Meena, PUCL, Sikar,
34. Dr. Amit Agarwal, SRKPS,. Jhunjhunu
35. RAMavatar Sharma, Shiv Shiksha Samiti, Tonk
36. Bhagwan Singh, PUCL, Bharatpur
37. Ram Kishore PRajapati Gram Utthan Santhan, Ajmer.
38. Sarita, Lok Adhikar Network, Barmer
39. Noor Mohammed, AMIED
40. Tulsi Das and Pappa Ram, Jai Bhim Vikas Sansthan, Jodhpur
41. Satyan Chaturvedi, ECAT, Nagaur and Karauli,
42. Malay, Prayatna, Dholpur,.
43. Nisha Sidhu, NFIW

44. Nishat Huessin, National Muslim Women's Welfare Society
45. Sawai Singh, Rajasthan Smagra Sewa Sangh, . Jaipur
46. Lalli and Chandra Kala, Ekal Nari Shakti Sangathan, Rajasthan
47. Chaju Jat and Sita Ram, Rozi-roti Adhikar Samuh, Phagi.
48. Hemlata and Manju, CFAR.
49. PRem Krishna Sharma, ACademy of Scoio legal Studies, Rajasthan
50. Nisha, URMUL TRUST, Sri Ganganagar,
51. Vikarm, URMUL TRUST, Hanumangarh,
52. AShok Khandelwal, Jaipur
53. Sudhir Katiyar, Dakshini Rajashtan Maazdoor Union

The Secretary,
National Advisory Council,
2, Moti Lal Nehru Place, Akbar Road, New Delhi -110011
Dear Sir,

Please find enclosed, CRY's feedback on the NAC's Note on the Draft National Food Security Bill.

Thanking you,

Sincerely,

Ajay



Feedback from CRY – Child Rights and You

On

NAC's Note on Draft National Food Security Bill (dated 21 January 2011)

Quoting from the Note on the Draft National Food Security Bill, NAC, dated 21 January 2011:

1.2 The draft Bill is in two parts. The first part deals with food entitlements and their operational framework. These entitlements include: (1) legal PDS entitlements for at least 90% of rural and 50% of urban populations in the country; (2) expanded coverage and norms for maternal and universal child nutrition programmes; (3) provisions for new food security schemes such as maternity allowances and destitute feeding. These entitlements are to be realised through specific 'schemes', implemented by state and local governments with support from the Central Government.

In the section on essential entitlements under PDS it further says:

3.1. Public Distribution System

3.1.a. Rural areas: Every rural household shall be entitled to a monthly quota of subsidised food commodities under the Public Distribution System (PDS), unless it meets one of the notified "exclusion criteria". Households in the priority category shall be entitled to 7kg per

person per month at Rs. 3/2/1 per kg for rice/wheat/milletts respectively. Those in the "general" category shall be entitled to 4kg per person per month at no more than half of the Minimum Support Price (MSP). At least 90% of rural households in the country shall be entitled to subsidised foodgrains under the PDS, of whom at least 46% shall be priority groups. The NAC recommends a 'social inclusion' approach, under which certain vulnerable social and economic categories of persons are identified and fully covered as a right under this Act.

3.1.b. Urban areas: The same norms shall apply to priority and general households in urban areas together covering at least 50% of the urban population, of which at least 28% shall be in the priority groups. Once again, a 'social inclusion' approach appropriate for urban areas is recommended, which would ensure that homeless and slum residents, and others who are occupationally and socially vulnerable are fully covered.

Whereas, data from the 61st National Sample Survey shows only 44 per cent of the families among the bottom of the poor have BPL cards—key to access many development programmes — while 17 per cent of the families in the rich group do so. Only 39 per cent of the eligible families have received BPL cards in the country. The Planning Commission estimates there are 62.5 million BPL families, but state governments say the number is closer to 107 million. A panel set up under former rural development secretary N.C. Saxena to review the way BPL numbers are estimated reported last year that only two in five officially identified as poor by the Planning Commission possessed either a BPL or an Antyodaya card.

Whereas, the responsibility of implementing this Act will be with Ministry for Consumer Affairs, Food and Civil Supplies and the conduction of BPL survey is with Ministry of Rural Development.

Dr. N.C. Saxena Committee was set up by the Ministry of Rural Development to advise it on the suitable methodology for BPL Census and not for estimation of poverty. However, in the Report submitted by the Expert Group on 21st August 2009 it is mentioned that the percentage of people entitled to BPL status should be revised upwards to at least 50%. The committee has suggested proportionate increase in the state level poverty estimates also. (as informed by the Minister of State for Rural Development Shri Pradeep Jain Aditya in written reply to a question in Lok Sabha)

In this light CRY – Child Rights and You wants to make a recommendation that through this Act, the Ministry of Rural Development (for rural areas) and Ministry for Urban Development (for urban areas) be made responsible for correct enumeration of BPL families according to Dr. N. C. Saxena Committee's methodology. The Ministries should also be made responsible and held accountable for actual delivery of BPL cards to those who are entitled to the same.

In this light CRY would also like to highlight that the lower cap of 46% in rural areas and 28% in urban areas for priority groups be made higher in proportion to the enumeration of BPL families as per Dr. Saxena's methodology.

CRY also recommends that over and above the Supreme Court's ruling to make ICDS services as legal entitlements, all other entitlements added through this National Food Security Act for children and women be made legal entitlements.

Further quoting from the section on Maternal and Child Support:

3.2.c. Children Aged 3-6 Years

e) At least one freshly cooked nutritious meal and a nutritious snack at the local anganwadi, for at least 300 days in a year.

3.2.d. Children Aged 6-14 Years

f) At least one freshly cooked nutritious midday meal in all schools run by local bodies, government and government-aided schools up to Class 8 everyday of the year, except school holidays.

CRY recommends that entitlement for fresh cooked meal and a nutritious snack be there for all days in a year and not just 'at least 300 days.'

CRY recommends that all 'nutritious food' for children be made from naturally available sources that give complete balance of calories, protein and all other nutrients in an age appropriate manner. The Act should define a nutritious food as one which is balanced, made from natural sources (unless a chemical or fortified supplement is necessary for a medical treatment, e.g. for treatment of Severely Acute Malnourished Children), has all nutrients and is age appropriate.

CRY recommends that as mentioned in 3.2.d, children up to the age of 18 years be given freshly cooked nutritious mid day meals. Supreme Court has directed the Centre in 2004 as to when it would be able to extend it up to 10th standard. Many States of India like Tamil Nadu and Karnataka have already extended the MDM to class 10th.

As malnutrition cannot be solved only through cereals intake, CRY recommends that this Act should also mandate for distribution of pulses and oil at subsidised rate to the priority groups.

CRY recommends that in the definition of the special groups following should also be added:

- **Street children, orphan children and disabled children**
- **Fishing community/fish workers families**
- **Quarry workers, construction workers**
- **Landless families and traditional artisans**
- **Persons who are incapacitated due to accident or suffering from terminal illness**
- **Life convicts/head of family in prisons**

For the section 4.2 on PDS reforms CRY recommends that PDS centres should be in all habitations and be open on all days in a year except national holidays.

About CRY: Child Rights and You (earlier known as Child Relief and You) is India's leading advocate for child rights. For over 30 years, CRY has partnered with NGOs, communities, government, the media and is dedicated to mobilising all sections of society to eliminate the root causes of deprivation, exclusion, exploitation and abuse. For more information please visit us at www.cry.org. **For Further information, please contact:** Child Rights and You (CRY), DDA Slum Wing, Barat Ghar, Bapu Park, Kotla Mubarakpur, New Delhi-110003

Dear members of National Advisory Committee,

Please find attached our response and comments on the framework note of National Food Security Bill.

Sincerely,

Gautam Mody

Secretary

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New Trade Union Initiative (NTUI)
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Chairperson and Members
National Advisory Committee
New Delhi
21 February 2011

Dear Members of the National Advisory Committee,

Comments on the NAC Recommendations on the Draft National Food Security Bill

The need for a comprehensive legislation for food security derives from the fact that even a conservative estimate of the Tendulkar Committee puts 37 per cent of the population below the poverty line. The Arjun Sengupta report had earlier pegged it as 77 per cent living on less than Rs 20 a day and the N C Saxena Committee at 50 per cent living below poverty line. Despite constitutional guarantees under articles 21 (right to life and personal liberty including the right to food), 47 (raise the standard of nutrition and the standard of living of its people and to improve public health), the state has done little to institutionalise a framework for providing food to all. Through successive hard won Supreme Court cases, there is today a framework of provision of food entitlement to the most needy. The NAC recommended draft bill, in its attempt to simplify these

entitlements, has in reality created a mechanism to dismantle this system of multiple entitlements and reduce the benefits substantially not just in quantitative terms but also qualitatively (by reducing the food entitlement to just rice/wheat/millet with no provision for pulses and oil).

What is Food Security?

The UN's Food and Agriculture Organisation (FAO) defines food security as "... when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life".

The WHO World Food Summit, 1996 stated that:

Food security is built on three pillars:

- *Food availability: sufficient quantities of food available on a consistent basis.*
- *Food access: having sufficient resources to obtain appropriate foods for a nutritious diet.*
- *Food use: appropriate use based on knowledge of basic nutrition and care, as well as adequate water and sanitation.*

Food security is a complex sustainable development issue, linked to health through malnutrition, but also to sustainable economic development, environment, and trade.

Nutritional Security means:

- *Access to adequate quantities of carbohydrates, proteins, fats, micronutrients through availability and affordability of diverse foods including grains, pulses, oil, meat, milk, eggs, vegetables, and fruits to meet the requirement for a person according to the stage in her/his life cycle.*
- *Access to safe drinking water as a public good (Right to Food Campaign – Primer on Food Security Act)*

Criteria for Legislation on Food Security

Given the recent estimates of people living below the poverty line, food security legislation must be:

- 1. Universal:** The legislation must be universal in its reach and coverage and must provide for supplementary nutritional benefits to sections of people with special needs, including pregnant and lactating mothers, children and aged.
- 2. Non-contributory:** To ensure right to life with dignity under Article 21 of the Constitution, the basic minimum provisions under the legislation should be noncontributory.

Critique of the Draft Bill

Entitlements and their Operational Framework

1. PDS: The draft provides for a monthly quota of subsidised food commodities under the PDS. Households in the 'priority' category shall be entitled to 7 kg per person per month at Rs. 3/2/1 per kg for rice/wheat/millet respectively. Those in the 'general' category shall be entitled to 4 kg per person per month at no more than half of the Minimum Support Price.

- i.** This division of people into categories not just excludes a large section of people but also incurs unnecessary and avoidable administrative expenses to implement 'targeting'.
- ii.** This method of categorisation is based on the BPL estimates of the government that is based on a ridiculous system of state quotas. There is no consensus even within the government on this estimate.
- iii.** The food entitlement under PDS till date includes provision of other essential food items such as pulses and oil that has been totally eliminated from the entitlement under this bill.
- iv.** The rationale of 7 kg per person per month for 'priority' and 4 kg per person per month for 'general' is baseless. ICMR norms put 14 kg of foodgrain along with 800 gm of oil and 1.5 kg of pulses per head as basic requirement to

ensure 2700 calories.

2. Supreme Court Orders on Right to Food: The legislation should incorporate and consolidate all entitlements currently existing under Supreme Court orders and existing schemes, especially:

- Hot, cooked, nutritious mid-day meals in all government and governmentaided schools.
- Provision of all ICDS services to all children below the age of six years.
- Antyodaya entitlements as a matter of right for all.

3. No to Cash Transfers: Cash transfers not to replace food entitlements.

Yours truly,

for New Trade Union Initiative,
Gautam Mody

Secretary

NATIONAL ALLIANCE OF PEOPLE'S MOVEMENTS

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February 21, 2011

Respected members,
National Advisory Council,
Government of India

Sub : NAPM's response to the note by NAC on the Draft National Food Security Bill

Dear All,

We from NAPM would like to bring to you our following concerns on the proposed National Food Security

Bill which has been put forward by you in the public domain for comments.

National Food Security Bill, is an important legislation and attempts to draw the principles, procedures and

framework ensuring nutritional security of its citizens and with that the security of farmers who produce

these grains. We believe this legislation is closely linked to the overall development of the country and a

contributor to developing a healthy human development index. It is not an act of welfare from the

government but a larger part of the social security system in which every citizen must take part. In line with

Art 243 and 73rd and 74th Amendment the Gram Sabha and Basti Sabha must be involved in the

procurement, distribution and every processes of the legislation. As part of the enabling process the

legislation must ensure conditions which will provide the conditions for favourable agriculture and with that

immediate stopping of diversion of agriculture land for any non-agricultural purposes. A decentralised

system of production, procurement, distribution and monitoring has to be put in place. The ills of the PDS

system can only be removed by local people's participation and giving adequate powers of monitoring and

planning to the Gram Sabha in rural areas and Basti Sabha in urban areas, and not by introduction of UID

or any other technological systems.

Here are further detailed comments on the proposed legislation :

General observations

1. The bill falls short of addressing the issue of food security.

2. The bill delinks the issue of food security from food production which will further perpetuate the hunger crisis. We strongly believe that food security can only be ensured through sustainable and viable livelihood security and production process where by producers have complete access and control over their productive resources.

3. Hence there should be no diversion of agriculture land for non-agricultural purposes and this must be mandatory provision.

4. Food security has been reduced to food entitlements to various age groups and social groups.

Though inclusion of vulnerable categories is a welcome step this compartmentalisation of the issue completely bypasses the causes of hunger and food crisis and at the same time leave people on the mercy of bureaucracy to secure these minimalistic entitlements.

Specific observations

1. There is no provision of oil, fuel, lentils and sugar and is only talking about cereals and hence fails

to address the issue of nutritional security.

2. The system of targeting and not universalising will have huge exclusion and inclusion errors leaving

the real poor out of safety net and marred with corruption and siphoning of food grains continues

under the present draft and now has more complicated three categories of excluded, priority and general.

3. The bill aims to cover only 46 % of rural population and 28 % of urban population as priority group

and will pay Rs 3/2/1 for rice/wheat and millet respectively but rest of 44 % of rural and 22 % of

urban population are forced to buy at half the MSP. With exclusion and inclusion errors this will

leave large number of poor out of food security.

4. There is no logic for giving 35kg for priority and only 20kg for general category instead of campaign's demand of 14kg per head plus oil and pulses. The government which is talking about

growth in production is denying people food grain by not accepting the demand of universal PDS

which will increase agriculture production.

5. Thought the draft puts down that significant expansion in production and decentralised procurement

are needed but legal commitments to do so are not made. Decentralised procurement is essential

and hence the term "wherever feasible" should be removed.

6. The draft does not give legal commitment also on assured and remunerative support price (MSP)

for rice and wheat which will hamper production. This is essential for both producers and consumers and will boost production.

7. There should be explicit provisions against import of food grains. The farmers with guarantee of

secured remunerative prices and incentives for food production and ban on turning agriculture land

for non- agricultural purposes are capable of meeting production needs of the country.

8. The role of gram sabha in PDS needs to be made mandatory and not preferential. The community management and control is a safeguard for good PDS.

Maternal and child support

1. The section is well documented and covers well both mothers and children.
2. But absence of adolescent girls from this section is serious and is also violation of Supreme Court orders.
3. Maternity benefit of Rs 1000 for six months is welcome step but most often women loose work during pregnancy and they need food security. Rs 1000/ in this case is not sufficient and hence maternity leave with assurance of minimum wages on line of women workers from government and private firms will also give due rest to women plus ensure the food security.

Protection from starvation

This needs to be strengthened and need to bring central government also under its ambit.

No reduction of entitlements

The limit of guarantee on entitlements is only up to end of 12th five year plan. It is questionable why such limit is put in the bill and there should be no reduction on entitlements. Also cash value of food and non-food assistance should be pegged to consumer price index and not only to inflation.

PDS reform

The food grain should not be allowed to rot in any case and it should be treated as criminal offense.

Enabling provisions

This should be part of legal category with clear cut time frame other wise they will remain as wish list.

Systems of enforcement and transparency

Though elaborate provisions have been made for grievance redressal, monitoring and compensation they will remain toothless without power to enforce and financial provisions to ensure their independence.

We do hope members of NAC will take these observations and improve upon the existing draft Bill.

Yours Sincerely,

Medha Patkar, Arundhati Dhuru, Sandeep Pandey, Anand Mazgaonkar, Rajendra Ravi, Bhupendra

Singh Rawat, Simpreet Singh, Mukta Srivastava, Madhuresh Kumar

For details do write to us at napmindia@napm-india.org or call 09415022772

Dear All

Warm Regards

We are sending you the suggestions on the Framework of National food Security Bill. This suggestions has been prepared by 37 organizations of Madhya Pradesh. We will also send the English version of the suggestions soon.

Regards

Rolly For

Madhya Pradesh Group

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Madhya Pradesh
Telefax- 0755-4252789

दिनांक: 21 फरवरी, 2011

प्रति,

**राष्ट्रीय सलाहकार परिषद
नई दिल्ली**

विषय: राष्ट्रीय सलाहकार परिषद द्वारा जारी किये गये राष्ट्रीय खाद्य सुरक्षा विधेयक के प्रस्तावित फ्रेमवर्क पर मध्यप्रदेश के जन संगठनों एवं संस्थाओं के सुझाव।

राष्ट्रीय सलाहकार परिषद द्वारा राष्ट्रीय खाद्य सुरक्षा विधेयक के फ्रेमवर्क पर 21 फरवरी 2011 तक सुझाव आमंत्रित किये गये थे। इस दस्तावेज पर चर्चा करने के लिए 20 फरवरी 2011 को भोपाल में राज्य के 37 संगठनों एवं संस्थाओं के प्रतिनिधि इकट्ठा हुये। चूंकि आपके द्वारा जारी किया गया दस्तावेज अंग्रेजी भाषा में था, अतः हमने इसका हिन्दी में अनुवाद करके राज्य के अलग-अलग समूहों को विचार करने के मकसद से भेजा। इस दस्तावेज को पढ़ने और विचार करने के बाद 20 फरवरी 2011 को भोपाल में एक बैठक हुई जिसमें यह साफ तौर पर उभरकर आया कि मध्यप्रदेश में 60 प्रतिशत बच्चे कुपोषित, 57 प्रतिशत महिलायें खून की कमी की शिकार हैं और पिछले 10 वर्षों में यहां 14 हजार किसानों ने आत्महत्या की है। इतना ही नहीं राज्य में प्रति व्यक्ति अनाज उत्पादन घट रहा है पर यहां अभी तक ढाई लाख हैक्टेयर जमीन 130 उद्योगों को दी जा चुकी है और आगे भी दी जाना है। इन परिस्थितियों में परिषद द्वारा प्रस्तुत किया गया फ्रेमवर्क केवल रद्द किये जाने योग्य है क्योंकि यह कहीं पर भी खाद्य असुरक्षा के मूल कारणों से निपटने की बात नहीं करता है।

इस विषय पर चल रही बहस में खाद्य सुरक्षा कानून को व्यापक और लोकव्यापी बनाने से इंकार करते हुये बार-बार दो तर्क दिये जा रहे हैं –

1. सरकार के पास इतने संसाधन नहीं हैं कि वह इस कानून के लिये 1 लाख करोड़ रुपये सब्सिडी दे सके।

हम आपको यह बताना चाहते हैं कि भारत सरकार ने उद्योगों और पूंजीपतियों को वर्ष 2010 में 5.20 लाख करोड़ रुपये की कर रियायत दी है। क्या इसका एक चौथई हिस्सा भी भूख और कुपोषण से मुक्ति के लिये खर्च नहीं किया जा सकता है ? साथ ही आप देश में सरकार की सरपरस्ती में हुये 5 लाख करोड़ रुपये के घोटालों पर क्यों मौन हैं ?

2. दूसरे स्तर पर रंगराजन् समिति ने कहा कि इतना उत्पादन देश में नहीं है कि सरकार सभी के लिए कानून बना सके। हम आपको बताना चाहते हैं कि देश में होने वाले कुल उत्पादन 230 लाख टन में से सरकार महज 20 से 25 प्रतिशत अनाज की ही खरीदी करती है इसमें से भी केवल 18 प्रतिशत ही सार्वजनिक वितरण प्रणाली से वितरित होता है। रंगराजन समिति चिंतित है कि अनाज का कारोबार करने वाली कम्पनियों का क्या होगा पर वह भूख और कुपोषण के शिकार लोगों या आत्महत्या कर रहे किसानों के बारे में कतई चिंचित नहीं है। क्यों नहीं सरकार अपनी खरीदी को 50 से 60 प्रतिशत के स्तर तक लेकर नहीं जाना चाहती; यह आपको पूछना चाहिये?

3. यह ऐसी कोई प्रतिबद्धता नहीं दर्शाता है जिससे यह संकेत मिले की जल, जंगल, जमीन जैसे मूल संसाधनों का खाद्यान्न आधारित खेती के इतर उपयोग नहीं किया जायेगा; इसमें किसानों और खेती पर निर्भर समाज के संरक्षण के बारे में कोई ठोस प्रावधान नहीं है; आप मान रहे हैं कि अफसरशाही भ्रष्टाचार में लिप्त है परन्तु आप उनसे जुर्माना वसूल करके ही मुक्त कर देना चाहते हैं और आप ग्रामसभा या समुदाय की कोई भूमिका इस कानून में नहीं देखना चाहते हैं इसलिये इस फ्रेमवर्क को केवल नकारा ही जाना चाहिये।

4. खाद्य असुरक्षा की स्थिति के स्थायी निपटारे के लिए खाद्यान्न उत्पादन, भण्डारण और वितरण की व्यवस्था का विकेन्द्रीकरण करना अनिवार्य है। परिषद ने इसे समग्रता में नहीं देखा है जिससे ये तय है कि प्रस्तावित फ्रेमवर्क से एक बेहतर परिणामदायक कानून की उम्मीद नहीं की जा सकती है।

5. सरकार को इस कानून के तहत देश में अलग-अलग राज्यों में हो रहे उत्पादन की खदीरी को सुनिश्चित करना होगा साथ ही साथ ब्लॉक या उससे नीचे के स्तर पर भण्डारण की व्यवस्था करना होगा। इसके अलावा सांस्कृतिक रूप से जिन अनाज का उपयोग किया जाता रहा है उसे सार्वजनिक वितरण प्रणाली के तहत वितरित किया जाना चाहिये।

राष्ट्रीय खाद्य सुरक्षा विधेयक के संबंध में राष्ट्रीय सलाहकार परिषद द्वारा तैयार किये गये ढांचे के संबंध में मध्यप्रदेश समूह के सुझाव –

□ सर्वप्रथम समूह का यह मानना था कि यह राष्ट्रीय खाद्य सुरक्षा विधेयक का दस्तावेज नहीं है; बल्कि भुखमरी के शिकार होने वाले लोगों को आज के लिये जिंदा रखने की नाकाम कोशिश का नमूना है। वर्तमान ढांचे को देखकर यह भी लगता है कि यह समग्र खाद्य सुरक्षा की स्थिति लाने के बजाये हितग्राही मूलक योजना बनाने की कोशिश है। एवं इसमें कहीं भी पोषण की सुरक्षा के अधिकार की बात नहीं की गयी है।

□ समूह का मुख्य रूप से यह मानना है कि उत्पादन के पहलू को जोड़े बिना खाद्य असुरक्षा का सही दिशा में हल खोजना संभव नहीं होगा। साथ ही प्रस्तावित ढांचे को देखकर लगता है कि इस कानून के अन्तर्गत शामिल होने वाली योजनायें रहम की योजनायें हैं तथा इनका चरित्र बदला जाना चाहिये।

□ राष्ट्रीय सलाहकार परिषद द्वारा तैयार किये गए ढांचे के सम्बन्ध में समूह का यह स्पष्ट रूप से मानना है कि इस ढांचे के सम्बन्ध में जो टिप्पणी चाही गई थी उस पर चर्चा के लिए बहुत कम समय दिया गया है और यह हिन्दी में या स्थानीय भाषा में उपलब्ध नहीं था जिससे कि मध्यप्रदेश के ग्रामीण इलाकों में रह रहे वंचित तबकों के लिए इस पर टिप्पणी देने संभव नहीं था।

□ इस पूरे दस्तावेज में खाद्य सुरक्षा क्या है ? इसकी अवधारणा का कहीं कोई उल्लेख नहीं है।

राष्ट्रीय खाद्य सुरक्षा विधेयक के सम्बन्ध में मूल सिद्धांत जिसके बिना कोई भी प्रस्ताव मान्य नहीं—

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□ पारिषद द्वारा तैयार किये गये ढांचे में सार्वजनिक वितरण प्रणाली के विषय में प्राथमिक समूह को 35 किलोग्राम और सामान्य समूह को 20 किलो खाद्यान्न की बात कही गई है जिससे की मध्यप्रदेश समूह सहमत नहीं है। मध्यप्रदेश समूह के अनुसार खाद्य सुरक्षा कानून के तहत हर परिवार (2 बच्चों सहित पांच सदस्य) के लिये 50 किलो अनाज, 10 किलो दाल और 4 लीटर खाद्य तेल प्राप्त करने का अधिकार होना चाहिये; इसके अभाव में भारत सरकार द्वारा बनाया जाने वाला कानून देश के नागरिकों और जनता को आधे पेट रखेगा। प्रावधान और वितरण के लिए व्यक्ति को ही इकाई माना जाना चाहिए और प्रति सदस्य के मान से 14 किलो अनाज की जरूरत को आधार माना जाये। राशन कार्ड महिलाओं के नाम से हो।

□ मध्यप्रदेश समूह प्राथमिक एवं सामान्य श्रेणी के विचार से भी सहमत नहीं है। समूह के अनुसार इस कानून को सर्वव्यापी करते हुये एपीएल व बीपीएल की श्रेणी को हटाकर सभी के लिए लागू करना चाहिए। राशन व्यवस्था के सर्वव्यापीकरण में सम्पन्न वर्ग (पूँजीपति, तयशुदा राशि से ज्यादा मासिक वेतन पाने वाले व नौकरीपेशा) को इससे बाहर किया जा सकता है।

□ **सार्वजनिक वितरण व्यवस्था का विकेन्द्रीकरण** – इसके साथ ही अनाज/खाद्यान्न के सार्वजनिक वितरण की व्यवस्था का भी विकेन्द्रीकरण होना चाहिये। सुझाव यह है कि स्थानीय स्तर पर खरीदे गये अनाज के भण्डारण की व्यवस्था स्पष्ट रूप से ब्लाक स्तर पर लागू किया जाये। जिन राज्यों/जिलों/इलाकों में जरूरत पूरी करने लायक अनाज उत्पादन नहीं होता है, वहां उत्पादन को बढ़ाने के लिये प्रोत्साहन दिया जाये। तब तक ज्यादा उत्पादन करने वाले राज्यों/जिलों/इलाकों से अनाज की आपूर्ति कर उनकी जरूरत को पूरा किया जाना चाहिये।

□ विकेन्द्रीकरण (उत्पादन, खरीदी और भण्डारण) की व्यवस्था को एक समग्र व्यवस्था के रूप में देखा जाना चाहिये।

□ **सरकारी खरीदी व वितरण की विकेन्द्रीकृत व्यवस्था होना चाहिए** और निजी खरीदी पर रोक लगनी चाहिये। सरकारी गेहूँ की अधिकांश खरीदी पंजाब-हरियाणा से व चावल की खरीदी आंध्रप्रदेश से हो रही है, जिससे अन्य राज्य खाद्यान्न उत्पादन के मामले में भेदभाव के शिकार होकर हतोत्साहित हुये हैं। बाकी प्रांतों के गेहूँ/चावल उत्पादन और पूरे देश के मोटे अनाज दलहन, तिलहन आदि की खेती को प्रोत्साहन व संबल देने के लिए विकेन्द्रित खरीदी-वितरण व्यवस्था होना चाहिए। इस व्यवस्था से सार्वजनिक वितरण प्रणाली के तहत प्रबंधन, प्रशासन और परिवहन पर होने वाले भारी-भरकम व्यय को बहुत कम किया जा सकेगा और भ्रष्टाचार (लीकेज) में भी कमी आयेगी। इस बचत से समर्थन मूल्य को बढ़ाया जा सकता है। इसके अलावा Procurement/ खरीदी की प्रक्रिया में मण्डी व्यवस्था की केन्द्रीय भूमिका हो।

□ **IEizHkqrk vkSj vkthfodk ds lk/kuksa dh lqj{kk**

□ पारिषद द्वारा बनाये गए ढांचे में कृषि तथा खाद्यान्न उपलब्ध उत्पादन का पुनर्जीवीकरण के प्रावधानों को सक्रिय करने के खण्ड में रखा गया है जिससे कि मध्यप्रदेश समूह सहमत नहीं है क्योंकि खाद्य सुरक्षा कानून के सही, उपयोगी और लोकोन्मुखी क्रियान्वयन के लिये जरूरी है कि सरकार कृषि क्षेत्र में दी जाने वाली रियायतों को खाद्यान्न/खाद्य सुरक्षा देने वाली कृषि पर केन्द्रित करे। नकद/व्यावसायिक फसलों को प्रोत्साहन के लिये दी जाने वाली रियायत को खत्म किया जाना चाहिये। खाद्यान्न कृषि को प्रोत्साहित करने के लिये रियायतों और सरकारी निवेश को बढ़ाया जाना चाहिये और इसे अनिवार्य अधिकार की श्रेणी में रखा जाना चाहिये।

□ **समूह का मानना है कि मोटे अनाज, दलहन, तिलहन, मछली, केकड़ा, मांसाहारी (Sea Food) एवं वनोपज को प्रोत्साहन** – गेहूँ, चावल के अलावा ज्वार, बाजरा, रागी, मक्का जैसे मोटे अनाज, दलहन, तिलहन, मछली, केकड़ा, मांसाहारी (Sea Food), डेयरी उत्पाद एवं वनोपज (तेंदूपत्ता, गोंद, महुआ इत्यादि) की भी न्यूनतम समर्थन मूल्य पर सरकारी खरीदी होनी चाहिये। समर्थन मूल्य इतना होना चाहिए ताकि किसान को अपने श्रम सहित पूरी लागत मिले तथा खेत मजदूर को भी न्यूनतम मजदूरी मिल सके, उन्हें न्यूनतम सुरक्षा मिले और वे इज्जत की जिन्दगी जी सकें।

□ राशन व्यवस्था में “मोटे अनाज” के अलावा दाल व खाद्य तेलों का भी वितरण होना चाहिए साथ ही इसी से कुपोषण पर रोक लग सकती है। इन खाद्यान्नों की उपेक्षा के कारण शक्कर की बीमारी, प्रोटीन की कमी की बीमारी इत्यादि बहुत तेजी से ग्रामीण क्षेत्रों में फैल रही है। इन खाद्यान्नों की सरकारी खरीदी व वितरण से इनकी खेती को प्रोत्साहन और बल मिलेगा। हरित क्रांति के चलते खाद्यान्नों की इन फसलों की हुई उपेक्षा को सुधारने के लिए यह एक मौका है।

□ मिलेट्स/मोटे अनाज में से किसी एक खाद्य अनाज पर ध्यान केन्द्रित न करते हुये अलग-अलग क्षेत्रों में अलग-अलग समुदायों द्वारा उपयोग में लाये जाने वाले पौष्टिक अनाज (मोटे अनाज) को शामिल करते हुये प्रोत्साहित किया जाये।

□ **कार्पोरेट खेती पर प्रतिबंध** – कार्पोरेट/बाजार आधारित कृषि नीति पर प्रतिबंध लगाकर किसान आधारित खेती की जाये। गेहूँ, चावल आधारित कृषि नीति के बजाये पारम्परिक खाद्यान्न व्यवस्था और मोटा अनाज (दलहन, तिलहन) आधारित नीति पर जोर दिया जाये।

□ **आजीविका के साधनों की सुरक्षा** के साथ ही देश-समाज की खाद्य सुरक्षा जुड़ी हुई है। अतः इस कानून के तहत यह सुनिश्चित किया जाना चाहिये कि कृषि भूमि (मौजूदा और संभावित उपयोग में आ सकने वाली) का डायवर्सन उद्योगों, सेज या गैर-कृषि उपभोग के लिये नहीं किया जायेगा। इसी तरह वन भूमि का अन्य उपयोग के लिये डायवर्सन नहीं किया जायेगा। यह आजीविका और पर्यावरण की सुरक्षा दोनों के लिये अनिवार्य है। जल स्रोतों पर पहला हक कृषि का हो एवं यह जल किसी भी स्थिति में औद्योगिक या व्यापारिक धंधों के लिए नहीं छीना जाए। वनों में खदान, फैक्ट्री या अन्य कोई भी विनाशकारी काम नहीं किये जायें। जल, जंगल, जमीन का पहला हक खाद्य सुरक्षा की आपूर्ति के लिये किया जाये।

□ **न्यूनतम कृषि मजदूरी का पुनः ऑकलन** – न्यूनतम कृषि मजदूरी की दरों का पुनः ऑकलन होना चाहिए। खाद्य सुरक्षा की स्थिति को हासिल करने के लिये जरूरी है कि न्यूनतम मजदूरी की दरों का निर्धारण उपभोक्ता मूल्य सूचकांक के तहत हो और यह सुनिश्चित किया जाये कि न्यूनतम मजदूरी सरकार के निचले स्तर के कर्मचारियों को मिलने वाले पारिश्रमिक से कम न हो। मौजूदा न्यूनतम मजदूरी से जिंदा रहना संभव नहीं है, बुनियादी जरूरत के अनुरूप [लिविंग वेज] बनाया जाना चाहिये

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□ **विशेष समूह में श्रेणी SC/ST**, बंदी के परिवार, बालिका समाज को भी शामिल कर वंचितों को प्राथमिक समूह माना जाना चाहिये। इसके अलावा सरकार को एचआईवी/एड्स, कोढ़, तपेदिक से पीड़ित लोगों तथा किसी आपदा या दुख से पीड़ित लोगों के लिए विशेष पोषण सहयोग की व्यवस्था सुनिश्चित करने के लिए प्रयास करने चाहिये। ऐसे समुदाय जो अति संवेदनशील या अति कुपोषित हैं जिनकी संख्या धीरे-धीरे कम होती जा रही है उन्हें 2 रुपये किलो वाला राशन कार्ड दिया जाए। घुमंतु/अति पोषण संवेदनशील सहमू (कोरकू कोल मवासी) पीटीजी को भी सस्ते राशन की व्यवस्था की जाये।

□ **सामाजिक सुरक्षा पेंशन योजना का सर्वव्यापीकरण** — सामाजिक सुरक्षा पेंशन योजना को वर्तमान ढांचे से बाहर रखा गया है जोकि बिल्कुल गलत है। सामाजिक सुरक्षा पेंशन योजना का भा सर्वव्यापीकरण होना चाहिये एवं इसके हितग्राही तय करने में बीपीएल की पात्रता की शर्त न जोड़ी जाये। इसके सर्वव्यापीकरण में सम्पन्न वर्ग (पूँजीपति, तयशुदा राशि से ज्यादा मासिक वेतन पाने वाले व नौकरीपेशा) को इससे बाहर किया जा सकता है।

पेंशन की राशि को सरकारी मापदण्डों के अनुसार देखा जाना चाहिये। इसके लिए एक माह तक मिलने वाली न्यूनतम मजदूरी की आधी राशि पेंशन के रूप में दी जानी चाहिये।

□ पेंशन का देर से भुगतान होने पर तत्काल मुआवजे का प्रावधान होना चाहिये।

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□ वर्तमान ढांचे में किशोरी बालिकाओं, बच्चों के लिये झूलाघर, प्रसव के दौरान मातृत्व सहायता का जिक्र नहीं किया गया है। मध्यप्रदेश समूह की मांग है कि 0 से 6 वर्ष की आयु वर्ग के बच्चों के भोजन के अधिकार को सुनिश्चित करने के लिए यह जरूरी है कि मांओं को प्रसव के दौरान मदद दी जाएं तथा कार्यस्थल पर झूलाघर की सुविधा मुहैया कराई जाए एवं किशोरी बालिकाओं के पोषण की व्यवस्था की जायें।

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□ **खाद्यान्न निर्यात-आयात पर प्रतिबंध** हो जब तक कि देश में खाद्य और पोषण की असुरक्षा की स्थिति न सुधर जाये। भुखमरी की स्थिति मिट न जाये। अब यह स्पष्ट हो चुका है कि भारत गंभीर खाद्य असुरक्षा की स्थिति में पहुंच चुका है। यह स्थिति प्राकृतिक स्थिति नहीं है बल्कि इसका जन्म विसंगतिपूर्ण सरकारी नीतियों और ढांचागत अव्यवस्थाओं के कारण हुआ है। ऐसे में नीतिगत रूप से सरकार को यह सुनिश्चित करना होगा कि देश में भुखमरी और कुपोषण खत्म होने तक अनाज-खाद्यान्न का निर्यात पूर्णतः प्रतिबंधित रहेगा। इसके साथ ही आपातकालीन परिस्थितियों को छोड़कर अनाज-खाद्यान्न के आयात पर भी रोक रहेगी ताकि स्थानीय किसानों-उत्पादकों को बहुराष्ट्रीय कम्पनियों की हिंसक प्रतिस्पर्धा का सामना न करना पड़े।

□ **जीनान्तरित बीज पर प्रतिबन्ध** होगा एवं जी.एम. फूड की नीति को सरकारी एवं सार्वजनिक नीतियों के कार्यक्रम एवं कानूनों में लागू न किया जावे। जीनान्तरित व कम्पनी द्वारा निर्मित पैकेज्ड

फूड (डिब्बाबंद भोजन) किसी भी सरकारी खाद्य योजना में इस्तेमाल नहीं होगा। निजी कम्पनियों की सरकारी खरीदी, संग्रहण व वितरण व्यवस्था में कोई भी भागीदारी नहीं होगी। साथ ही व्यक्ति को सुरक्षित भोजन (Non GM Food) का हक हो, न की कीटनाशकयुक्त या जहरीला भोजन न हो।

□ अनाज (ज्वार) का उपयोग ईंधन/शराब बनाने के लिये न हो, यह सुनिश्चित किया जाना जरूरी है।

□ बायो डीजल के लिये खाद्यान्न उत्पादन और उपभोग की नीति को तत्काल प्रतिबंधित किया जाना चाहिये।

□ खाद्य सुरक्षा से संबंधित बिल — संसद में पेश होने वाले बिल $\frac{1}{4}$ The Agriculture Bio-security Bill, The Biotechnology Regulatory Authority of India Bill, The Land Acquisition (Amendment) Bill, The Rehabilitation and Re-settlement Bill, The Seeds Bill, The Pesticides Management Bill का खाद्य सुरक्षा कानून से गहरा रिश्ता है इसलिये इन्हे एक दूसरे के परस्पर देखना चाहिये ।

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□ विसंगतिपूर्ण विकास नीतियों के कारण सूखा, बाढ़, अकाल, चक्रवात जैसी प्राकृतिक आपदायें समाज के लिये अब स्थाई चुनौतियाँ बन गई हैं। इन प्राकृतिक आपदाओं की स्थिति में सरकार तत्काल सुनिश्चित करे कि {1} राष्ट्रीय ग्रामीण रोजगार गारण्टी योजना के तहत 100 दिन के रोजगार की सीमा को हटाया जाये और जितनी जरूरत हो उतना काम दिया जाये, {2} मजदूरी को स्थिर करने (Wage Freeze) की नीति वापस ली जाये, {3} न्यूनतम मजदूरी का निर्धारण न्यूनतम मजदूरी अधिनियम में परिभाषित जरूरतों के आधार पर किया जाये, {4} राशन व्यवस्था से अनाज, दालों और तेल की अतिरिक्त मात्रा उपलब्ध करवाई जाये।

f'kdk;r fuokj.k rFkk fuxjkuh

□ वर्तमान ढांचे में सिर्फ प्रावधानों का उल्लंघन करने वाले व्यक्ति पर सिर्फ जुर्माने की बात कही गई है। परन्तु मध्यप्रदेश की मांग है कि इस कानून के प्रावधानों का उल्लंघन करने वालों पर आपराधिक प्रकरण दर्ज करके कठोर दण्डात्मक कार्यवाही की व्यवस्था होना चाहिये। सरकार यह तो मानती ही है कि नौकरशाही भ्रष्टाचार को साकार करती है परन्तु उसे जवाबदेय बनाने के लिये केवल जुर्माने का प्रावधान करके NAC ने अपनी कमजोर प्रतिबद्धता का प्रदर्शन किया है। इस कानून के तहत दर्ज होने वाले प्रकरणों का तीन माह की अवधि में अनिवार्य रूप से निराकरण किया जाये।

□ निगरानी और शिकायत निवारण व्यवस्था में ग्रामसभा की मुख्य भूमिका होना चाहिये। ग्रामसभा द्वारा पारित प्रस्ताव को कार्यवाही का आधार बनाकर जांच व्यवस्था (ब्लाक स्तर पर और जिला स्तर पर) तत्काल जांच करके तीन माह की अवधि में शिकायत का निवारण हो।

□ ग्रामसभा के प्रस्ताव पर FIR करना अनिवार्य होना चाहिये, किसी प्रकार की अनियमितता या अनाज ना मिलने पर मुकदमा दर्ज होते ही मुआवजा दिया जाये।

□ जिन व्यक्तियों के पात्रता हकों का हनन होगा उनको मुआवजे का हक होगा एवं दोषी के खिलाफ गैर जमानती फौजदारी मुकदमा दर्ज होना चाहिये। मुकदमा दर्ज होते ही हितग्राही को मुआवजा दिया जाये। इस तरह के मामले में जांच के निराकरण का इंतजार नहीं किया जायेगा।

□ सोशल ऑडिट के निष्कर्ष/अनुशासनों पर कार्यवाही करना राज्य सरकार और जिला स्तरीय शिकायत निवारण ढांचे की अनिवार्यता होगी। सामाजिक अंकुषण में निकलने वाली अनियमितताओं के खिलाफ कार्यवाही के लिए समय सीमा निर्धारित की जाए। नामजद अधिकारी द्वारा निर्णय किया जाए।

□ जिला, राज्य और ब्लाक स्तर पर शिकायत निवारण व्यवस्था में नामजद अधिकारी की नियुक्ति होना चाहिये।

Participants in the discussion on Framework proposed by National Advisory Council on National Food Security Bill

20th feb, 2011

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9	Dr. Umesh Vasistha	Manav Adhikar Forum, H.N- 101, Shivalik Apartment, infront of Miss Hill School, Laxmibai	Mo- 94251 11198

Please find few of my brief comments on the NFSB. I hope they will be of some help. Please feel free to contact me for any clarifications.

rgds
Sekhar

**

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Note on Draft Food Security Act - Comments

The objectives of the proposed NFSA are laudable but on the implementation front, the following issues need careful considerations.

4.1.3. Meeting the proposed food entitlements within a reasonable time frame (say two to three years) would require a continuation of the current growth rate of food procurement, as well as enhanced buffer stock norms. This appears to be feasible, judging from consultations with the concerned ministries. However it would require a significant expansion of production and decentralised procurement, based on an improved incentive structure.

- The issue of increasing the production is very important and requires more rigorous analysis than mere consultation with concerned ministries. The existing literature and also the supply forecasts over the medium term generated at our Institute (Institute of Economic Growth) show that the necessary supply may not be forthcoming from domestic production if 90% of the rural population and 50% of the urban population are to be covered (as envisaged under the Act). In such a

scenario, imports may be needed to fulfil the rights conferred under the act. Even marginal imports by a large country like India will have large implications for the global food markets which are already on the boil and are likely to raise the global food prices much higher making imports a very expensive option. Even if we manage to import food in the short-run owing to our comfortable foreign exchange reserves, the sustainability of such a course over the long-run needs careful and comprehensive analysis.

4.2. PDS Reform

Under this section, decentralized procurement (4.2 a) system has been attempted in many states but without much success (Performance Audit on Management of Foodgrains, Report No 16, Comptroller and Auditor General (CAG), Government of India, 2006) and the cost has been much higher than FCI operations. Similarly, the procurement of millets and other nutritious grains (4.2 b) and pulses (5 ii) are desirable but extremely difficult options for FCI which is finding it difficult to procure even wheat and rice. As for the financial viability of FPS (4.2.f), this is very important without which diversion of foodgrains is almost impossible to control, particularly when the issue price is sought to be very low under the Act. It can be very easily shown formally in a simple model how the difference between issue price and market price determines the quantity diverted to the black market.

Dear All

Warm Regards

We are sending you the suggestions on the Framework of National food Security Bill. This suggestions has been prepared by 37 organizations of Madhya Pradesh. We will also send the English version of the suggestions soon.

Regards

Rolly For

Madhya Pradesh Group

--

Right to Food Campaign Support Group Madhya Pradesh
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Participants in the discussion on Framework proposed by National Advisory Council on National Food Security Bill 20th feb, 2011

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7	Mr. Manis Meda	Pragati Sanstha, Megh	Mo- 97544 10300

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To

The Secretary,
National Advisory Council,
2, Moti Lal Nehru Place,

Akbar Road,

New Delhi -110 011

Respected Madam / Sir,

The attached file has a few comments on the Framework of Food Security Bill. Thanks for providing this opportunity.

Yours sincerely,

K. Manjula
Program Officer
Actionaid
Bangalore Regional Office
Bangalore
To

20 February, 2011

The Secretary,
National Advisory Council,
2, Moti Lal Nehru Place,
Akbar Road,
New Delhi -110 011

Dear Madam / Sir,

Greetings!

Thanks for sharing framework for draft Food Security Bill.

I, the undersigned would like to comment / suggest / raise some of my concerns on the Framework towards finalizing National Food Security Bill. Some of my concerns are based on my experience of having worked with special category people like PLHIV (People Living with HIV & AIDS) & Tribals.

- Need to define the term Special / vulnerable social & economic categories of persons & priority groups.
- 'Special ration cards' for Individuals / households affected by emergency / disasters need to be explained.
- Under Sec. 3.2 & 3.3, good to hear that all commercial interests will be barred from supplying ready to eat or any other item for all child nutrition programs.
- 'Protection from Starvation' (identifying people living with starvation) – Developing mechanism to identify individual / family living with starvation is a great challenge. In most of the poor households, starvation is subtle & people are drawing satisfaction with half filled stomach, or irregularly feeding themselves depending on food grains available at home, especially women in such families. Women's food culture is largely depending on cultural & patriarchal values. So, side by side of system orientation, gender orientation should also take place.
- Tribals' food habits are governed by their culture than by the actual requirement. Procuring food grains suiting to traditional food habits may not always be the right strategy. So, counseling on purchase &

usage of new food grains which might be a 'need' for a specific tribal community should be inbuilt in the PDS program.

- Use of Technology & MIS – Capacity building plans (training on usage of technology) if not included can be a threat to the plan of 'community management of fair price shops' (especially community women monitored fair price shops).
- Special nutrition support for persons with stigmatized and debilitating ailments such as HIV/AIDS, leprosy, and TB – If care is not taken while designing the mechanism of distribution of this special nutrition, the system is likely to double / multiply the stigma & discrimination being faced by such category of people. Suggest, can they get this special nutrition along with medicine at the respective treatment center providing treatment & nutrition counseling!
- Enabling provisions (Govt. to endeavour to revitalize) – unnecessary & unwarranted diversion of land & water – Checks & measures need to be adopted curbing the government from exercising ultimate power in deciding on diversion of water & land.
- Safe drinking water & drainage facility – If not carefully planned, urban poor (especially the homeless) would face the threat of forced eviction. The elites with better buying power & negotiating skills can buy the best services at the cost of poor's comforts. Also, providing adequate drinking water should not mean commodifying the nature's gift & delivering bottled waters for heavy price.
- Enabling provisions – Should include plans for 'enhancing buying capacity of the households', including revising 'Minimum Wages' and tackling unemployment & under-employment issues.
- PDS Reform – the long outstanding complaint on low quality food grains sold at fair price shops need to be looked into.

Thanking you for providing this opportunity,

Yours sincerely,

Manjula K
Program Officer
Actionaid
Bangalore Regional Office
Bangalore
Karnataka

The members,
National Advisory Council,
Government of India

Sub : Anna Adhikar Abhiyan , Maharashtra's Comment on the the note by NAC on the Draft National Food Security Bill

Dear All,

We at Anna Adhikar Abhiyan would like to place on record our comments and suggestions on the Note by the NAC on the Draft National Food Security bill which has been put on the public domain for comment and suggestions.

The files having overall and specific comments right at the original Draft Bill have been attached both as PDF and the Doc version .

Sincerely,

Ulka Mahajan, Suresh Sawant, Mukta Srivastava, Gorakhnath Ahwad
Anna Adhikar Abhiyan

Anna Adhikar Abhiyan, Maharashtra

(A network of over 100 organizations across Maharashtra, campaigning on the right to food security and sovereignty)

Convenor: Mukta Srivastava , Shoshit Jan Andolan ,

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Comments on the Note on the Draft National Food Security Bill

The collective comments by the group are in three parts: Overall and Suggestion and Specific comment right at the Draft bill itself below in this document.

1. Overall Comments

India celebrated 62 year of Republic Day last on 26th Jan 2011. At least after 62 years it is the responsibility of any secular democratic state to ensure **food security for all**. Enough is enough, at least now it should not get into the Inclusion, Exclusion priority, general categories which will only dilute the whole effort.

It is disheartening that the UPA government's promise in 2009 to give people's legal right to food and make an Act which is both a visionary and revolutionary has been fulfilled in a fractured manner. The bill is minimalist and a far cry from what was promised.

- The bill does not clearly define the process and criteria for Priority and General category. How one has reached the figure of 90% of rural and 50% of urban area? How one has arrived at the figure of 46% Rural and 28% Urban families as priority category ?
- The bill has multi-staged implementation process which will deny all other needy people to access subsidized food at the same time.
- The issues of Urban Poor are poorly addressed. The food security is not linked to economic poverty alone but also to the issues of housing, services etc. There is no defined poverty line in urban area. Fixing 28% in Priority Category as the extent of urban poverty is a mockery of the ground reality towards which the ecocrats of the present government have turned a blind eye.
- *There is no provision for fuel, lentils, oil and sugar and therefore it fails to ensure safe and nutritious food*
- The more encouraging aspect of the Bill is the maternal and child support section with a few suggestions given right at the sections below in this document.
- We need minimum **5 areas** to be ensured and guaranteed in the bill in order to ensure guarantees access to nutritious food but baring a few bill fails to include all of these. Though some of these have been put in the enabling section of the bill and it does not give any legal guarantee for these
 1. *The bill does not guarantee* the Minimum Support Price to the farmers to encourage and ensure Food production or to provide minimum remuneration to the producers in order to sustain production.
 2. *There is no guaranteed robust System* for decentralized procurement for easy access to food for consumers.
 3. The Bill as expected *does not give universalized access to subsidized food* instead it **reinforces exclusion** and possibility of

inclusion and exclusion error by still being remained at the targeted level with a new categories.

4. The bill *does not make any effort to legally ensure the systematic effort towards agricultural sustainability*. The Bill does not reflect any definite action towards ensuring and protecting land rights to the famers and assured investment in agriculture and allied activities. Without ensuring food sovereignty and **protection from land grab** and ensuring land rights the supply side will not be guaranteed.

5. The bill does have definite provisions and system for ensuring Transparency and accountability in the PDS System which is welcomed.

2. Suggestion for budgetary provisions

A standard excuse, orchestrated through the mandarins of Planning Commission and converted into a manufactured consent of intelligentsia and the vocal middle class through Media, is about lack of resources. What prevents this ‘Aam Adami’ Government to ask the fat cats of economy such as large corporations, particularly the FIIs, who have been given umpteen concessions over the last 8 years of UPA regime to contribute resources either by way of increased taxation or a ‘Tobin Tax’ for milking out of Indian economy’s so called stratospheric growth. Raising the resources by dipping into 2% of the profits of large corporates will fill the resource gap. This will be a better CSR.

3. **Specific Comments :** Please see the section by section comments through track changes in the original NAC Note on the National Food Security Bill below..... In red color

Note on the
Draft National Food Security Bill

National Advisory Council

21st January, 2011
New Delhi

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Executive Summary

Draft National Food Security Bill: Essential Features

The draft Bill is in two parts. The first part deals with *food entitlements* and their operational framework. These entitlements are to be realised through specific *food-related schemes* (listed in Schedule I), implemented by state and local governments with support from the Central Government. The second part develops a framework of *grievance redressal for food-related schemes*, with potential for being extended to other economic and social rights.

Part I: Food Entitlements and Related Matters

Essential Entitlements

This part is based on the NAC note of 23rd October 2010. The essential entitlements are:

Public distribution system: 35 kgs per household per month at Rs 3/2/1 for rice/wheat /millets for Priority category; 20 kgs at (at most) half of MSP for General category.

Maternal and child support: (1) Universalization of ICDS (as per Supreme Court orders); (2) counselling and support for optimal Infant and Young Child Feeding; (3) nutrition take-home rations for children under 3 and pregnant/lactating women; (4) cooked midday meals up to Class 8 in government and government-aided schools; (5) maternity entitlements of Rs 1000/month for 6 months for pregnant women.

Special groups: (1) Daily, free cooked meal for destitute persons; (2) Portable entitlements for migrants; (3) Community kitchens (subject to successful pilots) for homeless persons and the urban poor; (4) Emergency relief for disaster-affected persons; (5) unconditional protection from starvation.

Note: The PDS entitlements shall not be reduced in any manner until at least the end of the 12th Five Year Plan period. Other entitlements cannot be reduced except by amendment of the Act.

PDS Reform

The reformed PDS is to have a transparent structure, where food transfers can be tracked all the way to the cardholders and Fair Price Shops are managed by accountable community institutions. The Act will mandate extensive PDS reforms, such as: decentralised procurement; community management of Fair Price Shops; doorstep delivery to FPSs; assured financial viability of FPSs; strict transparency safeguards; end-to-end computerization; tamper-proof receipts; regular social audits. The Act will also create space for innovative uses of ICT.

Enabling Provisions

Enabling provisions call on the central, state and local governments to strive towards progressive realization of (inter alia): (1) revitalization of agriculture and food production; (2) universal access to safe drinking water and sanitation; (3) universal health care; (4) universal access to crèche facilities; (5) special nutrition support for persons with stigmatised and debilitating ailments; (6) provision of pensions for the aged, disabled, and single women.

Part II: Grievance Redressal

Essential Provisions

The draft Bill attempts to build a strong system of grievance redressal for all food-related schemes, to ensure that food entitlements are realised. Grievance redressal provisions include:

- 1 Strict *transparency standards* for all food-related schemes.
- 2 Swift *fin*es for any violation of the Act.
- 3 “*Duty to fine*” whenever irregularities are found.
- 4 Principle of “*vicarious responsibility*”.
- 5 *Compensation* in the event of any loss of entitlement.

Institutional Setup

All food-related schemes will come under a common grievance redressal framework, involving:

- (1) Block-level **facilitation centres**: A non-official person or group appointed to help people with filing complaints, submitting appeals, resolving disputes, etc.
- (2) District **Grievance Redressal Officers**: See below.
- (3) State- and national-level **Food and Nutrition Commissions**: These will hear appeals, monitor the enforcement of the Act, and advise governments on food-related schemes.

District Grievance redressal proceeds in 3 steps: (1) internal redressal (within concerned departments); (2) intervention of the District Grievance Redressal Officer; (3) appeal to state or national Commission.

Grievance Redressal Officers

The linchpin of the grievance redressal system is the District Grievance Redressal Officer (DGRO) at the District level. The DGRO is envisaged as an independent officer with extensive powers to investigate, fine and compensate. DGROs are to be recruited through an objective national selection process (possibly entrusted to the UPSC), with a non-extendable term of five years.

Transparency Standards

All food-related schemes will have to meet common minimum standards of transparency. These include: (1) All information in the public domain; (2) Pro-active disclosure of essential information; (3) Web-based MIS with conversion to Janata Information System at the village level; (4) “Open office, open inspection, open records” regime; (5) mandatory social audits; (6) mandatory provision of individual transaction records (e.g. ration cards) to all beneficiaries; (7) right to information within 15 days at no more than photocopying cost. At least 1% of the cost of food-related schemes will be ear-marked for transparency measures.

Wider significance of this grievance redressal system

Over time, the proposed grievance redressal system could possibly be extended to other similar legislations such as NREGA and Right to Education Act. This would be a major breakthrough.

Framework of Proposed National Food Security Bill

Part I

1. Introduction

1.1 This Framework Note presents the contours of a draft National Food Security Bill, consistent with the NAC's resolution of 23 October 2010. The National Food Security Act is envisaged as a path-breaking legislation, aimed at protecting all children, women and men from hunger and food deprivation. Aside from creating new food entitlements, the Act would place a range of existing food-related schemes on a new footing and set new standards of transparency and accountability for social programmes.

1.2 The draft Bill is in two parts. The first part deals with food entitlements and their operational framework. These entitlements include: (1) legal PDS entitlements for at least 90% of rural and 50% of urban populations in the country; (2) expanded coverage and norms for maternal and universal child nutrition programmes; (3) provisions for new food security schemes such as maternity allowances and destitute feeding. These entitlements are to be realised through specific 'schemes', implemented by state and local governments with support from the Central Government.

1.3 The second part develops a framework of grievance redressal for food-related schemes, with potential for being extended to other economic and social rights. This includes (1) the creation of an empowered Grievance Redressal Authority called the District Grievance Redressal Officer at the district level, (2) grievance facilitation centres at the Block level, (3) clear assignment of responsibilities in all food-related schemes; (4) penalties for a range of welldefined offences; (5) accountability of supervisory authorities; and (6) high transparency standards including pro-active disclosure of essential information. These are also briefly described in this note.

2. Objective

2.1 An Act to ensure public provisioning of food and related measures to enable assured economic and social access to adequate food with dignity, for all persons in the country, at all times, in pursuance of their fundamental right to be free from hunger, malnutrition and other deprivations associated with the lack of food and related matters. The food entitlements created by this Act will cover the entire life cycle of a human being, starting with overcoming maternal and foetal under-nutrition resulting in low birth weight babies, and extending up to old and infirm persons. The first 1000 days in a child's life (starting with conception up to the end of 2 years of age) will receive special attention.

3. Essential Entitlements

3.1. Public Distribution System

3.1.a. Rural areas: Every rural household shall be entitled to a monthly quota of subsidised food

commodities under the Public Distribution System (PDS), unless it meets one of the notified "exclusion criteria". Households in the priority category shall be entitled to 7kg per person per month at Rs. 3/2/1 per kg for rice/wheat/millet respectively. Those in the "general" category shall be entitled to 4kg per person per month at no more than half of the Minimum Support Price (MSP). At least 90% of rural households in the country shall be entitled to subsidised foodgrains under the PDS, of whom at least 46% shall be priority groups. The NAC recommends a 'social inclusion' approach, under which certain vulnerable social and economic categories of persons are identified and fully covered as a right under this Act.

3.1.b. Urban areas: The same norms shall apply to priority and general households in urban areas together covering at least 50% of the urban population, of which at least 28% shall be in the priority groups. Once again, a 'social inclusion' approach appropriate for urban areas is recommended, which would ensure that homeless and slum residents, and others who are occupationally and socially vulnerable are fully covered.

3.2. Maternal and Child Support

All children in the age group of 0-6 years shall be entitled to basic nutrition, health and preschool education services available under the Integrated Child Development Services (ICDS) as of 1 April 2010, and enforced already as legal rights by the Supreme Court of India, namely: (1) supplementary nutrition; (2) immunization; (3) health check-ups; (4) referral services; (5) growth monitoring and promotion; (6) pre-school education.

3.2.a. Pregnant and Lactating Mothers

- a) Nutritious take-home rations and/or freshly cooked nutritious meals, provided throughout the year through the local anganwadi or any other suitable institution.
- b) Maternity benefits of Rs. 1000 per month, for a period of six months, to all pregnant women for care, nutrition and rest during pregnancy and after delivery.
- c) Support for practising exclusive breastfeeding for 6 months through assistance at birth, breastfeeding counselling, and related assistance; and counselling on optimal Infant and Young Child Feeding to promote appropriate complementary feeding upon the completion of 6 months, along with continued breastfeeding for two years or beyond.

3.2.b. Children Aged 6 Months to 3 Years

- d) Nutritious take-home rations and/or age-appropriate freshly cooked meals, provided throughout the year through the local anganwadi or any other suitable institution.

3.2.c. Children Aged 3-6 Years

- e) At least one freshly cooked nutritious meal and a nutritious snack at the local anganwadi, for at least 300 days in a year.

3.2.d. Children Aged 6-14 Years

- f) At least one freshly cooked nutritious midday meal in all schools run by local bodies, government and government-aided schools up to Class 8 everyday of the year, except school holidays.

3.2.e. No Denial to Children

g) Any child below the age of 14 years may approach any feeding facility such as anganwadi centre, school mid-day meals, destitute feeding centres etc., as defined under this Act, for a freshly cooked nutritious meal, and will not be turned away on any ground.

3.2.f. Prevention and Treatment of Child Malnutrition

a) Until the age of six years, children of all grades of malnutrition, as well as those experiencing growth faltering or nutritional deterioration, shall be identified and supported through nutrition counselling for improved locally appropriate feeding and care, health checkups and referral services.

b) Severely underweight, undernourished or sick malnourished children shall be entitled to supplementary nutrition and special care at a Nutrition Rehabilitation Centre or community as appropriate.

3.3. Entitlements for Special Groups

(i) **Migrants:** Arrangements shall be put in place to ensure that migrants are able to claim all entitlements under this Act at their current place of residence.

(ii) **Destitute persons:** All destitute persons who seek it shall be entitled to at least one freshly cooked nutritious meal per day without any charge.

(iii) **Homeless persons and Urban Poor:** Each state government shall put in place and progressively expand, subject to successful pilots, a scheme of Community Canteens to facilitate and ensure that homeless persons and the urban poor, in addition to their entitlements to subsidized foodgrains under the PDS, have access to affordable freshly cooked nutritious meals. Subject to these successful pilots, minimum numbers of such Canteens will be prescribed for every city.

(iv) **Emergency and Disaster Affected Persons:** All individuals and households affected by emergency or disaster shall be entitled to special ration cards under the PDS (with entitlements no less than those of Priority Groups) for a minimum period of one year. Open feeding centres, accessible free of charge shall also be set up immediately. Special measures shall be taken to ensure that all food entitlements under this Act continue to be fulfilled.

Explanation: In Sections 3.2 and 3.3, wherever the word ‘cooked nutritious meal’ or ‘cooked meal’ is used, what is meant is a freshly cooked culturally appropriate meal, which contains nutritive value appropriate for the respective age-group or gender, as specified by the relevant departments of the Government of India. All commercial interests will be barred from supplying ready-to-eat or any other items for all child nutrition programmes.

3.4. Protection from Starvation

Any person or household living with starvation, or at risk of starvation, shall be entitled to additional assistance that is immediate, free and unconditional through all means required to avoid starvation. It shall be the duty of every state government to notify a set of procedures and fix duties to prevent starvation; to proactively identify people living with starvation or threatened by starvation for any reason; and to investigate and effectively respond to end conditions of

starvation.

3.5. No Reduction of Entitlements

The minimum entitlements PDS shall not be reduced, whether through diminution of quantity, or increase of issue price, or in any other manner until at least the end of the 12th Five Year Plan period. All other entitlements cannot be reduced except by amendment of the Act. The cash value of all food and non-food assistance will be suitably pegged to inflation.

4. Implementation Arrangements and PDS reforms

4.1. Implementation Arrangements

4.1.1. The nodal Ministry for this Act shall be the Ministry for Consumer Affairs, Food & Public Distribution.

4.1.2. Entitlements shall be realised through specific food related schemes such as PDS, ICDS and MDM. These schemes will be implemented by state governments, consistent with national guidelines set by the central government. These institutional arrangements may be amended, streamlined and reformed.

4.1.3. Meeting the proposed food entitlements within a reasonable time frame (say two to three years) would require a continuation of the current growth rate of food procurement, as well as enhanced buffer stock norms. This appears to be feasible, judging from consultations with the concerned ministries. However it would require a significant expansion of production and decentralised procurement, based on an improved incentive structure.

4.2. PDS Reform

The proposed Act includes reform, drawing on recent experience in various states. The reformed PDS is to have a transparent structure, where food transactions can be tracked all the way to the cardholders and Fair Price Shops will be managed by community institutions accountable to their customers. The main body of the Act will mandate comprehensive reforms in procurement, distribution and management of PDS, such as:

- a. **Decentralised procurement:** The Central Government shall expand procurement in states

which produce surplus. State government will be encouraged to undertake a bottom-up decentralized planning process, and to procure, store and distribute foodgrains in a manner as to minimize transportation costs and losses. The government will open procurement centres within a radius of 10 kms wherever feasible and provide on spot payment to farmers.

- b. **Procurement of millets and other nutritious grains:** Central and state governments shall take measures to promote and facilitate the procurement of millets and other nutritious grains,

by ensuring appropriate quality standards, timely announcement of support prices, and adequate procurement arrangements.

c. **Storage and Distribution:** The Central and state government shall take necessary steps to develop adequate infrastructure on scientific basis for storage at state, district and block level for minimum buffer norms.

d. **Incentives:** The Central Government shall incentivise states through timely disbursements based on transparent norms as well as access to cheap credit for food grain procurement, storage and operational costs.

e. **Doorstep delivery:** PDS grain shall be delivered to Fair Price Shops by the State Government, as far as possible through the State Civil Supplies Corporation, and FPS operators discouraged from lifting grain directly from FCI. At the time of delivery, the grain shall be weighed in public in the presence of members of the Vigilance Committee.

f. **Financial Viability of Fair Price Shops:** The state government shall ensure that the financial viability of the Fair Price Shops (FPS) is maintained through various measures including reasonable commissions that cover all operational costs. Allocation to the FPS shall be done online on basis of card holders and its stock position.

g. **Community management of Fair Price Shops:** Preference shall be given to licensing Fair Price Shops to community institutions or public bodies such as Gram Panchayats, Self-Help Groups, Cooperatives, etc.

h. **Management by women:** Fair Price Shops shall be managed by women or women's collectives.

i. **Transparency measures:** A system of uniquely numbered food coupons shall be initiated by each State Government to track the distribution of grain to card holders. Food coupons (booklets of monthly coupons for at least one year) shall be printed in the ration card. In the event where coupons are replaced with Smart Cards or similar devices, they shall not replace the printed ration cards. Each shop shall display list of card holders and their category, along with price list per unit of PDS commodity.

j. **Use of Technology and Monitoring and Information System:** State Governments shall ensure end-to-end computerization of the Public Distribution System including pro-active disclosure of the following on the internet: stocks and flows of grain at each level (down to the Fair Price Shop/Cardholders), with dates; financial transactions; issues of licenses; and other relevant details. They may also apply ICT, Smart Cards and other innovative technologies subject to successful pilots.

k. **Community monitoring: Extensive** facilities shall be put in place to promote community monitoring of Fair Price Shops, including Helplines, SMS alerts, social audits, and Vigilance Committees. Every Fair Price Shop shall have a Vigilance Committee of 5 members. At least 3 of the Vigilance Committee members shall be women, and a majority shall be PDS card holders attached to that Fair Price Shop. The Vigilance Committee shall not include anyone involved in the management of the Fair Price Shop.

l. **Social audits:** A social audit of each Fair Price Shop shall be conducted at least once a year at the Gram Sabha. This shall include reading aloud in public of a summary of transactions in the previous 12 months.

m. **Design of ration cards:** Every ration card shall include a clear “entitlements page”, written in simple words in the local language, with details of PDS entitlements as well as helpline numbers and grievance redressal facilities. Ration cards will be in the name of an adult woman member of the family, if any.

n. **Ration card entries:** The manager of each Fair Price Shops shall be responsible for ensuring

that details of food transactions are promptly entered in the ration cards of the recipients, in legible writing, along with the manager's signature.

o. **Tamper-proof and people-friendly receipts:** Each Fair Price Shop shall be equipped with a device to generate tamper-proof records of food transactions along with receipts that can be understood and approved by the card holders.

5. Enabling Provisions

For further advancing food and nutritional security, central, state and local governments shall strive to progressively realize the following:

- (i) Governments shall endeavour to revitalize agriculture and promote agrarian reform, through measures including securing the interests of small and marginal farmers through ensuring remunerative prices, credit, irrigation, crop insurance and technical assistance; endeavouring to prohibit unnecessary and unwarranted diversion of land and water from food production; and promoting decentralized food production, procurement and distribution systems. Greater attention is needed for women and youth farmers who constitute the majority of the farming population.
- (ii) Governments shall endeavour to diversify commodities available under the Public Distribution System (PDS), to include over time pulses, millets, oil and cooking fuel.
- (iii) Governments shall endeavour to provide universal access to safe and adequate drinking water and sanitation.
- (iv) Governments shall endeavour to provide universal health care.
- (v) Governments shall endeavour to provide universal access to crèche facilities
- (vi) Governments shall endeavour to provide universal access to adolescent girl children aged 14 -18 years to nutritious take home rations and/or freshly cooked meals and appropriate health, nutrition and education services.
- (vii) Governments shall endeavour to provide universal access to vitamin A, iodine and iron supplementation.
- (viii) Governments shall endeavour to provide special nutrition support for persons with stigmatised and debilitating ailments such as HIV/AIDS, leprosy, and TB.
- (ix) Governments shall endeavour to provide residential schools for all children in need of care and protection who are deprived of responsible adult protection.
- (x) Governments shall make effective provisions for universal access to adequate pensions for aged, disabled and single women, at rates which are not less than the prevailing statutory minimum wages for unskilled workers.

Part II:

Systems of Enforcement and Transparency

The experience with rights based legislation is that the actual delivery and realisation of these rights depends critically on the systems of enforcement and accountability, as well as transparency, which are incorporated within the legislation. Prior to RTI and NREGA, these tended to be highly neglected in most laws to prevent discrimination and exploitation, including in

laws to ban bonded labour, manual scavenging and domestic violence, and for protection of interstate migrants and persons with disabilities, to name only a few. RTI and NREGA tried to address these earlier failures, with partial and mixed results. RTE again has weak enforcement mechanisms.

The need therefore has been long felt to create independent enforcement institutions at district (and below if possible), state and national levels, with powers to penalise public officials who fail to enforce these rights. But it has been difficult to define how these independent institutions would be constituted, how appointments to them would be fair and appropriate, what powers these enforcement institutions should have, what should be the consequences of violations of rights and so on.

In discussions around the National Food Security Bill so far, attention has largely been on the entitlements which the law would create, and not on how these entitlements would be realised and enforced. This section therefore focuses on suggestions for enforcement and transparency. These have been developed in the context of the National Food Security Bill, but could be extended easily to other rights legislations as well, if it is felt appropriate.

1. Grievance Redressal and Monitoring

Block People's Facilitation Centre: In every block a non official person or group with expertise in facilitation will be appointed as a special service provider. Any aggrieved person can approach them to help facilitate the filing of complaints, and appeals, give advice on how to file and pursue their grievances.

District Grievance Redressal Officer (DGRO): One major proposed innovation is of District Grievance Redressal Officers, centrally appointed by lateral entry from a wide range of young professionals who would come in for tenured depositions of 5 years non- extendable, and would be drawn from various serving professionals, university professors, lawyers, doctors, private sector managers, and others who wish to give time for public service. They would be entitled to enforce the various rights under this Act, and investigate and redress grievances through fines and compensation.

National and State Commissions: For the National and State Commissions, also proposed under this Act, all appointments would be made by an Appointments Committee, after a transparent prior process of inviting applications and nominations, and their evaluation with reasons, all in the public domain. These will hear appeals, and evaluate and monitor the functioning of various schemes through which the entitlements are to be met.

2. Fines and Compensation

A necessary condition for any right to become legally enforceable is that there should be consequences for violations or withholding of such a right. These consequences are what are described both in law and in popular usage as 'penalties'.

The agencies envisaged under the draft Bill to enforce these rights are: the District Grievance Redressal Officer, the State Commission and the National Commission.

The law proposes that public authorities will be specifically charged at various levels of government – local, state and central – with ensuring entitlements under this law. These public officials will be liable to be punished with fines for violations. We believe these will act as a deterrent mainly because of the additional provision of entry of all such fines into the service records of public officials. Fines will depend on the severity of the violation, its recurrence, and the level at which it occurred. Fines will be charged at the level at which the violations of rights was caused. Higher fines will be imposed at higher levels of government, and for repeated violations. The principle of vicarious responsibility will be invoked to ensure that not just junior officials are punished, but more senior officials are also liable for failures of supervision. The law also proposes a duty to fine when violations occur.

Fines are a personal liability on the official who is found responsible for any violation. In addition, government will also be liable to pay compensation to the individual or group of individuals whose rights have been violated. The levels of such compensation will be 3 times the cash equivalent of the entitlement which has been violated, in all cases in which it is possible to measure these.

3. Transparency and Social Audit

One of the main features of the Act will also be strong mandatory transparency provisions where any person can at any point of the planning, implementation, or evaluation process ask questions and demand answers about the functioning of the act. For this, the law will provide for a wide range of transparency measures which advance on the existing transparency framework and RTI, as below. These shall be applicable to all the schemes under this Act.

1. Ensuring that all NFSA information is in the public domain;
2. Outlining the process and level of proactive mandatory disclosure by all public officials;
3. Mandating an enabling transparency framework that would allow every beneficiary to have an individual record of the entitlement received or denied, and proof related to every disbursement i.e. every beneficiary have a card with a record of disbursement-date, time etc;
4. Combining the needs of a transaction based online web based MIS with a Janata Information System (JIS) which would involve taking web based information to the people through other means of communicating information;
5. Allowing for open inspection, open records, open office, and open decision making;
6. Providing copies of information applied for within 15 days;
7. Providing copies information at no more than the cost of photocopying;
8. Ensuring that a violation of provisions of proactive disclosure as well as providing information will attract penalties (and where appropriate compensation) within this Act;
9. Providing information for social audit and public vigilance in a form and format that people can understand;
10. Providing for finances for carrying this out by reserving a portion of the money kept for administration expenses for carrying out transparency measures. In other words, in most cases, the person seeking information should not have to use the RTI Act. This will also demonstrate how the RTI Act can be built upon and developed within Indian social sector legislation.

The Act also includes mandatory concurrent and periodic post-facto social audits. This will provide a necessary framework for community based monitoring, and participatory auditing of quality, performance, financial expenditure, of services and entitlements and all outcomes of all the programmes/schemes that this Act covers.

4. Cost Sharing: Provisional Formulation

The Central government shall make timely supplies of foodgrains in adequate quantities to meet the entitlements both for PDS and non PDS schemes.

PDS: The Central Government shall meet the costs of providing food grains to priority and general categories, including the cost of delivery at the FPS to meet the entitlements of ration card holders in accordance with minimum norms specified in the Act/Schedule.

For Priority category -

The Central Govt shall provide financial assistance for coverage of 46% of 2011 population in

rural areas and 28% in urban areas

For General category -

The Central Govt shall provide financial assistance for coverage of 44% of 2011 population in rural areas and 22% in urban areas

In case of decentralized procurement being undertaken by any state government, the Central government shall meet necessary costs and incentivise the states for decentralized procurement, storage and distribution. The Government shall prepare detailed guidelines for the same. This is necessary in view of inordinate delays in reimbursements to states what do their procurements as per existing practice.

For all other non –PDS food and nutrition related schemes: The costs shall be shared between Central and State Governments as per ratios applicable on 1 April 2010 or based on a 70:30 ratio whichever is higher. The cost norms shall be inflation indexed and revised periodically.

Administrative Expenses –In addition to the above, the Central government shall make a separate provision of at least 6% of the Central share towards administrative expenses for strengthening grievance redressal and monitoring systems and promoting awareness and transparency measures .

The Central Govt shall prepare rules for allocation and expenditure of administrative expenses provided under the Act.

Anna Adhikar Abhiyan, Maharashtra

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Comments on the Note on the Draft National Food Security Bill

The collective comments by the group are in three parts: Overall and Suggestion and Specific comment right at the Draft bill itself below in this document.

1. Overall Comments

India celebrated 62 year of Republic Day last on 26th Jan 2011. At least after 62 years it is the responsibility of any secular democratic state to ensure **food security for all**. Enough is enough, at least now it should not get into the Inclusion, Exclusion priority, general categories which will only dilute the whole effort.

It is disheartening that the UPA government's promise in 2009 to give people's legal right to food and make an Act which is both a visionary and revolutionary has been fulfilled in a fractured manner. The bill is minimalist and a far cry from what was promised.

The bill does not clearly define the process and criteria for Priority and General category.

How one has reached the figure of 90% of rural and 50% of urban area? How ne has arrived at the figure of 46% Rural and 28% Urban families as priority category ?

The bill has multi-staged implementation process which will deny all other needy people to access subsidized food at the same time.

The issues of Urban Poor are poorly addressed. The food security is not linked to economic poverty alone but also to the issues of housing, services etc. There is no defined poverty line in urban area. Fixing 28% in Priority Category as the extent of urban poverty is a mockery of the ground reality towards which the ecocrates of the present government have turned a blind eye.

There is no provision for fuel, lentils, oil and sugar and therefore it fails to ensure safe and nutritious food

The more encouraging aspect of the Bill is the maternal and child support section with a few suggestions given right at the sections below in this document.

□ We need minimum **5 areas** to be ensured and guaranteed in the bill in order to ensure guarantees access to nutritious food but baring a few bill fails to include all of these. Though some of these have been put in the enabling section of the bill and it does not give any legal guaranteed for these

1. **The bill does not guarantee** the Minimum Support Price to the farmers to encourage and ensure Food production or to provide minimum remuneration to the producers in order to sustain production.

2. **There is no guaranteed robust System** for decentralized procurement for easy access to food for consumers.

3. The Bill as expected **does not give universalized access to subsidized food instead it reinforces exclusion** and possibility of **inclusion and exclusion error** by still being remained at the targeted level with a new categories.

4. The bill **does not make any effort to legally ensure the systematic effort towards agricultural sustainability**. The Bill does not reflect any definite action towards ensuring and protecting land rights to the famers and assured investment in agriculture and allied activities. Without ensuring food sovereignty and **protection from land grab** and ensuring land rights the supply side will not be guaranteed.

5. **The bill does have definite provisions and system for ensuring Transparency and accountability** in the PDS System which is welcomed.

2. Suggestion for budgetary provisions

A standard excuse, orchestrated through the mandarins of Planning Commission and converted into a manufactured consent of intelligentsia and the vocal middle class through Media, is about lack of resources. What prevents this 'Aam Adami' Government to ask the fat cats of economy such as large corporations, particularly the FIIs, who have been given umpteen concessions over the last 8 years of UPA regime to contribute resources either by way of increased taxation or a 'Tobin Tax' for milking out of Indian economy's so called stratospheric growth. Raising the resources by dipping into 2% of the profits of large corportes will fill the resource gap. This will be a better CSR.

3. **Specific Comments** : Please see the section by section comments through track changes in the original NAC Note on the National Food Security Bill below.... In red color

Note on the Draft National Food Security Bill National Advisory Council

21st January, 2011

New Delhi

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Executive Summary

Draft National Food Security Bill: Essential Features

The draft Bill is in two parts. The first part deals with *food entitlements* and their operational framework. These entitlements are to be realised through specific *food-related schemes* (listed in Schedule I), implemented by state and local governments with support from the Central Government. The second part develops a framework of *grievance redressal for food-related schemes*, with potential for being extended to other economic and social rights.

Part I: Food Entitlements and Related Matters

Essential Entitlements

This part is based on the NAC note of 23rd October 2010. The essential entitlements are:

Public distribution system: 35 kgs per household per month at Rs 3/2/1 for rice/wheat/millets for Priority category; 20 kgs at (at most) half of MSP for General category.

Maternal and child support: (1) Universalization of ICDS (as per Supreme Court orders); (2) counselling and support for optimal Infant and Young Child Feeding; (3) nutrition take-home rations for children under 3 and pregnant/lactating women; (4) cooked midday meals up to Class 8 in government and government-aided schools; (5) maternity entitlements of Rs 1000/month for 6 months for pregnant women.

Special groups: (1) Daily, free cooked meal for destitute persons; (2) Portable entitlements for migrants; (3) Community kitchens (subject to successful pilots) for homeless persons and the urban poor; (4) Emergency relief for disaster-affected persons; (5) unconditional protection from starvation.

Note: The PDS entitlements shall not be reduced in any manner until at least the end of the 12th Five Year Plan period. Other entitlements cannot be reduced except by amendment of the Act.

PDS Reform

The reformed PDS is to have a transparent structure, where food transfers can be tracked all the way to the cardholders and Fair Price Shops are managed by accountable community institutions. The Act will mandate extensive PDS reforms, such as: decentralised procurement; community management of Fair Price Shops; doorstep delivery to FPSs; assured financial viability of FPSs; strict transparency safeguards; end-to-end computerization; tamper-proof receipts; regular social audits. The Act will also create space for innovative uses of ICT.

Enabling Provisions

Enabling provisions call on the central, state and local governments to strive towards progressive realization of (inter alia): (1) revitalization of agriculture and food production; (2) universal access to safe drinking water and sanitation; (3) universal health care; (4) universal access to crèche facilities; (5) special nutrition support for persons with stigmatised and debilitating ailments; (6) provision of pensions for the aged, disabled, and single women.

Comment [H1]: Should be 10 Kg per person in both the categories and not household basis . what about those families having more than 5 people ? why 35 Kg limit per household? It should be per person.

Part II: Grievance Redressal

Essential Provisions

The draft Bill attempts to build a strong system of grievance redressal for all food-related schemes, to ensure that food entitlements are realised. Grievance redressal provisions include:

1 Strict *transparency standards* for all food-related schemes.

2 Swift *fines* for any violation of the Act.

3 “*Duty to fine*” whenever irregularities are found.

4 Principle of “*vicarious responsibility*”.

5 *Compensation* in the event of any loss of entitlement.

Institutional Setup

All food-related schemes will come under a common grievance redressal framework, involving:

(1) Block-level **facilitation centres:** A non-official person or group appointed to help people with filing complaints, submitting appeals, resolving disputes, etc.

(2) District **Grievance Redressal Officers:** See below.

(3) State- and national-level **Food and Nutrition Commissions:** These will hear appeals, monitor the enforcement of the Act, and advise governments on food-related schemes.

District Grievance redressal proceeds in 3 steps: (1) internal redressal (within concerned departments); (2) intervention of the District Grievance Redressal Officer; (3) appeal to state or national Commission.

Grievance Redressal Officers

The linchpin of the grievance redressal system is the District Grievance Redressal Officer (DGRO) at the District level. The DGRO is envisaged as an independent officer with extensive powers to investigate, fine and compensate. DGROs are to be recruited through an objective national selection process (possibly entrusted to the UPSC), with a non-extendable term of five years.

Transparency Standards

All food-related schemes will have to meet common minimum standards of transparency. These include: (1) All information in the public domain; (2) Pro-active disclosure of essential information; (3) Web-based MIS with conversion to Janata Information System at the village level; (4) "Open office, open inspection, open records" regime; (5) mandatory social audits; (6) mandatory provision of individual transaction records (e.g. ration cards) to all beneficiaries; (7) right to information within 15 days at no more than photocopying cost. At least 1% of the cost of food-related schemes will be ear-marked for transparency measures.

Wider significance of this grievance redressal system

Over time, the proposed grievance redressal system could possibly be extended to other similar legislations such as NREGA and Right to Education Act. This would be a major breakthrough.

Framework of Proposed National Food Security Bill

Part I

1. Introduction

1.1 This Framework Note presents the contours of a draft National Food Security Bill, consistent with the NAC's resolution of 23 October 2010. The National Food Security Act is envisaged as a path-breaking legislation, aimed at protecting all children, women and men from hunger and food deprivation. Aside from creating new food entitlements, the Act would place a range of existing food-related schemes on a new footing and set new standards of transparency and accountability for social programmes.

1.2 The draft Bill is in two parts. The first part deals with food entitlements and their operational framework. These entitlements include: (1) legal PDS entitlements for at least 90% of rural and 50% of urban populations in the country; (2) expanded coverage and norms for maternal and universal child nutrition programmes; (3) provisions for new food security schemes such as maternity allowances and destitute feeding. These entitlements are to be realised through specific 'schemes', implemented by state and local governments with support from the Central Government.

1.3 The second part develops a framework of grievance redressal for food-related schemes, with potential for being extended to other economic and social rights. This includes (1) the creation of an empowered Grievance Redressal Authority called the District Grievance Redressal Officer at the district level, (2) grievance facilitation centres at the Block level, (3) clear assignment of responsibilities in all food-related schemes; (4) penalties for a range of well-defined offences; (5) accountability of supervisory authorities; and (6) high transparency standards including pro-active disclosure of essential information. These are also briefly described in this note.

2. Objective

2.1 An Act to ensure public provisioning of food and related measures to enable assured economic and social access to adequate food with dignity, for all persons in the country, at all times, in pursuance of their fundamental right to be free from hunger, malnutrition and other deprivations associated with the lack of food and related matters. The food entitlements created by this Act will cover the entire life cycle of a human being, starting with overcoming maternal and foetal under-nutrition resulting in low birth weight babies, and extending up to old and infirm persons. The first 1000 days in a child's life (starting with conception up to the end of 2 years of age) will receive special attention.

3. Essential Entitlements

3.1. Public Distribution System

3.1.a. Rural areas: Every rural household shall be entitled to a monthly quota of subsidised food commodities under the Public Distribution System (PDS), unless it meets one of the notified "exclusion criteria". Households in the priority category shall be entitled to 7kg per person per month at Rs. 3/2/1 per kg for rice/wheat/millets respectively. Those in the "general" category shall be entitled to 4kg per person per month at no more than half of the Minimum Support Price (MSP). At least 90% of rural households in the country shall be entitled to subsidised foodgrains under the PDS, of whom at least 46% shall be priority groups. The NAC recommends a 'social inclusion' approach, under which certain vulnerable social and economic categories of persons are identified and fully covered as a right under this Act.

3.1.b. Urban areas: The same norms shall apply to priority and general households in urban

Comment [H2]: There should not be a limiter ceiling on percentage in the priority category ... this is will give scope to exclusion and will not be able to cover all people in priority group .

Comment [H3]: Marked disparity in the quota of general and priority group. The quantity should be same.

Comment [H4]: Clarify: Is it 46% of 100 % Or

90%

Comment [H5]: What is the exclusion or inclusion criteria . The Bill does not define priority group .

areas together covering at least 50% of the urban population, of which at least 28% shall be in the priority groups. Once again, a 'social inclusion' approach appropriate for urban areas is recommended, which would ensure that homeless and slum residents, and others who are occupationally and socially vulnerable are fully covered.

3.2. Maternal and Child Support

All children in the age group of 0-6 years shall be entitled to basic nutrition, health and preschool education services available under the Integrated Child Development Services (ICDS) as of 1 April 2010, and enforced already as legal rights by the Supreme Court of India, namely: (1) supplementary nutrition; (2) immunization; (3) health check-ups; (4) referral services; (5) growth monitoring and promotion; (6) pre-school education.

3.2.a. Pregnant and Lactating Mothers

- a) Nutritious take-home rations and/or freshly cooked nutritious meals, provided throughout the year through the local anganwadi or any other suitable institution.
- b) Maternity benefits of Rs. 1000 per month, for a period of six months, to all pregnant women for care, nutrition and rest during pregnancy and after delivery.
- c) Support for practising exclusive breastfeeding for 6 months through assistance at birth, breastfeeding counselling, and related assistance; and counselling on optimal Infant and Young Child Feeding to promote appropriate complementary feeding upon the completion of 6 months, along with continued breastfeeding for two years or beyond.

3.2.b. Children Aged 6 Months to 3 Years

- d) Nutritious take-home rations and/or age-appropriate freshly cooked meals, provided throughout the year through the local anganwadi or any other suitable institution.

3.2.c. Children Aged 3-6 Years

- e) At least one freshly cooked nutritious meal and a nutritious snack at the local anganwadi, for at least 300 days in a year.

3.2.d. Children Aged 6-14 Years

- f) At least one freshly cooked nutritious midday meal in all schools run by local bodies, government and government-aided schools up to Class 8 everyday of the year, except school holidays.

3.2.e. No Denial to Children

- g) Any child below the age of 14 years may approach any feeding facility such as anganwadi centre, school mid-day meals, destitute feeding centres etc., as defined under this Act, for a freshly cooked nutritious meal, and will not be turned away on any ground.

3.2.f. Prevention and Treatment of Child Malnutrition

- a) Until the age of six years, children of all grades of malnutrition, as well as those experiencing growth faltering or nutritional deterioration, shall be identified and supported through nutrition counselling for improved locally appropriate feeding and care, health checkups and referral services.

Comment [H6]: Is it 28% of 100% or 50 % ? .

what is the criteria adopted for exclusion and inclusion into priority group?

Comment [H7]: Make provision for legal access to institutional delivery services

Comment [H8]: But in case of drought , famine and NC affected areas it should be 365 days instead of 300 days.

Comment [H9]: Who will be responsible for identifying children.?

- b) Severely underweight, undernourished or sick malnourished children shall be entitled to supplementary nutrition and special care at a Nutrition Rehabilitation Centre or community as appropriate.

3.3. Entitlements for Special Groups

(i) **Migrants:** Arrangements shall be put in place to ensure that migrants are able to claim all entitlements under this Act at their current place of residence.

(ii) **Destitute persons:** All destitute persons who seek it shall be entitled to at least one freshly cooked nutritious meal per day without any charge.

(iii) **Homeless persons and Urban Poor:** Each state government shall put in place and progressively expand, subject to successful pilots, a scheme of Community Canteens to facilitate and ensure that homeless persons and the urban poor, in addition to their entitlements to subsidized foodgrains under the PDS, have access to affordable freshly cooked nutritious meals. Subject to these successful pilots, minimum numbers of such Canteens will be prescribed for every city.

(iv) **Emergency and Disaster Affected Persons:** All individuals and households affected by emergency or disaster shall be entitled to special ration cards under the PDS (with

entitlements no less than those of Priority Groups) for a minimum period of one year. Open feeding centres, accessible free of charge shall also be set up immediately. Special measures shall be taken to ensure that all food entitlements under this Act continue to be fulfilled.

Explanation: In Sections 3.2 and 3.3, wherever the word 'cooked nutritious meal' or 'cooked meal' is used, what is meant is a freshly cooked culturally appropriate meal, which contains nutritive value appropriate for the respective age-group or gender, as specified by the relevant departments of the Government of India. All commercial interests will be barred from supplying ready-to-eat or any other items for all child nutrition programmes.

3.4. Protection from Starvation

Any person or household living with starvation, or at risk of starvation, shall be entitled to additional assistance that is immediate, free and unconditional through all means required to avoid starvation. It shall be the duty of every state government to notify a set of procedures and fix duties to prevent starvation; to proactively identify people living with starvation or threatened by starvation for any reason; and to investigate and effectively respond to end conditions of starvation.

3.5. No Reduction of Entitlements

The minimum entitlements PDS shall not be reduced, whether through diminution of quantity, or increase of issue price, or in any other manner until at least the end of the 12th Five Year Plan period. All other entitlements cannot be reduced except by amendment of the Act. The cash value of all food and non-food assistance will be suitably pegged to inflation.

4. Implementation Arrangements and PDS reforms

4.1. Implementation Arrangements

4.1.1. The nodal Ministry for this Act shall be the Ministry for Consumer Affairs, Food & Public Distribution.

4.1.2. Entitlements shall be realised through specific food related schemes such as PDS, ICDS and MDM. These schemes will be implemented by state governments, consistent with national guidelines set by the central government. These institutional arrangements may be amended,

Comment [H10]: Include health care

Comment [H11]: The responsibility of providing all migrants entitlements should lie with DGRO and in case of failing appropriate action against DGRO should be taken. There should be flexibility in the criteria of priority as some seasonal workers may be in one criteria at one point of time and need to be put in priority criteria at another time based on their employment, which is adhoc and seasonal.

Comment [H12]: Define destitute !!1 Include, disabled, aged, widows and deserted women, HIV , Leprosy and TB affected persons.

Comment [H13]: DGRO should be responsible to ensure this . specify who will do it?

Comment [H14]: It should be based on Consumer price Index .

Comment [H15]: How will this deal with coordination with other departments such as edu/ health/ wcd etc?

Comment [H16]: The structure has to be at local to state to national level .

streamlined and reformed.

4.1.3. Meeting the proposed food entitlements within a reasonable time frame (say two to three years) would require a continuation of the current growth rate of food procurement, as well as enhanced buffer stock norms. This appears to be feasible, judging from consultations with the concerned ministries. However it would require a significant expansion of production and decentralised procurement, based on an improved incentive structure.

4.2. PDS Reform

The proposed Act includes reform, drawing on recent experience in various states. The reformed PDS is to have a transparent structure, where food transactions can be tracked all the way to the cardholders and Fair Price Shops will be managed by community institutions accountable to their customers. The main body of the Act will mandate comprehensive reforms in procurement, distribution and management of PDS, such as:

a. **Decentralised procurement:** The Central Government shall expand procurement in states which produce surplus. State government will be encouraged to undertake a bottom-up decentralized planning process, and to procure, store and distribute foodgrains in a manner as to minimize transportation costs and losses. The government will open procurement centres within a radius of 10 kms wherever feasible and provide on spot payment to farmers.

b. **Procurement of millets and other nutritious grains:** Central and state governments shall take measures to promote and facilitate the procurement of millets and other nutritious grains, by ensuring appropriate quality standards, timely announcement of support prices, and adequate procurement arrangements.

c. **Storage and Distribution:** The Central and state government shall take necessary steps to develop adequate infrastructure on scientific basis for storage at state, district and block level for minimum buffer norms.

d. **Incentives:** The Central Government shall incentivise states through timely disbursements based on transparent norms as well as access to cheap credit for food grain procurement, storage and operational costs.

e. **Doorstep delivery:** PDS grain shall be delivered to Fair Price Shops by the State Government, as far as possible through the State Civil Supplies Corporation, and FPS operators discouraged from lifting grain directly from FCI. At the time of delivery, the grain shall be weighed in public in the presence of members of the Vigilance Committee.

f. **Financial Viability of Fair Price Shops:** The state government shall ensure that the financial viability of the Fair Price Shops (FPS) is maintained through various measures including reasonable commissions that cover all operational costs. Allocation to the FPS shall be done online on basis of card holders and its stock position.

g. **Community management of Fair Price Shops:** Preference shall be given to licensing Fair Price Shops to community institutions or public bodies such as Gram Panchayats, Self-Help Groups, Cooperatives, etc.

h. **Management by women:** Fair Price Shops shall be managed by women or women's collectives.

Comment [H17]: If the families are without ration card in the areas the area nodal officer should be responsible and accountable so that no one is left without having ration card. Identification of the families in the categories should be the responsibility of the nodal officer.

Comment [H18]: The nodal officer should be responsible in case the grain is getting rotten. And this should be treated as a criminal offense as in a country where we have starvation deaths and malnutrition we cannot afford grain getting rotten.

Comment [H19]: This should be encouraged

i. **Transparency measures:** A system of uniquely numbered food coupons shall be initiated by each State Government to track the distribution of grain to card holders. Food coupons (booklets of monthly coupons for at least one year) shall be printed in the ration card. In the event where coupons are replaced with Smart Cards or similar devices, they shall not replace the printed ration cards. Each shop shall display list of card holders and their category, along with price list per unit of PDS commodity.

j. **Use of Technology and Monitoring and Information System:** State Governments shall ensure end-to-end computerization of the Public Distribution System including pro-active disclosure of the following on the internet: stocks and flows of grain at each level (down to the Fair Price Shop/Cardholders), with dates; financial transactions; issues of licenses; and other relevant details. They may also apply ICT, Smart Cards and other innovative technologies subject to successful pilots.

k. **Community monitoring: Extensive** facilities shall be put in place to promote community monitoring of Fair Price Shops, including Helplines, SMS alerts, social audits, and Vigilance Committees. Every Fair Price Shop shall have a Vigilance Committee of 5 members. At least 3 of the Vigilance Committee members shall be women, and a majority shall be PDS card holders attached to that Fair Price Shop. The Vigilance Committee shall not include anyone involved in the management of the Fair Price Shop.

l. **Social audits:** A social audit of each Fair Price Shop shall be conducted at least once a year at the Gram Sabha. This shall include reading aloud in public of a summary of transactions in the previous 12 months.

m. **Design of ration cards:** Every ration card shall include a clear "entitlements page", written in simple words in the local language, with details of PDS entitlements as well as helpline numbers and grievance redressal facilities. Ration cards will be in the name of an adult woman member of the family, if any.

n. **Ration card entries:** The manager of each Fair Price Shops shall be responsible for ensuring that details of food transactions are promptly entered in the ration cards of the recipients, in legible writing, along with the manager's signature.

o. **Tamper-proof and people-friendly receipts:** Each Fair Price Shop shall be equipped with a device to generate tamper-proof records of food transactions along with receipts that can be understood and approved by the card holders.

5. Enabling Provisions

For further advancing food and nutritional security, central, state and local governments shall strive to progressively realize the following:

(i) Governments shall endeavour to revitalize agriculture and promote agrarian reform, through measures including securing the interests of small and marginal farmers through ensuring remunerative prices, credit, irrigation, crop insurance and technical assistance; endeavouring to prohibit unnecessary and unwarranted diversion of land and water from food production; and promoting decentralized food production, procurement and distribution systems. Greater attention is needed for women and youth farmers who constitute the majority of the farming population.

(ii) Governments shall endeavour to diversify commodities available under the Public

Distribution System (PDS), to include over time pulses, millets, oil and cooking fuel.

Comment [H20]: Food coupons should enable card holders to procure grains at least in 3-4 installments in a month.

Comment [H21]: Without these being in the legal category including land rights and protection the food security bill is half hearted effort and there is nothing radical about it. This will require political will and not technocracy

(iii) Governments shall endeavour to provide universal access to safe and adequate drinking water and sanitation.

(iv) Governments shall endeavour to provide universal health care.

(v) Governments shall endeavour to provide universal access to crèche facilities

(vi) Governments shall endeavour to provide universal access to adolescent girl children aged 14 -18 years to nutritious take home rations and/or freshly cooked meals and appropriate health, nutrition and education services.

(vii) Governments shall endeavour to provide universal access to vitamin A, iodine and iron supplementation.

(viii) Governments shall endeavour to provide special nutrition support for persons with stigmatised and debilitating ailments such as HIV/AIDS, leprosy, and TB.

(ix) Governments shall endeavour to provide residential schools for all children in need of care and protection who are deprived of responsible adult protection.

(x) Governments shall make effective provisions for universal access to adequate pensions for aged, disabled and single women, at rates which are not less than the prevailing statutory minimum wages for unskilled workers.

Part II:

Systems of Enforcement and Transparency

The experience with rights based legislation is that the actual delivery and realisation of these rights depends critically on the systems of enforcement and accountability, as well as transparency, which are incorporated within the legislation. Prior to RTI and NREGA, these tended to be highly neglected in most laws to prevent discrimination and exploitation, including in laws to ban bonded labour, manual scavenging and domestic violence, and for protection of interstate migrants and persons with disabilities, to name only a few. RTI and NREGA tried to address these earlier failures, with partial and mixed results. RTE again has weak enforcement mechanisms.

The need therefore has been long felt to create independent enforcement institutions at district (and below if possible), state and national levels, with powers to penalise public officials who fail to enforce these rights. But it has been difficult to define how these independent institutions would be constituted, how appointments to them would be fair and appropriate, what powers these enforcement institutions should have, what should be the consequences of violations of rights and so on.

In discussions around the National Food Security Bill so far, attention has largely been on the entitlements which the law would create, and not on how these entitlements would be realised and enforced. This section therefore focuses on suggestions for enforcement and transparency. These have been developed in the context of the National Food Security Bill, but could be extended easily to other rights legislations as well, if it is felt appropriate.

1. Grievance Redressal and Monitoring

Block People's Facilitation Centre: In every block a non official person or group with expertise in facilitation will be appointed as a special service provider. Any aggrieved person can approach them to help facilitate the filing of complaints, and appeals, give advice on how to file and pursue their grievances.

District Grievance Redressal Officer (DGRO): One major proposed innovation is of District Grievance Redressal Officers, centrally appointed by lateral entry from a wide range of young professionals who would come in for tenured depositions of 5 years non- extendable, and would be drawn from various serving professionals, university professors, lawyers, doctors, private sector managers, and others who wish to give time for public service. They would be entitled to enforce the various rights under this Act, and investigate and redress grievances through fines and compensation.

National and State Commissions: For the National and State Commissions, also proposed under this Act, all appointments would be made by an Appointments Committee, after a transparent prior process of inviting applications and nominations, and their evaluation with reasons, all in the public domain. These will hear appeals, and evaluate and monitor the functioning of various schemes through which the entitlements are to be met.

2. Fines and Compensation

A necessary condition for any right to become legally enforceable is that there should be consequences for violations or withholding of such a right. These consequences are what are described both in law and in popular usage as 'penalties'.

The agencies envisaged under the draft Bill to enforce these rights are: the District Grievance Redressal Officer, the State Commission and the National Commission.

The law proposes that public authorities will be specifically charged at various levels of government – local, state and central – with ensuring entitlements under this law. These public officials will be liable to be punished with fines for violations. We believe these will act as a deterrent mainly because of the additional provision of entry of all such fines into the service records of public officials. Fines will depend on the severity of the violation, its recurrence, and the level at which it occurred. Fines will be charged at the level at which the violations of rights was caused. Higher fines will be imposed at higher levels of government, and for repeated violations. The principle of vicarious responsibility will be invoked to ensure that not just junior officials are punished, but more senior officials are also liable for failures of supervision. The law also proposes a duty to fine when violations occur.

Fines are a personal liability on the official who is found responsible for any violation. In addition, government will also be liable to pay compensation to the individual or group of individuals whose rights have been violated. The levels of such compensation will be 3 times the cash equivalent of the entitlement which has been violated, in all cases in which it is possible to measure these.

3. Transparency and Social Audit

One of the main features of the Act will also be strong mandatory transparency provisions where any person can at any point of the planning, implementation, or evaluation process ask questions and demand answers about the functioning of the act. For this, the law will provide for a wide range of transparency measures which advance on the existing transparency framework and RTI, as below. These shall be applicable to all the schemes under this Act.

1. Ensuring that all NFSA information is in the public domain;

Comment [H22]: The commission should have teeth to be effective.

2. Outlining the process and level of proactive mandatory disclosure by all public officials;

3. Mandating an enabling transparency framework that would allow every beneficiary to have an individual record of the entitlement received or denied, and proof related to every disbursement i.e. every beneficiary have a card with a record of disbursement date, time etc;

4. Combining the needs of a transaction based online web based MIS with a Janata Information System (JIS) which would involve taking web based information to the people through other means of communicating information;

5. Allowing for open inspection, open records, open office, and open decision making;

6. Providing copies of information applied for within 15 days;

7. Providing copies information at no more than the cost of photocopying;

8. Ensuring that a violation of provisions of proactive disclosure as well as providing information will attract penalties (and where appropriate compensation) within this Act;

9. Providing information for social audit and public vigilance in a form and format that people can understand;

10 Providing for finances for carrying this out by reserving a portion of the money kept for administration expenses for carrying out transparency measures. In other words, in most cases, the person seeking information should not have to use the RTI Act. This will also demonstrate how the RTI Act can be built upon and developed within Indian social sector legislation.

The Act also includes mandatory concurrent and periodic post-facto social audits. This will provide a necessary framework for community based monitoring, and participatory auditing of quality, performance, financial expenditure, of services and entitlements and all outcomes of all the programmes/schemes that this Act covers.

4. Cost Sharing: Provisional Formulation

The Central government shall make timely supplies of foodgrains in adequate quantities to meet the entitlements both for PDS and non PDS schemes.

PDS: The Central Government shall meet the costs of providing food grains to priority and general categories, including the cost of delivery at the FPS to meet the entitlements of ration card holders in accordance with minimum norms specified in the Act/Schedule.

For Priority category -

The Central Govt shall provide financial assistance for coverage of 46% of 2011 population in rural areas and 28% in urban areas

For General category -

The Central Govt shall provide financial assistance for coverage of 44% of 2011 population in rural areas and 22% in urban areas

In case of decentralized procurement being undertaken by any state government, the Central government shall meet necessary costs and incentivise the states for decentralized procurement, storage and distribution. The Government shall prepare detailed guidelines for the same. This is necessary in view of inordinate delays in reimbursements to states what do their procurements as per existing practice.

Comment [H23]: Explain JIS

For all other non –PDS food and nutrition related schemes: The costs shall be shared between Central and State Governments as per ratios applicable on 1 April 2010 or based on a 70:30 ratio

whichever is higher. The cost norms shall be inflation indexed and revised periodically.

Administrative Expenses –In addition to the above, the Central government shall make a separate provision of at least 6% of the Central share towards administrative expenses for strengthening grievance redressal and monitoring systems and promoting awareness and transparency measures . The Central Govt shall prepare rules for allocation and expenditure of administrative expenses provided under the Act.

Secretary,
National Advisory Council

Please find enclosed our comments on the Framework Note on the National Food Security Bill.

Yours sincerely

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Comments on Framework Note on National Food Security Bill

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1. NFSB can make a big difference

The Food Security Bill is a bold measure of national importance. It is morally indefensible to wait for economic growth to wipe out hunger and malnourishment in this country. Direct measures are necessary and this Bill can make a big difference to the lives of poor.

A food security system will also be expensive. Great care must therefore be taken to design a system that is not just an expensive token – the money should be utilized well to make a real difference to the poor.

2. Maintain Near-Universal Coverage

The data is unambiguous that targeting has left many poor without access to food subsidies. Only 40% of the poor were estimated to have BPL or Antayodaya Anna Yojana entitlements in 2004/05. Such massive exclusion errors defeat the purpose of food subsidies.

The NAC draft is right to propose near-universal coverage as a way to reduce exclusion errors.

3. PDS Failure

More than two decades of research have described numerous problems with the PDS. Even among the poor who have BPL or Antayodaya Yojana entitlements, only 60% use the PDS. This should ring alarm bells. A BPL ration card does not guarantee economic access. The PDS is unfriendly to the poor. Research has also documented the massive losses because of illegal diversions and because of the higher costs of state agencies. As much as 70% of the food subsidy expenditures by the government do not reach households much less the poor.

Unless we have better ways of delivering food subsidies, the food subsidy bill cannot succeed.

4. Do Not Legislate the PDS.

Our major problem with the framework note is that it proposes to legislate the PDS as the only instrument for delivery food subsidies.

The framework note deals with the failure of PDS by putting all faith in a 'reformed' PDS. However, the relative success of one or two states in working the PDS cannot mask the failures in other states and that too over several decades. Legislating that PDS should work all over India just as in Chhattisgarh or Tamil Nadu ignores the state specificities that made them successful and also completely discounts the possibilities of alternative models that other States might come up with. Section 4.2 lists desirable PDS reforms. Many of those outcomes happen automatically with systems such as food coupons – such as decentralized procurement, support to crops other than wheat and

rice (such as millets), investment in storage and distribution, and make redundant several other reforms such as doorstep delivery, financial viability of fair price shops, community management. Yet the draft does not allow any space at all for such delivery systems.

We cannot legislate our way out of badly designed systems that do not suit a particular State's needs, circumstances and administrative capacity. For instance, community monitoring may work well in some places but badly in other places where dominant caste groups capture benefits. Food preferences vary too and when we look forward in time, it is clear that we would be interested not just in ensuring access to the staple grains but also to milk and pulses. Indeed, states like Punjab and Haryana are already in such a stage which is one reason why the PDS has not served any purpose in these states. The framework note, unfortunately, does not allow such adaptation – this is a serious flaw because modifying obsolete and outdated legislation is a slow and cumbersome process. The Central government does not and cannot deliver food subsidies. For this reason, successful interventions have happened at the initiative of state governments – mid-day meals, cheap rice, universal access, supply chain computerization. The food subsidy bill should not restrict potential innovations by States because of mindless adherence to a Central formula.

5. Scope of Food Subsidy Bill: Trust Our Federal Polity

The Bill should confine itself to norms regarding coverage, entitlement and its financial equivalent and grievance mechanisms. States should be allowed to make subsidiary laws and administrative notifications. The bill should trust India's federal polity to use the financial commitments of the Bill in imaginative and appropriate ways.

Respected NAC members

Pls find attach herewith the recommendations on Proposed Food security bill by FIAN India,(Food First Information action Network, India) FIAN, the International Human Rights Organisation for the Right to Feed Oneself, works in more than 60 countries on the issue.

Thanks and regards

Suman

Dear All NAC members,

Sub: Food Security Bill

FIAN (Food First Information Action Network) India welcomes the proposed move to legislate a food security law, which is a positive step of the Indian Government. Ensuring adequate nutritious food is of crucial importance for the enjoyment of all other rights and for achieving social justice. Without adequate food, people cannot lead healthy active lives. They are not employable, cannot care for their children and their children become victims of exploitation and cannot learn to read and write. Furthermore, hungry people cannot meaningfully participate in the political life of a nation, which undercuts the fundamental principle of democracy. Hence, the right to food cuts across the entire spectrum of human rights.

The definition of Food Security should incorporate the essential ingredients of Right to Food as enshrined in International Human Rights Law together with our constitutional principles as interpreted by the Supreme Court under Article 21. As India is a state party to numerous international laws relating to the right to food, the proposed bill should be in coherence with all the constitutional and international obligations stipulated in the human right treaties ratified by the Government of India. Main international binding human rights instruments (and of which India is a state party) which have strong reference to the right to food are the Universal Declaration of Human Rights (UDHR, Art. 25), the International Covenant on Economic, Social and Cultural Rights (ICESCR, Art. 11), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, Art.24 &27), the Convention on the Rights of the Child (CRC, Art. 12&14), the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW).

In the year 2000, the 189 states of the UN General Assembly, including India, adopted the UN Millennium Declaration, a joined effort to eradicate poverty worldwide by 2015. The FAO Right to Food Guidelines, adopted by the FAO council in 2004, reiterates the legally binding standards already existing for the right to food. They focus on how states can fulfill their obligations under the human right to food by developing, implementing and monitoring their public policies, through benchmarking and increased accountability.

Positive Aspects of the Proposed Bill:

Where the human right to food is generally violated or threatened, women and girls are often specifically or more severely affected. Despite the increasing formal recognition of gender equality in international and domestic law, women are often hindered from the enjoyment of their rights. At the household level women are generally responsible for the family's food supply, as they are responsible for preparing meals and often for tending the family's home-grown vegetables or fruits. Women frequently have many duties and may even work longer hours than men. However, women in many

cases still lack social empowerment. Women are also discriminated against in terms of access to land, access to employment and equal pay.

Along these lines it is appreciable to see in the draft bill that women shall be considered as the head of the household for the purpose of distribution of Below Poverty Line (BPL) cards. This is a substantial step towards empowering women and recognizing the influential role they play with regard to ensuring their family's food on a day to day basis. Involving Panchayati Raj institutions going for the formation of vigilance committees, social audit and redress of grievances mechanism are appreciable steps in ensuring food security. Furthermore, the government has already agreed to alter the original FSA draft to make the entitlement 35kgs of food grains per BPL household, instead of the original 25kgs. The numbers of those to be covered by this scheme have similarly been raised (from 26% to 37.7% BPL families). The government must be commended for responding quickly and positively to the suggestions to the original draft.

Recommendations for Inclusion in the FSA:

Hunger and malnourishment problems continue to exist despite several government food subsidies, direct feeding, and livelihood and social security programs. Several studies have shown that tribals, dalits, women, children, persons with disabilities and elderly people are among the most vulnerable to food insecurity. Poverty, landlessness, forced evictions, unemployment, low pay, discrimination, failure of EGS, poor nutritional status of mothers, massive corruption and drought, vulnerability, exploitation and irresponsibility of the state constantly violate individuals' food rights.

Therefore the proposed Act should focus not only on assured physical, economic and social access to adequate, nutritious and culturally appropriate food to lead an active and healthy life with dignity, but also on respecting, protecting and promoting the access to productive resources as well as jobs under adequate conditions of work. The Act should include provisions to guarantee that public policies respect and promote the protection of the access of all inhabitants of India to productive resources (land, forest, water, and seeds etc.) and /or adequate income needed to feed themselves and their families in dignity. This is a fundamental component of the effective promotion and protection of adequate food security for all, with a clear objective of reducing hunger, malnutrition and poverty. Therefore, the ambit of legislation to protect food security should not rest with the provision of a certain quantity of entitlement of food grains. The legislation should place the right to food in India as a justiciable one for every citizen of the country.

Specific Areas to be addressed:

Universalization of the PDS: The public distribution system must be made universal, and the proposed bill must not contain any policies which conflict with international human rights legislation the Government has ratified, interim orders of the Supreme Court, or the fundamental rights of Indian citizens.

Access to natural resources: It is critical that the FSA includes a Universal Public Distribution System (PDS is necessary for those who are unable to feed themselves), but also individuals' abilities to provide for themselves in terms of access to food producing resources. Therefore government must use the FSA to adopt a broader approach to food security in India by focusing not only on food

subsidies, but also on individual empowerment and decreasing the number of families living below the poverty line.

Local Food Production: The Act should include provisions that guarantee that a minimum of 80% of the food purchased for the food distribution and nutrition supplementation programs are (is) purchased directly from peasants/small holder farmers and associated with governmental policies that support these farmers to produce in agro ecologically adequate ways. This will provide local markets to the small and medium farmers on the one hand and save the agriculture produce from wastage in transporting. Government estimates (April 2008) that on an average 15-30 percent of country's food gets damaged while on its way from the farm to fork. (A recent study revealed in July 2010 that 50,000 metric tonnes of wheat and rice had rotten away due to scarcity of storage and presently 17.8 million tonnes stored under tarpaulin.) Additionally, supplying families with locally grown foods will ensure cultural relevance of food provided, and enable the PDS to ensure that people receive fruits, vegetables, and pulses, along with food grains.

Nutrition Security: The FSA must include a provision requiring the PDS to distribute food products beyond just food grains. People cannot live on rice and wheat only, and many families cannot afford to purchase vegetables, pulses, oils etc. and do not have the resources to grow them on their own. India has a tremendously high rate of child malnourishment (a recent study reveals 47% children less than three years are under weight, 45% are stunted and approximately 74% women and children are anemic) that will not be addressed merely through distribution of food grains. Therefore, the FSA must address the issue of nutrition security.

Therefore FIAN recommends to include the following important and crucial points in the Food Security Bill:

- The Act must create an obligation for both the central and the states governments to prevent and address chronic starvation, and reach food pro-actively to persons threatened with starvation.
- The Act must place an obligation on the government to encourage food production through sustainable and equitable means, and ensure adequate food availability, in all locations at all times. And in doing so, local and indigenous food production and existing livelihood rights, and the traditional and indigenous knowledge systems of local communities should be protected and supported. The agriculture sector alone employs over 52 percent of the workforce and the growth of other economic sectors depends on the performance of agriculture to a considerable extent, due to strong forward and backward linkages with rest of the economy. At the same time, a majority of Indian inhabitants base their livelihood on the agricultural sector and their food security depends on national food production. Therefore, adequate allocation of resources on agricultural education,

research and technological interventions need to be ensured to increase the food production. The state should adopt policies to give incentives towards the production of coarse food grains.

- The Act should prevent the forcible diversion and acquisition of agriculture lands, water and forests for non-agricultural purposes.

- The Act must incorporate measures that guarantee that all Policies and Development Programs which might directly or indirectly affect the ability of citizens to realize their Right to Adequate Food, must be submitted to ex ante Human Rights and Environmental Impact Assessment, as well as Free, Prior and Informed Consent. In case the impact is excessive the policies and projects should not be implemented. In case the implementation is decided, effective full compensation should be guaranteed to all affected individuals and families, including equal or better access to resources, housing, and services.
- Trade policy has become a major component policy of Governments in recent years under the expectation that “external integration “will increase productivity levels, increase growth and improve living standards through trade, technology and capital flows. Therefore, the Act must incorporate measures that guarantee that all trade agreements - bilateral or multilateral -that directly or indirectly affect the ability of citizen towards realization of their Right to Food must be made public before the elected bodies, prior to approval.
- Minimum Wage: Indian citizens working in the unorganized sector are frequently forced to work long hours and receive very little compensation for their labor. Despite the minimum wage laws in place, companies continue to pay workers far less than is needed to maintain a balanced, nutritious diet for even one person. The situation is even worse for parents with small children. The Indian government must clarify minimum wage laws, and ensure that they are strictly enforced specifically in the unorganized sector. Families earning at least minimum wage for their labor will be able to maintain healthy diets and rely far less on subsidized food grains for nourishment.
- The Act must include safeguards against the invasion of corporate interests and private contractors in food policy and nutrition related schemes, especially when they affect food safety and child nutrition. Government must not enter into any partnership with the private sector where there is conflict of interest.
- The Act should incorporate, consolidate and universalize all entitlements currently existing under Supreme Court orders of existing schemes, especially:
- NREG Act, hot cooked, nutritious mid-day meals in all government and government-assisted schools, provision of all ICDS services to all children below the age of six years, Antyodaya entitlements as a matter of right to food for “priority groups”, National Maternity Benefit Scheme, Public Distribution System, Old Age Pension, National Family Benefit Scheme.
- The entitlements available to the poor people must be based upon a rational definition of poverty; the recommendations of the Saxena Committee (on the identification of BPL) must be taken into account
- The Act must also create new entitlements and enhance the area of existing schemes for those who are excluded, including out-of-school children and the urban poor, physically and mentally challenged people, old people, tribals, ethnic minorities.
- Enhancing the Mid Day Meal for all the days in a year and with Three Square Meals for all the children. NREGA should be expanded for all days in a year and PDS should be fixed on an individual intake rather than only confined with the family.

- The Act must take cognizance of all relevant provisions under other such laws that have direct or indirect bearing for the realization of right to food, especially Mahatma Gandhi National Rural Employment Guarantee Act, 2006, Minimum Wages Act 1948, Land Acquisition Act 1894 with proposed amendments, Forest Rights Act 2006, Right to Information Act 2005, Constitution (73rd Amendment) Act regarding Panchayat Raj, 73rd constitutional amendment 1993 and its extension to Fifth Scheduled Areas PESA, Interstate Migrant Workman Act 1979, Persons with Disabilities (Equal Opportunities, Protection Of Rights And Full Participation) Act, 1995, Caste and Scheduled Tribe (Prevention of Atrocities) **Act**, 1989.

The new Food Security Act must be synergized with all these laws.

- The Act should institute a national mechanism directly linked to the prime minister cabinet, composed by all food and nutritional security policy relevant ministries and civil society representatives, including a strong representation of food producers (farmers, fisher folk, pastoralists, forest dwellers, etc.) and the organizations of the most affected groups, to advice the government on the general directives of a national food and nutritional security strategy, which should integrate all relevant policies, programmes and acts, and should be built within the Right to Adequate Food framework, and on the provisions of the General Comment 12 (this comes here out of a sudden, may be rather relate to ICESCR?) and the FAO Right to Food Guidelines. This body (council, committee, etc.) should have a minimum of 50% representation of civil society.
- The Act should institute an inter ministerial body to coordinate and implement the food and nutritional security strategy, based on the right to adequate food framework, guaranteeing policy coherence and monitoring.
- The Act must clearly chalk out the responsibilities and roles of all the government departments at national and state levels with clear role articulated for the Panchayati Raj Institutions to work as an effective tool to ensure community participation in the actual realization of the entitlements at the local level.
- The Act should include strong in-built, independent institutions for accountability along with grievance redressal provisions including mandatory penalties for any violation of the Act and compensation for those whose entitlements have been denied. To promote needed corrections in the implementation of policies or in their coordination participatory process must be adhered while evolving such a law. Space must be provided for the civil society, community and various other representatives for them to communicate their views.

■

Thanks
Yours Sincerely,
FIAN India

Email: fianindia@yahoo.com Website: www.fian.in
Please find attached my comments on the 'NAC's note on the Draft National Food Security Bill.

Kindly acknowledge the receipt.

Thanks and Regards
HS.Shylendra
IRMA, Anand

Comments on the 'Note on Draft National Food Security Bill'

H.S. Shylendra (hss@irma.ac.in)
Institute of Rural Management Anand (IRMA)

The effort of the NAC in this direction is welcome as it is advocating for creation of a regime of right or entitlement based food security for a wider population, if not on a universal basis. With the kind of group involved in the preparation of the note, surely a lot of diverse thinking would have gone into the contours of the proposed draft Act detailed in the note. However, there are many glaring limitations, given our past experience, which have to be addressed so as to realize the objective identified for the proposed Act. I would like to offer few comments/ feedback in this regard. (I am studying the note for its deeper implications and would like to offer more comments subsequently).

1. The major difference observed in the new provisions for entitlement are offering food at highly affordable rates as compared to the existing TPDS. In a way, it is an attempt to extend the AAY scheme to a wider section of the population categorized under three heads viz., priority group, general group and special group. The second major element of difference is the effort to create an enforceable legal framework to make it binding on the state to deliver and be accountable. However, given the nature of provisions suggested in the note and the kind of experience we have with regard to the state in delivering such entitlements, the proposed suggestions in the note fall short of the expectation for a really effective right-based food entitlement regime in the country.
2. The note neither advocates a complete universal coverage (despite the stated objective) nor adequate quantities for the households for a full-fledged state supported food security. In the final phase the expected coverage is 78% of the total population in the country as a whole. A significant differentiation is made in the coverage between priority group and general group which dilutes even the less-than-universal-coverage suggested. Leave alone the fact that such a differentiation itself is bound to create huge leakage/corruption, it is ridden with estimation problems. The priority group estimation is based on Tendulkar Committee's BPL recommendation which has come under criticisms for its erroneous method. The food poverty and deprivation are of much higher order in the country as per many available assessments.

The food quantities suggested are 7kg & 4 kg per capita (for priority and general groups respectively) also suffer from few glaring limitations while the per capita basis is deciding

the quantity for household is a welcome step. The quantities proposed are neither having any explicit normative basis nor are as per the prevailing situation for the poor. The levels suggested are more adhoc or arbitrary in nature which just draws upon and rationalizes the existing practice. Let the note work on the normative basis. An exercise for the creation of entitlement cannot be devoid of such a basis.

Hence the proposed Act, even if it accepts in total NAC coverage would only be a partial food security attempt. Except for prices the suggested the coverage falls well short of a desirable level.

3. The emphasis on including millets (so also oil and pulses) in the basket is a useful suggestion as it will have many positive implications. It can help in partly brining self-targeting of the population and can diversify the food basket which is becoming undesirably cereal centric. However, given the current practice under PDS, it would require many proactive efforts on the part of state government to include millets in a significant way. Otherwise, the suggestion would only remain on the paper. The target population some way could be given a choice to indicate of cereal- millet mix (type and quantum) they prefer (to be culturally sensitive), before the states can think of procurement on this direction. If possible, for millets a higher quantity of eligibility can be suggested to incentive such a preference. The same holds true for pulses and oil. Pulses should necessarily find a place in the basket given the extreme level of malnutrition among the poor.
4. For the entitlement to be legally binding, the note has made several suggestions. Despite many of them being elaborate especially on the grievance redressal mechanism, they are unlikely to be effective to ensure the required accountability at all levels. Unless there is a significant shift in the present policy and system in the administration, the suggested mechanisms may not yield the results.
5. A few of the possible specific suggestions are:

(a) Since it is a right based initiative, the state should fully own up all costs and efforts to make it a reality. The whole PDS system should be run and managed by public systems. Let PRIs at the district and local level play a key role in the management and delivery. The gram panchayats/municipalities be handed over the responsibility of Fair Price Shops (FPS) and ICDS centres. Involving private enterprises is likely to bring in the viability consideration to fore which is one of the sources for the local level corruption and leakage. Food being sensitive item, PRIs can contribute in a significant way in the planning, implementation and monitoring the scheme. Let PRIs, with few safeguards, identify the poor and needy, and the target population numbers need not be given or suggested by the state or planning commission. This is one step which can help in the universalisation as well as revitalize the PRIs on the lines of decentralized governance. At the most, co-ops / SHGs/ NGOs could be involved in running these shops/units. State governments should deliver the food (transportation with IT based monitoring) directly at the outlets run by these community institutions.

(b) Currently, there is leakage of food at higher levels also (civil supplies dept / FCI level). Besides the Food Commissioners suggested by the note, ZPs/TPs/MPs/ MLAs should be entrusted with monitoring of food movement and distribution under PDS in their respective districts/blocks/ constituencies; Every panchayat must have a Food security Committee .

(c) Let a common phone number/fax/website be given for each block/district for people to send/SMS/email their complaints. The sender could also indicate the ration card number/UID number/FPS number with the complaint. The concerned DGROs and other officials should proactively take steps or measures to address the complaints on their own. These complaints with details have to be publically shared on the internet along with the action taken in a time bound manner.

d) Penalties or punishments are unlikely to be effective. Bureaucracy under the current system is well adept at escaping them. Let there be scope for immediate grievance redressal and compensation monitored by suitable agencies mentioned above.

e) The tenure based DGROs are unlikely to be effective. They should work under the State Commissioner who has to be more autonomous with due scope for action.

Fiscal conservatism should not come in the way of an effective and universal food security. NAC must pursue it as it did in the case of NREGA, simultaneously emphasising on the need for a more integrated approach for agricultural and rural development as highlighted in the note.

Please find attached some comments on the *Note on the Draft National Food Security Bill* issued by the National Advisory Council on 21 January 2011.

Margret Vidar
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Comments on the Note on the draft National Food Security Bill
To the Secretary, National Advisory Council, India.

We welcome the open call for comments on the Note produced by the National Advisory Council on the draft National Food Security Bill. Such a step is an important part of human rights based approaches as promoted by the UN system, including FAO.

The below comments are based on FAO's normative work in the field of implementing the right to food, in application of the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, adopted by the FAO Council in 2004, and supported by all FAO member countries.

The focus on transparency, pro-active information sharing and redress is very positive and consistent with a human rights based approach. So is providing for legal entitlements as opposed to charity. In general, therefore, the Bill is very much

welcomed. The below comments should in no way be seen to detract from the overall positive assessment.

We deem it logical in light of the minimal nature of the entitlements included in the

bill to link its objective (section 2.1) to the fundamental right to be free from hunger (cf. article 11:2 of the International Covenant on Economic, Social and Cultural Rights) rather than the right to adequate food, which is a broader and more encompassing right (cf. article 11:1 ICESCR). We take the opportunity to point out that the realization of the right to adequate food entails obligations to respect, protect and facilitate the right, rather than just provide food to the poor. Legislative action to implement the right to adequate food would be an important step to take in India. In this regard, we draw your attention to the FAO publication

Guide on legislating for the right to food (2009).

We also support in section 3.1 the move towards individual entitlements rather than

household entitlements and the methodology of determining exclusion criteria at the higher end and social inclusion criteria at the lower end for the entitlements.

Presumably, the inclusion criteria will address issues of discrimination on the basis

of caste or ethnicity. However, we do wonder how priority households who do not fall within the inclusion criteria are to be identified. From a legal point of view it is dubious to determine this on the basis of percentage as seems to be the criteria to

be established. We are aware of the long standing debate in India about the determination of BPL and APL; however, an individual entitlement can hardly be determined on this basis. In any case, should there be drastic changes in living standards of the population inclusion or exclusion errors would soon result. We recommend that individual entitlements be defined on the basis of individual characteristics.

In section 3.2 we recommend considering creating an entitlement for teenage girls, rather than leaving this category of highly nutritionally vulnerable persons to the general provisions of endeavour at the end.

In section 3.4 the move from starvation deaths to "living with starvation" is commendable. We also believe that the system of protection from starvation might

have to be spelled out in more detail for it to be effective.

Under section 4.2 we welcome the addition of millets and other such grains to the

traditional commodities of PDS. However, we note that the PDS is very grain-centric

and propose that general provisions be added to address other element of a healthy

and balanced diet, including fruit and vegetables and flesh foods.

Under section 4.2 g and h we note that the word "management" is used in apparently different ways, which could cause confusion, as one provision relates to

community licensing and the other about women being appointed as managers of FPSs.

Under section 4.2 k. it might be advisable to add a provision that members of the Vigilance Committee should not be related or married to persons managing the FPS.

In section 5 we recommend adding the promotion of vegetable and fruit production,

including home, community and school gardens, as well as promotion of foods rich

in protein and iron. Vitamin A and iron deficiencies can be addressed through better

diets and it could be more cost effective than supplementation. Furthermore general and mandatory salt iodization could be considered as an alternative to iodine supplementation. As noted above, we recommend moving sub-section vi from section 5 and to section 3.2.

In part II, section 1 we welcome the move towards greater redress at the local level. However, we wonder whether it is enough to have a facilitator at the block level and a single District Officer at the district level. It is also unclear why that person should be a "young" person – is it a measure to save money? In any case, a

single person could easily become overwhelmed and consideration could be given to establishing redress points at a lower level or increasing the number of officials. The physical distance to the district capital should also not be an impediment to access to justice in this regard. Again, with gratitude for the opportunity to provide comments, we remain at your disposal for further discussion of this issue.

Yours sincerely, Margret Vidar, Lega

The Secretary,
National Advisory Council,
2, Moti Lal Nehru Place, Akbar Road, New Delhi -110011
Fax: (011) 23062599

Dear,
Please find attached comments from Hunger Free West Bengal Campaign on the NAC's Note on the Draft National Food Security Bill.
Thanking you

On behalf of HFWB Campaign
Ashis Das
Jt. Convener

Comments on NAC's Note on the Draft National Food Security (NFS) Bill

The Basic:- Hunger Free West Bengal Campaign(HFWB) believe that food security is based on a development paradigm in which development is equitable, people centric and nature friendly. Hence HFWB strongly believe that there could be no food security for the country if there is no livelihood security for the farmers. Farmers should be assured of not a minimum support price but a remunerative price for their produce. Therefore access to food for all can only be assured if there is strongly emphasize on the development of sustainable and eco-friendly and safe agriculture produces. HFWB also believe that the development of agriculture in this manner is necessary because not only will it assure that there is sufficient food production, but it will also ensure that the producers of food- agricultural workers, share croppers, small and marginal farmers- who are also amongst the most hungry sections of the population become productive and economically better off. The NFS Bill put forward by the Right to Food Campaign, with which we are in the same opinion,, therefore emphasized greatly on using an expanded and universal PDS to revive agriculture, and on ensuring that resources within the country are first used for food production.

On the other hand, unfortunately, the general thinking today within the Government has been to delink issues of food production from food security in the NFSA. An expanded and universal PDS has been attacked as being unfeasible both from the point of view of financial resources and food grains necessary to implement it. The debate around the food security bill so far has therefore been based on how to ensure food security with as little resources as possible. While in 2008-09, for the benefit of the corporate sector, Rs.4.14 lakh crores of taxes, and in 2009-10, over Rs.5 lakh crores of taxes were waived, industry today before the budget is asking for further concessions from the forthcoming budget at the cost of food security . Before the Budget, for example, in an interview with CNBC-TV18, Director General of FICCI, Rajiv Kumar has opposed spending on the NFSA, saying that the food subsidy bill is

already 1.4% of the Budget and the country cannot afford to spend anymore on this. A section of corporate sector and many policy makers within Government have given their preference for retrogressive measures like

- i. Cash transfers, instead of schemes like the Public Distribution System which also has a procurement side and therefore ensures food is grown.
- ii. Helping in the second green revolution, euphuism for changing agriculture from small peasant based sustainable agriculture into corporate controlled agriculture with GM seeds, increased use of company manufactured pesticides and fertilizers and other corporate manufactured inputs , with corporate determining crops and their usage , instead of hunger and people's needs determining this
- iii. Addressing the problem for starvation where fortification of food, addition of micronutrients, use of pre packaged balanced food (all of which are to be produced by the corporate) are being portrayed as the solution to hunger rather than increasing the capacity of food producers locally.

While the NAC has had within it many people who are friendly to the Campaign's view (and who are in fact members of the campaign), they have faced pressure on a consistent basis from people within Government to dilute their stand on what is necessary for food security. The NAC Note on food security is therefore a highly diluted version of an Act that could actually ensure food security. The main problems are as follows:-

17. While the objective of the bill says that it aims to ensure “ assured economic and social access to adequate food with dignity, for all persons in the country, at all times”, our experience with schemes and even the Supreme Court orders tells us that provisions of food through multiple schemes and multiple places (TPDS, ICDS, MDMS, community kitchens, maternity benefits) means that people will have to run from one line to another and from one department to another at various stages of their lives to get food. Not all of these experiences of obtaining food from the system are “with dignity” and in fact are disempowering experiences where people have to deal with an insensitive bureaucracy.
18. Food production has been delinked from food security. Hence measures that could ensure food security through ensuring food production have been relegated to “Enabling Provisions” (part I, section 5) . These provisions therefore are a wish list of what should be done , but there are no legal guarantees that these provisions are enforceable at any point of time , even in the future.
19. Food security has been reduced to a number of entitlements that provide food to various age groups and various social groups. The Note therefore tends to provide food to the hungry without any thinking about the causes of hunger or dealing with the causes.

PUBLIC DISTRIBUTION SYSTEM (PDS)

12. There is provision for only cereals in the PDS. No pulses and oils have been included. So we are talking about cereal security rather than nutritional security.
13. The BPL- APL categorization in the present PDS is the source of huge exclusion and inclusion errors, corruption and nepotism and also aids in siphoning off of food grains. The NAC draft continues this system and in fact complicates it further by now having three categories – excluded, general and priority- which will mean a continuation of the problems of targeting.
14. Amounts have been fixed at 35 kgs or 7 kgs per head for priority groups and 4 kgs per head or 20 kgs per household for general groups. There is no rationale for this, while the Campaign when it demanded 14 kgs per head of food grains had followed the ICMR norms.
15. The PDS will cover 46% of the rural population as priority group and 44% as general group; while in urban areas the figures are 28% for priority group and 22% as general group. This is roughly following the Tendulkar Committee and Hashmi Committee recommendation on the BPL for numbers who will come under the priority group. However, there is no reasoning given why the Government should not have followed the Dr. NC Saxena committee (which asked for 50% of the rural population to be covered) and Arjun Sengupta committee (which gave 77% as the population living below the poverty line)
16. Priority groups will pay Rs.3/2/1 for 1 kg of rice/wheat/millet. General groups will pay at most half the MSP for the food grains. However, again there is no logic given for this.
17. Prices, quantities and percentages of population covered in the PDS are only guaranteed till the 12th five year plan (point 3.5).
18. On the whole in the PDS, percentages of population to be covered, items and quantities to be given and prices – all seem to have been determined by the minimum the Government is willing to concede. There is no other visible logic. We can also expect a further cut back in all this once the Bill goes to the Government, going by the way in which the PMO has responded by setting up

the Rangarajan committee over and above the NAC to question the recommendations of the NAC.

19. While decentralized procurement has received a lot of emphasis in the section on PDS reforms (Section 4.2), no mention is being made about an assured and remunerative support price (MSP) for rice and wheat (for millets this has been mentioned in 4.2b). Without this, procurement itself will falter as a good MSP is the key to procurement as well as production of food grains.
20. Section 4.1.3 admits that a significant expansion in production and decentralized procurement is needed but legal commitments to increased production have not been made.
21. Section 4.2 'a' to 'o' give a number of well thought out steps on PDS reform. However there is in 'g', "preference" for community management which should be changed to mandatorily having community management.
22. An additional safeguard that should be added to the section on PDS reforms is to make Gram Sabha approval compulsory every year for renewal of licenses.

MATERNAL AND CHILD SUPPORT

4. In this section ,care of mothers, support for breast feeding and supplementary nutrition for both mothers and children have been well outlined, generally in terms of a hot cooked meal and a snack, or in terms of take home rations. The Note is however silent on the condition of the families from which these children and mothers come. For families in poverty, where no steps are being taken in the Note to deal with situations of deprivation, supplementary nutrition will end up taking the place of meals within the family rather than supplementing nutrition given by the family. Thus, the entitlements outlined here cannot deal with hunger as a whole.
5. Maternity benefit of Rs.1000 per month, for 6 months, are being given which is a major improvement on the present JSY and NMBS. However, if we want women to rest and not work during pregnancy , maternity leave for six months with minimum wages should be assured, which would be much higher than Rs.1000 per month.(section 3.2.a b)
6. Provisions for adolescent girls that already form a part of the Supreme Court orders on Right to Food are glaringly absent.

ENTITLEMENTS FOR SPECIAL GROUPS

This section is to be welcomed because it at least begins to address the needs of migrants, destitute, homeless and urban poor and emergency and disaster affected persons. However again the Note does not deal with causes or with development measurers to stop hunger, but only provides short term relief, generally again in terms of a hot cooked meal.

COMMERCIAL INTERESTS

The Note also adds “all commercial interests will be barred from supplying ready-to-eat or any other items for all child nutrition programmes. “, a welcome move, which should however be extended to all programmes in the Note and not just for children

PROTECTION AGAINST STARVATION

Section 3.4 states that it will be the duty of every state Government “to prevent starvation; to proactively identify people living with starvation or threatened by starvation for any reason; and to investigate and effectively respond to end conditions of starvation.” This is the only section in the Note that deals with causes of hunger and makes it legally necessary for every State Government to take preventive action against starvation. This section should be strengthened and should be extended to the Central Government also. It could if strong enough lead to the Government being forced for example to take action to re-open abandoned tea gardens where starvation is taking place amongst workers or for example to stop displacement when displacement is leading to hunger.

ENABLING PROVISIONS

These have remained only a wish list. To strengthen these provisions, it should be made time bound and there should be provision for periodic evaluation of whether the Government is taking such action.

SYSTEMS OF ENFORCEMENT AND TRANSPARENCY

Elaborate provisions have been made for grievance Redressal, monitoring, fines and compensation and transparency. However, the powers to enforce of the District Grievance Redressal Officer and the National and State Commissions, as well as financial provision to cover their expenses (as well as that of the Block facilitation Centre) are also necessary. Otherwise, these provisions remain meaningless.

A provision for the protection of activists who fight for their entitlements in this Act is also necessary, in order to stop violence, harassment and filing of false cases against those who use the Act to establish people’s rights.

The Secretary,
National Advisory Council
Subject: Comments on the proposed NAC draft NFSA

Anna Suraksha Adhikar Abhiyan Gujarat is a forum of 119 organisations, unions; campaigns spread over 21 districts of Gujarat which has been working on the issue of food security in Gujarat since 2003.

We have also been actively engaged in monitoring the Hon Supreme Courts orders in WPC 196/2001 through community based monitoring of the schemes like ICDS, MDM, PDS, NOAPS & NMBS(JSY) and have held over 70 public hearings across the state in which over 1,00,000 people have walked miles to be heard.

In the course of the last 7 years we have repeatedly seen violations of people's fundamental right to food by a simple act of stamping them as BPL or APL. The right given by the Hon Supreme Court guided by the fundamental right to life and dignity is repeatedly violated by this artificial divide created by numbers being crunched at some offices. We have tried every possible instrument including the court available for redressal of the grievance of the most deserving of food subsidies to be included in the BPL list to enable them to get their rights with dignity.

Some of these who have APL cards have been tribal women who work 14 hours a day, but are unable to eat two square meals a day for over 6 months, women survivors of violence without a ration card, families where 3 out of 5 people are afflicted with tuberculosis, widows of the farmers who committed suicides out of indebtedness, multiply handicapped people who are being looked after by their parents/ siblings who can barely feed themselves, families rendered homeless in the aftermath of 2002 carnage in Gujarat, families evicted overnight from their homes in the urban renewal mission and left without any belongings, brick kiln workers from Chhatisgarh who stay here for 11 months in a year and so many more.

Each one of these applications have been turned away saying that the quota of BPL was already over and no more could be accommodated in the list. They were turned away at every step from the Fair Price Shop to the offices of the FCS department in Gandhinagar who simply said that they were helpless since they had no powers to recognise hunger in the face since it was not in their power to decide who is hungry or not. Even the panchayats and the gram sabhas resolutions have been thrown away in spite of the explicit powers given to them to decide the list.

Only if the NFSB starts with the basic premise and the confidence that no one in this country need to sleep on an empty stomach will the drafting of such an Act be meaningful. Till we are not ready, it is meaningless to draft an act which is more of an which will only be yet another empty promise for the above listed who will once again get mired under the classification done by people who are not forced to sleep hungry. We urgently ask you to review the artificial divide the priority and general and make UNIVERSAL the minimum right to food and nutrition to everybody in this country.

We appreciate and endorse the effort to recognise the greater vulnerability of the excluded and the proposed means of reaching them with community kitchens and full share of food entitlements.

Gujarat which is "not poor" or "priority" has every second child born stunted and 3 out of 4 women suffer from malnourishment, it is imperative that oil and pulses be added in monthly food entitlement.

We endorse the proposal for local decentralised procurement and distribution of millets replacing the current distribution of centrally produced fortified Wheat Atta.

We would have liked the NAC to have held state meetings but would like an opportunity to make a representation before your committee in person with member constituents of ASAA Gujarat for whom this Act would restore faith in the promise of inclusive development made by the Government.

Anna Suraksha Adhikar Abhiyan

Gujarat, India

Sir/Madam,

Koi Bhookha Na Soye is a network of organisations and individuals who are concerned with the status of hunger and malnutrition that such a large proportion of our people suffer. We believe that it is the primary responsibility of any society to ensure adequate food and nutrition to its members. The government has to acknowledge this as a primary duty and make it the first priority that it must successfully deliver upon in the next 5 years, so that no one in the country has to go to bed hungry.

We are extremely supportive of the NAC efforts in this direction and are giving our comments in this spirit.

Sincerely,
Gauri Chaudhary, Soumya Dutta, Ritu Priya, Hemlata, Rajni Kant Mudgal,
Babulal Sharma, Vijay Pratap

Response to the NAC Note on Framework for a National Food Security Bill and Rangarajan Committee Report, January 2011

by Koi Bhookha Na Soye Abhiyan

(Let No One Sleep Hungry Campaign)

KBNSA is a network of organisations and individuals who are concerned with the status of hunger and malnutrition that such a large proportion of our people suffer. We believe that it is the primary responsibility of any society to ensure adequate food and nutrition to its members. The government has to acknowledge this as a primary duty and make it the first priority that it must successfully deliver upon in the next 5 years, so that no one in the country has to go to bed hungry.

We believe that this task cannot be accomplished without strong measures to minimise the scourge of corruption that will inflict the functioning at all levels of any system developed to ensure food security and make it ineffective. A separate note is appended suggesting measures to meet this objective.

Section A. (Strengths of the NAC framework note)

The provisions in the note are clearly an advance over the present situation where the mainstay of food security is a PDS that is 'targetted' to only about 40% of the population (labelled the BPL and estimated at 26% by the Planning Commission) and is poorly functioning. There is little by way of a redressal mechanism in case members of the target groups do not get the subsidised food grain they are supposed to get.

- It is more inclusive in terms of the proportion of people who will be covered, 90% of BPL (priority category, the new name for BPL category and set at the Tendulkar

Committee estimates that it is 42%) and 50% of APL (general), ie 78% of total population.

- It is setting out legally binding entitlements for a minimum quantity of food grain at subsidised prices.
- It provides for legal binding of existing special provisioning mechanisms for more vulnerable sections, such as the Mid-day meal, and persons affected by disasters.
- It additionally provides for specially vulnerable categories such as homeless, destitute, disabled and those with long-term stigmatising illnesses.
- It proposes a strong grievance redressal mechanism based on block and district level independent offices and carefully selected persons of integrity and commitment at these levels, including punitive action for failures of those responsible for implementation. Even those out-of-power should become part of monitoring committees.
- Structures are proposed for transparency in the planning and implementation.

Thereby it provides a framework at building institutional structures that will ensure access to food to a vast majority of Indians.

Section B. (Limitations & Suggested changes/additions)

However, there are several issues of concern that need further consideration of their implications for food security and for the governance structures in the country, which could impact well beyond food security:

1. The food entitlement of 7 kg per person is low and will still require the poor to buy from the open market (NSSO data shows that the poor consume an average of about 10 kg.). This allows the argument, however flawed, for opposing the proposal to expand coverage and therefore procurement, since that will hike food prices in the open market, as stated in the Rangarajan committee report. We think that a full supply at subsidised rates is warranted for the priority category.

This larger procurement will not add to price rise as may be directly estimated because: (i) As 78% of the total population is proposed to be PDS-covered under NAC draft proposal, in place of the present 40%, the food demand in the open market will all drastically, thus countering any open-market-shortage & price rise trend. In fair markets (w/o artificial manipulations), it is not only supply, but demand—supply gap that determines price trends. Also, the procurement proposed is only about 40% of production, leaving nearly 60% to cater to the much-smaller-than-present remaining demand, countering any price rise trend. (i) As a major part of the rural poor that are to be additionally covered – out of which the marginal, small & medium farmers are also food producers, and always keep some food for self consumption -- large parts of the 3 Kg gap (10 Kgs – 7 Kgs) actually may be served by own production. Out of 2004-05 estimate of 253 million workers in agriculture (64% of total unorganised sector workers), 65% are land-owning farmers (marginal, small, medium & large together), and 35% agricultural labourers.

2. There has been no expansion in terms of entitlements including nutritional essentials like pulses and oils, thereby not ensuring 'nutritional security'. It is referred to under the 'Enabling Provisions' as "endeavour to 'diversify' commodities under the PDS". These appear like the directive principles in our constitution, and the experience has been that they have not been implemented even after 60 years.
3. Instead, placed on par with the clause for pulses and oil, what we have in the enabling provisions is the need for government to ensure universal supplementation of vitamin A, iron and iodine. While all these have been contested by health scientists as meaningful when there is unattended co-existing deficiency of proteins and calories, the arguments against universalisation of iodised salt with a legal ban on non-iodised salt has been shown to be even harmful, especially in areas where there is no existing environmental deficiency of iodine. Why include this at all, except maybe to appease the corporate micronutrient lobby? Where there is no consensus even in civil society, why include it in a law which will make it more difficult to fight against.
4. Instead of spelling out the incremental enhancement of entitlements, the note takes the defensive line that "The PDS entitlements shall not be reduced in any manner until at least the end of the 12th Five Year Plan period. Other entitlements cannot be reduced except by amendment of the Act." We strongly believe that this should be the biggest effort so that the need itself decreases after 5 years, but that the law must speak of incremental increase in entitlements until hunger and malnutrition cease to be public health problems, ie exist at an unacceptable level in the population.
5. The NAC note mentions the importance of improving agriculture production and decentralised procurement but does not give it adequate emphasis or give it the centrality it deserves. We think a framework for decentralised strengthening of agriculture, procurement and distribution channels must be part of the detailed essential provisions.
6. The burdens of the 'production constraints' and 'large subsidy' will be reduced by (i) The very act of a much larger assured procurement at a guaranteed & remunerative MSP, which will spur production growth. The uncertain market returns from their production is one of the major obstacles for farmers to produce more, and (ii) focus on procurement of millets etc at remunerative MSP. A large procurement of these grains will have several positive impacts, including reduction of budget to procure (these being cheaper than paddy & wheat), less stress on & less expenditure for providing scarce water resources AND support to rain-fed farmers (the most distressed segment) who constitute the majority of farming families. This will boost rural demand, and thus rural (&overall) economy, increasing revenue also.

The market support that farmers get will help their produce reach far and wide in the country. Not only that, awareness generation about health benefits of consuming grains like millets should become part of nutritional counselling as proposed by NAC. Growing millets is also good for soil fertility.

7. There should be a distance-wise/km-wise norm for Fair Price Shops or outlets, especially in the context of tough geographical terrains such as hill regions to ensure easy physical access.

8. It does not categorically take a position against cash transfer to beneficiaries instead of food provisioning at subsidised rate. Since this is a proposal already being piloted in some states, and extremely detrimental to food security, it needs to be addressed. There must be categorical statement refuting the measure to replace food provisioning with cash. This is even more important in light of the already observed & predicted to increase impacts of erratic climate change, as support to and procurement from a wider crop-basket, with wider distribution of risk will increase resilience to tackle climate change related adverse impacts including shortage and price rise.
9. Cut-off age for old age pensions should be brought down among the priority group.
10. The recommendation for creative use of IT without spelling out for what and how will only pave the way for UID being linked to PDS and other food schemes. There has been much concern expressed against this by civil society groups. We think a detailed framework of what use the IT is to be put to must be made explicit.
11. Pt. 3.4 indicates the need "to proactively identify people living with starvation or threatened by starvation for any reason, and to investigate and effectively respond to end conditions of starvation" but there is no mechanism spelt out on how it is to be done. We think that there is a need to spell out a framework for how the nutritional impact is to be monitored, or how early signs of food distress are to be picked up and addressed. The technical socio-medical tools and existing structures that can be used to develop a system for nutritional monitoring to pick up early signs so as to undertake preventive action has been worked out and its elements have shown results, as eg. in Orissa where the IMR showed rapid decline after the nutritional monitoring by ICDS was made effective. Piloting the system and making it operational would be necessary to ensure impact of food security measures and to deal with the vagaries of an uncertain and fluctuating employment situation.
12. The whole framework is a formal institutional response to a major problem in governance of the present times. However it attempts to bypass formal sustainable institutional structures and bases itself on the selection of good individuals who will come into the system for a period of 5 years, oversee its functioning and then go out.
13. It proposes nutrition counselling, but does not even mention nutrition monitoring. In this framework, the community or people seem to be only passive recipients of materials and information and have no agency of their own to act. We think there must be provision for involvement of panchayats and other decentralised forms of incorporating people's knowledge and views at all stages--from procurement, to identification of beneficiary categories (if they have to be there), to distribution. This must be with active participation of women in the gram sabha. Otherwise, the community or people seem to have no agency in this framework.
14. Unless the community is sensitised and active on the issue, even the minimal entitlements will be difficult to implement. Therefore we think it vital to include provisions that the government will support community based nutritional monitoring and action through strengthening of the existing structures with such potential (as referred to in pt. 11), ie. the ICDS and the primary health care systems, with district and block level support of civil society through a specified agency, which could be linked to the grievance redressal office.

Here is the comments by AAA, Maharashtra.

Amruta

----- Forwarded message -----

From: mukta srivastava <muktaliberated@gmail.com>

Date: Mon, Feb 21, 2011 at 6:51 PM

Subject: Fwd: Comment on the the note by NAC on the Draft National Food Security Bill

To: annaadhikarabhiyanmaharashtra@googlegroups.com

----- Forwarded message -----

From: mukta srivastava <muktaliberated@gmail.com>

Date: Mon, Feb 21, 2011 at 6:48 PM

Subject: Fwd: Comment on the the note by NAC on the Draft National Food Security Bill

To: annaadhikarabhiyanmaharashtra@gmail.com, Right To Food Campaign Secretariat <righttofood@gmail.com>

Dear all attached is the file containing comments on the NAC note on National Food security Bill. Based on our discussion I have made comments and sent it to the NAC. there are two types of file of the same document PDF and doc.

--

Amruta

Anna Adhikar Abhiyan, Maharashtra

(A network of over 100 organizations across Maharashtra, campaigning on the right to food security and sovereignty)

Convenor: Mukta Srivastava , Shoshit Jan Andolan ,

604, Saptagiri, Cosmos Hills, Opp. Upavan Lake, Thane (West) 400606, Phone: 09969530060,

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Comments on the Note on the Draft National Food Security Bill

The collective comments by the group are in three parts: Overall and Suggestion and Specific comment right at the Draft bill itself below in this document.

Overall Comments

India celebrated 62 year of Republic Day last on 26th Jan 2011. At least after 62 years it is the responsibility of any secular democratic state to ensure food security for all. Enough is enough, at least now it should not get into the Inclusion, Exclusion priority, general categories which will only dilute the whole effort.

It is disheartening that the UPA government's promise in 2009 to give people's legal right to food and make an Act which is both a visionary and revolutionary has been fulfilled in a fractured manner. The bill is minimalist and a far cry from what was promised.

The bill does not clearly define the process and criteria for Priority and General category. How one has reached the figure of 90% of rural and 50% of urban area? How ne has arrived at the figure of 46% Rural and 28% Urban families as priority category ?

The bill has multi-staged implementation process which will deny all other needy people to access subsidized food at the same time.

The issues of Urban Poor are poorly addressed. The food security is not linked to economic poverty alone but also to the issues of housing, services etc. There is no defined poverty line in urban area. Fixing 28% in Priority Category as the extent of urban poverty is a mockery of the ground reality towards which the ecocrates of the present government have turned a blind eye.

There is no provision for fuel, lentils, oil and sugar and therefore it fails to ensure safe and nutritious food

The more encouraging aspect of the Bill is the maternal and child support section with a few suggestions given right at the sections below in this document.

We need minimum 5 areas to be ensured and guaranteed in the bill in order to ensure guarantees access to nutritious food but baring a few bill fails to include all of these. Though some of these have been put in the enabling section of the bill and it does not give any legal guaranteed for these

The bill does not guarantee the Minimum Support Price to the farmers to encourage and ensure Food production or to provide minimum remuneration to the producers in order to sustain production.

There is no guaranteed robust System for decentralized procurement for easy access to food for consumers.

The Bill as expected *does not give universalized access to subsidized food* instead it reinforces exclusion and possibility of inclusion and exclusion error by still being remained at the targeted level with a new categories.

The bill does not make any effort to legally ensure the systematic effort towards agricultural sustainability. The Bill does not reflect any definite action towards ensuring and protecting land rights to the famers and assured investment in agriculture and allied activities. Without ensuring food sovereignty and protection from land grab and ensuring land rights the supply side will not be guaranteed.

The bill does have definite provisions and system for ensuring Transparency and accountability in the PDS System which is welcomed.

Suggestion for budgetary provisions

A standard excuse, orchestrated through the mandarins of Planning Commission and converted into a manufactured consent of intelligentsia and the vocal middle class through Media, is about lack of resources. What prevents this 'Aam Adami' Government to ask the fat cats of economy such as large corporations, particularly the FIIs, who have been given umpteen concessions over the last 8 years of UPA regime to contribute resources either by way of increased taxation or a 'Tobin Tax' for milking out of Indian economy's so called stratospheric growth. Raising the resources by dipping into 2% of the profits of large corportes will fill the resource gap. This will be a better CSR.

Specific Comments : Please see the section by section comments through track changes in the original NAC Note on the National Food Security Bill below.... In red color

Note on the Draft National Food Security Bill National Advisory Council

21st January, 2011
New Delhi

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Executive Summary

Draft National Food Security Bill: Essential Features

The draft Bill is in two parts. The first part deals with *food entitlements* and their operational framework. These entitlements are to be realised through specific *food-related schemes* (listed in Schedule I), implemented by state and local governments with support from the Central Government. The second part develops a framework of *grievance redressal for food-related schemes*, with potential for being extended to other economic and social rights.

Part I: Food Entitlements and Related Matters

Essential Entitlements

This part is based on the NAC note of 23rd October 2010. The essential entitlements are:

Public distribution system: 35 kgs per household per month at Rs 3/2/1 for rice/wheat /millets for Priority category; 20 kgs at (at most) half of MSP for General category.

Maternal and child support: (1) Universalization of ICDS (as per Supreme Court orders); (2) counselling and support for optimal Infant and Young Child Feeding; (3) nutrition take-home rations for children under 3 and pregnant/lactating women; (4) cooked midday meals up to Class 8 in government and government-aided schools; (5) maternity entitlements of Rs 1000/month for 6 months for pregnant women.

Special groups: (1) Daily, free cooked meal for destitute persons; (2) Portable entitlements for migrants; (3) Community kitchens (subject to successful pilots) for homeless persons and the urban poor; (4) Emergency relief for disaster-affected persons; (5) unconditional protection from starvation.

Note: The PDS entitlements shall not be reduced in any manner until at least the end of the 12th Five Year Plan period. Other entitlements cannot be reduced except by amendment of the Act.

PDS Reform

The reformed PDS is to have a transparent structure, where food transfers can be tracked all the way to the cardholders and Fair Price Shops are managed by accountable community institutions. The Act will mandate extensive PDS reforms, such as: decentralised procurement; community management of Fair Price Shops; doorstep delivery to FPSs; assured financial viability of FPSs; strict transparency safeguards; end-to-end computerization; tamper-proof receipts; regular social audits. The Act will also create space for innovative uses of ICT.

Enabling Provisions

Enabling provisions call on the central, state and local governments to strive towards progressive realization of (inter alia): (1) revitalization of agriculture and food production; (2) universal access to safe drinking water and sanitation; (3) universal health care; (4) universal access to crèche facilities; (5) special nutrition support for persons with stigmatised and debilitating ailments; (6) provision of pensions for the aged, disabled, and single women.

Part II: Grievance Redressal

Essential Provisions

The draft Bill attempts to build a strong system of grievance redressal for all food-related schemes, to ensure that food entitlements are realised. Grievance redressal provisions include:

- 1 Strict *transparency standards* for all food-related schemes.
- 2 Swift *fin*es for any violation of the Act.
- 3 “*Duty to fine*” whenever irregularities are found.
- 4 Principle of “*vicarious responsibility*”.
- 5 *Compensation* in the event of any loss of entitlement.

Institutional Setup

All food-related schemes will come under a common grievance redressal framework, involving:

(1) Block-level facilitation centres: A non-official person or group appointed to help people with filing complaints, submitting appeals, resolving disputes, etc.

(2) District Grievance Redressal Officers: See below.

(3) State- and national-level Food and Nutrition Commissions: These will hear appeals, monitor the enforcement of the Act, and advise governments on food-related schemes.

District Grievance redressal proceeds in 3 steps: (1) internal redressal (within concerned departments); (2) intervention of the District Grievance Redressal Officer; (3) appeal to state or national Commission.

Grievance Redressal Officers

The linchpin of the grievance redressal system is the District Grievance Redressal Officer (DGRO) at the District level. The DGRO is envisaged as an independent officer with extensive powers to investigate, fine and compensate. DGROs are to be recruited through an objective national selection process (possibly entrusted to the UPSC), with a non-extendable term of five years.

Transparency Standards

All food-related schemes will have to meet common minimum standards of transparency. These include: (1) All information in the public domain; (2) Pro-active disclosure of essential information; (3) Web-based MIS with conversion to Janata Information System at the village level; (4) “Open office, open inspection, open records” regime; (5) mandatory social audits; (6) mandatory provision of individual transaction records (e.g. ration cards) to all beneficiaries; (7) right to information within 15 days at no more than photocopying cost. At least 1% of the cost of food-related schemes will be ear-marked for transparency measures.

Wider significance of this grievance redressal system

Over time, the proposed grievance redressal system could possibly be extended to other similar legislations such as NREGA and Right to Education Act. This would be a major breakthrough.

Framework of Proposed National Food Security Bill

Part I

Introduction

1.1 This Framework Note presents the contours of a draft National Food Security Bill, consistent with the NAC's resolution of 23 October 2010. The National Food Security Act is envisaged as a path-breaking legislation, aimed at protecting all children, women and men from hunger and food deprivation. Aside from creating new food entitlements, the Act would place a range of existing food-related schemes on a new footing and set new standards of transparency and accountability for social programmes.

1.2 The draft Bill is in two parts. The first part deals with food entitlements and their operational framework. These entitlements include: (1) legal PDS entitlements for at least 90% of rural and 50% of urban populations in the country; (2) expanded coverage and norms for maternal and universal child nutrition programmes; (3) provisions for new food security schemes such as maternity allowances and destitute feeding. These entitlements are to be realised through specific 'schemes', implemented by state and local governments with support from the Central Government.

1.3 The second part develops a framework of grievance redressal for food-related schemes, with potential for being extended to other economic and social rights. This includes (1) the creation of an empowered Grievance Redressal Authority called the District Grievance Redressal Officer at the district level, (2) grievance facilitation centres at the Block level, (3) clear assignment of responsibilities in all food-related schemes; (4) penalties for a range of welldefined offences; (5) accountability of supervisory authorities; and (6) high transparency standards including pro-active disclosure of essential information. These are also briefly described in this note.

Objective

2.1 An Act to ensure public provisioning of food and related measures to enable assured economic and social access to adequate food with dignity, for all persons in the country, at all times, in pursuance of their fundamental right to be free from hunger, malnutrition and other deprivations associated with the lack of food and related matters. The food entitlements created by this Act will cover the entire life cycle of a human being, starting with overcoming maternal and foetal under-nutrition resulting in low birth weight babies, and extending up to old and infirm persons. The first 1000 days in a child's life (starting with conception up to the end of 2 years of age) will receive special attention.

Essential Entitlements

Public Distribution System

3.1.a. Rural areas: Every rural household shall be entitled to a monthly quota of subsidised food commodities under the Public Distribution System (PDS), unless it meets one of the notified "exclusion criteria". Households in the priority category shall be entitled to 7kg per person per month at Rs. 3/2/1 per kg for rice/wheat/milletts respectively. Those in the "general" category shall be entitled to 4kg per person per month at no more than half of the Minimum Support Price (MSP). At least 90% of rural households in the country shall be entitled to subsidised foodgrains under the PDS, of whom at least 46% shall be priority groups. The NAC recommends a 'social inclusion' approach, under which certain vulnerable social and economic categories of persons

are identified and fully covered as a right under this Act.

3.1.b. Urban areas: The same norms shall apply to priority and general households in urban areas together covering at least 50% of the urban population, of which at least 28% shall be in the priority groups. Once again, a 'social inclusion' approach appropriate for urban areas is recommended, which would ensure that homeless and slum residents, and others who are occupationally and socially vulnerable are fully covered.

Maternal and Child Support

All children in the age group of 0-6 years shall be entitled to basic nutrition, health and preschool education services available under the Integrated Child Development Services (ICDS) as of 1 April 2010, and enforced already as legal rights by the Supreme Court of India, namely: (1) supplementary nutrition; (2) immunization; (2) health check-ups; (4) referral services; (5) growth monitoring and promotion; (6) pre-school education.

3.2.a. Pregnant and Lactating Mothers

a) Nutritious take-home rations and/or freshly cooked nutritious meals, provided throughout the year through the local anganwadi or any other suitable institution.

b) Maternity benefits of Rs. 1000 per month, for a period of six months, to all pregnant women for care, nutrition and rest during pregnancy and after delivery.

c) Support for practising exclusive breastfeeding for 6 months through assistance at birth, breastfeeding counselling, and related assistance; and counselling on optimal Infant and Young Child Feeding to promote appropriate complementary feeding upon the completion of 6 months, along with continued breastfeeding for two years or beyond.

3.2.b. Children Aged 6 Months to 3 Years

d) Nutritious take-home rations and/or age-appropriate freshly cooked meals, provided throughout the year through the local anganwadi or any other suitable institution.

3.2.c. Children Aged 3-6 Years

e) At least one freshly cooked nutritious meal and a nutritious snack at the local anganwadi, for at least 300 days in a year.

3.2.d. Children Aged 6-14 Years

f) At least one freshly cooked nutritious midday meal in all schools run by local bodies, government and government-aided schools up to Class 8 everyday of the year, except school holidays.

3.2.e. No Denial to Children

g) Any child below the age of 14 years may approach any feeding facility such as anganwadi centre, school mid-day meals, destitute feeding centres etc., as defined under this Act, for a freshly cooked nutritious meal, and will not be turned away on any ground.

3.2.f. Prevention and Treatment of Child Malnutrition

a) Until the age of six years, children of all grades of malnutrition, as well as those experiencing growth faltering or nutritional deterioration, shall be identified and supported through nutrition counselling for improved locally appropriate feeding and care, health checkups and referral services.

b) Severely underweight, undernourished or sick malnourished children shall be entitled to supplementary nutrition and special care at a Nutrition Rehabilitation Centre or community as appropriate.

Entitlements for Special Groups

(i) Migrants: Arrangements shall be put in place to ensure that migrants are able to claim all entitlements under this Act at their current place of residence.

(ii) Destitute persons: All destitute persons who seek it shall be entitled to at least one freshly cooked nutritious meal per day without any charge.

(iii) Homeless persons and Urban Poor: Each state government shall put in place and progressively expand, subject to successful pilots, a scheme of Community Canteens to facilitate and ensure that homeless persons and the urban poor, in addition to their entitlements to subsidized foodgrains under the PDS, have access to affordable freshly cooked nutritious meals. Subject to these successful pilots, minimum numbers of such Canteens will be prescribed for every city.

(iv) Emergency and Disaster Affected Persons: All individuals and households affected by emergency or disaster shall be entitled to special ration cards under the PDS (with entitlements no less than those of Priority Groups) for a minimum period of one year. Open feeding centres, accessible free of charge shall also be set up immediately. Special measures shall be taken to ensure that all food entitlements under this Act continue to be fulfilled.

Explanation: In Sections 3.2 and 3.3, wherever the word ‘cooked nutritious meal’ or ‘cooked meal’ is used, what is meant is a freshly cooked culturally appropriate meal, which contains nutritive value appropriate for the respective age-group or gender, as specified by the relevant departments of the Government of India. All commercial interests will be barred from supplying ready-to-eat or any other items for all child nutrition programmes.

3.4. Protection from Starvation

Any person or household living with starvation, or at risk of starvation, shall be entitled to additional assistance that is immediate, free and unconditional through all means required to avoid starvation. It shall be the duty of every state government to notify a set of procedures and fix duties to prevent starvation; to proactively identify people living with starvation or threatened by starvation for any reason; and to investigate and effectively respond to end conditions of starvation.

3.5. No Reduction of Entitlements

The minimum entitlements PDS shall not be reduced, whether through diminution of quantity, or increase of issue price, or in any other manner until at least the end of the 12th Five Year Plan period. All other entitlements cannot be reduced except by amendment of the Act. The cash value of all food and non-food assistance will be suitably pegged to inflation.

Implementation Arrangements and PDS reforms

Implementation Arrangements

4.1.1. The nodal Ministry for this Act shall be the Ministry for Consumer Affairs, Food & Public Distribution.

4.1.2. Entitlements shall be realised through specific food related schemes such as PDS, ICDS and MDM. These schemes will be implemented by state governments, consistent with national guidelines set by the central government. These institutional arrangements may be amended, streamlined and reformed.

4.1.3. Meeting the proposed food entitlements within a reasonable time frame (say two to three years) would require a continuation of the current growth rate of food procurement, as well as enhanced buffer stock norms. This appears to be feasible, judging from consultations with the concerned ministries. However it would require a significant expansion of production and decentralised procurement, based on an improved incentive structure.

PDS Reform

The proposed Act includes reform, drawing on recent experience in various states. The reformed PDS is to have a transparent structure, where food transactions can be tracked all the way to the cardholders and Fair Price Shops will be managed by community institutions accountable to their customers. The main body of the Act will mandate comprehensive reforms in procurement, distribution and management of PDS, such as:

Decentralised procurement: The Central Government shall expand procurement in states which produce surplus. State government will be encouraged to undertake a bottom-up decentralized planning process, and to procure, store and distribute foodgrains in a manner as to minimize transportation costs and losses. The government will open procurement centres within a radius of 10 kms wherever feasible and provide on spot payment to farmers.

Procurement of millets and other nutritious grains: Central and state governments shall take measures to promote and facilitate the procurement of millets and other nutritious grains, by ensuring appropriate quality standards, timely announcement of support prices, and adequate procurement arrangements.

Storage and Distribution: The Central and state government shall take necessary steps to develop adequate infrastructure on scientific basis for storage at state, district and block level for minimum buffer norms.

Incentives: The Central Government shall incentivise states through timely disbursements based on transparent norms as well as access to cheap credit for food grain procurement, storage and operational costs.

Doorstep delivery: PDS grain shall be delivered to Fair Price Shops by the State Government, as far as possible through the State Civil Supplies Corporation, and FPS operators discouraged from lifting grain directly from FCI. At the time of delivery, the grain shall be weighed in public in the presence of members of the Vigilance Committee.

Financial Viability of Fair Price Shops: The state government shall ensure that the financial viability of the Fair Price Shops (FPS) is maintained through various measures including reasonable commissions that cover all operational costs. Allocation to the FPS shall be done online on basis of card holders and its stock position.

Community management of Fair Price Shops: Preference shall be given to licensing Fair Price Shops to community institutions or public bodies such as Gram Panchayats, Self-Help

Groups, Cooperatives, etc.

Management by women: Fair Price Shops shall be managed by women or women's collectives.

Transparency measures: A system of uniquely numbered food coupons shall be initiated by each State Government to track the distribution of grain to card holders. Food coupons (booklets of monthly coupons for at least one year) shall be printed in the ration card. In the event where coupons are replaced with Smart Cards or similar devices, they shall not replace the printed ration cards. Each shop shall display list of card holders and their category, along with price list per unit of PDS commodity.

Use of Technology and Monitoring and Information System: State Governments shall ensure end-to-end computerization of the Public Distribution System including pro-active disclosure of the following on the internet: stocks and flows of grain at each level (down to the Fair Price Shop/Cardholders), with dates; financial transactions; issues of licenses; and other relevant details. They may also apply ICT, Smart Cards and other innovative technologies subject to successful pilots.

Community monitoring: Extensive facilities shall be put in place to promote community monitoring of Fair Price Shops, including Helplines, SMS alerts, social audits, and Vigilance Committees. Every Fair Price Shop shall have a Vigilance Committee of 5 members. At least 3 of the Vigilance Committee members shall be women, and a majority shall be PDS card holders attached to that Fair Price Shop. The Vigilance Committee shall not include anyone involved in the management of the Fair Price Shop.

Social audits: A social audit of each Fair Price Shop shall be conducted at least once a year at the Gram Sabha. This shall include reading aloud in public of a summary of transactions in the previous 12 months.

Design of ration cards: Every ration card shall include a clear “entitlements page”, written in simple words in the local language, with details of PDS entitlements as well as helpline numbers and grievance redressal facilities. Ration cards will be in the name of an adult woman member of the family, if any.

Ration card entries: The manager of each Fair Price Shops shall be responsible for ensuring that details of food transactions are promptly entered in the ration cards of the recipients, in legible writing, along with the manager’s signature.

Tamper-proof and people-friendly receipts: Each Fair Price Shop shall be equipped with a device to generate tamper-proof records of food transactions along with receipts that can be understood and approved by the card holders.

Enabling Provisions

For further advancing food and nutritional security, central, state and local governments shall strive to progressively realize the following:

(i) Governments shall endeavour to revitalize agriculture and promote agrarian reform, through measures including securing the interests of small and marginal farmers through ensuring remunerative prices, credit, irrigation, crop insurance and technical assistance; endeavouring to prohibit unnecessary and unwarranted diversion of land and water from food production; and promoting decentralized food production, procurement and distribution systems. Greater attention is needed for women and youth farmers who constitute the majority of the farming population.

(ii) Governments shall endeavour to diversify commodities available under the Public Distribution System (PDS), to include over time pulses, millets, oil and cooking fuel.

- (iii) Governments shall endeavour to provide universal access to safe and adequate drinking water and sanitation.
- (iv) Governments shall endeavour to provide universal health care.
- (v) Governments shall endeavour to provide universal access to crèche facilities
- (vi) Governments shall endeavour to provide universal access to adolescent girl children aged 14 -18 years to nutritious take home rations and/or freshly cooked meals and appropriate health, nutrition and education services.
- (vii) Governments shall endeavour to provide universal access to vitamin A, iodine and iron supplementation.
- (viii) Governments shall endeavour to provide special nutrition support for persons with stigmatised and debilitating ailments such as HIV/AIDS, leprosy, and TB.
- (ix) Governments shall endeavour to provide residential schools for all children in need of care and protection who are deprived of responsible adult protection.
- (x) Governments shall make effective provisions for universal access to adequate pensions for aged, disabled and single women, at rates which are not less than the prevailing statutory minimum wages for unskilled workers.

Part II:

Systems of Enforcement and Transparency

The experience with rights based legislation is that the actual delivery and realisation of these rights depends critically on the systems of enforcement and accountability, as well as transparency, which are incorporated within the legislation. Prior to RTI and NREGA, these tended to highly neglected in most laws to prevent discrimination and exploitation, including in

laws to ban bonded labour, manual scavenging and domestic violence, and for protection of interstate migrants and persons with disabilities, to name only a few. RTI and NREGA tried to address these earlier failures, with partial and mixed results. RTE again has weak enforcement mechanisms.

The need therefore has been long felt to create independent enforcement institutions at district (and below if possible), state and national levels, with powers to penalise public officials who fail to enforce these rights. But it has been difficult to define how these independent institutions would be constituted, how appointments to them would be fair and appropriate, what powers these enforcement institutions should have, what should be the consequences of violations of rights and so on.

In discussions around the National Food Security Bill so far, attention has largely been on the entitlements which the law would create, and not on how these entitlements would be realised and enforced. This section therefore focuses on suggestions for enforcement and transparency. These have been developed in the context of the National Food Security Bill, but could be extended easily to other rights legislations as well, if it is felt appropriate.

Grievance Redressal and Monitoring

Block People's Facilitation Centre: In every block a non official person or group with expertise in facilitation will be appointed as a special service provider. Any aggrieved person can approach them to help facilitate the filing of complaints, and appeals, give advice on how to file and pursue their grievances.

District Grievance Redressal Officer (DGRO): One major proposed innovation is of District Grievance Redressal Officers, centrally appointed by lateral entry from a wide range of young professionals who would come in for tenured depositions of 5 years non- extendable, and would be drawn from various serving professionals, university professors, lawyers, doctors, private sector managers, and others who wish to give time for public service. They would be entitled to enforce the various rights under this Act, and investigate and redress grievances through fines and compensation.

National and State Commissions: For the National and State Commissions, also proposed under this Act, all appointments would be made by an Appointments Committee, after a transparent prior process of inviting applications and nominations, and their evaluation with reasons, all in the public domain. These will hear appeals, and evaluate and monitor the functioning of various schemes through which the entitlements are to be met.

Fines and Compensation

A necessary condition for any right to become legally enforceable is that there should be consequences for violations or withholding of such a right. These consequences are what are described both in law and in popular usage as 'penalties'.

The agencies envisaged under the draft Bill to enforce these rights are: the District Grievance Redressal Officer, the State Commission and the National Commission.

The law proposes that public authorities will be specifically charged at various levels of government – local, state and central – with ensuring entitlements under this law. These public officials will be liable to be punished with fines for violations. We believe these will act as a deterrent mainly because of the additional provision of entry of all such fines into the service records of public officials. Fines will depend on the severity of the violation, its recurrence, and the level at which it occurred. Fines will be charged at the level at which the violations of rights was caused. Higher fines will be imposed at higher levels of government, and for repeated violations. The principle of vicarious responsibility will be invoked to ensure that not just junior officials are punished, but more senior officials are also liable for failures of supervision. The law also proposes a duty to fine when violations occur.

Fines are a personal liability on the official who is found responsible for any violation. In addition, government will also be liable to pay compensation to the individual or group of individuals whose rights have been violated. The levels of such compensation will be 3 times the cash equivalent of the entitlement which has been violated, in all cases in which it is possible to measure these.

Transparency and Social Audit

One of the main features of the Act will also be strong mandatory transparency provisions where any person can at any point of the planning, implementation, or evaluation process ask questions and demand answers about the functioning of the act. For this, the law will provide for a wide range of transparency measures which advance on the existing transparency framework and RTI, as below. These shall be applicable to all the schemes under this Act.

1. Ensuring that all NFSA information is in the public domain;
2. Outlining the process and level of proactive mandatory disclosure by all public officials;
3. Mandating an enabling transparency framework that would allow every beneficiary to have an individual record of the entitlement received or denied, and proof related to every disbursement i.e. every beneficiary have a card with a record of disbursement-date, time etc;
4. Combining the needs of a transaction based online web based MIS with a Janata Information System (JIS) which would involve taking web based information to the people through other means of communicating information;
5. Allowing for open inspection, open records, open office, and open decision making;
6. Providing copies of information applied for within 15 days;
7. Providing copies information at no more than the cost of photocopying;
8. Ensuring that a violation of provisions of proactive disclosure as well as providing information will attract penalties (and where appropriate compensation) within this Act;
9. Providing information for social audit and public vigilance in a form and format that people can understand;
10. Providing for finances for carrying this out by reserving a portion of the money kept for administration expenses for carrying out transparency measures. In other words, in most cases, the person seeking information should not have to use the RTI Act. This will also demonstrate how the RTI Act can be built upon and developed within Indian social sector legislation.

The Act also includes mandatory concurrent and periodic post-facto social audits. This will provide a necessary framework for community based monitoring, and participatory auditing of quality, performance, financial expenditure, of services and entitlements and all outcomes of all the programmes/schemes that this Act covers.

Cost Sharing: Provisional Formulation

The Central government shall make timely supplies of foodgrains in adequate quantities to meet the entitlements both for PDS and non PDS schemes.

PDS: The Central Government shall meet the costs of providing food grains to priority and general categories, including the cost of delivery at the FPS to meet the entitlements of ration card holders in accordance with minimum norms specified in the Act/Schedule.

For Priority category -

The Central Govt shall provide financial assistance for coverage of 46% of 2011 population in rural areas and 28% in urban areas

For General category -

The Central Govt shall provide financial assistance for coverage of 44% of 2011 population in rural areas and 22% in urban areas

In case of decentralized procurement being undertaken by any state government, the Central

government shall meet necessary costs and incentivise the states for decentralized procurement, storage and distribution. The Government shall prepare detailed guidelines for the same. This is necessary in view of inordinate delays in reimbursements to states what do their procurements as per existing practice.

For all other non –PDS food and nutrition related schemes: The costs shall be shared between Central and State Governments as per ratios applicable on 1 April 2010 or based on a 70:30 ratio whichever is higher. The cost norms shall be inflation indexed and revised periodically.

Administrative Expenses –In addition to the above, the Central government shall make a separate provision of at least 6% of the Central share towards administrative expenses for strengthening grievance redressal and monitoring systems and promoting awareness and transparency measures .

The Central Govt shall prepare rules for allocation and expenditure of administrative expenses provided under the Act.

The Secretary,
National Advisory Council,
2, Moti Lal Nehru Place, Akbar Road, New Delhi -110011.
Sub: National Food Security Bill - Draft

Dear Sir/ Madam,

I had an opportunity to have a look at the Draft National Food Security Bill. I thank you for this opportunity. This would be one of the noblest step taken by the country if food security is made a Fundamental Right.

The Draft is quite comprehensive, however , I have few concerns:

1. Section 3.2.b and Section 3.2.c does not mention creches. As you may know that women's contribution as 'care' workers within a household continues to largely remain invisible. The Human Development Report 2010 states "Unpaid work, including housework and care of children and the elderly in homes and communities, contributes to well-being and to economic growth by producing a labour force that is fit, productive, knowledgeable and creative. Yet national statistics, including gross domestic product (GDP) and gross national income (GNI), ignore the home production activities carried out mainly by women in all economies and cultures. By applying the wage rate of a general household worker to the number of hours that people spend on housework, the United Nations Research Institute for Social Development estimates that the omissions equal 10–39 percent of GDP." 91% of our women workforce are in unorganised sector and there is also a relatively large number of women involved in home based work who require childcare support. Hence request you to consider including 'creches and daycare centres' in 3.2.b and 3.2.c.

40 years of work of Mobile Creches on running creches and daycare centres in urban slums and construction sites have proved that presence of a creche/daycare centres help in contributing towards nutrition security of the child along with adult care, safety and enhancement of the mother's productivity. **As per Mobile Creches MIS data 75% of the children who stayed in the Mobile Creches for a period of six month showed improvement in their nutrition grades or were able to retain their normal grades.**

2. The draft says " The minimum entitlements PDS shall not be reduced, whether through diminution of quantity, or increase of issue price, or in any other manner until at least the end of the 12th Five Year Plan". Why do we need this clause? Isn't the minimum entitlements based on the calculations of the basic minimum requirement of a family?

3. Will the State/National Commission have the power to penalise a defaulter?

Thank you once again.

best regards,

Sudeshna Sengupta
Manager - Information Dissemination
Mobile Creches

Ms. Rita Sharma,
The Secretary,
National Advisory Council,
2, Moti Lal Nehru Place, Akbar Road, New Delhi -110011
Fax: (011) 23062599

Dear Madam Rita Sharma,

Please find enclosed the comments on the NAC draft proposals on the National Food Security Act of the Rozi Roti Adhikar Abhiyan Rajasthan, Which is the Rajasthan Campaign on the Right to food and a constituent of the National Campaign.

We will be very grateful, if these comments are taken seriously and included in the NFSA.

Bhanwar Singh, Narendra Gupta, Khemraj, Kavita Srivastava, Satish, Prem Ranjan, Navin, Vijay Lakshmi Joshi, AShok Khandelwal, Komal Srivastava, Noor Mohammed, Dineshji and others on behalf of the campaign.

C/ o Kavita Srivastava,
(General Secretary) PUCL Rajasthan

Address for correspondence :

76, Shanti Niketan Colony, Kisan Marg, Barkat Nagar, Jaipur-302015
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Dear Sir,

Attached is Lok Raj Sangathan's Response to the NAC's draft National Food Security Bill

Thank you
LRS

Respected members, Feb 21, 2011
National Advisory Council,
Government of India

Sub: Lok Raj Sangathan's (LRS) response to the note by NAC on the Draft Food Security Bill

Dear all,

We from LRS would like to present our concerns on the proposed National Food Security Bill which has been put up by you in the public domain for comments.

A study of the provisions of this Bill reveals that this is a misnomer, as it will not provide food security to all the people even if it is enacted. We believe that all citizens of India have the inalienable right to adequate quantity and quality of food.

In violation of this right, this Bill is confined to providing 35 kg of food grain a month only to BPL (Below the Poverty Line) families. Moreover, no new machinery is being proposed to implement the new law. The NFS Bill will be administered through the present PDS, which will remain substantially the same in spite of the proposed PDS reforms in the Bill. Our people are very unhappy with the present working of the PDS as they get little benefit from it. The Bill upholds the regressive concept of targeted public distribution. The TPDS (Targeted PDS) has deprived the majority of our people of what they were supposed to get under earlier schemes. Firstly there is no agreement among various agencies appointed by the Government of India (GOI) about who should be counted as below the poverty line. Various estimates give different numbers of BPL people. The Planning Commission claims that the poor constitute 26% of the population. This is the number officially accepted today. But based on the Tendulkar Committee, which was set up by the Planning Commission itself, 36% of the population is poor. According to the Saxena Committee, which was set up by the Ministry of Rural Development, 50% of the people are poor. Also according to the Arjun Sengupta Report, 77% of the people live with Rs.20/- per day or less. By any reckoning, these should definitely be categorized as poor! The Bill does not address the issue of malpractices in the distribution of ration cards. A really serious flaw is that BPL cards (yellow ration cards) are issued on the basis of the official number of poor as decreed by the Planning Commission. The Central government sets quotas for each state to issue

e-mail: lokrajsangathan@yahoo.com Web: www.lokraj.org.in 2

yellow cards. It is a well known fact that people with the appropriate “connections” get the yellow cards, whereas crores of much more poorer people do not. Some states have issued yellow cards to every family while in some other states there are not even half as many sanctioned by the Central government. The targeted PDS (TPDS) was started in 1997 after the drive to reduce all subsidies to the people under the New Economic Policy (NEP) of the government. From the time it was introduced, the number of fair price shops has been drastically cut down. The commission to the shopkeepers has not changed for over a decade and is still supposed to be only 8 paise/kg. This commission is supposed to cover the cost of transportation from FCI godown also. It is not possible for honest fair price shopkeepers to make ends meet, and consequently a large number of shops have closed down. The owners of those that are still there resort to all kinds of malpractices and sell the grains in black market, thus making even less food available to people. Another issue that the Bill keeps silent about is that the PDS allocation for a State is decided based on the previous year’s actual utilization of the allocation. The allocation is cut down if the state government does not utilize the entire allocation in the previous years. Consequently, the food distributed through PDS has been falling steadily year after year. Within 13 years, the amount of grain distributed through fair price shops in many states has fallen to only 10% of its earlier value, despite the increase in the number of poor and hungry! The PDS reform section of the Bill does not squarely address the issue of rotting grains in state godowns. Before the Rabi crop arrived this year, the government had a stock of 4 crore tons of wheat and rice. For meeting any eventualities, the government is supposed to maintain 2 crore tons. When the Rabi crop procurement is completed, another 2 crore tons of wheat are expected to be added, taking the stock to 6 crore tons. FCI godowns have covered storage capacity for less than 2 crore tons of food grain. So the rest is stored outside, where a part of it gets damaged and is eaten by rats. Despite such a huge stock the price of wheat has been rising! The Food Security Bill is intimately related to the national food policy. We believe that the aim of the current food policy of the government is not to provide adequate quantities and quality of food stuff to people but to maximize the profits of the big food trading corporations, which include both Indian and multi-national companies. These are the companies in whose benefit the food policy of India is being decided. In view of the above, our demands are:

Besides rice, wheat and millets, all other items of mass consumption should be available (like sugar, oil, dals, salt, kerosene, soap, etc.) at affordable price through PDS.

The government itself has identified 13 essential commodities; they all should be available to all through PDS.

Along with the availability of food grains to all through PDS, the government must ensure remunerative prices to the farmers. The support prices are increasing marginally every year while the cost of inputs is increasing must faster. e-mail: lokrajsangathan@yahoo.com Web: www.lokraj.org.in

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The government does not procure many grains like jowar and bajra which are nutritious and popular. We demand the inclusion of all food grains consumed by the people under PDS as well as fixation of MSP and procurement system for them.

We also demand that wholesale trade should be taken out of private hands and that the distribution of food grains should be under people's control.

The amount of ration should be decided on a per person, and not per family, basis, as it is today, to ensure that everyone is adequately fed. Nutritious food in adequate quantity at affordable prices and of good quality is the right of every person. People should have the right to get the kind of food they need. Therefore, LRS demands a universal PDS. The government should take responsibility to distribute grains to ration shop owners. The control of PDS should be in the hands of the people's committees.

We do hope that members of the NAC will give due consideration to our views.

Yours Sincerely,

S. Raghavan, President

Prakash Rao, Secretary

For details, please write to us at lokrajsangathan@yahoo.com or call 09818575435

Dear Ma'm,

I am attaching the paper jointly with Prof Abhijit Sen on the NFSA. If you are still accepting comments, this may be treated as comments to the NAC proposal.

Regards

Himanshu

WHY NOT A UNIVERSAL FOOD SECURITY LEGISLATION?

HIMANSHU & ABHIJIT SEN*

The National Advisory Council (NAC)'s final proposal for the National Food Security Act (NFSA) is to provide subsidised foodgrains to 75% of total population of country, covering 90% of rural and 50% of urban population. These are to be further divided into two categories. A Priority group, comprising 46% of rural and 28% of urban population, to get 35 Kgs of foodgrains per household at Rs 1/Kg for millets, Rs 2/Kg for wheat and Rs 3/Kg for rice³⁶. And a General group, another 44% of rural and 22% of urban population, who are to get 20 Kgs at 50% of MSP. The proposed roll-out is even more complex³⁷.

This proposal means that benefits will vary with household position on a BPL list and a quarter will be ineligible for food security in a country where over 40% of women and children are malnourished, nearly 20% even in the richest quintile (NFHS-3). It should be noted that no one is completely excluded from PDS at present: while PDS entitlements are ensured only for BPL cardholders, others have access to reduced entitlements. The NAC's proposed categories, Priority (BPL), General (APL) and Excluded, may become an administrative nightmare, particularly to find credible criteria that can exclude half the urban population and also divide the included rural population into two halves for very different entitlements. Disappointingly, NAC has withdrawn its own earlier proposal of universal PDS

* Assistant Professor, Jawaharlal Nehru University (JNU) and Visiting Fellow, Centre de Sciences Humaines, New Delhi, and Professor of Economics, JNU and Member, Planning Commission. This paper has benefited from comments and suggestions from Jean Dreze, Jayati Ghosh, Pratap Bhanu Mehta, Partha Mukhopadhyay and Dipa Sinha. However, none of them are responsible for any errors remaining or for opinions expressed in this paper.

³⁶ BPL population of 46% rural and 28% urban are based on the revised estimates of poverty (2004-05) following acceptance of the Tendulkar committee by the Planning Commission. As is the standard practice, 10% of the existing poverty estimates are added to account for transient poor making it 46% (42+4) in rural and 28 (26+2) in urban. This incidentally has already been accepted by the food ministry for new BPL entitlements. The NAC has re-labeled BPL as priority and APL as general category.

³⁷ NAC suggests a phased implementation of the act with the responsibility of the present government only limited to 85% of rural population and 40% of urban population.

in the poorest districts of the country³⁸, thus giving up even on experimentation with universalisation.

The Rangarajan Committee (RC) appointed by government to evaluate NAC proposals has rejected even these watered down proposals. This Committee has recommended restricting food security only to NAC's Priority households with coverage of the rest only if, and only to the extent, possible. In nutshell, RC recommends status quo on the present structure of TPDS with lower prices for a slightly expanded BPL and higher prices for all others. Moreover, it expresses strong preference to exclude the latter (i.e. 60% of population) altogether from ambit of the NFSA.

Such an outcome would be complete reversal of the direction that a majority of NAC members have until recently advocated publicly: to make the NFSA universal. Interestingly, even RC writes that "to ensure that the genuinely needy are not left out, universalization is the only way" but then goes on to conclude that this is not feasible given constraints of food availability and fiscal subsidy. Thus, although universal NFSA is generally understood to be desirable, ambition on this has clearly lost out to perceived feasibility. This paper revisits universalisation in this context, using the most recent evidence available. It points out that food security is not just a matter of how many have access to how much grain and at what subsidy, but also availability and absorption issues that affect everyone. It concludes with a workable alternative, short of universal.

Why Universalisation?

This paper begins with the prior that a universal PDS is the only option consistent fully with a rights based approach, and argues that feasible alternatives that are more universal and less targeted are more likely to be effective in ensuring food security for the poor³⁹. Since a legal right must apply to all citizens with any exclusion defined precisely, targeting the "poor" or "priority" will involve definition of these terms and possible litigation. Targeting was considered also when the UPA government was enacting earlier landmark legislations. But finally both the National Rural Employment Guarantee Act and the Right to Education Act, which govern schemes providing basic rights to citizens, are universal.

Moreover, since targeting was introduced in June 1997 after long experience with universal PDS and since Tamilnadu still maintains universal PDS, comparative evidence exists on universalisation that can and should inform NFSA design. The shift to targeted PDS (TPDS) was based on results of various studies in the early 1990s (Parikh, 1994; World Bank, 1996) showing that the then universal PDS was inefficient and did not reach the poor, mainly because poorer states in North received less subsidies than richer states in the South. But there is now also a large body of evidence showing that targeting did no better on this and in

³⁸ Accepted in 14th July 2010 meeting of the NAC. See http://www.nac.nic.in/press_releases/14_july_2010.pdf

³⁹ For an exposition of some of the arguments for universalisation, see "Food entitlements should be Universal", Himanshu, MINT, 28 April 2010, <http://www.livemint.com/2010/04/28225842/Food-entitlement-should-be-uni.html>. Also see Madhura Swaminathan, 2000

fact increased inefficiency and leakage. Notably, a High Level Committee on Long-term Grain Policy (HLC), appointed by Government at a time when food inflation, grain stocks and hunger were all increasing, had in 2002 recommended return to universal PDS after finding that targeting had “served to blunt the efficacy of the PDS in meeting its original goal of price stabilization, while not delivering fully in terms of the new concern to focus subsidies to the poor.”⁴⁰

Subsequent data reinforce this finding. For example, the HLC analysis of 1997-2001 applies almost ditto to the present situation of high food inflation amidst rising food stocks. Moreover, analysis by Planning Commission show leakages from PDS doubled with targeting⁴¹. NSS consumption expenditure surveys routinely collect information on quantity of foodgrains purchased from the PDS⁴². Reported PDS purchase from NSS should ideally equal PDS sales reported by the Ministry of Food and Consumer Affairs (MFCA), and gap between these two is extent of leakage. PDS was universal in 1993-94 but targeted in 2004-05, and NSS data for these years show what happened to leakages. In 1993-94, the extent of leakage in case of rice was 19% which increased to 40% in 2004-05; in case of wheat, it went up from 41% to 73% and for rice and wheat together, it increased from 28% in 1993-94 to 54% in 2004-05. Per capita per month consumption of PDS rice and wheat remained unchanged (0.99 Kg in 1993-94 and 1.01 kg in 2004-05) although PDS offtake doubled and subsidy increased even more. If feasibility is judged on likely ability to control inflation and in terms of physical and financial leakage, as RC does, targeted PDS scores very poorly against universal PDS by past official assessments.

This is not to suggest that there was no improvement in targeting. For example, table 1 (which gives the % of households in each MPCE quintile that purchased any PDS cereal in 1993-94 and 2004-05) shows that targeting did halve PDS access by the richest 20% and did lead to some improvement in access by the poorest 20%. However, this improvement disappears as we move to the next poorest quintile. For the bottom 50% that NAC proposes as priority group, improvement in access was only from 28% in 1993-94 to 30% in 2004-05. Since its main purpose was to improve access by the poor, this negligible improvement should in any normal evaluation cause TPDS to be judged a colossal failure, especially given costs of the massive increase in leakage.

Table 1: Percentage of Households in Each Quintile Purchasing Rice/Wheat from PDS

MPCE Quintiles	1993-94	2004-05
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⁴⁰ Report of the High Level Committee on Long Term Grain Policy, Ministry of Food and Consumer Affairs, 2002. One of the authors of this paper was Chairman of this Committee.

⁴¹ All estimates reported in this paragraph are from Chapter 4, Volume 2 of Eleventh Plan (2008), pp138. Also see Kundu and Srivastava, 2007

⁴² Although there are valid criticisms of the estimate of consumption for certain commodities from NSSO being an underestimate, there is general agreement that the Cereal consumption reported by NSSO consumption expenditure surveys is closer to the National Accounts Estimates and is therefore a valid estimate.

Bottom 20%	29.2	35.5
Next 20%	27.8	28.1
Next 20%	27.1	23.2
Next 20%	25.0	18.5
Top 20%	21.7	11.5
Total	26.2	23.0

But why was improvement in access for the poor so negligible? This was because the solution was worse than the problem. When universal, PDS prices were slightly above MSP making PDS attractive to only those poor who faced relatively high market prices. After targeting, while prices were reduced for those with BPL cards, the poor were denied access by this very same instrument since most did not get BPL cards. Table 2 gives by quintile group the % of households with BPL/AAY cards in 2004-05 and also the % of households who purchased from PDS, separately for those with and without BPL/AAY cards. It may be seen that although the poor are more likely to purchase from PDS than the rich, what really determines whether a household purchases from PDS is whether it has a BPL card. Irrespective of quintile class, only around 10% of households without such cards made any PDS purchase, in part because some did not even have an APL card. On the other hand, among BPL holders the % purchasing from PDS ranged from 55% in the top quintile to 70% in the bottom quintile. Two points are worth noting from this table. First, that PDS access was low among the poor because two-thirds of them did not have a BPL/AAY card. Second, that there was considerable self-selection among those who had BPL/AAY cards: less than 65% of such households actually purchased any cereal from PDS.

Table 2: Households Possessing BPL/AAY Cards and % purchasing from PDS by category (2004-05)

MPCE Quintiles	% of HHS in quintile with BPL/AAY card	% of HHs who purchased Rice/Wheat from PDS among those in the quintile group and who were	
		With BPL/AAY card	Without BPL/AAY card
Bottom 20%	38.8	70.7	13.2
Next 20%	29.3	65.9	12.4
Next 20%	24.3	61.5	10.9
Next 20%	18.6	60.9	8.8
Top 20%	11.5	55.3	5.8
Total	24.4	64.8	9.9

Source: Computed from Unit level data NSSO CES 2004-05

Both above observations, that there are huge exclusion errors in distribution of BPL cards and that there is significant self-targeting, are well known and almost clinching arguments for universalisation. But, since the original argument for targeting was the North-South divide, it is worth looking at the state-wise picture after targeting. Tables 3 and 4 present data from NSS 61st (2004-05) and 64th (2007-08) rounds on the % of households purchasing

any grain from PDS and on leakage situation by major States⁴³. Both these indicators improved between 2004-05 and 2007-08 when some states extended BPL status to beyond Planning Commission caps. But even in the latter year in only four major states (Andhra Pradesh, Himachal Pradesh, Kerala and Tamilnadu) did more than 50% of households report any PDS purchase. These states which did better before targeting also had the lowest leakage in both 2004-05 and 2007-08. At the other extreme, poor Northern states Assam, Bihar, Jharkhand and Uttar Pradesh which performed badly before targeting continued with very low numbers reporting any PDS purchase and also had highest leakage. Thus, instead of improving geographical utilisation of food subsidy, targeting led to much higher leakages where access was originally low.

Table 3: Percentage of households reporting grain purchase from PDS by States

	2004-05			2007-08		
	Rural	Urban	Total	Rural	Urban	Total
Andhra Pradesh	62.5	31.6	54.0	81.1	41.8	70.2
Assam	9.2	2.5	8.0	20.2	1.8	17.0
Bihar	2.0	1.8	1.9	3.0	2.6	3.0
Chhattisgarh	24.4	14.2	22.1	46.8	18.7	40.2
Gujarat	32.6	7.9	23.0	26.7	6.9	18.2
Haryana	4.1	5.3	4.5	12.1	5.0	9.7
Himachal	52.0	15.1	46.6	69.1	41.6	65.4
Jammu &	33.6	47.3	37.5	37.5	50.2	41.0
Jharkhand	5.9	3.4	5.3	8.2	1.7	6.5
Karnataka	59.8	21.8	45.4	58.6	15.9	42.4
Kerala	39.3	28.6	36.5	58.6	42.4	54.2
Madhya	23.8	11.6	20.4	30.2	16.6	26.3
Maharashtra	30.5	7.9	20.3	34.6	6.2	21.4
Orissa	21.6	6.7	19.1	36.1	16.7	32.5
Punjab	0.3	0.7	0.5	9.3	4.3	7.3
Rajasthan	12.8	2.0	10.0	11.4	8.9	10.8
Tamilnadu	80.0	49.8	65.2	87.8	65.7	76.4
Uttar Pradesh	6.5	3.0	5.7	18.3	5.5	15.4
Uttaranchal	26.4	3.0	19.5	35.1	16.8	29.9
West Bengal	15.1	6.6	12.4	25.8	9.5	20.7
All India	26.6	14.7	23.0	35.0	19.4	30.1

⁴³ Although 2007-08 is not a thick round and therefore less reliable on state level estimates, this has been used since this is the most recent NSS round available. Census population estimates and per capita consumption from the NSS to derive leakage from off-take figures reported by MFCA.

Table 4: Consumption of PDS Rice and Wheat Reported from NSS and MFCA

	NSSO Consumption In Lakh Tonnes			Official Off-take (MFCA) In Lakh Tonnes			NSSO Consumption as Ratio of Official Off- take		
	Rice	Whea t	Total	Rice	Wheat	Total	Rice	Wheat	Total
2004-05									
Andhra Pradesh	21.3	0.0	21.3	28.2	0.4	28.6	75.4	12.9	74.6
Assam	1.5	0.0	1.5	8.8	4.0	12.8	16.8	0.1	11.5
Bihar	0.4	0.6	1.0	2.7	9.3	12.0	14.7	6.9	8.7
Chhatisgarh	3.6	0.2	3.8	6.5	1.3	7.8	54.6	15.4	47.9
Gujarat	1.1	2.5	3.6	2.3	5.3	7.6	48.4	47.3	47.7
Haryana	0.0	0.7	0.7	0.0	4.4	4.4		17.0	17.0
Himachal Pradesh	1.5	0.9	2.3	1.6	1.6	3.1	92.9	56.9	74.9
Jharkhand	0.5	0.4	0.9	2.6	3.0	5.5	18.8	12.4	15.4
Karnataka	12.6	2.2	14.8	17.6	3.6	21.2	71.6	60.1	69.6
Kerala	6.2	0.7	6.9	6.2	2.9	9.1	100.2	22.2	75.0
Madhya Pradesh	2.3	6.3	8.6	2.6	13.7	16.3	88.5	46.0	52.8
Maharashtra	4.9	7.4	12.3	8.8	15.5	24.4	55.6	47.8	50.6
Orissa	3.7	0.0	3.7	13.6	1.5	15.1	27.2	0.0	24.5
Punjab	0.0	0.1	0.1	0.0	1.6	1.6		5.7	6.1
Rajasthan	0.0	5.2	5.2	0.0	11.8	11.8		44.2	44.2
Tamilnadu	25.4	0.7	26.1	26.6	0.6	27.2	95.5	116.7	96.0
Uttar Pradesh	2.6	3.7	6.3	16.7	22.4	39.1	15.6	16.5	16.1
West Bengal	2.3	1.3	3.6	7.4	17.0	24.4	31.1	7.6	14.8
All India	98.0	34.7	132.7	164.6	128.9	293.5	59.5	26.9	45.2
2007-08									
Andhra Pradesh	30.1	0.2	30.3	36.0	0.4	36.4	83.6	46.8	83.2

Assam	3.3	0.1	3.3	11.3	2.6	14.0	28.7	2.8	23.9
Bihar	0.8	1.0	1.7	9.7	6.6	16.3	7.9	14.7	10.7
Chhatisgarh	7.9	0.1	8.0	7.5	0.3	7.8	106.3	28.0	103.0
Gujarat	1.2	2.2	3.4	4.5	4.4	8.8	27.5	49.5	38.4
Haryana	0.2	1.4	1.6	0.6	2.6	3.2	35.6	53.2	49.8
Himachal Pradesh	2.0	1.9	4.0	2.3	2.2	4.6	86.9	86.3	86.6
Jharkhand	1.0	0.5	1.5	5.4	2.9	8.3	18.5	16.0	17.6
Karnataka	9.8	1.9	11.7	16.3	2.7	19.1	60.0	69.4	61.4
Kerala	8.4	1.2	9.6	8.6	2.9	11.5	97.1	43.2	83.6
Madhya Pradesh	3.3	8.1	11.4	4.3	13.2	17.5	75.5	61.5	64.9
Maharashtra	7.2	7.8	14.9	11.2	12.7	24.0	63.7	60.9	62.2
Orissa	8.6	0.0	8.6	14.6	1.3	15.9	58.8	2.7	54.1
Punjab	0.0	1.5	1.5	0.1	1.5	1.6	18.4	98.8	94.8
Rajasthan	0.4	4.7	5.1	1.6	9.9	11.4	25.0	47.7	44.6
Tamilnadu	32.6	1.2	33.8	36.2	0.9	37.1	90.1	133.3	91.1
Uttar Pradesh	12.2	8.0	20.2	25.8	16.4	42.2	47.2	49.1	47.9
West Bengal	3.5	2.1	5.6	10.3	15.0	25.3	34.3	13.8	22.1
All India	142.9	46.4	189.3	222.9	108.3	331.2	64.1	42.8	57.2

Note: Official off-take figures are inclusive of Decentralised off-take undertaken by various state governments.

Since Tamilnadu is the only state which continues with universal PDS, it is interesting to compare this with other states that have targeting⁴⁴. As may be seen from tables 3 and 4, Tamilnadu has by far the largest % of population accessing PDS and also almost no leakage. While this is mainly due to better PDS governance in the state, universalisation contributes⁴⁵. Another interesting state is Chhattisgarh which has recently moved towards near universal entitlements and has also improved PDS functioning through various reforms such as making the PDS shops viable, online monitoring and so on⁴⁶. As a result, Chattisgarh, which had similar PDS access and leakage ratios as the all-India average in 2004-05, had by 2007-08 reduced leakage to nil while doubling access. Among other states with low leakages, Andhra Pradesh also has near universal PDS access with almost 80% of the households with BPL cards, and Kerala is historically a low leakage state. None of these low leakage states have adopted the identification methodology of BPL Census 2002 or BPL cut-offs by the Planning

⁴⁴ Although the quantity of foodgrains received is different based on family size; and a small percent of the poorest households get higher allocation, the price paid by all is the same.

⁴⁵ All PDS shops in the state are run by cooperatives/government. 99% of taluks have their own godowns. The quality of foodgrain delivered is good and along with cereals, it also gives other food items such as pulses and edible oil. Tamilnadu uses technology, e.g. an online monitoring system, GPS and so on to track foodgrain movement. Details on working of the PDS in Tamilnadu are available at <http://www.tnpsc.gov.in>. The two main contributions of universalisation is that unlike elsewhere there is no tyranny of the BPL list and the single PDS price reduces arbitrage possibilities between different clients of a PDS shop for the same commodity.

⁴⁶ Chattisgarh has recently redefined eligibility criteria to include 80% of population. On the reforms undertaken, see Udit Mishra (2010), "How the PDS is Changing in Chhattisgarh", Forbes, December 10, 2010; Biraj Patnaik (2010), "Chhattisgarh's Food for Thought", MINT, April 21, 2010

Commission. On the other hand, all high leakage states follow the central norms and end up with low PDS access.

Clearly, universal or near universal PDS is far more efficient in enabling access and preventing leakages than poverty-count based targeting. But do we have enough foodgrains for a universal system? Is it really true that universalisation is not feasible or is this just succumbing to scaremongering⁴⁷?

How Much Grain Is Required For a Universal PDS?

With population projected at 119 crore at end of 2010-11, universal PDS with per capita entitlement of 7 kg would commit government to supply 100 million tonnes of grain if all 100% of population lift 100% of their quota⁴⁸. It is numbers such as this which scare. But assuming 100% offtake is highly unrealistic. There are bound to be sections of the population who will not take their foodgrain quota because they are well off and can do without PDS grain which is generally of inferior quality. People most likely to self-select themselves out because of this reason are the better off in urban areas and surplus farmers in rural areas who consume their own produce⁴⁹. There will also be others who are dissuaded by access problems such as distance from PDS shops and their infrequent opening.

While it is obvious that there will not be 100% off-take of foodgrains, it is not easy to get a concrete idea of what percentage of population will voluntarily opt out of the PDS. This will be a function of how cheap PDS grain is compared to the market, the economic status of households and their tastes and preferences, and also reliability of PDS supply and ease of access. In principle, it should be possible to get an idea on this from NSS Consumption Expenditure Surveys (CES) which report how many households purchase grain from the PDS, and how much. But, since PDS became targeted in 1997, the latest NSS data available on universal PDS is for 1993-94 when only 26% of households actually made any PDS purchase. This is not good evidence because 1993-94 is quite some time ago when, with issue prices higher than MSP, the coverage was low⁵⁰.

⁴⁷ This is not the first instance of what might be scaremongering against a rights approach. NREGA was initially proposed only for the BPL and arguments for this were similar to ones doing rounds now, with initial estimates involving 250 days of work and expenditure of 100000 crores per year. Although NREGA was finally universal, this managed to limit the number of days to only 100. The reality is that only 5% of households have worked 100 days and the average number of days worked is about 50. Scaremongering was also at work during the Right to Education debate with expenditure projected up to 250000 crore unless this was targeted.

⁴⁸ This is based on the individual, rather than household, entitlements proposed by the NAC. The number of households is not known for the current population, and depends on definition of household (nuclear or common kitchen). However, this corresponds to 35 Kgs of foodgrain for a normal family of five.

⁴⁹ There is strong empirical evidence of this from the 1993-94 NSS Consumption Expenditure Survey (CES), which had asked the question of whether the household is engaged in cultivation of foodgrains and if yes, then which foodgrains. Comparison of PDS purchase by cereal growers versus those who are not shows that those who grow cereals are three times less likely to take foodgrains from PDS. This increases to five times less likely for those who belong to medium and large farmer category.

⁵⁰ Not much can be inferred from the 1993-94 CES also because the PDS has changed in nature and there have been instances of state governments contributing their bit to improve the PDS. Notable examples of these are

While recent NSS data does give the percentage of households actually purchasing from PDS, these relate to targeted PDS and may therefore not be good proxy for future projection with universal entitlements. For the record, 27% households in rural areas, 15% households in urban areas and 23% households in the country as a whole reported purchasing any cereals from PDS in 2004-05. The most recent estimate that is available is from 64th round of the NSS Consumption Expenditure Survey for 2007-08, which was the year of international food crisis during which India had to import wheat and consequently cereal price inflation was high⁵¹. PDS usage was higher in this year than in 2004-05, with 35% rural households, 19% of urban households and 30% of all households reporting any purchase of cereals from the PDS. But, since this too relates to all households including those with APL or even no ration card, it may underestimate numbers likely to access universal PDS.

However, there is one direct way to get an idea of likely offtake with universal PDS, and this is to look at Tamilnadu which is the only state that follows universal PDS without distinguishing between APL and BPL⁵². As seen earlier, this is the state with best functioning PDS that has highest PDS participation and negligible leakages despite the lowest PDS prices. A further interesting aspect of PDS off-take in Tamilnadu is clear evidence of self-selection by income deciles. From near 100% offtake among bottom deciles there is gradual decline in % of households purchasing from PDS, with this falling to below 40% in the top rural decile and to almost nil in the top urban decile. Overall, NSS estimates that 65% of all Tamilnadu households (80% of rural and 50% of urban) purchased any cereal from PDS in 2004-05. This increased to 76% in 2007-08 after Tamilnadu reduced its PDS rice prices to Rs 2/kg (two-third of what NAC is proposing) amidst increasing market prices⁵³. The Tamilnadu PDS participation rates are an indication of what might happen with universalisation, and also show the limitation of using a targeted approach to food security. Only 30% of Tamilnadu households would have Priority entitlement with the proposed NFSA as against 76% who actually accessed universal PDS in 2007-08. Caps and exclusions would exclude many genuinely food insecure from the food security net.

However, the Tamilnadu proportion of households choosing to access universal PDS is likely to be well above the upper limit of what will happen nationally if PDS was made universal in India as a whole. One reason for this is that no one is proposing to reduce all India PDS prices to Tamilnadu levels. Another is that Tamilnadu is a food deficit state, and there is a clear pattern of higher PDS demand in deficit states. The states that top in terms of households purchasing foodgrains from PDS in 2007-08, Tamilnadu (76%), Andhra Pradesh (70%),

Tamilnadu, Chhattisgarh and Kerala. Moreover, income per capita has grown about 5% per annum since 1993-94 which would render any strong inference from 1993-94 questionable.

⁵¹ The increase in food prices was primarily due to transmission of international price increase, mainly in wheat. Government imported 6 million tonnes of wheat in 2006-07 and 1.8 million tonnes in 2007-08 to ease inflationary pressures. Government also imposed ban on future trading in foodgrains to arrest speculation.

⁵² Although the quantity of foodgrains received is different based on family size; and a small percent of the poorest households get a higher allocation, the price paid by all is the same.

⁵³ The PDS rice price in Tamilnadu was further reduced to only Re 1/kg in 2008.

Himachal Pradesh (65%) and Kerala (54%), are all cereals deficit. While better functioning of PDS in these states owes a great deal to better governance, one could also argue that the food deficit nature of these states is why people demand more from PDS and that it is this which compels governments to make PDS more effective. On the other hand, the surplus Northern states that contribute most significantly to national procurement all show very low offtake: the % of households purchasing any cereals from PDS in 2007-08 was only 10% in Haryana, 7% in Punjab, 11% in Rajasthan and 15% in Uttar Pradesh.

Thus, it is quite safe to assume that the All-India proportion of households who would choose to buy cereals from a universal PDS will be less than in Tamilnadu during 2007-08. Besides the facts that NAC proposes a higher PDS price than in Tamilnadu and that the country as a whole is much less food deficit, it is very unlikely that the outreach and reliability of Tamilnadu's PDS delivery system can be immediately replicated nationally even with best intentions on PDS reform. Therefore, at least till comparably good PDS systems are put in place across all the states, a more reasonable *upper bound* on the proportion of households buying PDS grain if a universal PDS is introduced would be around 70%, i.e. in between actual levels in Tamilnadu of 76% in 2007-08 and 65% in 2004-05 when PDS rice price there (at Rs 3.5/kg) was close to what NAC is proposing now for the country as a whole.

An alternative and independent estimate is possible at the all-India level is from data used in table 2 above which shows that about 65% of households (64% rural and 69% urban) with BPL/AAY cards actually made any PDS purchase in 2004-05. These were all households with entitlement to very highly subsidised grain and yet 35% of them did not avail this at all. Among quintile groups, only 55% of BPL/AAY cardholders in the richest quintile made any PDS purchase. Among states, the % of households with BPL/AAY cards who accessed PDS for cereals in 2004-05 was less than a third in Bihar, Jharkhand, Haryana, Punjab and Uttar Pradesh, almost certainly because these had the worst functioning PDS. From this data it is possible to calculate what would happen if all households had been given BPL cards in 2004-05 and if state-wise, quintile-wise the behaviour of new recipients was same as of those already having such cards. It turns out that only 56% of households would have made any PDS purchase if PDS had been universal in 2004-05 with every household entitled to BPL prices and quantities⁵⁴. However, since market prices have risen after 2004-05 and BPL/AAY prices are unchanged, a reasonable *lower bound* on proportion of households likely to purchase grain if PDS were universal today should be placed at about 60%, although this is likely to be on the higher side⁵⁵.

⁵⁴ This is less than the 65% of actual BPL cardholders who report some PDS purchases because the % of households who report not having BPL cards was much higher in states such as Bihar, Haryana, Punjab and UP where actual BPL cardholders report particularly low PDS purchase. Unfortunately, a similar calculation is not possible for 2007-08 since 64th round did not collect data on type of PDS card.

⁵⁵ For example, take Chhattisgarh where, despite expansion of eligibility to include 80% of population, lowering of prices to Rs2/Kg and PDS reforms, only 40% of households (i.e. 50% of eligible households) purchased any foodgrains from PDS in 2007-08.

Table 5: Requirement of Total Foodgrains for Universal PDS (million tonnes)

% of Households accessing PDS	Average quantity purchased per capita per month by Households accessing PDS		
	7 kg	6kg	5kg
100%	100.1	85.9	71.6
70%	70.1	60.1	50.0
60%	60.1	51.5	42.9

Note: Calculations assume a population of 1192 million

Table 5 gives estimates of grain requirement for universal PDS based on this range of 60-70% of households likely to purchase from PDS and with alternative assumptions regarding per capita grain purchase by those who do access PDS. The upper bound is 70 million tonnes if 70% of households do access PDS and all of these purchase 100% of their NAC stipulated quota of 7kg per person per month. Actual requirement will be less. The requirement is 60 million tonnes if 60% of households access the full 7kg. Moreover, not all households purchase their full quota. For example, according to NSS, average PDS purchase by BPL/AAY cardholders who did purchase any PDS grain in 2004-05 was only 21.5 kg per household (about 4.5 kg/person) per month. The grain requirement for universal PDS based on actual behaviour of BPL/AAY cardholders in 2004-05 is therefore slightly lower than the lowest estimate of 43 million tonnes shown in Table 5 (60% households purchasing an average of 5kg/person/month). These alternative estimates of requirement with universal PDS may be compared with the actual TPDS offtake of 42.4 million tonnes in 2009-10 and Rangarajan Committee's projected offtake of 41.9 million tonnes if PDS entitlements are restricted to only 40% of the population.

It is clear from these estimates that universal PDS, at prices and quantities being suggested by NAC for priority households, will certainly require more grain than the current actual offtake from TPDS. However, it is also clear that these requirements may not be impossible. Not only is the estimated requirement about the same as current offtake at the lower bound, even the upper bound of 70 million tonnes is less than what was actually being allocated (although not lifted) as late as 2005-06 (Table 6). There could well be other reasons why commitment to universal PDS is not desirable, but to conclude "it will not be possible" appears more a statement of ambition than about feasibility.

Table 6: Allocation and Off-Take of Rice and Wheat in TPDS

	Allocation (Million tonnes)				Off-take (Million tonnes)				Off-take/Allocation ratio			
	AAY	BPL	APL	Total	AAY	BPL	APL	Total	AAY	BPL	APL	Total
2003-04	4.6	22.6	44.1	71.3	4.2	15.8	4.0	23.9	91.4	70.0	9.0	33.6
2004-05	6.1	21.3	44.4	71.7	5.5	17.5	6.4	29.4	90.3	82.0	14.5	40.9
2005-06	8.1	19.2	44.4	71.6	7.5	15.6	8.0	31.1	92.4	81.5	18.1	43.4

2006-07	9.4	18.0	30.3	57.7	8.7	14.2	8.5	31.4	92.4	79.1	28.0	54.4
2007-08	10.1	17.4	11.8	39.3	9.4	15.1	8.7	33.3	93.5	87.0	73.8	84.8
2008-09	10.2	17.4	11.0	38.6	9.7	15.7	9.4	34.6	94.8	90.1	85.2	89.6
2009-10	10.2	17.4	20.0	47.6	9.8	16.6	16.1	42.4	96.1	95.0	80.3	89.1

Source: Ministry of Food and Consumer Affairs

The real issues regarding feasibility of universal PDS

However, two issues need clarification, since these do relate to feasibility. First, with TPDS allocations currently at 48 million tonnes, how can our calculations suggest that this may, albeit at the lower bound, suffice for universal PDS while RC argue that this will only allow 40% of population to receive NAS priority entitlements? Second, our estimates suggest that requirement for universal PDS could at its upper bound go up to 70 million tonnes, but will it really be feasible to meet this possibility?

As regards the first issue, this is mainly a matter of leakages. All estimates in table 5 relate to likely household demand under universal PDS and do not include leakage. On the other hand, it is known that out of actual offtake in table 6 about half currently leaks out from the system (table 4), which if plugged could double the amount reaching intended households. The earlier discussion makes explicit that moves towards universal PDS should be accompanied by PDS reforms that minimise leakage. This has actually been done in Tamilnadu and Chhattisgarh and is thus *demonstrably feasible*.

In contrast, RC's main criticism of NAC estimates of requirement is that the latter assumes an offtake/allocation ratio of 90% (close to actual in recent years) rather than 100% as RC prefer. This means that RC not only accepts as inevitable the leakage contained in offtake figures of table 6, but also assumes that the leakage ratio will increase if access to cheap grain is extended to more households⁵⁶. This is a common and plausible implicit assumption made by those critical of PDS because of its leakages. However, as the discussion above has tried to show, this assumption is refuted by the available evidence: the correlation between access to PDS and extent of leakage is strongly negative, both across states and over time⁵⁷.

⁵⁶ Both NAC and RC start with the full requirement to provide 100% of priority households 7kg/month, but while NAC assumes only 90% of this will be lifted (based on actual offtake/allocation ratios), RC argue provision for the full 100%. In fact, household demand is currently 42% of full requirement and will at most be 70%. Therefore, implicit leakage is 20-50% in NAC and 30-60% in RC versions and at their higher end is actually more than the current actual, particularly in the RC version. It should also be noted that all percentages here are with respect to full requirement and not allocation. This is because the latter is an administrative decision. Despite population growth, allocations for BPL/AAY were kept constant and for APL sharply reduced after 2004-05. The recent rise in offtake/allocation ratios in table 6 is more due to this than to the increase in demand.

⁵⁷ The correlation across major States between % households accessing PDS and % leakage from PDS was -0.9 in 2004-05 and -0.7 in 2007-08. Over time, access declined and leakage doubled between 1993-94 (pre-targeting) and 2004-05 (after targeting); and then access increased and leakages decreased between 2004-05 and 2007-08 when many states introduced their own subsidies to expand BPL in the face of higher inflation.

In other words, *the more universal the PDS system is, the less likely it is to suffer from leakages.*

Why this is so may need further analysis. But it is clear that leakages are much lower where a majority demands its PDS entitlements than where this attracts only a few. Higher participation almost certainly makes it more difficult to divert supplies from PDS shops and also puts pressure on state governments to carry out governance reforms. Nonetheless, since profits from diversion are high if PDS grain is priced very cheap, clear steps are necessary to contain leakage. Restricting numbers entitled to PDS is no solution here, since this simply reduces access, not the leakage ratio. It is more efficient to allow wide access, monitor actual PDS participation, and allocate supplies accordingly. A dynamic response to self-selection is also more suited to a rights approach than BPL targeting⁵⁸.

This leads to the second issue, whether it will be feasible to procure enough grain to meet the requirement of universal PDS if household demand reaches the upper limit of 70 million tonnes? If this happens, total requirement, including for other welfare schemes, will exceed 73 million tonnes and may even reach 78 million tonnes⁵⁹, i.e. over 40% of production of rice and wheat. This is important, since RC's main argument against the NAC proposal is that its grain requirement is not feasible because *"it may be imprudent to assume an average procurement level of more than 30 per cent"*.

Procurement is a function of production of foodgrains, the overall supply-demand balance and the MSP at which government offers to buy. Despite setback during 1997-2005 and continued weather induced fluctuations, foodgrains production has recovered to per capita levels just before the setback. Moreover, projections of foodgrains demand suggest that this will be adequately met by production increase at least in the short run⁶⁰. The year 2008-09 saw the highest foodgrains production at 235 million tonnes, although a severe drought in the following year (2009-10) caused production to decline to 218 million tonnes. Along with increased production, procurement also increased, particularly in the last three years (Table 7). Procurement of rice, wheat and coarse cereals was over 60 million tonnes in 2008-09 and nearly 55 million tonnes even in the drought year 2009-10.

Table 7: Production and Procurement of Foodgrains

	Million tonnes	
	Production	Procurement

⁵⁸ Indeed a variant of this was followed in universal PDS before 1997 and is still followed in Tamilnadu. And new technology (CCTVs/swipe cards) now makes real-time monitoring of actual household demand much easier.

⁵⁹ Other welfare schemes, including ICDS and MDM, require an additional 3 to 4 million tonnes at present levels but may reach 8 million tonnes if NAC recommendations on other components of NFSA are accepted.

⁶⁰ The total demand of food-grains in 2011-12 (including direct and indirect demand taking into account feed, seed and wastage is projected at 212.6 million tonnes (Mittal, 2008), 235 million tonnes (Ramesh Chand, 2007), 223.7 million tonnes (Kumar, 1998). IFPRI projects the demand of food-grains at 237.3 million tonnes in 2020. As against these, production was already 235 million tonnes in 2008-09 and may be even higher in 2010-11.

2000-01	196.8	42.6
2001-02	212.9	41.5
2002-03	174.8	32.3
2003-04	213.2	40.3
2004-05	198.4	40.3
2005-06	208.6	38.0
2006-07	217.3	36.2
2007-08	230.8	51.6
2008-09	234.5	60.4
2009-10	218.0	54.9

Note: Procurement against 2009-10 refers to marketing years for 2009-10 output, i.e. 2009-10 kharif marketing year and 2010-11 rabi marketing year. Source: Ministry of Food and Consumer Affairs

However, the upper end of likely requirement for universal PDS is much higher than recent procurement, which in turn is higher than RC's "prudent" level. Does this mean that extraordinary measures (such as movement restrictions or even raiding farmers' houses as in the 1970s) will be needed to procure the extra grain if demand reaches this upper end? This is not so. Take last year when, despite drought reducing rice production by over 10 million tonnes, 30.5 million tonnes of paddy was procured. The total market arrival during the procurement period in those markets where procurement was conducted was 51.2 million tonnes, i.e. only 60% was procured. Similarly, 22.5 million tonnes of wheat was procured in markets where total arrival was 25.9 million tonnes during the procurement period⁶¹. Thus, even in this drought year, total rice and wheat available during the procurement period in those markets where procurement was conducted was more than 77 million tonnes. This does not include sales by farmers in other smaller markets or through private retail, and the total marketable surplus was far higher - 107 million tonnes according to RC, quoting the Ministry of Agriculture. On this evidence, procuring 78 million tonnes in a normal year will of course require more effort but is not impossible, especially since procurement of coarse cereals, currently negligible, could add to the total pool of grains needed for universal PDS⁶².

Nonetheless, it is reasonable to expect that such a large increase in procurement will only occur if MSPs offered are more attractive relative to market prices. And, it is on this count that the Rangarajan Committee is pessimistic regarding higher procurement while noting that "one method of doing this is to increase the MSP which will ensure higher procurement but the limitation here is the potential inflationary impact on food prices". However, one member of NAC has on logical grounds questioned this RC view that higher procurement would "lead to a lower availability of foodgrain for the open market, pushing up prices", opening up debate on the issue of grain management which although somewhat technical is

⁶¹ Department of Food & Public Distribution; presentation made to NAC on 24.09.2010.

⁶² Media also reported that in many states, farmers protested against FCI for not opening enough procurement centers and even for not lifting all the grain available for procurement at centers that had been opened. Clearly, farmers were willing to offer more than what the government was prepared to procure.

very important⁶³. Before turning to this, it is necessary to reiterate (i) that plugging PDS leakage is essential and that this is possible is demonstrated amply in states where ambition exists for more universalisation; and (ii) that it is not impossible to physically procure grain required for universalisation even at the upper end of consequent likely household demand.

Procurement, Stocks and Grain Management

The weakest aspect of NAC's approach to NFSA has been its obsession with access – i.e. how many should be entitled to how much cheap grain and at what price – to relative neglect of the other two pillars of food security: availability and absorption. To some extent absorption has been incorporated in its suggestions on ICDS, but on availability it has not addressed the key issues of adequate incentive for farmers and adequate assurance to consumers that situations of sudden deficit (either across space or over time) will be dealt with in a manner that imposes least cost in terms of unanticipated inflation. These issues affect everyone, and should have been the starting point of NFSA, particularly in the present context of ongoing climate change and volatile world food markets. Not having done this, the NAC has tied itself into knots trying to cut the access coat to fit procurement. Without much thought within, RC's observations on procurement, MSP and inflation have thus come as a rude shock.

To rectify this, it is necessary to ask the following questions: (i) Are current levels of food stocks and their spatial distribution sufficient to provide adequate protection against unforeseen price spikes due to output fluctuations, world price variations and other such contingencies? (ii) Do current levels of MSP give farmers adequate incentives to produce? and (iii) If answers to the above are yes, what is the likely average procurement at this level of MSP such that a steady flow of grain equal to this average can be maintained from PDS to ensure NFSA entitlements, while actual procurement and stock levels vary around their averages with variations in output and/or demand? The size of this steady flow provides an idea of how much is available for NFSA without this risking inflation.

On the first of these three questions, i.e. on stocks, the answer is that, while there are many considerations that can go into determining what is an optimal level of stocks, present stock levels are higher than almost any definition of this. These are twice current buffer norms, are adequate to stabilise grain availability at its trend through three consecutive years of short production of the magnitude of 2009-10, and also large enough to provide for any conceivable difference between full NFSA legal obligations and what is likely to be normal demand⁶⁴. There is therefore no need to plan for higher stocks, although running these down may also not be prudent given that the future may be more uncertain than in the past. The goal, therefore, should be to design NFSA so that normal offtake is equal to whatever is normal procurement. However, NFSA should also be designed in a manner that prevents the

⁶³ Jean Dreze: "A Notional Advisory Council?", Hindu, 10.01.2011.

⁶⁴ For example, if PDS is universal and normal demand is, say, 60 million tonnes, present stocks are enough to meet for one year the unlikely eventuality that 100% of the population suddenly demand their full quotas.

dysfunctional behaviour seen in the recent past, e.g. building stocks up during the drought of 2009-10 and therefore adding to inflation when the very purpose of buffer stocks is to offload these in shortage situations⁶⁵.

In particular, this means that NFSA should not be so designed to completely shut out the non-poor who may not access PDS normally but could turn to this in periods of high inflation. To shut out the non-poor even in such situations is bad not only for the non-poor but also for the poor since entry of the non-poor in such situations helps reduce stocks and, therefore, inflation. Once again, a dynamic response to self-selection is not only better for economic outcomes but also more suited to a rights approach than BPL targeting. However, inflation like cancer begins in limited locations and then spreads unless nipped in the bud. Dynamic response in this context means to increase allocations for the non-poor whenever and wherever food inflation crosses some limit. But for this to be possible there must be adequate stocks in every location.

It would therefore be appropriate that even before defining entitlements and access, NFSA commits that *there will at all time and in all locations be enough stocks of foodgrains to provide everyone with their full requirement*. Such a universal statement on availability need not state at which price this will be available but it does require enough storage space in all locations (say, blocks) and always enough stocks (say, two month's full consumption of 10kg per individual), with continuous replenishment. This is easily doable since capital investment in decentralised storage space required for this is long overdue and affordable, and the stocks that need to be repositioned and replenished more evenly across space are only about half the stocks already with government.

On the second question, regarding MSP of rice and wheat, the answer again is that, while there may be differences on the matter, it is probably best to continue at present levels with the usual adjustment by CACP to reflect changes in cost of production. MSPs were increased very substantially during crop years 2007-08 and 2008-09, almost bringing these in line with the recommendation of the Farmers' Commission that these be fixed 50% higher than the C2 cost of production, but subsequent increases have been less than the increase in costs. Farm costs are currently increasing faster than overall inflation, and will increase even more with upward revision in NREGA wage rates and if fertiliser and fuel subsidies are cut. Although it is valid to argue that the present high stock levels suggest that MSPs may be too high, farmers strongly disagree and failure to build in actual cost increases may dampen incentives.

This brings us to the third and critical question regarding normal levels of procurement and, therefore, of offtake. It may appear that maintaining present MSPs will also maintain the present size of procurement at present levels of output. But this is not so. Procurement has exceeded offtake by an annual average of over 10 million tonnes since 2007, leading to the

⁶⁵ "Of Food Inflation, Farmer Interest and Policy Failure", Himanshu, MINT, April 1, 2010. Also see, Kaushik Basu, "The Economics of Foodgrain Management in India", Working Paper, Ministry of Finance, 2010

present high level of stocks. A consequence of this is that market availability of rice and wheat has been significantly less than production, and market prices of cereals have increased much more than the general price level. If instead, offtake is increased to equal procurement, availability will increase by at least 5% and market prices will decline by at least 10% with this increased supply⁶⁶. Consequently, selling to government will become more attractive for farmers even at current MSPs, and procurement is therefore likely to increase from around 55 million tonnes at present to 60-65 million tonnes⁶⁷. NFSA can therefore be planned around an offtake of 60-65 million tonnes that increases in line with trend production while stocks are on average maintained at their present high levels but are allowed to fluctuate with variations of production from trend. This involves no additional risk of inflation since MSPs need not increase at more than the rate of increase of the cost of production, and market prices will in fact be lower as % of MSP than at present.

This conclusion differs significantly from RC's observations that "In view of the cycles in agricultural procurement, it may be imprudent to assume an average procurement level of more than 30 per cent", leading them to set a ceiling on NFSA offtake that is less than current procurement. It is, however, important to note that *policy decisions contribute to "cycles in agricultural procurement" and that what RC is suggesting may in fact perpetuate this.*

The problem with the RC view is that unless MSPs are reduced in nominal terms immediately, procurement will be higher than the RC ceiling on offtake. Stocks will continue to increase unnecessarily, along with unnecessarily high market prices for cereals. Although it may be possible to bring procurement down over time, by holding nominal MSPs constant as market prices increase with inflation, a balance between procurement and ceiling offtake will only be achieved with higher stock levels and lower levels of real MSP than currently. If the experience of 1997-2005 is any guide, the final outcome could be that production incentives are reduced unduly.

During 1997-2001, a combination of high MSP and high issue prices for APL caused huge stock accumulation despite stagnant per capita production, and this in turn led to high food inflation. Subsequently, in view of the large stocks, MSP increases were kept below general inflation during 2001-2006, thus reducing procurement while exports were also allowed to deplete stocks. However, per capita cereals production in the triennium ending 2005 fell to its lowest in 20 years and stock levels also fell below buffer norms and remained below norm throughout 2006 and 2007. It is this tight domestic supply situation, amidst high world food inflation, that was sought to be corrected by the large MSP increases since 2007.

⁶⁶ Annual stock build-up has ranged from 5 to 15% of availability during 2007-10. The price elasticity of cereals is in the range -0.3 to -0.5. Combining these, market prices will decline by at least 10% if stock accretions halt.

⁶⁷ The elasticity of procurement to the ratio of MSP to market prices is in the range 1 to 1.8. Applying these to the above estimate of at least 10% decline in market prices gives a range of 60-65 million tonnes procurement.

We are now roughly at the 2001 situation in that previous cycle. The choice is between stabilising offtake at around the 60-65 million tonnes consistent with present MSP levels or attempting once again to reduce procurement. RC clearly favours the latter option, where procurement is brought down to around present offtake levels through reduction of real MSPs, since this would obviously reduce the fiscal outgo. However, it ends up arguing quite incorrectly that NAC proposals on NFSA are not feasible without MSP hikes that risk more food inflation. *Not only is the NAC proposal feasible without risking further inflation, so is universalisation under most likely scenarios.*

An Alternative Proposal for PDS in NFSA, short of Universal PDS

However, despite being feasible in most scenarios of table 5, a universal PDS is currently not on anyone's agenda and hence unlikely to be accepted, particularly after the RC report and because the upper end of likely demand with universal PDS is at 70 million tonnes higher than the 60-65 million tonnes consistent with present MSP levels. We, therefore, suggest an alternative which takes elements of the NAC proposal and merges this with elements of a proposal that the Planning Commission had made earlier⁶⁸. This is done in a manner that avoids the main problems of targeting, preserves the major benefits of universalisation and a rights based approach, and also reduces to virtually nil the possibility of demand rising so high that the government is forced to renege on its NFSA obligations. The proposal is as follows:

- (a) All individuals will be entitled to 7kg/month at a price no higher than MSP, with the price set initially at 75% of MSP and this discount allowed to be varied with the actual supply situation.
- (b) All individuals except a group to be excluded using verifiable exclusion criteria will receive a further discount so that they pay only Rs1/kg for millets, Rs 2/kg for wheat and Rs 3/kg for rice on the first 4kg that they purchase in any month.
- (c) A priority group, identified on the basis of verifiable inclusion criteria, will receive the full discount so that they pay only Rs1/kg for millets, Rs 2/kg for wheat and Rs 3/kg for rice on their entire entitlement of 7kg/month.

Unlike the NAC proposal, but like the earlier Planning Commission (PC) proposal, this involves a universal entitlement which is MSP-linked. Like the NAC proposal and unlike the earlier PC proposal, there are three groups selected on exclusion and inclusion criteria. However, based on results of the recent BPL Census pilot we recommend that selection of these groups be delinked from poverty estimates. While exclusion criteria can be similar to those proposed by NAC and exclude roughly 25% of population, our proposed inclusion criteria are more stringent than for NAC's priority group. This will include the specific categories that NAC has already identified but in addition include only those who suffer from at least three identifiable deprivations. As a result, the priority group is likely to cover only about 20% of the population that is either disabled or

⁶⁸ Planning Commission: Towards a Workable Food Security Bill, 2010

destitute or identifiably deprived on multiple dimensions. This is unlike both NAC and PC which stretch the full discount to Tendulkar poverty numbers. However, again unlike both NAC and PC, about 75% of the population (i.e. all except the excluded group) will have entitlement to some very low priced grain and therefore a strong incentive for PDS participation.

Compared to the present AAY/BPL/APL division, this will roughly double the number of beneficiaries with present AAY entitlements from 10 to 20%, and entitle another 55% of population to not only 4kg/month at present AAY prices but also a full quota of 7kg/month which if fully drawn will mean an average price roughly equal to what BPL cardholders pay today. However, there will only be two prices in this proposal, not three as today, and the higher MSP-linked price will be much higher than the current APL price.

What are the advantages over the NAC proposal? There are three:

- (a) First, as far as targeting is concerned, our proposal limits this only to identification of the very disadvantaged and those undoubtedly non-poor, based on verifiable inclusion and exclusion criteria. Results of the recent BPL pilot show that only this can be achieved with acceptable probability of containing errors of inclusion and exclusion and that use of score-based rankings to reach caps based on Tendulkar poverty numbers will inevitably exclude a very large number of families that are very similar to other families which are included. Such caps and scoring are therefore likely to perpetuate the rampant rent-seeking that many now consider to be the biggest stumbling block to effective delivery of public goods. Moreover, verifiable exclusion and inclusion criteria provide a transparent basis to legally define who is entitled to what, avoiding the almost impossible problem of defining who is poor and who is not.
- (b) Second, our proposal extends benefit of very cheap grain to 75% of the population, excluding only the undoubtedly not poor. It therefore provides a very strong incentive for most people to use the PDS. As pointed out earlier, leakages are much lower where a majority demands its PDS entitlements than where this attracts only a few. Our proposal is thus more likely to achieve this functional benefit of universalisation than the NAC proposal that limits very cheap grain to only 40% of population. Moreover, although our proposal extends the full current AAY entitlements to only 20% of population, rather than to 40% as in the NAC proposal, this has some advantage even beyond avoiding targeting errors. A clear focus on reaching the very disadvantaged (especially those subject to multiple deprivation and who because of age or disability cannot self-target into programmes such as MNREGA) is desirable simply because it is precisely these who lose out in any jostle for inclusion in situations that are short of universal access and where the less disadvantaged are also eligible.

(c) Third, instead of completely excluding those identified as undoubtedly non-poor from NFSA entitlements, our proposal gives them an MSP-linked entitlement which they are unlikely to draw upon normally but which would provide an important fallback in exceptional situations such as drought or abnormal inflation. This is an important expectation that everyone has from a food security bill and which the NAC proposal does not provide for. Moreover, along with decentralisation of grain storage and clear operational rules on release and replenishment, this provides a powerful instrument for price stabilisation since more grain would automatically be released from stocks through the very large PDS network whenever and wherever grain prices cross a certain level. Absence of such a flexible price-based mechanism is a major reason why we have suffered high food inflation in recent years despite adequate stocks.

What is the grain requirement for this proposal? If the full entitlement at AAY prices is drawn by everyone eligible, this will require 51 million tonnes but, as discussed above, actual purchase is likely to be much less. However, even assuming that leakages cannot be immediately reduced and the offtake/allocation ratio remains at the 95% currently observed for AAY, maximum demand will be 48 million tonnes. This is only slightly more than the 42 million tonnes that RC provide for at these prices. In addition, there are entitlements at MSP-linked prices. Although this works out to 49 million tonnes if everyone draws their full quota, actual demand is unlikely to exceed 7 million tonnes even with leakage⁶⁹. Adding the 8 million tonnes requirement that NAC has projected for other welfare schemes, up from less than 4 million tonnes currently, the total requirement is within the 60-65 million tonnes likely procurement. Moreover, as pointed out earlier, stocks will be sufficient to meet statutory obligations in the very unlikely event that demand shoots up to full entitlements.

And, finally, what will be the subsidy outgo? This works out to about Rs 75,000 crore, calculated as difference between economic cost and issue prices multiplied by likely maximum PDS demand. On the same subsidy calculation basis, the present outgo is Rs 56,700 crore, the NAC projection is about Rs 79,000 crore for its proposal in its final phase and RC projects Rs 68,500 crore for its watered down version in its first phase. These figures do not include the cost of maintaining buffer stocks and also understate the subsidy whenever procurement is larger than offtake and therefore involves a procurement cost without corresponding sales revenue. Since our proposal assumes balance between procurement and offtake while both the present situation and the RC option involve rising stocks with procurement higher than offtake, the difference in total subsidy between our proposal and either of these will be less than corresponding

⁶⁹ This is obtained by applying the actual 2004-05 APL offtake/allocation ratio to the full quota of 49 million tonnes. This is valid, since even if the MSP-linked price is set at 75% of MSP, the ratio between this and market prices will be about the same as the ratio between APL CIP and market prices in 2004-05.

differences in the figures above. Moreover, it should be noted that in their 2010-11 budgets, eight states had together made a provision of about Rs 12,000 crore for food subsidies over and above the Centre's outgo. Our proposal therefore costs less than NAC's and, although it will cost more than either RC's proposal or the current actual, the additional fiscal cost (taking both Centre and States together) is unlikely to be more than Rs 5000 crore.

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To

the concerned members of the nfsb committee,

From,

Dr A Vatsala'

AID INDIA, Bangalore Chapter

I have the following comments on the nfsb.

All the new features of FSB like inclusion of millets, localized procurement, entitlements to special groups, etc are very good, the operational and grievance redressal structures have been very well thought over. However, basically, the very idea of providing PDS for rural communities is meaningless, while the only occupation in rural areas is farming and they can always grow their own food. There is the danger of farmers not taking up food production if it is made available at subsidized rates (this has happened in the past). Of course, the inclusion of millets into the basket, minimum support price, localised procurement, all these are expected to address this issue, but still may not be sufficient. Instead, the rural communities should be **supported for growing food grains**, mainly in the **form of labour support**, (as labour cost is becoming unaffordable, and farming on the whole not remunerative), and even leasing of land to landless families, in addition to irrigation and other supports.

The inclusion of pulses and oils has been mentioned only marginally, as a measure for future years while it was hoped that this would be included for immediate action. It may be true that there is not enough production to ensure entitlements for all. But this should not prevent procurement and distribution at least in regions where it is available. Local communities should have the choice to have pulses and oils included wherever possible, and the NFSB should spell out suitable subsidy right now.

To
Respected Members,
National Advisory Council,
Government of India.

Subject : Response to the draft of National Food Security Bill

Dear all,

Herewith we put forth a few pointers worth considering in this regard.

1) **Local consumption:** Each state shall ensure the minimum production of food grains for its population's consumption before exporting. Primary or derived products from the state's produce shall not be exported unless otherwise for the exchange of complimentary food produces for the purpose of complimenting calories (protein, carbohydrate, etc.). Already existing agri dept of states with extension officers can be used effectively to implement this.

2) **Target oriented approach:** The bill's focus shall be reducing the number of people who have been food/nutrition insecure over a period of time. The impact of this bill shall be measurably achieved at the ground level. By setting proper measurement parameters and following a target oriented approach, can make sure that the purpose is met.

3) **Process oriented approach:** The whole project shall be made people driven with little involvement of the Government in future. This can be achieved by providing and supporting agricultural product systems through existing agricultural departments and infrastructure. This shall be one of the noble causes closely related to those departments and not too much away from the very original intention of formation of such departments.

4) **Infrastructure associated with tackling food/nutrition insecurity:** Infrastructure shall be developed on a war footing basis. When India as a country has labour capacity on one side and starvation on the other side, wastage because of poor/inadequate infrastructure is a crime and non-democratic. Food grains rotting in FC godowns is inhumane in the current condition and is simply unacceptable. Developing infrastructure can only be a simple task for the Government. There shall be legal binding and commitment towards preventing any wastage of food grain.

For further details and in case of any clarification needed, please contact us at +91-9884962533.

Thanks,
Anusha
on behalf of Youth for India Team

Hi,

The 1st thought would be to use technology for efficient management of the act. All the enforcement and transparency measures explained here are reactionary which will mean that the beneficiary already was deprived of the benefits for certain period of time. In my view it would be of much help if we use technology, simple one like mobile which is now widely used as a means for information sharing.

My proposal is to intimate all the card holders of a particular ration shop of intake through a SMS. The operational part can be mandated by the ration shop. i.e maintaining no less than 90% of all the card holders recent mobile nos. An automated SMS sent from the State Civil Supplies Corporation to the card holders of that particular ration shop.

This will ensure that the beneficiary is aware of the current availability of food grain in the ration shop hence the basic problem of denying ration by ration shop can be avoided.

Hope you will give a thought to it.

Regards
Debraj

Dear Sir,

I am from a small village Naduppatty, Manapparai Taluk, Trichy district, Tamilnadu currently working in Japan for the last 14 years.

First of all, I would like to congratulate Ms.Sonai Gandhi and your team for considering food security to the people of India.

How food is so important to rural folks is known by me first hand from my age 7 onwards. Although considered as middle class by my village folks because of a small tea shop run by my father, we had gone to bed without food for nearly 360 days out of 365 days. Thanks to Tamil Nadu MGR noon meal scheme that we used to get one meal a day from the school. But my parents and grand parents were not so lucky. How many days we cried could not be counted when our mother could not eat anything but gave whatever left over to us. Thanks to backward class reservation, I got into engineering with scholarships and with timely bank loans could now be able to live happily with my whole family.

My small suggestion is as follows for your kind consideration:

1) Please provide compulsory 100% coverage of food security to all villages in India. The really rich are only a couple of them in each village and rest of them are poor or middle class (in village standards) but never display their hunger for others to see. So, even though one or two rich guys may also benefit from this 100% coverage, that should not be the reason for putting some percentage or ration card basis distribution.

How can a poor receive a ration card when he or she has to spend 250 rupees to get some forms and then another 250 rupees as a bribe? So, no need for any proof. Just cover everyone in each village.

2) You can use any yardstick for towns and cities as recommended by Rangarajan committee. Since I am not familiar with hunger among town folks except for the homeless or people living in slums in towns and cities.

Please never believe official statistics, because the hunger and its affect can't be captured by any number and the government servant has become immune to the suffering of his fellow brethren either due to his habitual thinking that he is a babu or callous attitude.

So, please implement 100% food security for all villagers and provide 100% free education up to high school to all children in villages.

Kindly consider health centers for all villages with preventive care. We never had any check up in our 30 years existence in Naduppatty. Had it been done, we could not have lost our mother for various complications. It was too late after we became unable to find the diseases in an advanced stage.

With these measures, surely India will become unrivalled power within 15 years. Jai Hind! Long Live Sonia Gandhi to implement these schemes!

Dear Respectable Members of NAC,

I am simple NRI living in America and I hope my experience of 15 Years in America may be useful at least in small way in this the Food Security Bill comparing to the very eminent members of NAC.

1. Food Security Bill need to address only a section of the Society based on Below Poverty Line.

Otherwise, as in Tamil Nadu, people lose motivation to work for Food when free or subsidy food is available. We have already National Rural Employment scheme

to make earnings for food and living. Then, why another redundant program to give free or subsidy food for people above Poverty Line or even for that matter

people living below poverty line. Not only that, many states already have so many duplicate programmes for poor people and how many such programmes do we need?

Can we really become a Developed nation by offering so many free Programmes to population? I understand State governments offer such programmes for

compelling political reasons, but Central Government and NAC with so many eminent members should be cautious of Free or Subsidy programmes.

2. Even assuming, the Food Security is finally ended being implemented, it should have built-in sun-set clauses, ie. lapse classes as every decade some percent of

people reach above poverty line and the sun setting should be automatic by the law.

3. By giving free, we seem to be asking people not to work, or not to have desire, or not to get reward for hard work and innovation.

Developed nations did not become powerful by giving free line TVs, Bicycles, Food, Loan waiver, free rice/wheat, free uniform, free land, free tooth paste.

Rather they provide a competitive workplace and employment, a guarantee that one will progress in the system by hard work.

Every one gets a equal place and play by same rules.

4. We have to rethink now, that most SC/STs and BCs have reached comfortable middle class now in Tamil Nadu and the Reservation policy has to be slowly sun set over

the next decade or so.

5. Before Food Security Bill is implemented, Unintentional consequences have to be studied in detail.

The NREGS in Tamil Nadu, has worked against the Garments Industry, Farming, agriculture and small scale industries due to shortage of Labor forces,

in Coimbatore, Salem, Namakkal, Tirupur and Erode districts and nearby areas. Here, Labor costs have doubled in 2-3 Years.

National Rural Employment scheme should be a targeted programme for Under Developed Districts only, instead of for the Entire nation.

S Dhakshina Murthy, NRI, America.

Respected all,

I sincerely respect NAC's effort in making the draft bill. I would like to give my opinions on this draft work:

- 1.) The "general" category in the reformed PDS is rather misleading. Are there any income levels defined for this category? If not, then the idea of including APL people in PDS doesn't augur well. This rather decreases the opportunity' for the rightful people to get food.
- 2.) If the NAC still insists in including general category, then they should be provided food grains at **MSP** and not half the MSP (as suggested by the RANGARAJAN committee). The income levels of general category should also be clearly defined. Moreover, general category should be allotted grains only after the requirements of priority people are met (along with margin).
- 3.) It is advisable to try the model with just the priority people included. If there is any scope to allot grains to general category, they are to be included in the coming years in a **phase-wise** manner.
- 4.) Rs. 3-4/Kg would be the optimal cost of the food grains.
- 5.) The verification of the priority people should be **fool proof** enough to avoid misuse of the PDS.
- 6.) Separate law needs to be drafted to take stringent action those who misuse PDS as it is the flagship program of india's economy.

With Regards,

Rajesh Gaddipati

rajeshgaddipati@gmail.com

The NAC's recommendations to the GOI are absolutely important and relevant in the interest of 80% people in our country. One can't understand why the GOI is hesitating in accepting and implementing them?

It was strange the other day PM advocating that if agriculturists don't want to live in villages, instead of committing suicide they could migrate to cities ! What kind of an economist is this PM ?

Sincerely,

E.P.Menon
Bangalore

Dear NAC team,

It gives me immense pleasure in sending this email. I hope this email is given a fair reading.

I thank everyone for the opportunity to comment on the bill, this is a great example of democracy in action.

The draft of the Food Security Bill, is a **great step forward** in the right direction. This is a very forward looking bill.

Although, I agree to many key points mentioned in the draft, I have some concerns, which are missing/omitted from the current draft version.

1. The bill is primarily a "Carbohydrate security bill", nothing wrong in it, but a balanced diet is much more than carbohydrates.

2. There is not a single mention of vegetables, meat, dairy & poultry products.

The plan should subsidize the other parts of the meal like vitamins and protein, at least promote the production of the same.

Assuming the rice/wheat/milletts are distributed per plan,

A beneficiary will have to buy additional protein/vitamin sources in order to be able to make a meal out of rice/wheat/milletts.

This will either create a demand for protein and vitamin sources, or a neglect of which will result in a population which is fed simply carbohydrates

(may lead to *national obesity epidemic*, like the USA, where corn based starch/carbs are highly subsidized)

The above 2 points lead me to the 3rd point which is the **inflationary effect**.

3. Though it is noted that, the bill would not contribute to inflation, I would strongly disagree.

The bill fails to recognize the energy, water, vitamin & protein needs the beneficiaries would need in order to consume the rice/wheat/milletts.

for example: If I receive 2 kg of rice under this scheme, in order for me to consume the rice I will need coal/wood/gas for cooking it.

I will also need at least 2 liters of water to clean and cook the rice.

Then the next thing for me to complete a balanced diet will be adding protein and vitamins which I must procure from the market.

Now consider Millions of people like me doing the same thing, creating a massive demand.

The rest is supply-demand economics, applied to vegetables, meat, poultry, dairy etc.

This bill must be re-defined as "National Balanced Diet security Bill", to encompass the protein, vitamins in any healthy meal.
The bill should also fit itself in the **National Energy Policy**, as the energy needs of the nation are also involved here.

Looking at this problem from a "balanced meal" perspective would help a great deal in solving it.

I would urge the policy makers and law makers to kindly incorporate these observations in some form, in the final bill.

PS: I once again greatly appreciate, the chance given to common citizens(like me) in the process of policy making.

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Thanks
-Sarath Oruganti
Chicago, USA.

Dear Secretary,

I would like to congratulate you for your efforts at bring out a draft bill for food security. And hope that it will be introduced in Parliament in the next session of the Parliament.

I would like to make the following suggestions to National Food Security Bill

1. It should be universal at not more than three rupees a kilogram. Even if the quantity could be less for the so called APL households, the price should be kept uniform. If it is not universal, the selection system as it is today being very faulty, will leave out a big portion of the deserving families from the food security net.

2. There should be strong redressal system in place so that complaints could be solved with punishment to guilty officers like in RTI. It should also have provision for making redressal for complaints against non-inclusion on priority or BPL list.

3. It should be comprehensive to take care of the severe maturational situation in the country by entitling the food security of the children and mothers

4. PDS should not limit itself to distribution of wheat and rice alone but should add coarse grains like millet etc for nutrition of the poor families

If India can not feed its poor what is the use of its high GDP and huge development of cities.

With Warm Regards,

Gratefully Yours,

Fr. Paulson Muthipeedika
Sanjeevani
Usri village
Narsinghpur 487001
MP, India