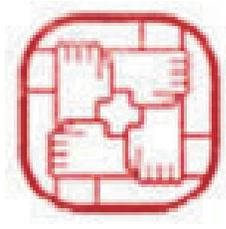


Shaping the Right to Food:  
A Dialogue on the  
National Food Security Bill



**A Wada Na Todo Abhiyan & Food & Water Security Coalition India**  
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# Shaping the Right to Food

## A Dialogue on the National Food Security Bill

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# FOREWORD

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*Yeh Azaadi Jhooti Hai, Desh ki Janata Bookhi Hai* (Our freedom is false as our people are hungry) used to resonate as our cry while marching as students in processions agitating better living to citizens. Thirty years and more later we see an important step by the government to provide food in the form of a National Food Security Bill. Yet we continue to be apprehensive if food will reach the hungry, on time and whether people would feel food secure. The issue is not just of the *last mile* being reached but the *last man being served*. This is vital because even in states doing well in food schemes - PDS, Mid day Meal or ICDS - starvation deaths are witnessed. Malnutrition is worrisome. Civil society must augment what the government will do or is not be able to do. Its action must understand that *food consumption cannot be postponed nor can one over eat*. Through this bill people are not going to get a RIGHT but only partial security of some grains, and not even total food security.

Towards the struggle to make the Indian people, especially the poor, be food secure, this book presents a fund of diverse ideas, actions and experiences. It arrives as the Indian parliament debates to shape the contours of the National food Rights Bill. We appreciate the organizers for specific and successful efforts to include and bring on board leading experts and peoples voices. Ideas on governance regime and the institutional requirements for a rights based legislation to be effective are also included.

Addressing and ending hunger is first key step to empower and strengthen the poor especially women. In this task, Wada Na Todo Abhiyan (WNTA), a national campaign platform and the Food and Water Security Coalition India (FWSCI), a coalition predominantly of field based constructive work centric organizations and OXFAM India, have come together to work in shaping both the policy and the practice of the National Food Security Bill 2011. We are of the view that this scheme must be universalized which is going to be the largest welfare scheme in the World where more than 800 million people of the Country are going to get benefit through that.

One important aspect overlooked in the bill is regulatory framework to control food wastage. A recent study in Europe shows that twenty percent of food goes from store to dustbin via home refrigerators. Double that quantity is wasted. In Indian marriages and social functions we see over two hundred items. This must end as mother earth does not have to capacity to produce. We are witnessing the backlash and havoc following indiscriminate use of green revolution technologies. One must note that in Pakistan only one main dish is allowed in marriages. So food wastage must be brought down even while it calls for punitive measures. Otherwise the Food Security can never be fully serviced.

Another weapon must also be used. In late 1960s India faced a food crisis and ration shops was the only source to access food. At that time, Prime Minister Lal Bahadur Shastri gave a call that stirred the nation – forego one meal a week. So the food bill must look wider to address why poor people are compelled to be hungry. One constructive and effect way and piloted in Andhra Pradesh under the National Food for Work scheme, which was the forerunner to the MGNREGS, is to provide fifty kg of cereals and eight kg of legumes to every manual labor worker family and delivered to them every month by the first week and the amount is taken from the accruals in employment

under the MGNREGS. The grain was given to the families every month regardless of progress of the work. To poor women, for whom food at home is crucial this was the single most effective ways of empowerment.

A particularly good augur in the bill is the inclusion of coarse cereals. Implemented well this will give boost to rain fed farming based producers and improve nutrition and health of the consumers. Better health is crucial to harness the demographic dividend that we hope to en cash upon. This will reduce health care costs which is big reason for poor being impoverished if someone at home is sick. So beyond provisioning of coarse cereals its inclusion must be seen as strategic to improve the dietary habits and nutrition along with helping to provide market opportunities to areas dependent on rain fed farming as coarse cereals are mostly grown in such conditions.

However for coarse cereals to succeed crucial steps are needed. We must note that rice and wheat were improved systematically and over a period of time to suit consumer preferences. Similar work must be done for coarse cereals and extended to include storage, conversion of grain to flour, shelf life and of cooking ease. Next, Indian grain storage technology and practices are got from USA and suited for rice and wheat. They do not suit coarse cereals. Also the grain has to be made into flour and most villages do not have flour mills. Poor people must have the money to pay for the conversion. In fact the price for it is higher than the price of grain and if this cost were added then the price of coarse cereal flour will be higher than that of rice. Shelf life of the flour is short and ways of preserving the flour for longer periods must be found. Rice and Wheat were generic names as we have coarse cereal wheat and rice too. It is based on how the commodity is processed and cooked. The act must promote and provide snacks based coarse cereal in schemes such as mid-day meal and ICDS. Also local varieties and not hybrids must be procured as some coarse cereal varieties were developed to feed animals. The good news is that for the user, one kg of coarse cereals feeds twenty percent more people. Thus eight hundred grams of coarse cereals equals one kg of rice or wheat.

Civil society cannot rest with the passing of the Act or stop with helping in its effective implementation. We must continue to promote alternatives and new ideas that aim autonomy of the people on food provisioning. So another paradigm in pursuit for food security is to work on the next genre of reforms. One such agenda that we see as crucial is the “Right” to what is central to crop production – water. If not the right to food will not be real, as poverty and under production will be bottlenecks to make hunger, history.

Why not assure every farmer with what every household in Delhi gets? Let us explain this further based on the facts of the capital of India – Delhi. Here the Delhi Water Board provides two hundred twenty liters of fresh potable water per capita per day. This comes to about seventy five thousand liters per annum. On the other hand one acre of horticulture crop has about seventy five trees. If drip system is used each plant requires eight liters of water once in three days or ten irrigations per month. The dry period when water is needed is about six months.

In other words one acre of horticulture plantations would need thirty five thousand liters per annum or half of what is provided to each citizen residing in Delhi. If this critical water is provided to the plant crop yield will be assured and go up many times. This single path breaking step will help rain fed crop lands to break out of production risks and see productivity rise and income gains. Such steps will motivate the farmers to develop water infrastructure with emphasis on conservation, will increase the vegetative cover and provide better incomes from allied activities. It will make agriculture broad based, inclusive and sustainable while having a cascading impact on water management.

We recognize the Food Security Bill as a progressive measure. But our march for Aazadi must continue and this is best done when water provisioning for plants and animals are also included in it. Then only can food entitlement be assured, within reach of everyone and unfettered for access by every needy citizen.

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# **PART I**

## PERSPECTIVES ON THE NATIONAL FOOD SECURITY BILL



1  
9THE NATIONAL FOOD  
SECURITY BILL, 2011**K.R.VENUGOPAL***IAS (Retd.), Former Secretary to the Prime Minister of India*

The National Food Security Bill 2011 was placed on the website of the Ministry of Food and Public Distribution seeking comments from the public till 31 October 2011. With the last date over, the Union Minister KV Thomas has indicated that the Bill would go to the cabinet by 20 November 2011, with a few changes in the draft and on to the winter session of Parliament. This article seeks to make a few suggestions to improve the draft Bill. This article does not deal with all the points that need addressing but with only a few entitlements that are urgently important to the poor.

The most important entitlements are the quantity of grains that a household needs to meet its full needs and the price at which it can afford. Since the Bill provides for the destitute free food at least in principle and that principle therefore can always be built upon subject to refinements in the course of the consideration and implementation of the Bill, and for the rest of the poor the price proposed is affordable, this article considers that price is not an immediate issue. However, the quantities proposed in the Bill are a serious issue. Further, realization of entitlements depends on the mode of delivery of rights and the definition of those entitlements. There are serious problems relating to these definitions of entitlements and they need to be highlighted to see if even at this late hour the promised food security can be guaranteed through this Bill through changes in the draft.

The problem starts with the preamble to the Bill, which claims that it is “a Bill to provide for food and nutritional security, in ‘human life cycle’ approach, by ensuring access to adequate quantity of quality food at affordable prices”. A “human life cycle” approach will have to take into account the nutrition and health rights of the pregnant woman, nursing mother, a child and as the child grows into an adult, the rights involved in all the activities during transition from childhood to adulthood and in adulthood such as education, health and work. These are all rights associated with accessing food and nutrition security and if appropriate institutional arrangements do not exist, food and nutrition rights would not get delivered to them during the life cycle. Mere use of words in a law is no substitute for actual institutions that have to deliver the rights. An example of such use of language is the draft Bill defining an anganwadi as a “child care centre”, which unfortunately it is not in real institutional terms. An anganwadi, designed as at present, would not be able to deliver the rights associated with food and nutrition mentioned above relevant in a “life cycle” approach whereas setting up a crèche in the place of an anganwadi would to a large degree, as will be shown later. This Bill is short in such strategies.

There are other problems in this Bill such as the definition of “food grains” to mean rice, wheat or coarse grains or “any combination thereof”, and the



effort to use wheat flour in lieu of the entitled quantity of food grains specified in Schedule I, which violate a basic ingredient of the concept of food security, namely the right to make a cultural choice of food; untenable promise of supply of coarse grains without reference to the current reality of their actual availability and then covering up this mistake by defining food grains entitlement to mean a “combination of all grains”. This violates the promise to provide coarse grains at a particularly cheap price ; leaving the components of food security allowance, fundamental to a guarantee of food security, undefined and postponing it to be decided at a future date; sticking to the discredited idea of ready to eat food; imagining that just one meal daily would suffice for the destitute to keep them off hunger; failure to spell out among the obligations of local authorities the task of identification of the priority groups by grassroots institutions like the Gram Sabha; over-centralization of powers in the hands of the Central Government under Section 38; an outrageous force majeure clause; a vague reference to a “derived price” for rice for the general category linking it to the minimum support price (MSP) for paddy; absence of specific emphasis on dry land agriculture; absence of cardholders’ right to draw rations in any quantity on any day in a month till the last day of a month; an untenable concept of cash transfers and coupons in lieu of food grains and failure to emphasize the role of nutrition education and health education in guaranteeing food security to all categories of people during their life cycle; and a casual reference at least in one place to drinking water without taking care to qualify it as “safe” drinking water; and use of a gender-insensitive expression such as “lactating” women where a suitable expression like “nursing” mother would have been more meaningful, and importantly also respectful of the gender.

For the convenience of the reader these issues are discussed linking them to the relevant provisions of the Bill.

This Bill has been described in the preamble as one that would provide for food and nutritional security, in a “human life cycle approach”, by ensuring access to adequate quantity of quality food at affordable prices, for people to live a life with dignity and for matters connected therewith or incidental thereto. Under definitions in Section 2 (a), an “anganwadi” means “a child care and development centre” set up under the

Integrated Child Development Services Scheme of the Central Government to render services covered under section 4, sub-section (1) of section 5 and section 6 of the Bill. A law that in the preamble refers to a human life cycle approach and then restricts itself only to defining an anganwadi, which as currently designed cannot deliver a life cycle approach, actually contradicts itself. The Bill tries to make up for this deficiency by defining an anganwadi as a child care and development centre, which an anganwadi of today is not for the reason that its design and its working in the ICDS programme is such that the vital 0-3 cohort hardly ever comes to the anganwadi, a period critically vital for the development of the brain of the child through early child care and stimulation. At present anganwadi centres function from 9 AM to 1-30 PM, just for 4 ½ hours in a day, staffed by one anganwadi worker and one helper. This is inadequate for a child care centre. Children need stimulation from the time they are born, and appropriate nutrition complementary to mother’s milk after they are 6 months old. Given the fact that mothers in rural and urban labor households have to work outside their homes for a living, special efforts are needed to provide their children below 3 with proper early childhood care and stimulation and complementary nutrition, in addition to what is available in their own immediate environment at home. Such an environment should be provided at the anganwadi but, for this, the structure and design of the anganwadi should be changed to conform to these needs of this cohort. The prevalent idea that children below 3 need to be taken to the anganwadi by their mothers only once in a while for weighing and receiving “take home” supplementary food has, therefore, very little validity. However, it has been observed that the rural, working women do not feel confident about leaving their under-3 children at the anganwadi as they are uncertain that the close care and security that such very young children would need, would be given at the anganwadi as presently organized and staffed. Because of this uncertainty, these mothers prefer to leave such children in the care of their slightly older girl siblings at home, resulting in the deprivation of education for those older girls. Otherwise the mothers themselves have to stay home foregoing their work and wages and livelihood. Or, these children are left in the “care” of members of the family, who are too old to provide the required “care” or “security” to these children, leave alone the active stimulation, so vital for this cohort. The result often is these children and even

the children above three are taken by mothers to the fields and other places where they work, depriving the below 3 of stimulation and the above-three of pre-school education. The children under 3 and, therefore, their mothers including the nursing mothers are poorly served in the present system where the anganwadi functions only for half a day and inadequately staffed.

It is obvious, therefore, that changes are required to be made in the structure and design of the anganwadi in order to safeguard the early childhood stimulation needs and early childhood care of the children below 3 years; the educational interests of the older girl siblings; the pre-school needs of the children above three and the livelihood interests of the bread winning mothers. Without doing this it is far-fetched to claim as this Bill does, in the preamble and the definition of an anganwadi, that the approach in the Bill is a life cycle approach and that an anganwadi in the ICDS programme is a centre of child care and development. The obvious change to be made is to extend the working hours of the anganwadi beyond the current working hours up to 5 pm so as to be consistent with the working hours of the rural and urban mothers. Concomitant to this will be expanding the physical space at the anganwadi and the strengthening of the staff at the anganwadi and paying the staff more for the longer hours of service they would deliver; provision of additional supplementary nutrition considering the longer hours of stay of the children at the centre; and strengthening the adolescent girl programme so as to be able to utilize, if the adolescent girls are willing to volunteer part-time, their energy also to provide close care, security and stimulation to the under-3 cohort. In short, we need to convert the anganwadis in the ICDS programme into crèches (day care centers) while retaining all the services presently being delivered at the anganwadi. Seen in the rights context, this would protect the early childhood rights of the children to care, stimulation and education; the rights of the older sibling girl child to education and the rights of the working women to work. Such a crèche would also answer the need and rights of the mothers who work in the fields and elsewhere in the rural and urban areas to find rest at and from work and breast feed their children.

All these advantages taken together would, therefore, promote the basic rights related to gender as well. A crèche would also be better able to deliver services like

immunization. This reform of the ICDS programme will be fundamental for laying a strong foundation for building the future human and social capital of India. However, there is no reference at all to any reform of the ICDS programme in this Bill and therefore the life cycle approach claimed here is deeply flawed. This needs to be rectified by proposing reforms as suggested, in the Bill itself. The starting point would be for the Bill to declare that all the present anganwadis would be converted into crèches to achieve the objective of food and nutritional security in a “human life cycle approach”, and defining a crèche on the lines explained above.

The preamble claims that the Bill seeks to provide for food and “nutritional” security. It is an elementary fact of nutrition security that coarse grains are naturally nutritious, and access to them would promote nutrition security more meaningfully than the other two grains mentioned in the Bill. Yet, in terms of entitlement, the definition of “food grains” under Section 2 of the Bill is: “(f) “food grains” means rice, wheat or coarse grains or any combination thereof”. Chapter II in the Bill speaks about the right to receive food grains at subsidized prices by persons belonging to priority households and general households under the Targeted Public Distribution System (TPDS). Section 3 (1) states that the entitlement of quantity of food grains and price are specified in Schedule I. Schedule I fixes the price for rice, wheat, and coarse grains separately and these are differential prices with the price for coarse being the cheapest. This differential price that makes the coarse grain very cheap is defeated by the definition of food grains as a combination which includes in it higher priced grains. Thus the entitlement provided in this Bill to the consumer in terms of nutrition security is compromised to her disadvantage both in terms of the nutritious grains and also in terms of price because the price of coarse grain is half the price of wheat and one third of the price of rice. You cannot call that either food security or nutrition security. This fudging of the definition of “food grains” makes a mockery of “entitlements” in terms of quantities and price in the rights context and constitutes an act of dishonesty on the part of the Government. This is further compounded by what follows in Section 3. The Bill says in 3 (2): “Subject to sub-section (1), the State Government may provide wheat flour in lieu of the entitled quantity of food grains specified in Schedule I, to the persons belonging to priority



households and general households, in accordance with the guidelines notified by the Central Government”. Clause (2) contradicts Clause (1) and is a violation of the right to food as conceived in any definition of food security. This is because it would imply that when the ration card holder wants only rice, for example, she may be denied her preferred food only because the Central Government had failed to deliver enough central pool stocks of rice to the States; or the State governments had failed to move the rice stocks to the fair price shops; or the fair price shops misused the rice stocks supplied to them, but yet the Central and State governments can rightfully impose on her wheat flour which she may not want to eat. This clause would thus conflict with her cultural choice of what she wants to consume, thus violating a fundamental ingredient of her right to the kind of food grain she wants. If the concept of food security should have any meaning for her, her entire entitlement should be available to her in the form of any of the three grains—rice, wheat or coarse grains, either wholly or in any quantitative combination of her choice and preference, but not because of government failure leading to the decision being imposed on her by the government or the fair price shop dealer.

Apart from economic and physical access to food, the definition of food security has always included the cultural compatibility of food and this is what the 1996 World Food Summit Plan of Action reiterated in a clear definition of Food Security when it held that “Food security, at the individual, household, national, regional and global levels [is achieved] 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”.

The Bill also uses concepts with a freedom that is detrimental to the food security of the poorest of the poor. In Chapter III on Entitlement of Special Groups Section 8 provides in clause (1) that all destitute persons shall be entitled to at least one meal every day, free of charge, in accordance with such scheme as may be prescribed by the Central Government. It is not clear how a single meal would constitute an entitlement that would in any way answer the predicament of destitution and hunger. This should be made two meals as only one meal would only perpetuate an entitlement to destitution.

In Chapter V under Food Security Allowance the right to receive food security allowance in certain cases has been mentioned. Section 12 states that in case of failure to supply the entitled quantities of food grains or meal to entitled persons under Chapters II, III and IV, such persons shall be entitled to receive food security allowance from the concerned State Government, to be paid to each person within such time and manner as may be prescribed by the Central Government. This section leaves the manner and time of payment of food security allowance for failure to guarantee food security to the State Government, as may be prescribed by the Central Government. Since this issue is the crux of the concept of food security it would be in order for the Government of India to be clear in the Bill to be introduced in the winter session rather than postpone it to a future date. The caution to be observed here is that the right-depriving idea of an ‘unemployment allowance’ as conceived in the MGNREGA 2005 should not be the model for the food security law. It is not morally right, or politically practical, to allow a failure of guarantee to happen in a context of guaranteed food security, as it is happening under the NREGA, because the consequences would be far reaching. Hunger is a more immediate issue unlike a partial guarantee of 100 days of employment in a year of 365 days made in the NREGA 2005. In any case, what the NREGA 2005 provided is not a right but a denial of right when the Act provided in Section 7 (2) of that Act for an unemployment allowance at a rate that shall not be less than “one-fourth of the wage rate for the first thirty days during the financial year and not less than one-half of the wage rate for the remaining period of the financial year.” Therefore, if a fair price shop fails to deliver the promised entitlement of food grains at prices promised by the Government through the National Food Security Bill 2011, on demand, during the course of a month in installments convenient to the cardholder, the government should pay immediately to the card holder the full market price applicable to the specific variety of the food grain concerned of fair average quality (FAQ), plus a failure of guarantee allowance. Such a provision alone would deliver the right to food security and also act as a deterrent to non-fulfillment of the promised guarantee of food security by the government, and compel the political establishment to properly oversee the functioning of its bureaucratic machinery so as to ensure that the promised guaranteed scale of food grains and, through that, food security

is indeed provided to the poor. This provision should be incorporated in the Bill before it reaches the parliament.

Chapter XI lays down Obligations of Local Authorities for the implementation of the Targeted Public Distribution System. There are 2 sections under this chapter namely 26 and 27 which refer to the obligations of local bodies like the Panchayati Raj Institutions and Municipal bodies in regard to the implementation of the different schemes that would be formulated to further the provisions of the Bill but there is no reference to their role in regard to identifying who should be in the priority group and who in the general category. Since identification of these groups is absolutely central to a targeted public distribution system, a reference to their responsibility in regard to identification, particularly the role of the Gram Sabha in the context of identification, should be specifically made in the Bill now itself.

Chapter XIV deals with the power of Central Government to make rules. Section 38 (1) empowers the Central Government to make rules to carry out the provisions of the Act. While that is fair enough, the length of the list of subjects is such including as it does subjects like guidelines for providing wheat flour in lieu of entitled quantity of food grains under sub-section (2) of section 3, schemes for emergency and disaster-affected persons under section 9, State-wise distribution of coverage of persons under priority households and general households under sub-section (2) of section 13 etc that this smacks of over centralization. It would be enough for Section 38(1) to be retained to the extent of rule-making power and dropping the items on the list that do not concern the central government.

Amongst the most indefensible provisions in this Bill is the one relating to the Force Majeure clause. It states in Section 42 that the Central Government, or as the case may be the State Government, shall not be liable for any claim by persons belonging to the priority households or general households or other groups entitled, for loss, damage, or compensation whatsoever arising out of failure of supply of food grains or meals when such failure of supply is due, either directly or indirectly, to force majeure conditions such as war, flood, drought, fire, cyclone, earthquake or any act of God. This clause should be altogether dropped. War alone can be justified as an extenuating circumstance

and none other as during all other contingencies mentioned in the Bill food security becomes even more relevant and urgent and a sine qua non. If a war comes Indian people will be the first to understand the Government's predicament or the Government can always suspend this right if such a situation becomes inevitable in war time. Under all other circumstances mentioned in this Bill a force majeure clause would ill-suit a rights-based law and deserves to be summarily removed.

Schedule I provides for food grain entitlements and issue prices under the Targeted Public Distribution System. For the priority households, it is seven kilograms of food grains per person per month. For the general households it is three kilograms of food grains per person per month. As for food grain entitlements, if the concept food security must have any meaning at all it should be at least 12 kg per person per month for priority households. One way of doing this, as a beginning, would be to link the balance entitlement to the wages in the NREGA programmes. In any kind of public employment programmes cereals and other essential commodities priced affordably, in this case at the price as provided in the National Food Security Bill, should form part of the wages for those wages to be considered real in terms of value. That would lend some meaning to the concept of a "living wage" as provided in Article 43 of the Constitution of India and as interpreted by the Supreme Court of India. That brings in a food-cum-nutrition security guarantee dimension as well to the wage. However, care should be taken to ensure that the cereal component in the daily wage is not more than what corresponds to the daily intake needs to the extent not exceeding the actual household requirement of 2 to 2 1/2 kg of food grains per day. For General Category Households the food grains entitlement at at least 6kg per person per month would be in order in the context of the uncontrolled inflation the economy has been experiencing for years now.

As for issue prices under the Targeted Public Distribution System, for the General Category Households the Bill provides food grains at a price not exceeding 50 per cent of the minimum support price for wheat and coarse grains, and a "derived minimum support price for rice." The citizen can understand the price at which he would get wheat and coarse grains as he may know that wheat and coarse grains do have a minimum support price. However, there is no way a



citizen will understand the meaning of the expression “derived minimum support price” for rice. This is a meaningless expression. In a rights-based effort at food security there should be clarity and transparency about price entitlement for an ordinary citizen. The Bill falls significantly short of this minimum clarity and transparency by using a complicated expression “derived minimum support price” for rice. Since, in any case, there is no minimum support for rice and there is a minimum support price only for paddy, the simple course would have been to resort to a specific price, which ordinary people can understand, such as for example, a price that is the average of the procurement price paid to millers for levy rice for A grade rice (half of it or whatever Government thinks feasible). The draft Bill should be changed on these lines.

At this stage, it is essential to state that the Government is ill-advised to promise coarse grains in this Bill with immediate effect, though the desirability of supplying coarse grains is absolutely beyond doubt and it should be done at the earliest. While there may be no problem with the availability of rice and wheat, the Government of India cannot honestly believe that if the people really take the reference made in the Bill to coarse grains in the Targeted Public Distribution System seriously and make a run on the fair price shops demanding coarse grains, the Government can satisfy the legal entitlement-based demand, viewed against the current low levels of area under coarse grains; the current low production of coarse grains and, therefore, the very low availability of marketable surpluses of coarse grains for procurement of the required quantities; or the stocks of coarse grains held over the years or today in the central pool. Or even in terms of these essential parameters governing food security in the immediate future. Government has sought to validate the food security promise in this Bill by defining people’s entitlement to mean an entitlement of all grains taken together but this kind of sophistry in semantics against substance will not work in reality because the Government’s juggling with words will be seriously questioned by the people once the implementation starts. Therefore it would be appropriate for the Government to acknowledge now itself in the Bill about the limited availability of coarse grains in terms of production, marketable surpluses, procurement and central pool stocks and tell the country that over a period during the coming years, through appropriate policies, this precarious supply situation in regard to coarse grains

would be rectified, and that the policy regarding coarse grains in this Bill is meant to be implemented in the future and over a period, and not immediately. Short term political objectives should not mask physical data and production facts for eventually they would defeat the projected political objectives. In food matters honesty is the better part of political valor.

Schedule II states that the “Nutritional standards for children in the age group of 6 months- 3 years, age group of 3-6 years and pregnant and lactating women required” would “be met by providing of ‘Take Home Rations’ and/or nutritious cooked meal or ready to eat meal in accordance with the Integrated Child Development Services Scheme”. The reference to “take home” foods needs to be entirely dropped in the light of several issues involved, including the need to encourage commensality at the anganwadi centre in the context of mitigating the caste system and the undesirable but widely-prevalent practice of sharing of the “take-home” food at home, including by husbands. Studies have shown that some of the “better off” among the pregnant women that come to receive supplementary nutrition at the anganwadi centre prefer not to eat at the anganwadi centre for “social” reasons that include feelings of caste superiority including even “untouchability” and therefore like to take the food home, including in the form of food grains. Caste is supposed not to attach itself to uncooked food grains. In such cases providing food grains (and ready to eat foods), instead of a cooked meal of locally available fresh food materials is seen as “convenient” by the ICDS staff also. These attitudes defeat one of the cardinal principles of the ICDS programme which also aims at social cohesion and equality going beyond mere provision of nutrition. All these questions need addressing for a comprehensive solution that should result in a hot, prepared meal made of local food materials being served in appropriate privacy to all women together so that coming to the anganwadi by pregnant women and consuming it at the anganwadi itself, rather than a “take home” meal, becomes the norm. Nursing women coming to the anganwadi for food and eating there promotes opportunities for nutrition and health education, in addition to the all-important practice of bringing the below-3 cohort to the anganwadi for greater stimulation, a need the importance of which cannot be exaggerated given its importance for the development of the brain in that crucial period of the life cycle. Exceptions, however,

can be made where absolutely essential through a fully participatory discussion among the beneficiaries themselves, depending only upon justifiable circumstances like acute ill health rendering absence inevitable, on a case by case basis in each anganwadi centre.

Schedule IV deals with provisions for advancing food security and it lists certain very useful steps to revitalize agriculture like agrarian reforms through measures for securing interests of small and marginal farmers; increase in investments in agriculture, including in research & development, extension services, micro and minor irrigation and power and ensuring remunerative prices, credit, irrigation, power, crop insurance etc. The formulation calling for strengthening of agriculture in a variety of ways in this section in the Bill is very well done. However, for food and nutrition security special emphasis is called for on dry land agriculture which this section lacks. An appropriate formulation that promotes specifically an agriculture policy that aims at raising levels of productivity across agro-climatic zones with focused encouragement and support to dry land agriculture and coarse grains; public-funded research in specifically evolving drought resistant seeds; and a credit policy that unambiguously supports these efforts for coarse cereals must find place in this section. This policy, it should be stated specifically, would aim at producing marketable surpluses of nutritious coarse cereals, primarily for food consumption needs through recognition of the primacy of palatability and taste preferences as also storage technologies to enhance shelf life, including in particular, at the locale of production itself.

To the reforms in the Targeted Public Distribution System mentioned in the Bill should be added a provision that a card holder would have the right to draw his monthly entitlement of rations any number of times during a month on any day of the month including up to the last day of that month in whatever quantities he can afford.

As part of the provisions for advancing food security, the Schedule IV in (3) (g) provides for introducing schemes such as cash transfer and food coupons, among others, to the targeted beneficiaries in lieu of their food grain entitlements specified in Chapter II, in areas and manner to be prescribed by the Central Government. This clause should be dropped. This Bill is about food

security. Quantitative entitlements and prices are fundamental to the food security of the poor people as quantity and price would both be influenced by a factor like food inflation, of which recent experiences have been cripplingly painful bordering on disaster for the poor. In this milieu cash transfers etc are a non-starter as they would never enable the realization of the entitled quantity at the price guaranteed in this Bill which is fundamental to food security. For the poor it is food that needs to be delivered directly as food or as food grains given our hunger and poverty levels and not cash, the purchasing power of which has been constantly eroding to the detriment of the poor. Also, cash could be diverted by the beneficiary without realizing the nutritional need. Food coupons could be similarly diverted through transfer. This clause should altogether be dropped as it violates the very concept of food security.

A reference in Schedule IV should be included to Nutrition Education and Health Education as a part of the entitlement of all the target groups and an appropriate formulation should be introduced in the Bill.

It is important that the Bill should show care in its use of language. It would be appropriate to use an expression like “nursing mother” rather than “lactating mother” while referring to a mother breastfeeding her baby. That would be more respectful of the gender and a mother. Similarly, as a rule, drinking water should be qualified as “safe” drinking water in the context of nutritional support to children and at all times.

The suggestions made in this article, it is hoped, would make for a food security law that is relatively better than the draft Bill placed on the website of the Ministry of Food and Public Distribution.



# CRITICAL ISSUES ON RESOURCES AND FUNCTIONING OF THE PUBLIC DISTRIBUTION SYSTEM

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## Section I: Background

Some 925 million people globally, or, more than the combined populations of the United States of America, Canada and the European Union, do not have enough to eat. Still more alarming is the fact that almost 98 percent of the world's undernourished people live in developing countries and two-thirds of them are concentrated in just seven countries: Bangladesh, China, the Democratic Republic of Congo, Ethiopia, India, Indonesia and Pakistan. About 60 percent of the total hungry people around the world are women and 50 percent of pregnant women in developing countries lack proper maternal care, resulting in over 300,000 maternal deaths annually from childbirth. One out of 6 infants is born with low birth weight in developing countries and one-third of all childhood deaths in Sub-Saharan Africa are caused by hunger. In the light of such grim statistics, some steps have been initiated to reduce the extent of hunger and malnutrition but the proportion of hungry people still remains too high. It has been recorded that 26 countries today have levels

of hunger that are “alarming” or “extremely alarming” with South Asia and Sub-Saharan Africa suffering the highest levels of hunger. In terms of mitigating hunger and securing food for its citizens, India consistently has one of the poorest records. According to the Global Hunger Index (GHI) report for 2011, the country's performance in reducing the numbers of people afflicted by malnutrition and hunger has remained dismal.

Taking a closer look at the hunger situation in some selected countries of the Africa and Asia regions, it is found that India's performance is one the worst in terms of reducing hunger and malnutrition. The country is ranked 67 out of 122 countries in GHI, 2011, the same as it was in GHI, 2010. Countries like South Africa, Ghana and Botswana in the African continent and Sri Lanka, Nepal and Pakistan are performing better compared to India, as noted by the global report. In fact, India's GHI score in 2011 is 23.7, worse than what it was in 1996 (Table 1).

**Table 1: GHI Scores and Rank of some Selected African and Asian Countries**

Country	GHI Scores				GHI Rank
	1990	1996	2001	2011	
South Africa	7.0	6.5	7.4	6.4	13
Ghana	21.0	16.1	13.0	8.7	20
Botswana	13.4	15.5	15.9	13.2	32
Republic of Congo	23.2	24.2	16.0	13.2	32
Sri Lanka	20.2	17.8	14.9	14.0	36
Nigeria	24.1	21.2	18.2	15.5	40
Uganda	19.0	20.4	17.7	16.7	42
Zimbabwe	18.7	22.3	21.3	17.7	46
Kenya	20.6	20.3	19.9	18.6	50
Nepal	27.1	24.6	23.0	19.9	54
Pakistan	25.7	32.7	25.2	21.0	59
India	30.4	22.9	24.1	23.7	67
Bangladesh	38.1	36.3	27.6	24.5	70

Source: Compiled from base data given in Global Hunger Index report, "The Challenge of Hunger: Taming Price Spikes and Excessive Food Price Volatility", 2011, published jointly by the International Food Policy Research Institute (IFPRI), Concern Worldwide, and Welthungerhilfe.

Further, 77 percent of the country's total population is surviving on a per capita daily consumption expenditure of Rs. 20 or less, which indicates that a majority of the people are poor, vulnerable, food deprived and malnourished. The severity of the situation is also reflected in the data on child malnutrition and women who are anaemic. As widely reported, around 50 percent children are undernourished and more than 75 percent women are anaemic in rural India. Similarly, if one looks at the country's poverty statistics, the recent Suresh Tendulkar Committee puts the all-India figure at around 37.2 percent, i.e., 41.8 percent for rural areas and 25.7 percent for urban areas. The N.C. Saxena Committee had projected the poverty estimate for rural India as being as high as 50 percent, which highlights the plight faced by a large segment of the rural population. The overall food and nutritional security scenario, seen in terms of human development indices (in Table 2), is deplorable and does not auger well for a rapidly developing country such as India.

**Table 2: Indicators of Food and Nutritional Insecurity in India**

Indicators	Sources and Reference Years	Values
Estimated Population	Census, 2011, Gol	1210 Million
Annual Growth Rate of Population (Estimated)	Census, 2011, Gol	1.76 %
Compounded Annual Average Growth Rate of Total Food Grains Production	Period is between 1990-91 to 2010-11, computed based on the date given in Handbook of Statistics on Indian Economy, 2011, RBI	1.58 %
Rural Household reported food inadequacy	NSS, 61st Round, 2004-5, Gol	2.4 %
Persons Below Poverty Line in Rural Areas (Rs. 12 per person per day)	Based on URP consumption data, NSSO, 61st Round, 2004-5, Gol	28.3 %
Population below \$ 1 a day	India Development Report, 2008, IGIDR	35.3 %
Population below \$ 2 a day	India Development Report, 2008, IGIDR	80.6 %
Proportion of children less than five years of age classified as Undernourished	NFHS-III, 2005-6, Gol	48.0 %
Proportion of children less than five years of age classified as Underweight	NFHS-III, 2005-6, Gol	42.5 %
Proportion of children less than five years of age severely undernourished	NFHS-III, 2005-6, Gol (according to height-for-age)	23.7%
Proportion of children less than five years of age severely undernourished	NFHS-III, 2005-6, Gol (according to weight-for-age)	15.8%
Proportion of children less than five years of age in any degree of Anaemia	NFHS-III, 2005-6, Gol	69.5%
Children (0-5 years) with any Anaemia	NFHS-III, 2005-06, Gol	69.5 %

Infant Mortality Rate (IMR) for Rural areas (for the year, 2009)	India Human Development Report, 2011, Oxford	55
Women with any Anaemia	NFHS-III, 2005-06, Gol	51.8 %
Maternal Mortality Ratio, 2007-09	India Human Development Report, 2011, Oxford	212
Adult women with Body Mass Index (BMI) < 18.5	India Human Development Report, 2011, Oxford	33 %
Adult men with Body Mass Index (BMI) < 18.5 for Women	India Human Development Report, 2011, Oxford	34.2
Rural population belong to household having Monthly Per capita Consumption Expenditure below Rs. 365, i.e., Rs. 12 per person per day -All Category	NSS, 62nd Round, 2004-05, Gol	19 %
Proportion of rural population in India having MPCE below the average level of Rs. 580	NSS, 64th Round, 2006-07, Gol	50.3%
Proportion of urban population in India having MPCE below the average level of Rs. 990	NSS, 64th Round, 2006-07, Gol	17.4%
Out of every rupee that the average rural Indian spent on food	NSS, 64th Round, 2006-07, Gol	52 paise
Out of every rupee that the average urban Indian spent on food	NSS, 64th Round, 2006-07, Gol	37 paise

The total population (provisional) of the country is around reported to be 121 crore and the annual growth rate of population is 1.76 percent. However, the annual growth of total food grains production is 1.58 percent. Even though the country has achieved high production of food grains, i.e., almost 243 million tonnes, the annual growth rate of food grains production since 1990-91 seems less than the annual growth rate of the population, which is worrisome considering the commitment of the Government of India (GOI) to ensure food for all.

### Commitments made by the Government towards Ensuring Food and Addressing Malnutrition Concerns

In its bid to return to power in the 2004 general elections, the Congress leading the incumbent United Progressive Alliance (UPA-I) government at the Centre had promised, in the coalition's National Common Minimum Programme (NCMP of its minimum objectives), that all-out efforts would be made to ensure universal food and nutritional security in the country.

The pledge to guarantee "food for all" and address concerns relating to malnutrition was renewed in the Congress election manifesto before UPA-II was voted to office in the 2009 general elections. Box 2 outlines the basic promises made in the NCMP of UPA-I.

#### Box 1: UPA's NCMP Promises on Food and Nutrition Security

- To work out a comprehensive medium-term strategy for food and nutrition security. The objective will be to move, over time, towards universal food security.
- To strengthen the Public Distribution System (PDS), particularly in the poorest and backward blocks of the country, and to involve women's and ex-servicemen's cooperatives in its management.
- To launch special schemes to reach food grains to the most destitute and infirm.
- To establish Grain Banks in chronically food-scarce areas.
- To introduce *Antyodaya* cards for all households at risk of hunger.
- To bring about major improvements in the functioning of the Food Corporation of India (FCI) so as to control inefficiencies that increase the food subsidy burden.
- To expand on a significant scale, nutrition programmes particularly for the girl child.

Partly in pursuance of these commitments, the Union Government introduced the National Rural Employment Guarantee Act (NREGA) in August 2005, to provide at least 100 days of wage employment every financial year to every rural household whose adult members volunteered to do unskilled manual work. In the first phase, the flagship scheme – which has since been renamed Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) – covered 200 districts; in the second phase, 130 additional districts were covered and in the third phase (since 2008-09), all remaining districts were included

under the scheme. Two important erstwhile schemes for food security – Sampoorna Grameen Rozgar Yojana (SGSY) and National Food for Work Programme (NFFWP) – have been subsumed under MGNREGS. Subsequently, the Village Grain Bank (VGB) scheme, which was hitherto under the Ministry of Tribal Affairs, was transferred to the Department of Food & Public Distribution, GoI. The objective of the scheme was to establish grain banks in chronic food-scarce areas and to provide safeguards against starvation during the lean period. The scheme was also intended to mitigate drought-induced migration and food shortages by making food grains available in the affected villages during natural calamities. A number of other schemes were also introduced during the UPA's first term in office, but the budgetary allocations / expenditures to implement and / or strengthen these Plan schemes seem far from satisfactory.

#### Box 2: Eleventh Five Year Plan Proposals on Food & Nutrition Security

- To introduce a single Central Issue Price for both below poverty line (BPL) and above poverty line (APL) families in those states where the Targeted PDS is not performing satisfactorily.
- To introduce food stamps as a viable alternative to the present PDS system, if markets can be integrated.
- To introduce Multi Application Smart Cards (MASCs) to facilitate simplification of procedures and enhance the efficiency of PDS.
- To stop the massive leakage of fiscal subsidy to the non-poor on one hand and the ineffective targeting of the poor by the cardholder-based TPDS on the other.
- To redirect subsidies currently in the PDS to better funding of other schemes (Mid Day Meal Scheme-MDMS and Integrated Child Development Services-ICDS).
- To universalise ICDS and to restructure its Mission Mode, with a mission structure at the Central level and a similar structure at the state level with greater focus on 0 to 3-year-old children.
- To give priority to micronutrient malnutrition control, especially to tackle anaemia.
- To reduce anaemia among women and girls by 50 percent by the end of the Eleventh Plan
- To expand the existing Iron and Folic Acid Supplementation Programmes under Reproductive and Child Health (RCH, which is a part of the National Rural Health Mission-NRHM) and to expand the Vitamin A Supplementation Programme for all children between nine months and five years, along with increasing the low coverage of these interventions to 90 percent by 2009.

UPA-I imposed an Education Cess of 2 percent on all major Central taxes through the Finance Act, 2004, to ensure sustainable nutritional security to all primary school children. The Prarambhik Shiksha Kosh (PSK) was established with effect from September 2005 as a dedicated non-lapsable fund to receive the proceeds of the cess. The funds in PSK were to be used for Sarva Shiksha Abhiyan (SSA), National Programme for Nutritional Support to Primary Education or MDMS. However, the funds collected through the cess, primarily meant for additional budgetary support to SSA and MDMS, have in actual fact replaced the original provisions under these schemes on the grounds of a supposed resource crunch.

MDMS nutritional intake guidelines were revised in June 2006 under which a provision of cooked mid day meal with a nutritional value of minimum 450 calories, including 8-12 gm of protein, was envisaged. While the guidelines of providing 110 gm of free food grains per child per school day remains, the cooking cost has been increased to Rs. 1.50 per child per school day. The government also revised the coverage pattern of the scheme in October 2007 to reach out to the upper primary level (Classes VI to VIII) in 3,479 educationally backward blocks. From 2008-09 onwards, the programme has been extended to all children up to the upper primary level (from Class I to VIII) in all areas across the country. However, the concerns relating to the quality of MDMS is still an issue that needs to be looked into. In other measures, the Centre has increased the share in Supplementary Nutrition Programme (SNP) through ICDS since 2005-06. Unfortunately, the states have been facing an additional burden since the financial year 2009-10 as the fund sharing pattern of ICDS has been in operation whereby all non-special category states have to bear 10 percent of the total costs under the programme. Moreover, the government is yet to make any further commitment with regard to universalization of ICDS, particularly with respect to a substantial revision of the salary structure of Anganwadi workers.

Besides providing food and nutritional inputs to ensure security among the poor and marginalized, the government has launched many other essential and related schemes with food security components such as the National Food Security Mission (NFSM), Rashtriya Krishi Vikas Yojana (RKVY) along with a comprehensive National Policy for Farmers (2007) to

boost food grains and maintain self-sufficiency in the production process. However, these schemes have had a very limited impact as regards improving the status of hunger and malnutrition.

In a welcome step, the Approach Paper to the Twelfth Five Year Plan stresses on increasing investment towards the agriculture sector, particularly agriculture research and education, to boost food grains production, but it remains to be seen whether these assurances too are just on paper.

## Status of Food Grains Production

Claims that the country is at present witnessing the highest ever food grains production does not mean that all the people have access to safe and nutritious food. The moot question is whether the people in general are getting enough food grains at the time of natural calamities, which is contingent upon management of food grains. Simply maintaining buffer stocks by flooding food grains the godowns does not mean that the people are getting food as and when required. On the contrary, the news media has often reported

instances where food grains are rotting in FCI godowns while millions of people around the country are unable to get even one square meal a day. In fact, the Supreme Court has on several occasions taken cognizance of the cases and termed as “extremely serious” the fact that large quantities of food grains were rotting in government-run granaries due to inadequate storage capacity.

Looking at **Table 3**, the status of food grains production and availability in the country since Independence – barring a few lean years – has been steadily increasing. Even so, it has failed to meet requirements as the growth rate of food grains production is less than that of the population. The compounded annual average growth rate of food grains production from 1990-91 to 2010-11 is 1.56 while the annual average growth rate of population for the corresponding period is 1.76. Another reason could be the low priorities accorded in the annual budgets of the country towards agriculture compared to other sectors of the economy. As a result, the net availability of food grains (per capita per day) has come down to 454 gm in 2008-09 compared to 510 gm in 1990-91.

**Table 3: Status of Major Food Grains Production since 1950-51 (in Million Tonnes)**

Year	Cereals				Pulses	Total Food grains	Per Capita Per Day Net Availability of Food Grains (in Grams)
	Rice	Wheat	Coarse Cereals	Total Cereals			
1950-51	20.58	6.46	15.38	42.42	8.41	50.83	394.9
1960-61	34.58	11	23.74	69.32	12.7	82.02	468.7
1970-71	42.22	23.83	30.55	96.6	11.82	108.42	468.8
1980-81	53.63	36.31	29.02	118.96	10.63	129.59	454.8
1990-91	74.29	55.14	32.7	162.13	14.26	176.39	510.1
2000-01	84.98	69.68	31.08	185.74	11.07	196.81	416.2
2001-02	93.34	72.77	33.37	199.48	13.37	212.85	494.1
2002-03	71.82	65.76	26.07	163.65	11.13	174.78	437.6
2003-04	88.53	72.15	37.60	198.28	14.91	213.19	462.7
2004-05	83.13	68.64	33.46	185.23	13.13	198.36	422.4
2005-06	91.79	69.35	34.06	195.20	13.39	208.59	445.3
2006-07	93.35	75.81	33.92	203.08	14.2	217.28	442.8
2007-08	96.69	78.57	40.76	216.02	14.76	230.78	436.0
2008-09	99.18	80.68	40.03	219.9	14.57	234.47	444.0 p
2009-10	89.13	80.80	33.55	203.48	14.66	218.11	NA
2010-11	95.32	85.93	42.22	223.47	18.09	241.56	NA

Note: Data for 2010-11 are based on Advance Estimates. NA-Not available; p=provisional

Source: Handbook of Statistics on Indian Economy, Reserve Bank of India and Economic Survey, 2010-11, Government of India

The third important reason for food insecurity, and the concomitant increase in hunger and malnutrition, is the low access to food grains. Further, despite the implementation of MGNREGS, the rural people have been unable to increase their purchasing power as a sizable percentage of those living in the villages have not received wages under the ambitious scheme, owing to some inherent systemic flaws.

## Section-II: Overview and Functioning of the PDS in the Country

The Public Distribution System in the country was evolved in 1942 due to shortage of food grains during World War II. The then government started distribution of food grains through the PDS, and after the food scarcity period, the intervention was continued in major cities, towns and certain food deficit areas. However, the policy of PDS / Rationing System has undergone several changes with the introduction of the five year planning system in the country. The Seventh Five Year Plan assigned it a crucial role by bringing the entire population under PDS. It has over the years developed into a major instrument of the government's economic policy for ensuring availability of food grains to the public at affordable prices as well as for enhancing food security for the poor. It is an important constituent of the strategy for poverty eradication and is intended to serve as a safety net for the poor, whose numbers have been increasing and are nutritionally at risk. At present, the PDS with a network of about 4.99 lakh Fair Price Shops (FPSs) across the country, is perhaps the largest distribution network of its type in the world.. It is operated under the joint responsibility of the Central and state governments. The Centre has taken the responsibility for procurement, storage, transportation and bulk allocation of food grains while the onus for distributing the food grains to the consumers through the network of FPSs lies with the state governments. The operational responsibilities, including allocation within the state, identification of BPL families, issue of ration cards, supervision and monitoring the functioning of FPSs are also with the states.

Until 1992, the PDS was a general entitlement scheme for all consumers without any specific target. The Revamped Public Distribution System (RPDS) was

launched in June 1992 in 1,775 blocks throughout the country with a view to strengthen and streamline the PDS as well as to improve its reach in the hilly, remote and inaccessible areas. RPDS was launched in the 1,775 blocks, identified for special focus in consultation with state governments, so that their PDS infrastructure could be streamlined through area-specific programmes such as the Drought Prone Area Programme (DPAP), Integrated Tribal Development Projects (ITDP), and Desert Development Programme (DDP). Food grains for distribution in RPDS areas were issued to the states at 50 paise below the Central Issue Price (CIP). The scale of issue was up to 20 kg per card.

The Public Distribution System, however, came under heavy criticism, particularly for its failure to serve the BPL population, its urban bias, negligible coverage in the states with the highest concentration of the rural poor, lack of transport, and inadequate arrangements for delivery. Hence, the Targeted Public Distribution System (TPDS) was introduced with effect from June 1997 and the Antyodaya Anna Yojana (AAY) was launched in December 2000 in order to make the system more effective and focussed on the BPL population. AAY contemplates identification of one crore poorest of the poor families from amongst the BPL families covered under TPDS within the states and providing them food grains at the highly subsidized rates of Rs 2 per kg for wheat and Rs 3 per kg for rice. The states / Union Territories are required to bear the distribution costs, including margin to dealers and retailers, and the transportation costs. The states / UTs are also free to add to the quantum coverage and the subsidy from their own resources. Thus, the entire food subsidy is being passed on to the consumers under the scheme. When introduced, the scheme was intended to benefit about 6 crore poor families for whom a quantity of about 72 lakh tonnes of food grains was earmarked annually. The identification of the poor under the scheme is done by the states as per state-wise poverty estimates of the Planning Commission for 1993-94 based on the methodology of the "Expert Group on estimation of proportion and number of poor" chaired by Late Prof D.T. Lakdawala. However, the coverage of the total number of BPL families at present is 6.52 crore, as against 5.96 crore families originally estimated when TPDS was introduced in 1997. The scale of issue of food grains that was initially 25 kg per family per month has been increased to 35 kg per family per month with effect from 1st April 2002. Accordingly,



allocations of food grains for AAY and BPL categories are made at 35 kg per family per month to the 6.52 crore families in the country identified in the BPL category. However, allocation for the APL category is made depending upon the availability of stocks of food grains in the Central Pool. The current allocation of food grains to APL families ranges between 10-35 kg per family per month, and varies across states. But the TPDS too has been challenged by experts who say that targeting the PDS and restricting its coverage would mean denying the basic food rights of the masses. According to economist Madhura Swaminathan: “... under the regime of orthodox economic reform and structural adjustment, the objective of expenditure reduction has taken priority over welfare objectives such as the objective of providing food security”<sup>1</sup>.

### Status of Food Grains Procurement, Distribution, Storage and Minimum Buffer Stocks

Table 4 presents information relating to the status of food grains (wheat, rice and cereals only) procurement,

off-take and stocks in the country since 1973-74. It has been found that procurement of total food grains increased to 57 million tonnes (56.8 million tonnes) in 2010-11 compared to 35 million tonnes in 2000-01. Data shows clearly that food grains procurement through FCI and various other agencies marked a remarkable achievement during the period. In spite of record procurements in 2010-11, when the government had secured 25.9 million tonnes of wheat and 31.1 million tonnes of rice, commensurate improvements on the food security front were not observed (depicted from the data relating to off-take). During 2008-09, off-take on rice and wheat was very low compared to procurements.

It is evident from the statistics that a large section of the poor and marginalized across the country is still in the grip of hunger and malnutrition even though there has been record procurement of food grains. Available literature shows that people are not in a position to demand food grains from FPS because of their low purchasing power; and the reality is reflected through the trends in food grains off-take. The data in Table 5

**Table 4: Procurement, Off-Take and Stock of Wheat and Rice since 1973-74 (in Million Tonnes)**

Year	Procurement			Off-Take			Stocks		
	Rice	Wheat	Total	Rice	Wheat	Total	Rice	Wheat	Total
1973-74	3.9	4.5	8.5	3.2	6.9	10.1	2.1	0.9	3.5
1980-81	5.3	5.9	11.2	5.9	7.5	13.4	6.7	3.1	9.9
1990-91	12.9	11.1	24.0	7.9	8.6	16.5	10.2	5.6	15.8
2000-01	18.9	16.4	35.3	10.4	7.8	18.2	23.2	21.5	45.0
2001-02	21.1	20.6	41.8	15.3	16.0	31.3	24.9	26.0	51.0
2002-03	19.0	19.0	38.0	24.9	25.0	49.8	17.2	15.7	32.8
2003-04	20.8	15.8	36.6	25.0	24.3	49.3	13.1	6.9	20.7
2004-05	24.0	16.8	40.8	23.2	18.3	41.5	13.3	4.1	18.0
2005-06	26.7	14.8	41.5	25.1	17.2	42.3	13.7	2.0	16.6
2006-07	26.3	9.2	35.5	25.1	11.7	36.8	13.2	4.7	17.9
2007-08	26.3	11.1	37.4	25.2	12.2	37.4	13.8	5.8	19.8
2008-09	32.8	22.7	55.5	24.6	14.9	39.5	21.6	13.4	35.6
2009-10	32.6	25.4	58.0	26.9	22.0	48.9	26.7	16.1	43.4
2010-11	31.1	25.9	56.8	29.8	23.1	52.9	28.8	15.4	44.4
2011-12	7.8	27.9	35.7	2.3	1.7	4.0	25.3	35.9	61.3

Note: Total stocks include coarse cereals; for 2010-11, procurement date is up to August 18, 2011, off-take data for the period April 30, 2011 and stocks as on August 1, 2011.

Source: Handbook of Statistics on Indian Economy, 2011, RBI

1 Madhura Swaminathan (2000), “Weakening Welfare: The Public Distribution of Food in India”, Leftword, New Delhi.

shows the trends of food grains allotment and lifting from the Central Pool since 2006-07. At present, the TPDS is operative all over the country. As per the policy prescription, the government keeps a certain amount of food grains as buffer stocks every year and the quantity varies as per the norms decided. Apart from the food grains procured for the Central Pool, the government makes provisioning of allotment to various distributing agencies through the TPDS. Examining the trends of allotment and lifting of wheat and rice under the TPDS, it has been found that there is a huge gap between the quantity lifted and the allotment for both wheat and rice. During the financial year 2011-12 (Up to October, 2011), the allotment of wheat was 15.3 million tonnes whereas the quantity of wheat lifted was 11.1 million tonnes. Similarly, the quantity of rice allotted was 19.5 million tonnes while only 13.3 million tonnes of rice was lifted.

**Table-5: Allotment and Lifting of Wheat and Rice under TPDS (in Million Tonnes)**

Year	Wheat		Rice	
	Allotment	Lifting	Allotment	Lifting
2006-07	14.4	10.1	43.3	15.9
2007-08	11.9	10.6	27.3	17.5
2008-09	14.4	9.7	23.7	16.0
2009-10	21.3	13.9	24.1	15.8
2010-11	22.2	17.3	28.4	18.8
2011-12 (Upto October, 2011)	15.3	11.1	19.5	13.3

Source: Annual Report 2010-11 of FCI, Government of India

During the fiscal 2010-11 (up to December 2010), the off take of food grains from the Central Pool was 38.4 million tonnes. The quantum of off-take of rice was 21.8 million tonnes and that of wheat was 16.6 million tonnes. Out of this total quantity of food grains off-take, almost 35 million tonnes of food grains were distributed under the TPDS. The remaining 3.4 million tonnes were distributed under various schemes such as MDMS, Wheat Based Nutrition Programme (WBNP), Emergency Feeding Programme (EFP), SC and ST Hostels, and VBG (Table 6).

**Table-6: Distribution of Food Grains under Various Heads (In Lakh Tonnes)**

A- TPDS	Rice	Wheat	Total
AAY (Antyodaya Anna Yojana)	49.06	23.69	72.74
BPL (Below Poverty Line)	84.50	43.99	128.49
APL (Above Poverty Line)	52.50	74.49	126.99
<b>Total</b>	<b>186.05</b>	<b>142.17</b>	<b>328.22</b>
Special Adhoc	11.60	9.99	21.59
<b>Sub Total – A</b>	<b>197.64</b>	<b>152.16</b>	<b>349.80</b>
<b>B- Welfare Schemes *</b>			
MDMS (Mid Day Meal Scheme)	13.84	3.59	17.43
WBNP (Wheat Based Nutrition Programme)	2.11	5.27	7.38
EFP (Emergency Feeding Programme)	0.13	0.00	0.13
Hostels/Welfare Institutions	0.93	0.39	1.23
Annapurna	0.35	0.16	0.50
NPAG (Nutrition Programme for Adolescent Girls)	0.07	0.03	0.10
VGB (Village Grain Bank)	0.07	0.00	0.07
<b>Sub-Total –B</b>	<b>17.50</b>	<b>9.44</b>	<b>26.94</b>
<b>(C) Other Schemes</b>			
World Food Programme, Relief, Defence etc.	1.49	0.98	2.47
Open Sale / Tender Sale/ Export	1.57	3.62	5.19
<b>Sub-Total- C</b>	<b>3.06</b>	<b>4.60</b>	<b>7.66</b>
<b>Total (A+B+C)</b>	<b>218.20</b>	<b>166.20</b>	<b>384.40</b>

\*As reported by FCI;

Source: Annual Report 2010-11, Department of Food & Public Distribution, Government of India

The Central Issue Price, which is uniform throughout the country, fixed from time to time by the Department of Food & Public Distribution, Ministry of Consumer Affairs, GOI. Information on current CIP of wheat and rice effective from 1st July, 2002, are given in Table 7.

**Table 7: Central Issue Price of Rice and Wheat under TPDS for Various Categories (in Rupees per Quintal)**

Commodity	APL	BPL	AAAY
Wheat	610	415	200
Rice Common Grade	795 \$	565	300
Rice Grade 'A'	830	565	300

Note: \$-applicable to J&K, Himachal Pradesh, Sikkim, Uttaranchal and NE States.

Source: Annual Report 2010-11 of FCI, Government of India

Since July 2002, the price of wheat and rice has been fixed at Rs. 2 and Rs. 3 per kg respectively for distribution to the AAY category. For BPL and APL categories, the price of wheat has been fixed at Rs. 4.15 and 6.10 per kg respectively.

The subsidised food grains policy of the government, in operation since the 1990s, has been plagued by the problem of targeting the distribution and related mainly to the exclusion error. The exclusion of deserving households, which ought to be covered under subsidised grain distribution system, has been the centre of debate in policy circles and academia. In some sense, this has resulted in mistrust between the Centre and the states and affected the spirit of the federal structure in the country. There are also issues pertaining to rejection of the APL-BPL distinction imposed on the states by the Centre for the purpose of PDS, reduction of the prices of food grains for BPL categories by the states, inclusion of other items such as edible oil and pulses in the PDS, and free food grains distribution (e.g., Tamil Nadu started distributing food grains free of cost since June, 2011).

There are instances of a few states having already introduced universal or more inclusive systems of PDS. While Tamil Nadu has had a universal system for some time, the one in Himachal Pradesh is somewhat different; the state has separate CIPs for BPL and APL though food grains entitlement for both categories is the same. In Andhra Pradesh and Chhattisgarh, the systems are quasi-universal whereas the KBK (undivided Kalahandi, Bolangir and Koraput districts) region of Odisha has a universal PDS.

The policy makers at the Centre could take a cue from the experiences of these states and evolve a universal system for the entire country. In any case, the demand for revamping the PDS needs to be prioritized, and under no circumstances should food vouchers/ stamps / coupons replace the present system of food grains entitlements. There are several inherent and systemic flaws in the present PDS system and various committees constituted to look into the system have made valid points of recommendations. But the government is yet to implement these in letter and spirit. It at least needs to plug the loopholes for better delivery under the present system.

Coming to the proposed National Food Security Bill (NFSB) recently tabled in Parliament and currently under scrutiny; Earlier, the Prime Minister's Expert Committee headed by C. Rangarajan had ruled out the proposal of the National Advisory Council (NAC) on the bill for near universalization of PDS. Refusal by the Union Government to distribute food grains to the APL category clearly reflects its intentions not to universalise the distribution of cereals under PDS. On the other hand, its rejection of the NAC's proposal is primarily based on three reasons: a) insufficiency of food grains or supply constraint; b) leakages in the system; and c) lack of adequate resources to finance the food subsidy bill. However, a preliminary look into these three reasons rules out the government's proposition - not to universalise the distribution of rice and wheat under PDS in the country.

The argument relating to insufficient food grains has no credence in the current scenario if the latest procurement trends of food grains are anything to go by. In 2010-11, the Union Government procured 25.9 million tonnes of wheat and 31.1 million tonnes of rice, which accounted for roughly one-fourth of the food grains production. The proportion is even less if the trend of food grains production in the country, which is to the tune of 243 million tonnes, is taken into account. It is therefore safe to assume that there is sufficient food grains production, even though the country is not self-reliant yet, to distribute cereals under a universal PDS.

There is a need for reducing the CIP of food grains for BPL and APL categories. As mentioned, under TPDS, the CIP for wheat for the BPL households is much higher than the price charged to the AAY households. Similar is the case for the CIP of rice to BPL and APL categories. There are instances of states further slashing the CIP of rice / wheat, which amounts to either full universalization of near universalization of entitlements with a common CIP for all categories of households. There is also the opinion that a "common issue price" could reduce the existing complexity of PDS, particularly relating to leakages or misappropriation of food grains.

A more critical concern is the fact that the present system is riddled with corruption. Steps need to be taken to make it corruption-free, efficient and accountable through provision of better infrastructure,

fixing accountability on key functionaries and introducing systemic reforms to ensure that the financial and institutional constraints with regard to effective implementation of PDS are addressed. There are several recommendations by various panels and researchers on how PDS can be revamped and redesigned. These include: opening up of new outlets (FPS) with service provided at least in the morning and evening hours so that people can fetch food grains; computerization of records; stringent enforcement and establishment of the grievance redressal mechanism; and, allowances in lieu of the loss of wage.

Further, there is a need for increasing budgetary provisions towards construction of food storage facilities and godowns to store procured grains. Several researchers have concluded that an acute problem plaguing PDS relates to getting food grains on time. Expansion of storage facilities by constructing / restoring new and existing godowns could be taken up

to reduce both costs of transportation as well as delays in food grain distribution.

### Section-III: A Critique of the Food Security Bill

This section examines the proposed food security legislation from the point of view of financial provisions only.

The National Food Security Bill, 2011, in its financial memorandum includes the items (see **Table 8**), the financial requirements for which are to be borne by various levels of government. The memorandum also states that it is very difficult to arrive at a concrete estimation of the costs required for implementing the proposed legislation. The amounts estimated in the bill are listed below.

**Table 8: Analysis of Financial Provisions made in the proposed Food Security Legislation**

Sl. No	Heads of expenditure	Norms defined	Amount to be Required	Whose Responsibility	Remarks
1	2	3	4	5	6
1	Cost for carrying buffer stock	The annual estimated carrying cost of a stock of Five Million tons foodgrains at 2011-12 (cost prices) and is a recurring expenditure	Rs. 2061 crore (already borne by the Central Government as part of TPDS)	Centre	
2	Food Subsidy	Per person, per month entitlement of foodgrains enshrined in the legislation. The amount of Food Subsidy may vary depending upon the Economic cost, Central Issue Prices (CIP), Number of beneficiaries covered and quantity to be allocated and / or lifted etc.	Rs. 79800 crore	Recurring in nature and to be incurred by the Centre	Again the Food Security Legislation resort to the provision of existing targeted one instead of repeatedly demanded for Universalisation. For universalising the PDS, States have to bear the additional cost.
3	Nutritional support to pregnant and lactating women and children below the age of fourteen	Pregnant and lactating women and children below the age of fourteen under ICDS and MDM	At present (budgeted for 2011-12) total expenditure provisioned under ICDS is Rs 10000 crore and under MDM is Rs. 10380	Both Centre and States at a sharing basis. ICDS was a Central Sector Scheme upto 2008-09, but from the financial year 2009-10, funding pattern of ICDS has been shared between Centre and States. The sharing pattern of all components except supplementary nutrition	ICDS is yet to universalise and there is no such commitment in the legislation that ICDS would be universalized in near future

Sl. No	Heads of expenditure	Norms defined	Amount to be Required	Whose Responsibility	Remarks
1	2	3	4	5	6
			crore in the Union Budget.	has been changed to 90:10 between the Centre and States/UTs. For Supplementary Nutrition Programme, the ratio of 50:50 continues except for North-Eastern States, where it has been changed to 90:10. The MDM is a Centrally Sponsored Scheme.	
4	Maternity benefit (Cash) to every Pregnant and Lactating women.	At present (coverage would be 2.25 crore pregnant and lactating women with a minimum of Rs. 1000 per month for Six months	Rs. 13500 crore, proposed expenditure to be incurred	To be shared between Centre and States	Such a scheme is to be implemented.
5	Supply of meals, free of cost or at affordable prices.	To (identified, identification is yet to be done) destitute and homeless persons, emergency and disaster affected persons and persons living in starvation	As per the Scheme to be prescribed by the Central Government	To be shared between Centre and States	No such clear provision mentioned in the legislation about the free supply of meals. The costs of such expenditure may be passed on to the states' shoulder.
6	Identification of persons, households, groups or communities, living in starvation or conditions akin to starvation	List of such individuals, households, communities, groups has to be prepared by the states	Not known	Cost for identifying such individuals, households, groups and communities to be borne by the States	States may fear of increasing such numbers, as the cost is to be borne by them. In other words, higher the number, higher burden will be to the state exchequer. So in the initial stage, states may refrain of including such individuals or groups in the list, who actually deserve to be included.
7	Food security allowance	Non-supply of the entitled quantities of food grains or meal to entitled persons	Recurring in nature and the amount to be incurred is not known	Entirely by the States	
8	Identification of Priority and General category households	As per the guidelines (to be issued by the Central Government), list to be prepared after conducting the survey	One time for a particular period of time	To be shared between Centre and States	
9	Display of surveyed HH list in the public domain	Cost of displaying the list	One time for a particular period of time	Entirely by the States	There is no clarity, what would be the mode of displaying all these information for the use of public.

Sl. No	Heads of expenditure	Norms defined	Amount to be Required	Whose Responsibility	Remarks
1	2	3	4	5	6
10	Setting up of internal grievance redressal mechanism	May be call centres, help lines, nodal officers etc.	Not known	By the respective government	
11	District Grievance Redressal Office	District Grievance Redressal Officer with a full-fledged office for each district	Recurring in nature	Entirely by the States	
12	Constitution of State Food Commission	A full-time Commission	Recurring in nature	Entirely by the States	
13	Constitution of National Food Commission	A full-time Commission	Recurring in nature	Entirely by the Centre	
14	Creation of storage capacity	No such clear mention of units to be constructed and / or upgraded	One time (capital) expenditure	Entirely by the Centre	
15	Transportation, storage and handling of foodgrains	Transportation cost from designated Central Storage point to the point of delivering foodgrains, management of fair price shops, and cost of storage, if required etc.	Recurring	State governments	
16	Construction of storage capacity	Creation of storage capacities to distribute foodgrains under TPDS and other welfare schemes at the state, district or at the local level to ensure timely distribution of food grains	One time expenditure	Entirely by the states	
17	Cost for implementing legislation	Cost for strengthening local authorities, if required, to implement such legislation	Not known	Entirely by the states	
18	Provision of Social Audit	If arises, by an independent agency and/ or individuals	Not known	Entirely by the Central government	
19	Setting up of Vigilance Committees	At various levels	Recurring in nature	Entirely by the states	

Source: Compiled from base information provided in NFSB, 2011.

*The information compiled in the Table above is primarily gleaned from the NFSB, 2011. There are no such specific heads mentioned in the NFSB, 2011; however, for the sake of analysis and easy understanding, we have coined all these heads where budgetary provisions have to be made. We have added our interpretations for these proposed heads of expenditure in column 6 of the Table.*

In this analysis (presented in Table 8 above), we are not making any attempt to assess the total amount of budgetary resources that may be required for implementation of all provisions of the NFSB, 2011. Here, we are highlighting only those interventions (among the many interventions proposed under NFSB, 2011) for which the NFSB indicates some specific magnitude of budgetary support. In addition to the figures of budgetary support mentioned in the NFSB, we have also included here the amounts of budgetary support provided by the Union Government for *Mid-day Meal scheme* and *ICDS* in 2011-12. The total amount of budgetary resources, including those mentioned in NFSB and the Union Budget outlays for MDM and ICDS for 2011-12, is to the tune of Rs. 1,15,741 Crore (per annum). We must note here that this amount does not refer to the total amount of budgetary resources that would be required for implementing all interventions proposed under NFSB, which is likely to be a much higher amount.

The Union Government had made several commitments towards ensuring food and nutrition to all its citizens but the draft legislation, in its present form, leaves a substantial financial burden on state governments. Given the prevailing financial crisis in the states, it would be a heavy load on their exchequer.

## Section-IV: Expenditure to be incurred for Universal Distribution of Food Grains (Rice and / or Wheat and Millets)

This section focuses on expenditure requirements for universalising the distribution of rice and / or wheat and millets under a given set of assumptions. Also, the budgetary trends relating to food subsidy in the Union Budget will be discussed.

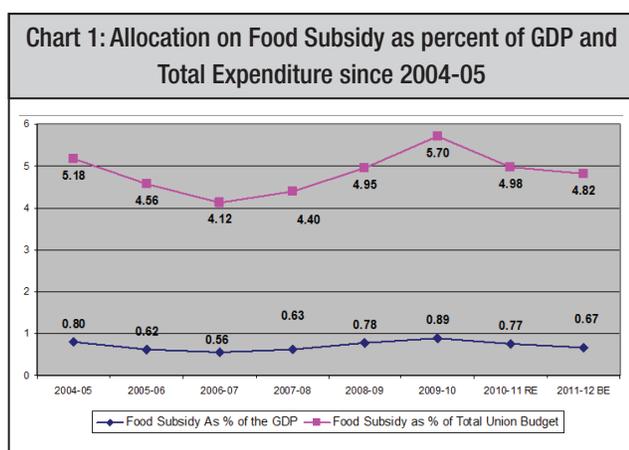
The justification given for not universalising PDS in the country is lack of public resources. A preliminary estimate suggests otherwise. Moreover, universalising the availability of subsidised food grains and making available the requisite funds is not an impossible task for the government. In any case, financial constraints can never be an excuse for denying the basic needs of the masses. Against the backdrop of the alarming situation with regard to hunger and food insecurity in the country, immediate action is called for in the form of increased public investment on food subsidy in order to achieve food security for all. There has been a significant improvement in allocation towards food subsidy over the years, but its share from total expenditure as well as from country's GDP is not encouraging. Before going into details of the budgetary provisions required for universal distribution of rice and / or wheat, it becomes imperative to examine the trends of major subsidies provided in the Union Budget in the past decade.

**Table 9: Specific Subsidies given in the Union Budget Since 2004-05 (In Rs. Crore)**

Items/Year	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11 (RE)	2011-12 (BE)
<b>Food Subsidy</b>	25798	23077	24014	31328	43751	58443	60600	60573
Indigenous (Urea) Subsidies	10243	10653	12650	12950	17696	17580	15080	13308
Imported (Urea) Subsidies	494	1211	3274	6606	10079	4603	6396	6983
Sale of decontrolled fertilizer with concession to farmers	5142	6596	10298	12934	48555	39081	33500	29707
<b>Total Fertilizer Subsidy</b>	<b>15879</b>	<b>18460</b>	<b>26222</b>	<b>32490</b>	<b>76330</b>	<b>61264</b>	<b>54976</b>	<b>49998</b>
Petroleum Subsidy	2956	2683	2699	2820	2852	14951	38386	23640
Grants to NAFED for MIS/PPS	120	260	560	860	375	850	250	200
Other Subsidies	1204	3042	3630	3428	6127	5843	9941	9159
Import/Export of sugar, Edible Oils etc	0	0	0	0	0	198	918	366
Interest Subsidies	564	2177	2809	2311	3493	2687	5223	6869
Other Subsidies	640	865	821	1117	2634	2958	3800	1924
<b>Total Subsidies</b>	<b>45957</b>	<b>47522</b>	<b>57125</b>	<b>70926</b>	<b>129708</b>	<b>141351</b>	<b>164153</b>	<b>143570</b>
<i>Total Subsidies as proportion to GDP (%)</i>	<i>1.42</i>	<i>1.29</i>	<i>1.33</i>	<i>1.42</i>	<i>2.32</i>	<i>2.16</i>	<i>2.08</i>	<i>1.60</i>
<i>Total Subsidies as Proportion to Total Government Expenditure (%)</i>	<i>9.22</i>	<i>9.40</i>	<i>9.79</i>	<i>9.95</i>	<i>14.67</i>	<i>13.80</i>	<i>13.49</i>	<i>11.42</i>

Note: RE-Revised Estimate, BE-Budget Estimate Source: Compiled from base data given in the Union Budget documents

It is observed that, in absolute terms, there has been a drastic decline in allocation towards total subsidy in Union Budget 2011-12 (Budget Estimates) compared to allocations in the previous year's revised budget. The total subsidy budget for the year 2010-11 (Revised Estimates) was Rs. 164,153 crore, which dropped to Rs. 143,570 crore in the current budget while the amount allocated for food subsidy fell by Rs. 27 crore during the period. As a proportion to the Gross Domestic Product (GDP) also, a similar trend has been noticed since 2008-09 under the head of total subsidy. During 2008-09, total subsidy as a proportion to the GDP was 2.32 percent, which declined to 1.6 percent in 2011-12 (BE). As a proportion to the total Union Budget, the share of total subsidy declined from 14.67 percent in 2008-09 to 11.42 percent in 2011-12 (BE). The major cutback has been in the total fertilizer subsidy since 2008-09. Moreover, the amount of subsidies given to manufacturers / agencies for concessional sale of decontrolled fertilizers and subsidy on indigenous fertilizers has also been shrinking.



Source: Compiled by the author.

It is disappointing to see (in **Chart 1**) the share of food subsidy in India's GDP at less than one percent. This share was 0.80 in 2004-05 which increased marginally to 0.89 in 2009-10 and dropped way below to 0.67 in the current budget. Similarly, the share of food subsidy budget in the total budget has been hovering at around 5 percent since 2004-05. The share of food subsidy at present is 4.82 percent, as per Union Budget 2011-12 (BE). Over and above the subsidy provisioned in the Union Budget, state governments apportion amounts for subsidized food grains in their respective budgets. While the Union Government role in the food subsidy mechanism is limited to reducing the price of CIP,

extending the coverage of population, and increasing the entitlement of food grains under the present TPDS, the extra expenditures are actually borne by the states.

The Finance Minister in his Budget Speech 2011-12 mentioned a four-pronged strategy adopted during the last fiscal covering agricultural production, reduction in wastage of produce, credit support to farmers and thrust to the food processing units. But in the real sense, no tangible outcome is observed in terms of reducing hunger and malnutrition, and the allocation under food subsidy in 2011-12 also fails to make the requisite provisioning for the purpose. Though there has been an increase in food subsidy in absolute terms in the current budget compared to 2010-11 (BE), the subsidy as a proportion of GDP and the total Union Budget has declined drastically since 2009-10.

This demonstrates that the government is not serious about providing food security to the people. Keeping allocations in 2011-12 (BE) towards food subsidy at such a low level and again proposing a targeted distribution system, as seen in the draft food security just shows that the UPA is opposed to universalizing the Public Distribution System.

## Estimating the amount of Food Subsidy required for Universal Distribution of Rice and / or Wheat and Millets under PDS

With the present budgetary allocation towards food subsidy being abysmally low, the need of the hour is to revert back to the Universal PDS (UPDS) in terms of distributing rice and wheat. In this regard, the government might consider an alternate estimation of the total food subsidy in the forthcoming budget while provisioning distribution of rice and/or wheat and millets.

## A Set of Assumptions

The present provision of food subsidy in the Union and State Budgets is based on allocation of food grains to different sections of the population, i.e., for BPL, AAY and APL. The CIP per quintal of wheat is Rs. 415, Rs. 200 and Rs. 610 respectively and CIP per quintal of rice is pegged at Rs. 565, Rs. 300 and Rs. 830 (for Grade 'A') respectively. Further, the present provision of food subsidy has been made on the basis of the

economic costs per quintal of wheat and rice, i.e., Rs. 1580.6 and Rs. 2068.9 respectively.

The additional requirement needed to be made in the Union Budget 2012-13 has been calculated keeping in mind the following assumptions:

- Total number of households at present is 24 crore (approx.) based on the size of household as 5 with the projected population of the country at 121 crore (Provisional, Census, 2011);
- Provision of distribution of rice and wheat under PDS to all households at 35 kg per month per household;
- Provision of distribution of millets under PDS to all households at 5 kg per month per household;
- Economic Cost (EC) of wheat, rice and millets do not increase from their present levels of Rs.1,580.6 per quintal of wheat, Rs.2,068.9 per quintal of rice

and Rs. 1,500 per quintal of millets (as there is no such EC available for millets at present);

- Distribution of rice and wheat is in the ratio of 2:1, and millets, in addition to wheat and rice to all the households.

Based on these above assumptions, the total amount of food grains (rice, wheat and millets) needed for distribution through PDS would be around 115.2 million tonnes. Out of this, the amount of rice, wheat and millets needed for distribution would be around 67.2, 33.6 and 14.4 million tonnes respectively. For distribution of these food grains, the total amount of food subsidy per annum would be Rs.185,418 crore. The provision of food subsidy at present accounts for Rs. 60,573 crore, as per 2011-12 BE. Thus, an additional outlay of Rs. 124,845 crore would be needed from Union Budget 2012-13.

**Table 10: Required Amount of Food Grains and Food Subsidy (per annum)**

Sl. No	Description	Units	Amount
A	Amount of Food grains to be Required (I+II+III)	Million tonnes	115.2
I	Amount of rice required to be distributed (per annum) at 23.33 kg per month per household	Million tonnes	67.2
II	Amount of wheat required to be distributed (per annum) at 23.33 kg per month per household	Million tonnes	33.6
III	Amount of millets required to be distributed (per annum) at 5.0 kg per month per household	Million tonnes	14.4
B	Central Issue Prices (CIPs)		
	Proposed CIP for Rice per ton (Rs. 3 per kg X 1,000 kg)	In Rs.	3,000
IV	Total amount to be recovered for the distribution of rice (per annum)	In Rs. Cr.	20,160
	Proposed CIP for wheat per ton (Rs. 2 per kg X 1,000 kg)	In Rs.	2,000
V	Total amount to be recovered for the distribution of wheat (per annum)	In Rs. Cr.	6,720
	Proposed CIP for millets per ton (Rs. 1 per kg X 1,000 kg)	In Rs.	1,000
VI	Total amount to be recovered for the distribution of millets (per annum)	In Rs. Cr.	1,440
C	Total amount which would be recovered through CIP (IV+V+VI)	In Rs. Cr.	28,320
D	Economic Costs		
	Economic costs per ton of rice (Rs. 2,069 X 10)	In Rs.	20,690
VII	Total economic costs for the distribution of proposed amount of rice	In Rs. Cr.	1,39,030
	Economic costs per ton of wheat (Rs. 1,581 X 10)	In Rs.	15,810
VIII	Total economic costs for the distribution of proposed amount of wheat	In Rs. Cr.	53,108
	Economic costs per ton of millets (Rs. 1,500 X 10)	In Rs.	15,000
IX	Total economic costs for the distribution of proposed amount of millets	In Rs. Cr.	21,600
E	Total Economic Costs for the distribution of Rice, Wheat and Millets (VII+VIII+IX)		2,13,738
F	Amount of Food Subsidy to be required per annum (E-C)	In Rs. Cr.	1,85,418
G	Present Budgetary Provision as Food Subsidy	In Rs. Cr.	60,573
H	Food subsidy required for the coming Budgets over and above the existing provision (H=F-G)	In Rs. Cr.	1,24,825

As per our estimate an additional Rs.1, 24, 825 crore is required over and above the existing food subsidy bill of the Union government to universalize the distribution of rice and/or wheat and millets, with the set of assumptions mentioned above.

The frequently asked question is: where would the government get the additional resources to finance the food subsidy bill? Of course, there is no one simple and agreed answer to this question, but our claim is that it is certainly not beyond the means of the Union government. One can get into a detailed discussion of possible means to augment resources (for instance: through wealth tax, expansion of the coverage of services for taxation, better tax compliance mechanisms etc.); however, even if one ignores such possibilities of resource mobilization, it is quite clear that a degree of rationalization in the total quantum of revenue foregone through exemptions made by the Union government can help a great deal in expanding the coverage of the PDS.

Information given in table 11 shows that the Union government foregone to the extent of Rs. 5, 11,630 crore in 2010-11 fiscal, which is almost equivalent to 8 % of country's GDP and 42 % of the total Union budget. It is worth noting here that even the previous and present Finance Ministers have voiced their concern on the issue of exemptions and revenue foregone on several occasions. We are not making a blanket argument for and against exemptions and revenues foregone; however, the point we are stressing here is that when it comes to ensure what should be viewed as one of the fundamental right; namely the Right to Food, one needs take a call on provisioning for the same vise-a-vise a whole range of exemptions provided to the corporate sector as also the other economic actors. As per our estimate approximately one-fourth of the total amount of revenue foregone during 2010-11 financial year would have been sufficient to finance the universal PDS, along the modest provisions.

**Table 11: Amount of Revenue Foregone (In Rs. crore)**

Sl. No.	Items	2007-08	2008-09	2009-10	2010-11
1	Corporate Income Tax	62199	66901	72881	88263
2	Personal Income Tax	38057	37570	45142	50658
3	Excise Duty	87468	128293	169121	198291
4	Customs Duty	153593	225752	195288 *	174418*
5	Gross Total (1+2+3+4)	341317	458516	482432	511630

Note:\* Custom duty foregone less export credit.

Source: Compiled from Union Budget, Statement of Revenue Foregone, Various Years

As mentioned above, this estimate takes into account only distribution of rice and / or wheat and millets to all. Ideally, in addition to rice and/ or wheat and millets, other essential items such as pulses, edible and cooking oils, sugar etc. should also be included in the ambit of PDS, which would add further to resource requirements.

This estimate is interpretative only in the case of distribution of rice and / or wheat and millets to all. For this, it is imperative to change the norms of targeting households, as is the case in PDS at present. Second, in addition to rice and/ or wheat and millets pulses, edible and cooking oils should also be included in the ambit of PDS. Third, there is a need for special provisions in the PDS for sections of the population that are affected by disaster, drought and other natural calamities.

Given a situation, where annual food inflation has been very high in the recent years, it is expected that there would be increased budgetary allocation on food subsidy and rural employment generation programmes such as under MGNREGS. However, Union Budget 2011-12, was found to be inadequate on this count. It is with the hope that the ruling coalition wakes up to the ground realities that an estimation of the budgetary allocation required to universalise PDS (distribution of rice and wheat) and to secure food for all was worked out.

## Concluding Observations

Considering the magnitude of food insecurity and hunger in the country, the provision of food subsidy in the budgets, as well as the proposed allocation of Rs. 79, 800 crore under food subsidy head in the financial provisions envisaged in the draft food security legislation, appear quite inadequate. Hence, there is a need for increased budgetary allocation towards food subsidy in the coming budget. Dividing the total number of households in the country into “priority category” and “general category”, and opposing universalization, seems to be a step backwards. On the other hand, targeting the poorest of the poor instead of universalizing PDS in its various forms reflects a lack of political will of the government to keep its promise to feed the hungry.

There is also the need for revamping the existing structure of PDS and make the system more responsive and effective in order to cater the needs of the poor and marginalized while distributing essential commodities. Inclusion of pulses, and edible and cooking oils should be included under the ambit of PDS and the entire amount should be borne by the Union Government in its annual budgets.

There are suggestions from various quarters (in the public domain) that the government should go in for a decentralised procurement and management of the food grains distribution system so the amount of food subsidy could be reduced to a great extent. Distress sale of food grains by farmers (often being highlighted by the media) could be reduced through a decentralised procurement system; this could also serve as an incentive for farmers and help retain them in the agricultural production process. The other advantage of decentralised distribution system with a wide network of storage and management could be reduction of the costs of transportation and timely availability of food grains even in times of natural calamities. Availability of locally grown and demanded food grains could be other advantages of this provision. The VBG scheme being implemented by the Department of Food & Public Distribution, since November, 2004, needs to be strengthened and the norms under various heads need to be revised so that it attracts the groups to establish more such grain banks.

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# FOOD SECURITY: PATH TO HELL, THEY SAY IS PAVED WITH GOOD INTENTIONS

DEVINDER SHARMA

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The path to hell, they say, is paved with good intentions. The way to feed the hungry and impoverished in India – the world's largest population of hungry and malnourished – also seems to be driven by good intentions. My only worry is that the proposed National Food Security Act will end up pushing the hungry even more deeply into a virtual hell.

From what I read in the newspapers, however, and from what is emerging from the latest draft bill on Food Security proposed by the National Advisory Council, the path being developed is unlikely to deviate from the present direction to hell for the hungry. If the primary objective of the new law is simply to re-classify below-poverty-line (BPL) families by identifying who is entitled to receive 25 kg (or 35 kg) of grain (wheat and rice) per month at a price of Rs 3/kg, then I think we have missed the very purpose of bringing in a statutory framework to ensure the right to food. In any case, it has followed the same faulty principle of accessing the number of beneficiaries based on the stringent poverty line estimates which have been widely questioned.

Let us first be clear that the International Food Policy Research Institute (IFPRI) had ranked India 66th in Global Hunger Index for 88 countries, in 2008. Hunger multiplied at a time when we had the bogus Public Distribution System operative, made more efficient by the addition of the prefix 'targeted'. Hunger also multiplied while the Supreme Court was seized of the issue, and had even constituted an office of Food Commissioner (set up in response to a petition in Supreme Court) monitoring the food distribution supplies. Hunger and malnutrition grew at a time when we had more anganwadis set up, and more schools being provided with mid-day meals.

There is something therefore terribly wrong in our approach. The Ministry for Food and Agriculture, Ministry for Human Resource and Development, Ministry for Rural Development, Ministry for Child & Women Development had among them 22 national schemes or programmes, and yet hunger goes on multiplying.

At a time when the government is now planning to bring out a National Food Security Bill, which primarily ensures that every poor family gets a minimum of 35 kg of food grains at Rs 3/kg, it is time to ask whether the proposed bill will mean anything for the poor and hungry? How can we ensure that hunger is removed by relying on the same bogus PDS system that has failed to deliver in the past 40 years? Isn't the proposed Food Security Act like "old wine in a new bottle"?

Hunger needs more than PDS ration, and that is where we are failing to focus on. Even the Right to Food campaign has failed to see beyond the entitlements, and its approach is no different from what the Empowered Group of Ministers is recommending. The question that needs to be asked is whether hunger will be removed if the food entitlement is raised from 25 kilos to 35 kilos? Will hunger disappear if the destitute and disabled and the homeless are also included in the list? The answer is a big NO. Unless we remove the structural causes that exacerbate hunger, and most of these relate to agriculture and management of natural resources, India would not be able to make any significant difference in reducing hunger. Let me therefore look at some of the commonly raised fears/questions, and see how we can make the proposed food security act meaningful and effective.

### **India already has numerous programmes for fighting hunger, why do we now need a National Food Security Act?**

It is true that we have an impressive list of programmes to fight hunger, and the budget allocation for these is increased every year, and yet the poor go hungry. The number of hungry and impoverished has increased with every passing year. India has more than a third of the world's hungry. Several studies tell us that more than 5000 children die every day in India from malnourishment.

Therefore, to add another couple of schemes to the existing lot is certainly not going to make it any better for the hungry. Nor a mere tinkering of the approach will help. Replacing the ration cards for the PDS allocations with food stamps is one such misplaced initiative. If we persist with such borrowed ideas, hunger will continue to multiply.

I am a strong supporter of the right-based approach to fight hunger. But another piece of legislation that enshrines Right to Food as the basic human right is not going to make any difference to those who live in hunger and penury, and to the millions who are added to this dreaded list year after year. Right to Food cannot be ensured by simply ensuring on paper half the food entitlements (which has even failed to reach the needy) that a human body needs for normal human activity and growth.

Hunger is basically outcome of our wrong policies and our inability to accept that the delivery system is not delivering. At present some 22 government programmes exist to fight hunger and to provide food and nutritional security. These programs run by various Ministries range from Mid-day Meal Programme to National Food Security Mission, and Antyodaya Anna Yojna to Annapoorna Yojna.

Knowing that the existing programmes and projects have failed to make any appreciable dent, it is high time the opportunity provided by the proposed National Food Security Act be utilised in a realistic manner. It was a great opportunity, and we are surely let down by the failure of NAC to bring about a radical overhaul of the existing approach to fight hunger. The entire debate has shifted from the hands of a few bureaucrats and self-appointed experts who have monopolised any decision-making on hunger. It has to be taken to the nation, through a series of regional deliberations. Why can't we strengthen the existing Public Distribution System (PDS) to make it more effective? Justice Wadhwa committee appointed by the Supreme Court has very rightly dubbed the running PDS as a bogus programme. It has very clearly brought out that the PDS has collapsed in several States, and is languishing in several others. It is a system that is engulfed in corruption, leakage and inefficiency. Much of the food from the PDS is diverted in the open market. PDS grains are also diverted to neighbouring countries like Nepal, Burma, Bangladesh, and even Singapore. As Justice Wadhwa says 80 per cent of the corruption is before the grain reaches the ration shops. There are several estimates about the extent of leakage and siphoning off of the grains, but the fact remains that PDS has failed to deliver.

Having faith in a rotten PDS system, as the Supreme Court appointed advisory panel has been asserting, is



basically playing a prank with the poor and hungry. But somehow I find that the experts and activists who are part of the Supreme Court committee too are content with the system because it gives them enormous political clout. It is primarily for this reason that there is hardly much difference in the approach that the government is planning, and a section of the civil society is suggesting.

But at the same time, there is a need for a distribution system. I am asking for a complete overhaul of the existing PDS. A mere tinkering will not do. Replace it with a more sharp and effective channel. At the same time, there is a need to limit the scope and reach of the distribution channel in the rural areas where a more people-oriented programme can be launched to ensure long-term food security. We will discuss this more later. Group of Ministers have now directed Planning Commission to redefine the number of actual poor. Will it not help in ensuring food reaches those who need it most?

First and foremost, the time has come to draw a realistic poverty line. The Tendulkar Committee has suggested that 37 per cent of our population is living in poverty. Earlier, Arjun Sengupta Committee had said that 77 per cent of the population (or 836 million people) is able to spend not more than Rs 20/day. Justice D P Wadhwa Committee has now recommended that anyone earning less than Rs 100 a day should be considered below the poverty line. Knowing that India has one of the most stringent poverty line in the world, I think the fault begins by accepting the faulty projections. During Prime Minister Narasimha Rao's tenure, Planning Commission had even lowered the poverty estimates from 37 per cent to 19 per cent. Poverty estimates were restored back when the new Planning Commission took over. I am sure if we had persisted with the same poverty line of 19 per cent (in the beginning of 1990s), India would have banished hunger in official records by now.

But the tragedy is that none of the numerous committees or economic surveys highlighted the urgent need to change the poverty line to a more meaningful figure if the issue of growing hunger has to be nipped in the bud. Surprisingly, deputy chairman of the Planning Commission, Montek Singh Ahluwalia is now saying that he finds the Tendulkar committee recommendation of 37 per cent as the

BPL line "reasonable". Extent of hunger does not depend upon what policy makers think as 'reasonable'. It has to be realistic. It doesn't help in continuing with faulty estimates. I therefore suggest that India should have two lines demarcating the percentage of absolute hungry and malnourished from those who are not so hungry. The Suresh Tendulkar Committee suggestion of 37 per cent should be taken as the new Hunger line, which needs low-cost food grains as an emergency entitlement. In addition, the Arjun Sengupta committee's cut-off at 77 per cent should be the new Poverty line. Once we have set these criteria, the approach for tackling absolute hunger and poverty would be different.

### **If India is to feed every poor, where is the money?**

It is often argued that the government cannot foot the bill for feeding each and every Indian. This is far from true. Estimates have shown that the country would require 60 million tonnes of food grains (@35 kg per family) if it follows a Universal Public Distribution System. In other words, Rs. 1.10 lakh crore is required to feed the nation for a year.

The proposed National Food Security bill actually reduced the family food intake that has to be supplied through the public distribution system (PDS) from 35 kg to 25 kg per family. To the BPL families, the 25 kg of food grains will be supplied at Rs. 3 per kg, which means in actual terms the government has very cleverly reduced the food subsidy.

If the government could provide Rs. 3.5 lakh crore as economic stimulus to the industry, and also provide for Rs. 5 lakh crore as revenue foregone in the 2010-11 fiscal, which are the sops and tax concessions to the industry and business, how can the government say it has no money to fight hunger?

From the projected allocation of Rs. 56,000 crore for 2010-11, the expenditure on food will come down to an estimated Rs. 25,428 crore. But now with the latest NAC draft positioning for a coverage of 90 per cent of the rural population and 50 per cent of urban, fresh estimates point to the food bill going up to Rs 70,000-crore. In a country, which fares much worse than sub-Saharan Africa when it comes to hunger and malnutrition, isn't it strange that the government is

trying to cry wolf when it comes to fighting hunger. The government somehow gives an impression that the country does not have the money to feed the hungry. Nothing can be further away from truth. If the government could provide Rs. 3.5 lakh crore as economic stimulus to the industry (actually the industry did not need it), and also provide for Rs. 6.5 lakh crore as revenue foregone in the 2011-12 fiscal, which are the sops and tax concessions to the industry and business, how can the government say it has no money.

The annual Budget exercise is of roughly Rs. 11 lakh crores. Which means, the government is subsidising industrialists almost 50 per cent of it by way of direct sops, in addition to what is provided in the Budget itself. The support by way of 'revenue foregone' is basically 'under the table' payment, since it lies outside the Budget allocations.

I suggest that Rs. 3 lakh crore from the 'revenue foregone' be immediately withdrawn. This should provide resources for feeding the hungry, and also for ensuring assured supply of safe drinking water plus sanitation. In addition to wheat and rice, the food allocation should also include nutritious coarse cereals and pulses.

### **What policy changes are required to ensure food security for all times to come?**

But all this is not possible, unless some other policy changes are introduced to put the emphasis on long-term sustainable farming, and to stop land acquisitions and privatisation of natural resources. We need policies that ensure food for all for all times to come. This is what constitutes inclusive growth. A hungry population is a great economic loss resulting from the inability of the manpower to undertake economic activities. The debate on the proposed National Food Security Bill provides us an excellent opportunity to recast the economic map of India in such a way that makes hunger history. I suggest a 5-point programme to ensure Zero Hunger:

- Revive agriculture on the lines of sustainability by restoring soil health and the natural resource base by bringing in low-external input sustainable farming practices.
- Provide farmers with a fixed monthly income,

incorporating the minimum support price. For the poorest of the poor household receiving micro-finance, ensure that the interest rate is reduced from the existing 18-48 per cent to a maximum of 4 per cent.

- Disband PDS except for cash transfer for the Antyodaya families. Replace this with food grain Banks at the village level on the lines of the traditional gola system of food security in Bihar and east India.
- Export of food grains be allowed only when the country's total population is adequately fed.
- International trade, including Free Trade Agreements, should not be allowed to play havoc with domestic agriculture and food security.

### **Isn't it sad that people living in the villages which produce food should go to bed hungry?**

Exactly, this is where we need a fundamental shift in our approach to addressing hunger. This will also reduce our dependence upon PDS, and thereby reduce the food subsidy bill. After all, India has more than 6 lakh villages. Why can't we ensure that these villages become self-sustaining?

The proposed Food Security Act should consider setting up of community controlled small food grain banks at the village and taluka level. Any long-term food security plan cannot remain sustainable unless the poor and hungry become partners in the fight against hunger. There are ample examples of successful models of traditional grain banks (for instance, the famed gola system in Bihar), which need to be replicated through a nationwide programme involving self-help groups and NGOs.

Drawing up programme and projects that have long-term sustainability and become viable without government support in a couple of years, involving charitable institutions, religious bodies, SHGs and the non-profit organizations to ensure speedy implementation.

I am aware of at least a hundred villages in this country which haven't witnessed hunger for over four decades now. They follow the traditional 'sharing and caring' system. I think this programme needs to be extended



to all the villages of the country. Let the people in the villages take control over their food security.

Like in Brazil, the time has come when India needs to formulate a Zero Hunger programme. This should aim at a differential approach. I see no reason why people should go hungry in the villages, which produce enough food for the country year after year. These villages have to be made hunger-free by adopting a community-based localised food grain bank scheme. In the urban centres and the food deficit areas, a universal public distribution system is required. The existing PDS system also requires to be overhauled. Also, there is a dire need to involve social and religious organisations in food distribution. They have done a remarkable job in cities like Bangalore, and there are lessons to be imbibed.



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9FOOD SECURITY  
REQUIRES ECOLOGICAL  
& LIVELIHOOD SECURITY

ASHISH KOTHARI

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The most interesting part of the National Food Security Bill 2011 is in an annex that is not operationalized by the Bill. Schedule III, which contains steps necessary to ensure the *conditions* under which food security can become a meaningful, long-term right of people, is relegated to the status of an intention. The central government is only supposed to “strive to progressively realize” these steps.... a euphemism to continue ignoring them?

This is not to say that the operational parts of the Bill, in particular the pro-active provision of affordable and good quality food to the huge sections of India’s population that don’t have access to it, are in themselves unimportant. In a situation where at least 75% of rural and 50% of urban households appear to have difficulties in obtaining adequate food (the Bill targets this section for subsidized food grain supply), urgent measures to provide them food, are needed. To the extent this can be made an entitlement or a right, as the Bill attempts, well and good.

But even while doing so, equally urgent measures are needed to create the conditions under which such people can provide food for themselves, or have the means to buy it, without having to rely on perpetual government doles. This requires a look at the ecological,

social, and economic crises in which much of India’s population finds itself, and to adopt policies, laws, and programmes that tackle these crises. It needs a fundamental review of India’s current macro-economic, agricultural, forestry, water and other related policies.

Without the above, the Food Security Bill is merely a recipe for making most of India’s population hopelessly dependent on the government, thereby also continuing the enormous power of centralized bureaucracies, not to mention the opportunities for graft and corruption.

### Natural Resources and Food Security

Most of India’s population continues to *try to directly* provide food for itself, whether through cultivation, animal husbandry, fisheries, or forest produce, and local exchanges related to these. Of course they do not necessarily succeed, for a variety of reasons, and therefore become dependent on governments or outside traders and markets to fulfill what they cannot through their own efforts. But it is the remarkable attempt at self-provisioning, and the factors that often defeat it, that should have been the starting point of a food security policy.



Self-provisioning of food by these hundreds of millions of people requires productive lands, forests, and waters. Around 70% of the Indian population depend on land-based occupations, forests, wetlands and marine habitats and are thus directly dependent on local ecosystems for their basic subsistence requirements with regard to water, food, fuel, housing, fodder and medicine. 275 million people are dependent on non-timber forest produce alone.

Increasingly, though, such self-provisioning is being seriously jeopardized. One need not go here into historical reasons, including the massive take-over of the 'commons' (forests, pastures, wetlands, marine/coastal areas, other lands) by the state during colonial times and its continuation after Independence. It is a history that is well-known, as are its results, of which the most important for our purposes here is the increasingly difficult access of communities to the natural resources and ecosystems that provided them with food, or the means to obtain it.

Unfortunately, there has been little attempt to break away from this history by reviving community access and control over the commons, except the very recent Forest Rights Act (more on that later). Rather, this centralization of control has led to, or has been otherwise exacerbated by, the rapid destruction or degradation of forests, pastures, wetlands and marine fisheries, resulting from misdirected policies and mismanagement by both bureaucracies and communities. Add to this the more recent handing over of vast lands to private sector corporations, and the picture of dispossession of communities from their sources of food security gets worse.

If statistics are needed to back up what is pretty obvious for any observant citizen of India, here are some. Between 1990-91 and 2005-06 the cultivated area under food grains (cereals and pulses) fell 5% from 127.8 to 121.6 million hectares, with jowar falling 40% from 14.4 to 8.7 million hectares. This decline is substantially (though not only) attributable to displacement by non-food cash crops (including those for export). Or take forests: from 1980-81 to mid-2011, nearly 12 lakh ha. of forest land were diverted for non-forest use. 3.7 lakh ha of these were actually regularization of 'encroachments', and presumably a substantial portion were for extending cultivation, so there may not have been a net loss of food security,

perhaps even a gain (though this is complicated by the biodiversity and water security loss that deforestation entails). But the rest is conversion for industries, mines, dams, roads, defense projects, and the like, which represents a complete loss of access to forest-based foods and livelihoods for forest-dwellers. Or take wetlands, which have been crucial to the food security of fishing communities as also farmers dependent on their water: thousands of these, small and big, have been drained out or so badly polluted that they have lost most of their productivity.

This is not yet the complete story. There is then the severe over-exploitation of natural resources by and industrial economy, and by growing populations, resulting in the loss of the regenerative capacity of nature. Forests, wetlands, pastures, and marine areas can all absorb a certain amount of exploitation and removal of plants and animals, with nature replenishing what is removed. Beyond this point, however, replenishment rates are not adequate, and reproduction of species itself is affected, both contributing to declining productivity.

This is widespread in forest areas, where both communities and scientists report the decline of several useful species (e.g. over 100 species of medicinal plants are threatened, and villagers give dozens of examples of tubers, berries, other fruits, and wild vegetables that were once part of the standard diet of forest-dwelling communities but are now hard to find). Amongst the most visible examples is of thousands of families who used bamboo for their household needs and for livelihoods; with massive areas of bamboo forest having been auctioned or cordoned off for paper mills and other industries, they have been forced to buy bamboo at exorbitant prices from the market, or to switch to other occupations. Not only did bamboo once provide food in the form of shoots, but its products earned them exchange value for food, or income to buy food.

Declining productivity or access is also widespread in the case of fisheries; in marine areas, small-scale fisherpersons report the twin problems of declining stocks, and declining access as more powerful commercial fishing interests take over fishing grounds.

Amongst the worst affected are nomadic pastoralists. Once completely self-reliant for food, such communities are everywhere in severe distress. Their

migration pathways are crisscrossed by obstacles (often insurmountable) like canals and expressways and cities, their access to grazing grounds is denied where they are now part of national parks and sanctuaries, and virtually nothing has been done to ensure their tenurial security over the lands they are dependent on. Even the Forest Rights Act, which is supposed to provide such security, has been so far denied to them (as of the end of 2011, not a single nomadic community had obtained rights to pastures). In many states they have been forcibly settled, or been compelled to do so ('voluntarily', it will be reported) as no other options are available; and are now dependent on government or civil society doles.

Then there are those who have been dealt even more severe blows: direct physical displacement from their traditional homelands. It is estimated that about 60 million people have been uprooted and forced to relocate, by dams, mines, highways, ports, industries, power stations, and other such 'development' projects. Such displacement entails a loss of the food-provisioning capacity these communities had, from the farmlands or natural ecosystems that they lived amidst. In most cases these conditions are not reproduced in the place they relocate to, many are forced to adapt to new occupations; invariably, communities that were self-provisioning for food are forced to become dependent on outsiders. This is especially the case with forest-dwelling adivasis, or small fishers (the Planning Commission estimates that up to 40% of those displaced may be adivasis, even though they comprise only about 8% of our population).

Many more examples and factors could be enumerated here, but hopefully the point has been sufficiently made: government policies and programmes, demographic changes, and other such factors, have caused loss of food security amongst a very large section of India's population. How many millions of people affected by such ecological degradation have joined the ranks of the food-insecure? No one knows, because it is not a statistic that is on anyone's radar.

Added to all this the uncertainties and impacts of climate change, which is affecting production systems across India (and the world) in ways that communities are finding difficult to adapt to. Thus far, the government has done precious little to help people prepare for what may happen (or is already happening).

The National Action Plan on Climate Change is an arena where effective action on this front could take place, but there are not as yet too many hopeful signs.

## Government Policies vs. Food Security

A brief word is necessary here on some of the root causes of the above-described situation. As already mentioned, one of these is undoubtedly the tenurial insecurity caused by the state's take-over of the commons. But another is an even harder nut to crack: our path of 'development'. In the name of this holy cow, macro-economic policies have treated nature as simply a source of raw material or a sink for wastes, and more and more in the last few decades, the demands of industry and cities has been allowed to take priority over the needs of villagers.

Policies of agriculture too have created, at least in the long run, greater insecurity. Green revolution strategies have made farmers dependent on heavy inputs from outside, including artificial fertilizers and pesticides, irrigation from far away, corporate or government agency seeds, and so on. While these have increased productivity, the long-term impacts are often devastating, as is becoming clear with the declining productivity of soil, poisoning of water and the crops themselves, and an economic treadmill effect in which the farmer's incomes are not keeping pace with increasing costs. The horrifying rates of suicide in many parts of India, including in the heart of Green Revolution regions, are witness to the short-sightedness of such policies and strategies. This has been exacerbated by the large-scale conversion of food-growing lands into non-food cash crops, as mentioned above; and the sad neglect of dryland farming.

The current period of economic 'globalization' has considerably enhanced this trend. It has (a) forced the opening up of the commons to more accelerated take-over for industrial and urban needs; (b) allowed the entry of the world's most powerful corporate entities who demand access to natural resources including land; (c) replaced a focus on self-reliance by one on an import-export drive economy; and (d) forced the relaxation of environmental regulations, or allowed their easier violation.

For instance, take the case of forests. Diversion of forest land for non-forest uses was supposed to be strictly



regulated by the 1980 Forest Conservation Act, which centralized all clearances for such diversion. However, the rate of diversion has only been increasing in the last couple of decades of globalization, with about 25% of all diversion in the last 30 years having taken place in the 5 years since 2007! In the case of forest land diversion for mining, this figure is even worse, at 30%. Or take fisheries: since 1991, export of marine products has increased five-fold, with serious impacts on both coastal ecosystems (especially in intense shrimp-producing areas) and near-shore marine waters (with evidence of declining fish catch in many parts). States like Gujarat have been amongst the worst, with the government favoring big commercial trawling, and productivity decline beginning in the late 1990s. Across India, small-scale, traditional fishers and coastal farmers are particularly hard-hit by these trends.

Imports of cheaper agricultural goods from other countries have affected local producers of many items, such as pepper, tea, coconuts, and coffee. Simultaneously, a growing export market for fisheries, or other natural resource produce, is depriving small-scale producers who cannot compete with export-oriented commercial producers, not to mention driving up the prices so that the poor cannot any longer buy what was previously affordable.

## Towards Food Security: Ecology and Livelihoods at the Core

If the above analysis is valid, the direction that policies and programmes must take to address food security, become clear. Some of these are contained in Schedule III of the Food Security Bill, which is why I started this article by lamenting its relegation to an unoperationalized annex. Of course all such actions cannot be contained in one Bill, but as I will point out below, several could have been, and a more decisive push towards others could have been given either by the Bill itself or by a Policy on Food Security.

Putting the availability of adequate and healthy food on a long-term, secure footing, would require the following measures, amongst others, in the case of

the various food-production systems<sup>1</sup>. Where the Bill does have something to say about these measures, a comment is made in italics.

1. **Ensuring secure tenure and decentralized governance over land, water, and natural resources, especially for marginal sections of society, including women.** The Forest Rights Act 2006 makes a beginning in this, by recognizing community tenure over forests and forest land on which there is traditional dependence, but unfortunately bureaucratic inefficiency and resistance has so far rendered these provisions a non-starter in most parts of India. A similar legislation aimed at coastal fishing communities, proposed by the former Environment Minister Jairam Ramesh, was stillborn due to objections by other ministers. The Panchayat (Extension to Scheduled Areas) Act 1996 mandated decentralized governance over natural resources for adivasi communities, but has almost nowhere been implemented by a political system that fears community empowerment. Communities dependent on ecosystems therefore remain without any focused legislation or meaningful implementation providing tenurial security and decentralized governance. *The Bill aims to involve "local authorities", which includes panchayat institutions, but only through functions that state governments assign to them. The Bill in no way empowers such institutions to govern aspects of food production, procurement, distribution, etc (see also no. 6 below). And it does not even mention gram sabhas or village assemblies that include all members of the village, not only elected representatives<sup>2</sup>.*
2. **Ensuring that food-producing lands/waters are not diverted for other purposes.** Such areas, and the communities that depend on them, remain vulnerable to dispossession and displacement by 'development' projects. *Schedule III of the Bill lists*

1 I have borrowed and adapted here from the following sources, which focused on agriculture:  
D. Sharma, 2009, 'Reviving agriculture', *Seminar* 595, March; A. Kothari, 1999, 'Agro-biodiversity: The future of India's agriculture', in Pillai, G.M., *Challenges of Agriculture in the 21st Century*, Maharashtra Council of Agricultural Education and Research, Pune; and Memorandum of Agri-Vision Coalition of several dozen civil society organizations, to the Prime Minister of India, on 'Holistic Ecological Agriculture Agenda for India's Eleventh Plan, and the National Development Council Meeting on Agriculture', 28 May 2007. <http://www.petitiononline.com/agvision/petition.html>

2 The draft Bill submitted by the National Advisory Council (NAC) did emphasize the functions and roles of the gram sabha.

*“prohibiting unwarranted diversion of land and water from food production”; but the predominant trend of such diversion takes its cue from the macro-economics of globalised growth, and there is nothing to suggest that the government will reverse this any time in the near future. With growth being a holy mantra, anyway, all diversion can continue to be justified as “warranted”! And Schedule III says nothing about the diversion of forest lands or pastures, which may not be considered as strictly ‘food producing’ areas though they are crucial to community food security.*

3. **Localized production or availability of the basic inputs**, including seeds/livestock/fingerlings, manure, water, fodder, technologies, knowledge, and affordable credit (from institutional sources). This would require a focus on production systems that are in tune with local agro-ecological conditions, especially soil types, climate, and water availability. *Schedule III of the Bill talks of revitalizing agriculture in particular focusing on small and marginal farmers, including through provision of some of the above inputs; unfortunately dominant agricultural policy and programmes are running contrary to this, and mere intentions, which is what Schedule III is currently, will not change this.*
4. **Integration of crop, livestock, fodder, and/or fish production, and of forest conservation and use**, to optimize production from a given landscape; this necessitates greater coordination amongst communities and amongst various government departments, and in many places ecological restoration through watershed management, regeneration of forests, and other approaches. Not only would this enhance food security, but also generate substantial livelihoods, e.g. in the regeneration of tens of millions of hectares of degraded lands. The Kerala Government’s 2008 organic farming policy includes integrated production systems. An explicit and widespread focus of NREGA could be on enhancing food security through such measures (some of which is indeed happening in parts of India).
5. **Financial, material, or technological assistance to farmers to switch from chemical-dependent to organic farming**, including by converting current fertilizer subsidies into credit for organic farming. A number of state governments are beginning to put into place policies and programmes promoting organic/sustainable farming, with a strong thrust

in Kerala and notable reported success in Andhra Pradesh (see Box); but there is as yet no national level policy or focus to this. The Approach Paper to the 12th Plan does talk of aspects like ecological fertilization, but unless subsidization of artificial chemical inputs is transformed, this will remain a marginal focus.

6. **Linking the Public Distribution System, and other food security schemes such as mid-day meals, and food for work, to locally produced food**, rather than obtaining grains from hundreds or thousands of kilometers away; this may necessitate building relations amongst clusters of villages since a single village may not have adequate production to supply. Initiatives such as the sustainable dryland farming practiced by women farmers of Deccan Development Society in Andhra Pradesh, dramatically demonstrate the viability of such an approach (see Box). *This is one aspect on which the Bill has many things to say. The Central and State Governments are to “progressively realize” reforms in the Targeted PDS through measures such as diversification of commodities procured, licensing of fair price shops to local institutions, and encouragement to local models of distribution and grain banks (Section 18). And Schedule III contains decentralized procurement, including of “coarse grains”<sup>3</sup>, and decentralized storage. Unfortunately, these measures are likely to remain noble intentions, because there is no timeframe or compulsory steps mandated in the Bill; the operational steps on the PDS (Sections 30 to 32) focus on centralized procurement and storage, and do not include any of the above in the functions assigned to state governments. This is an aspect that could have easily been an operational part of this Bill.*
7. **Building on local agricultural, forestry, pasture and aquatic produce to generate additional livelihoods through village-based manufacturing and industry**, prioritizing local markets and collective enterprise over external companies and markets. This requires review and dovetailing of a number of rural development and industry, tribal welfare, and other departments and programmes,

3 Interestingly the draft Food Security Bill presented to government by the National Advisory Council (NAC) used the terms ‘millets and other nutritious grains’, which the official Bill has replaced by the term ‘coarse grains’, which many in the food security movement consider to be insulting.



with those dealing with natural resources, and with gram sabhas at the centre.

8. **Feeding the energy needs of communities**, in particular their food-producing systems (including cultivation/collection/catch, storage, processing, etc), through decentralized, renewable energy sources. Unfortunately India's energy policies and strategies are very far from this; though there is increasing stress on renewables like solar (with an ambitious solar mission as part of the National Action Plan on Climate Change), these are still predominantly centralized, and will not necessarily reach the most need families in each village. Civil society groups in several states like Bihar, Karnataka and Gujarat have however shown that decentralized energy can achieve wonders for rural livelihood security.
9. **Ensuring equitable access to water**, irrespective of current access to land and other property. People's movements such as Pani Panchayat in Maharashtra have shown how this can be achieved. There has also been a long-standing demand for more community control over water sources, coupled with regulations to check over-use and misuse. *Schedule III lists "access to safe and adequate drinking water"; but dominant policies and programmes are actually running counter to providing community secure tenure over water bodies, with some state governments even moving to lease them out to private corporations.*
10. **Encouraging decentralized R&D** in the form of joint, on-field programmes by farmers/pastoralists/

fishers/forest-dwellers, and modern scientists, with priorities defined by the former. India is yet to take any substantial steps on this, though there are scattered examples such as the Krishi Vigyan Kendra run by Deccan Development Society.

11. **Facilitating direct producer-consumer links**, amongst villages and between villages and cities, with programmes that create awareness of each other's needs, and build networks of trust that would take up the task of local 'certification' of organic, healthy produce (through, for instance, the Participatory Guarantee Scheme, see <http://www.pgsorganic.in/>).
12. **Encouraging urban food production**, including rooftop and backyard farming or fisheries, and community plots (especially in low-income colonies), to meet basic household needs. India is yet to take any substantial steps on this, though it is quite popular in many countries.

As mentioned above, it is not realistic to expect one legislation to deal with all the above. Some aspects, such as that of decentralized PDS, could certainly have been operationalized through the Food Security Bill, even if in a time-bound, phased-out manner. Other measures would have needed a clear Food Security Policy which made it mandatory for government to ensure them through other existing legislation (as they are or with amendments, such as with NREGA), or new legislation where needed (e.g. for equitable access to water), and of course, programmes and schemes related to these.

#### Food security through agricultural sustainability

There are very many grassroots initiatives at organic, biologically diverse, holistic farming that dot various regions of India, which a Food Security Policy and Bill could learn from and encourage the spread of.

In the low-rainfall region of Zaheerabad, Andhra Pradesh, Dalit women have brought about an agricultural revolution in 75 villages. Mobilized under the banner of the Deccan Development Society, women's *sanghas* (assemblies) have used a mix of strategies to achieve food security, economic independence, and social transformation. Organic farming and pastoralism, with a diversity of seeds and livestock, is one fulcrum of their work. Others include economical water-use, community grain reserves, celebration of biodiversity as part of cultural events and festivals, and outreach through locally generated media. One of the most innovative moves is the creation of an Alternative Public Distribution System (PDS), using organic, diverse local food grains from local farmers, offering consumers a healthy choice. An organic food restaurant, Café Ethnic, caters to urban consumers in Zaheerabad. All this has helped transform a situation of chronic food shortage, unemployment, and dependence on government, particularly amongst Dalit women and other under privileged sections, into one of self-sufficiency and self-reliance, dignity, and control over their own lives. But DDS has not restricted itself to local transformation, it has connected the women farmers to regional, national and international networks of solidarity and resistance, challenging several elements of globalization ([www.ddsindia.com](http://www.ddsindia.com); Kumbamu 2009).

In Karnataka, the NGO Green Foundation works with dryland farmers in over 60 villages to sustain or revive organic practices that maintain soil fertility while producing healthy crops (<http://www.greenconserve.com/>). It too reports a range of positive impacts in situations where farmers, once sold to the use of chemicals, switch to organic cultivation.

About 4000 villages are reported to be taking part in the Jaiv Panchayat initiative of Navdanya, pledging to conserve their traditional seed diversity, promote organic farming and local water management, and participate in larger movements against bio-piracy (<http://www.navdanya.org/campaigns/jaiv-panchayat>).

In Andhra Pradesh, the state government, having developed a draft Policy on Organic Farming, is supporting possibly the country's biggest sustainable agriculture programme. Under the sponsorship of its Society for Elimination of Rural Poverty (set up by the state Rural Development department), the Sustainable Agriculture Network of NGOs is spreading community-based sustainable agriculture (CMSA). Between 2004 and 2009, over 318,000 farmers have adopted it, covering 1.36 million acres of farmland (5.1 per cent of the net cropped area in the state). The reduction in pesticide and fertilizer use has so far led to a cost saving of over US\$38 million. Also in Andhra Pradesh, the Watershed Support Services and Activities Network (WASSAN) works towards "a new paradigm for the development of rain-fed areas that is founded on the principles of diversity of livelihoods, secure farming systems, low-external inputs and inclusive growth." Programmes include promoting non-pesticide farming, improving pastoral livelihoods, tank-based fisheries, reviving the commons, redefining irrigation, enhancing soil fertility, diversifying crop systems, and providing seed support systems, processing and marketing. Watershed Development is the backbone of the process of revival of rain-fed areas. (<http://www.wassan.org/>; [http://www.csa-india.org/downloads/AP\\_ORGANIC\\_FARMING.pdf](http://www.csa-india.org/downloads/AP_ORGANIC_FARMING.pdf); <http://www.serp.ap.gov.in/CMSA>; Vijay Kumar et al 2009)

Starting from one tribal village in Dewas district, after almost two decades of work, during which villagers have become equal decision-makers in the initiative, Samaj Pragati Sahyog has covered over 45,000 acres in 34 villages under watershed management, providing drinking water and irrigation, increasing *rabi* crop production by 50-60%. These and a number of other initiatives now cover about 220 villages and towns; these include sustainable agriculture (using no chemical fertilizers, moving towards phasing out pesticides), livestock improvement, *panchayat* and women's empowerment, micro-finance, renewable energy, low-cost shelter, sanitation, and others. Overall, outgoing migration has reduced by 80%, and many families have even come back to their villages. The experience has been used to influence state and national policies, including advocacy for the right to food and a better Public Distribution System, inputs to the framing of guidelines for watershed management ([www.dorabjitatrust.org/NGO\\_profiles/pdf/18%20SPS.pdf](http://www.dorabjitatrust.org/NGO_profiles/pdf/18%20SPS.pdf); [www.samprag.org](http://www.samprag.org); Chhotray undated).

Source: A. Shrivastava and A. Kothari, in press, *Churning the Earth: The Making of Global India*, Viking/Penguin India, Delhi.

## Conclusion

If the Food Security Bill goes through as it is (or substantially unchanged), it will most certainly meet the long-standing demand for citizens' entitlement to food. But it will also be a missed opportunity to put on a secure, long-term footing, the *conditions* under which food security can be guaranteed. This needs measures to enhance self-provisioning by communities dependent on land, water, and natural resources for their day to day existence, through direct production or through exchanges that are in their control. It needs measures that eliminate ongoing alienation and dispossession of communities from their means of self-provisioning. And it needs measures that ensure fair relations between food producers and consumers, where the two are not the same.

It is for the above reasons that many activists have been calling for food sovereignty, not only food security. The measures given above are necessary if this objective is to be achieved.

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# THINK PIECE: FOOD AND LIVELIHOODS SECURITY

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## I. Stemming the Food and agrarian distress: A Call for Action

1

India is currently facing an un-precedented level of crisis. The economic might and resources of the nation is seeing a new height with every subsequent annual GDP estimates. However the political ability to address hunger, food insecurity and under-nutrition is lacking, more than ever. The gap between the 'resource ability' and 'actual political will' is widening as never before. This crisis of 'national conscience' reflected in hunger amidst affluence is reflected in speeches by none other than the Prime Minister of India, '*as curse*'<sup>i</sup>; '*national shame*'<sup>ii</sup> and '*concern*'<sup>iii</sup>, since his government came to power in 2004.

Widely compared with China, over growth performance<sup>iv</sup> and with Brazil over addressing inequality through state action; India has sadly not able to match either of them when it comes to raising the calorie intake of its population<sup>v</sup>. While these two countries were able to increase their average calorie intake over last two decades, Indian population has seen a decline in calorie intake during roughly the

same period and the government was left defending the decline as normal<sup>vi</sup>. While one expects that poor people toiling hard as casual wage labour and under public wage employment programmes, would increase their calorie intake; even the poorest 30 per cent people in India have seen a reduction in their calorie intake during this period. The figure 1, shows the declining trend in calorie and protein intake of the rural poor in India over a decade, based on NSSO data<sup>2</sup>. The reducing intake for poorest 30 per cent population is also observed for all Indian states except Kerala and Assam.

**Figure 1: Declining Calorie and Protein Intake of the poorest 30 per cent households (all-India rural)<sup>vii</sup>**

Average Calorie Intake (Kcal)		Average Protein intake (gms)	
1993-94	2004-05	1993-94	2004-05
1687	1655	47	46

Another indicator of under nutrition, known as wasting (weight for height) - considered to be sensitive and responsive to the distress conditions- have shown deteriorating performance. The findings of National

1 The authors work with Oxfam India on Food Justice

2 61st round of NSSO consumption expenditure round conducted by National Sample Survey Organisation (July, 2004-June, 2005)

Family Health Survey rounds show that the trend in under 3 child malnutrition (below -2 Standard Deviation<sup>3</sup>) increased from 19.7 to 22.9 percent during 1998-99 to 2005-06. Similarly, severe child malnutrition for children under 3 (below -3 Standard Deviation), increased from 6.7 to 7.9 per cent from 1998-99 to 2005-06. This trend holds true in case of both rural and urban areas.

These worrying trends were accompanied by deep distress in rural India. The latest available data in 2005, shows that in rural India more proportion of rural households were landless than earlier. Estimates show increase in landlessness by 10.6 per cent between 1993-94 and 2004-05<sup>viii</sup>. The land deprivation was also accompanied with an increase in proportion of marginal farmers. The proportion of farmers holding marginal land (.002- 1.00 ha) increased from 62.8 per cent in 1991-92 to 69.7 percent in 2002-03<sup>ix</sup>. Within the marginal farmers, the proportion holding 0.01 to 0.04 hectares increased substantially. By the year 2002-03, the benefits of land reforms were literally reversed and the concentration ratio of ownership holding reached almost the same level as before the land reforms.<sup>x</sup>

The increasing concentration and marginalization of land holding, in face of withdrawal of earlier public support to agriculture<sup>xi</sup>, put further stress on the fragile agrarian sector. A situation assessment of Farmers in 2003 conducted by NSSO found that nearly half of the farmer households are indebted in the country. Nearly 58 per cent of these outstanding debts were taken to meet out development and current needs in agricultural operations. Owing to withdrawal of public credit to farmers, the major source of credit to farmers was informal sector, where the interest rates were predatory and ranged between 20 to 38 percent<sup>xii</sup>. Certain regions in Maharashtra, Karnataka, Andhra Pradesh, Chhattisgarh and Madhya Pradesh, experienced higher rate of suicide by farmers that saw increasing trend after 2001<sup>xiii</sup>. These long term impoverishing processes were accompanied with intermediate periods involving decline in livestock based livelihood (1991 to 2003)<sup>xiv</sup>, reduced absorption of labor in agriculture (1993-94 to 1999-2000)<sup>xv</sup>, increasing casualization of work force involving exploitative sub-contracting and lengthening of working hours<sup>xvi</sup>, reducing per capita food grain

production available for human consumption (1991-92 to 2002-03)<sup>xvii</sup>, increased food price inflation<sup>xviii</sup> that adversely affected poor more than others<sup>xix</sup>, exclusion of poor from Public Distribution System under Targeted Public Distribution System<sup>xx</sup>, and shift in cropping pattern toward non-food cash crops. These marginalizing processes, accompanied with rising cost of health care and education, led to situation where not only landless labors but the one-time food producers suddenly face a situation where they are unable to access adequate food. The reducing cereal intake of small and marginal farmer between 1993-94 and 2004-05<sup>xxi</sup> corroborates this.

The root of the current agrarian crisis lies in the government led neglect of agriculture and larger food system. This neglect was visible when after 1990s the planned agriculture growth rate was a '*modest 4 per cent*'<sup>xxii</sup>. This was done at the cost of alternative higher growth possibilities requiring decent public goods provision in form of *land and labor augmenting technology, agriculture research, education and extension; irrigation and flood control; watershed development; and rural infrastructure*<sup>xxiii</sup>. Therefore the current agrarian crisis and food insecurity was not a sudden development due to external shock. There were no major shortfalls in the agriculture growth targets in reforms period. The plans for agriculture growth rates were realized at 3 percent<sup>xxiv</sup> – 1 point less than the target. Parallel to this, as per the planned targets, the non-agriculture sectors achieved much high growth rates. The resulting sectoral inequality, food insecurity and agrarian distress were hence inbuilt in the plan strategy.

The food and agrarian crisis discussed earlier corroborates the wider claim of the civil society that opportunities generated by the growth process were far beyond the reach of impoverished social groups, disproportionately consisting of Dalits, Tribal and Muslims. The aspiring super power ironically still have 77 percent of the people in India living with less than Rs. 20 per day (NCEUS<sup>4</sup> 2004), 74 percent consuming less than 2400 calorie (kcal) each day (NSSO<sup>5</sup> 2004-05), 46 percent of the children facing under-nutrition and 58 percent of the anemic

3 The Standard Deviation is a measure of how spread out numbers are

4 National Commission for Enterprises in the Unorganized Sector set up by Government of India in 2004.

5 61st round of NSSO consumption expenditure round conducted by National Sample Survey Organization (July, 2004-June, 2005),



pregnant women (NFHS<sup>6</sup> III). According to Human Development Report 2011 of the UNDP, which uses multidimensional indicators<sup>xxv</sup> to measure the extent of poverty in India, more than half of the population, at 612 million (61.2 crore) are poor in India.

It is little wonder that India has the world's largest number of poor people in a single country and that 2008 Global Hunger Index (GHI) by the International Food Policy Research Institute (IFPRI) ranks India as 66th out of 88 countries.

## II. The state response

### National Nutrition Policy 1993

The intended policy response to address food insecurity and under-nutrition was put together in National Nutrition Policy 1993. Reviewing the extent of poverty in India, the policy recognized that mere economic growth would not guarantee a stable and satisfactory nutritional status of the population. It advocated for a direct short-term intervention for immediate relief along with long term intervention involving, Inter-sectoral approach and institutional and structural changes. The policy, located food and nutritional well being in the overall development strategy of the country and recommended substantial increase in resource allocation for addressing the problem. Following NNP 1993, National Plan of Action on Nutrition (NPAN) highlighting the role of 14 concerned sectors of the Government was announced in 1995.

### Centrality of Food and nutritional services

The Tenth plan period saw a full-fledged scheme based approach to address the issue of food insecurity and under-nutrition through a combination of different food and nutrition schemes. On 15th August 2001, the National Nutrition Mission was set during tenth plan period for effective coordination of nutrition programmes implemented by the different ministries. By this time, the government has introduced targeted public distribution (and reduced the coverage of public distribution system), and was executing (a) Wage employment schemes, (b) Mid-day Meal Scheme

(MDMS), (c) Integrated Child Development Services (ICDS), (d) National Maternity Benefit Scheme for BPL pregnant women (NMBS/ latter revamped as JSY), (e) National Old Age Pension Scheme for destitute persons of over 65 years (NOAPS), (f) Annapurna Scheme for old and destitute people, and (g) National Family Benefit Scheme (NFBS).

The government attempted to cover the nutritionally vulnerable populations through a life cycle approach. While the infant is in mother's womb, she is entitled to get supplementary nutrition and other nutrition and health services from the ICDS centre, and maternity benefit from nearest Primary Health Centre/Panchayat. After the child is born the mother continues to be entitled for SNP as well as nutrition and health services. At the age of 3, the child can directly get these benefits from ICDS. Such entitlement continues when the child enrolls in primary school, in form of nutritious hot meal under MDMS. The girl as an adolescent could continue accessing services at the ICDS centre. In adulthood, wage employment through National Rural Employment Guarantee Act, enables them to address food distress due to unemployment. The Public Distribution System is again available for purchase of rice/wheat at a stable subsidized price and as safeguard against price volatility and seasonal fluctuation. In old age or when disability or destitution strikes, the person is supported either with monthly cash support or free food grains.

### Ensuring last mile accountability

During the end of tenth plan and beginning of eleventh plan, underfunding of schemes and the governance issues such as leakages and lack of accountability, resulted in passing of progressive legislations like National Rural Employment Guarantee Act (NREGA), Right To Information Act (RTI) and efforts were made to universalize Integrated Child Development Services ICDS. The eleventh plan, reviewing the near stagnancy in indicators of under-nutrition, spelt out the need to rejuvenate certain schemes like Public Distribution System, revamp Integrated Child Development Services and focused on convergence of Nutrition and health intervention. The proposal for a national food security bill became strong during this period. Few states governments based on political will and substantial resource allocation were able to contest the merit of the policies of Central government and provide alternative

<sup>6</sup> Third round of National Family Health Survey conducted during 2005-06.

models in case of Public Distribution System and Below Poverty Line population identification.

### **Flagship state response to agrarian (un) productivity-Rastriya Krishi Vikas Yojana:**

Concerned by the slow growth in the Agriculture and allied sectors, the National Development Council (NDC), in its meeting held on 29th May, 2007 resolved that a special Additional Central Assistance Scheme (RKVY) be launched. The NDC resolved that agricultural development strategies must be reoriented to meet the needs of farmers and called upon the Central and State governments to evolve a strategy to rejuvenate agriculture. The NDC reaffirmed its commitment to achieve 4 per cent annual growth in the agricultural sector during the 11th plan. The Resolution with respect to the Additional Central Assistance scheme reads as below:

Introduce a new Additional Central Assistance scheme to incentivize States to draw up plans for their agriculture sector more comprehensively, taking agro-climatic conditions, natural resource issues and technology into account, and integrating livestock, poultry and fisheries more fully. This will involve a new scheme for Additional Central Assistance to State Plans, administered by the Union Ministry of Agriculture over and above its existing Centrally Sponsored schemes, to supplement the State-specific strategies including special schemes for beneficiaries of land reforms. The newly created National Rainfed Area Authority will on request assist States in planning for rainfed areas.

In terms of analogy, suffice it to say, this is the NRHM of Agriculture sector. It is being extended to 12th FYP too considering India was nowhere near achieving the 4% growth target. We haven't done 1.3% yet.

And like the health activists galvanizing energies around NRHM during annual reviews, this should be the handle for agriculture activists but unlike NRHM, there is no systematic review/monitoring. Prof Abhijit Sen of Planning Commission has already taken on the department on the under-monitored nature of this programme. But the civil society has been ineffective in rallying around the monitoring agenda too.

## **III. Role of Civil Society**

A major limitation of the government policy is that it is excessively scheme based and seeks to understand food crisis in terms of failure of food and nutrition scheme, rather than locating the roots of food crisis in agrarian distress resulting from policy neglect. While the civil society networks, campaign groups, national and international NGOs have been questioning government on these fundamental lapses; they have also been engaging with the government recognizing its centrality in any fight against hunger. In this section we have made an attempt to list some of the approaches used by civil society in India to address hunger.

### **1) Advocacy for redefining the constitutional obligation of the government**

A major limitation of the Indian constitution is that food right was not included as a fundamental right, which is judicially enforceable. Rather it is included as directive principles of state policy. Two major public litigation efforts initiated by civil society members and groups has led to important re-interpretation of right to food as fundamental right and have made them judicial. National Human Rights Commission's interpretation of constitutional provisions on right to food in the starvation death cases in Orissa, in the proceedings of a hearing held on 17 January 2003, held Right to Food a guaranteed Fundamental Right which is enforceable by virtue of the constitutional remedy provided under Article 32 of the Constitution. Similarly the Supreme Court's interim orders in the Civil Writ Petition; People's Union of Civil Liberties vs. Union of India and Others (No. 196/2001); interpreted right to food as a part of article 21 and had made nine food security schemes justifiable in court (article 32 (1)).

Apart from initiating these public litigations, the civil society groups have been rallying around progressive legislations like NREGA and RTI, which provides stringent accountability measures. The ongoing attempt to expand the entitlements under food security bill is another commendable effort in this direction.

### **2) Addressing policy level challenges**

Last decade also saw campaign groups and NGOs taking important stand in major policy challenges pertaining to food schemes such as universal PDS,

identification of BPL households, universalization of ICDS, provision of cooked meals in MDM and ICDS, Cash vs. food transfers, identification of starvation deaths and decentralized procurement. Interventions of Supreme Court, quasi-judicial institutions like Office of Supreme Court commissioners and right to food campaign have played an important role enabling public debate on these policy issues.

### 3) **Ensuring equity and accountability through grassroots engagement**

While the supply side deficiencies were addressed by (a) government's own efforts, (b) Supreme Court orders, (c) pressure from national and state level advocacy networks and campaigns; the success of these programmes depended on success of last mile accountability which could plug major leakages from the programmes. Active role of many grassroots initiatives, village level vigilance committees, gram panchayat, NGOs and social audits promoted by the state, played a major role in struggle for local accountability and enabling access to marginalized groups. Irrespective of the success in such grassroots level initiatives, the process is expected to play a major role in deepening democratic engagement for marginalized social groups.

### 4) **Democratization and initiating public debates**

Apart from grassroots level democratization, the civil society engagement has been instrumental in politicizing neglected issues along with popular media, such as BPL estimation, food security bill, food price inflation and corruption in public schemes. The knowledge gained by the civil society groups with previous engagement with government has been instrumental in making these debates vibrant and effective.

### 5) **Challenging agenda and time engagement**

A major strength of the civic engagement in issues of food insecurity is the ongoing democratization accompanying the civil society engagement to strengthen the role of state in fight against hunger. In neo-liberal times this in itself is a major achievement. The civil society has chosen to mobilize and organize itself around chosen sites where government has promised to deliver or has invited partnership/engagement. It has strategically placed itself at different points to (a)

mobilize mass opinion and negotiate to broaden the entitlements planned during formulation of acts/ programmes etc (c) mobilize to play vigilance role, right from budget allocation to grassroots level implementation; and point out the problems (c) providing necessary advice and technical input to overcome implementation challenges and (d) challenge the government in courts, mass media and public forums over inaction. While these engagements have their success and failures in terms of their ability to expand the entitlement bundle and strengthen the accountability mechanisms, the real strength of these engagements lies in mobilization and politicization of masses to deepen democracy. This process involves grassroots engagement focusing on the state through service delivery points in each hamlet and grassroots organization and networking at district, state and national level through different advocacy opportunity. The necessary politicization accompanying such process would involve realization of their collective agency to challenge power structures, hold people accountable and bring change in public policy.

Once such critical mobilization is achieved then the civil society will have potential to set agenda for engagement with the Government based on grassroots requirement rather than searching for apt opportunities for influencing a partially willing government.

The major disappointment with current civil society engagement in right to food advocacy is their limited ability to set a broader agenda for engagement with Government. This is reflected in the fact that the current right to food bill is being debated within its minimalistic limit ignoring the agrarian crisis which is responsible for current food injustice.

## **IV. They way forward: Multi- pronged solutions**

As we have seen earlier, the food insecurity situation in India is still very grim. Many civil society groups have been engaging with public food and nutritional services as a short term measure, with larger picture in mind. Though differing in their overall approach to the problem and long term solutions, they are in agreement

that the current piece meal approach is highly inadequate and there is need to focus on the deeper agrarian distress in order to address food insecurity. The complex problem calls for multi-level, multi-pronged response to hit at the underlying causes of the crisis.

The food justice campaign in India, GROW, has attempted to chart the agenda for such long term solution to food injustice in India. The campaign recognizes that food injustice is not an occasional crisis of otherwise well operating system, but it is the whole system in crisis. There is a strong linkage between (a) our aspirations for pro-marginalized approach, (b) the way we grow, (c) the way marginalized social groups are empowered and (d) the way we access nutritious food. Based on this understanding, ten recipes for food justice have been listed for mobilizing initiatives towards food injustice in a campaign mode.

**1. Enshrine people's food and nutrition rights in the proposed Right to Food Act and provide nutritious food for all.**

Creating a political will and policy environment for ensuring food justice is the most important task before the campaign. As discussed earlier the right to food is not a fundamental right in Indian Constitution. The enactment of the proposed right to food bill would be an important step in addressing this drawback. Given the possibility of dilution of the right to food bill, there is a need to rally behind efforts to engage with government and strengthen the proposed entitlements under the bill.

**2. Reform public schemes on food and nutrition (such as the Public Distribution system, Integrated Child Development Services, Mid-day meal, and Indira Gandhi Matritava Sahyog Yojana) so as to ensure food and nutrition rights of all especially the poor and marginalized.**

Apart from facilitating creation of food justice entitlements, there is a need to critically engage with existing delivery mechanisms. Such public engagements provide vast scope for improving the reach of public schemes on food and nutrition. Inadequate budgetary provision, limited reach & coverage, discrimination and inequity, last mile accountability issues are to be addressed in order to address barriers faced by people in realizing food injustice.

**3. Protect the land, forest and water rights of vulnerable groups, especially women and tribals.**

A major reason for the dismal food and nutrition status in India is the lack of protection from food rights violations by government and large corporations. In guise of development efforts, marginalized communities are displaced from land, natural resources, forest and water rights, which affect their ability to produce and command adequate food, resources, well-being and a dignified existence. These resources are vital to the survival and success of small holder agriculture which is the future of equitable agrarian India and sustainable production systems. There is a need to ensure mechanisms which prevent such violations and empower communities to control their resources through enactment and implementation of laws such as the Land Acquisition and Rehabilitation and Resettlement Bill, the Minerals and Mining Development and Regulation Bill and the Forest Rights Act.

**4. Ensure that private investments made in agriculture locally and globally are responsible, ethical, and sustainable.**

Private investments in agriculture are profit driven and unethically disregard sustainability concerns. Such investments in forms of agriculture support services and products such as fertilizers, pesticides, seeds and farm equipments leading to unsustainable changes and puts undue stress on the system on long run. There is an urgent need to monitor the private investments in the agriculture in India and ensure that they are ethical and sustainable and not switching farmers' owned land patterns into contract-farm patterns.

**5. Work on a just and equitable global deal on climate change that limits global warming**

The much required global agreements between nations on climate change are jeopardized as they are currently unjust and inequitable. The task of the campaign in India would be to ensure representation of the interest of poor and marginalized in these global deals, keeping in view their short term and long term interests.

**6. Build the capacities of farming communities to adapt to the impacts of climate change**

Another task before the campaign is to proactively engage with the food production system and the



factors shaping them. An important risk that is adversely affecting food production system in India is the climate change that is directly affecting the lives of people in India, through affecting their livelihood base in farming, fisheries and forestry. The impact is expected to be severe in rain-fed and flood-prone areas. There is an urgent need to build relevant capacities of the farming communities in different climate zones to understand these climate risks and to adapt accordingly.

**7. Invest in a second green revolution in eastern India that is equitable, sustainable and focuses on small holder farmers in rain fed areas**

The major challenge before India is to ensure adequate food production while dramatically changing the way we grow and produce. While the government is attempting to undertake second green revolution in eastern India, it is a daunting task to ensure that government provides necessary public investment, technology, support and extensive services to encourage equitable, sustainable and small-holder friendly production process, especially in the rain-fed areas. The success of this second green revolution is vital for ensuring food security in face of stagnant yields, water crisis and land 'scarcity', elsewhere in India.

**8. Recognize and support women's important role as producers, processors and providers of food and nutrition**

The contribution of rural women in India as producers and workers in Indian agriculture is widely recognized. Similarly their role as providers of food and nutrition is well recognized. However these recognitions are not matched with corresponding legal ownership of land or decision making power of women at households and communities. The existing policies of food, agriculture and livelihood, have not done much to change the existing gender relations which govern these unjust practices. Instead they have continued to give legitimacy to the existing gender relations in one form or other. An important task before the campaign would be to address the gender insensitivity of the existing policies and to proactively address access issues faced by women related to productive resources and services, markets and marketing facilities.

**9. Ensure that India plays an active role in the global system to prevent food price crisis**

Food price crisis in developing countries adversely affects majority of people who spend substantial share of their income on food and are not able to adjust their consumption basket in face of food price crisis. The poor in these countries have to curtail food consumption in such time or/and reduce consumption of other basic necessities, which have disastrous consequences on their health. With growing linkage of nations in the global food markets and increasing dependence on food imports, India could play an active role in the global systems such as Committee on World Food Security (CFS) and G20 to facilitate global systems to prevent food price crises.

**10. Strengthen community based mechanisms to reduce the effects of natural disasters on food security**

Natural disasters are major source of food insecurity for marginalized communities. During such disaster situations, the spiraling food prices, inequity in aid disbursal and differential access, increases the impact of disaster on vulnerable sections. The long lasting and sustainable solutions to address this lies with evolving community based mechanisms which prepare the community to plan and mitigate food crisis reduce during natural disasters.

## Endnote

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# **PART II**

## VOICES OF THE MARGINALIZED SECTORS



# THE NATIONAL 'FOOD FOR THOUGHT' SECURITY BILL, 2011 A CRITIQUE FROM A TRIBAL PERSPECTIVE

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In development discourses in the country, the livelihood and food security issues have often been conspicuously missing. The nation has to wait for more than 60 years for a law that will ensure a life of dignity, primarily to the less privileged sections of the society. Ironically, such an assurance has always been enshrined in the Constitution of India ever since the framing of the Constitution. Now that the Bill is tabled in the Parliament, the big question is whether it will ensure a dignified life to every citizen. The real issue from a tribal perspective, however, is whether the Bill will ensure food and livelihood for the 84.3 million Scheduled Tribes in India apart from other vulnerable and marginalized communities, who are always exploited, oppressed, discriminated against and dehumanized in various forms. Before the present state of the Bill there has been a long process of debates in public domain. Some of those discussions give us food

for thought and insights into the making of the new Bill on national food security in view of assessing its far-reaching repercussions on the lives of the millions.

The basic guiding principle of The National Food Security Bill, 2011, is to ensure the people of India, "a life with dignity". This resonates well with majority of the tribals across the country, who are struggling for survival and live in dehumanizing conditions. While on the one hand there is absence of means and opportunities for livelihood and better prospects of diversification in education, occupation and employment, there is also lack of exposure, technical know-how, competence and self-esteem. Hence, if one is concerned about facilitating a life of dignity for tribals, its implications are primarily for rural tribal masses who are victims of model of development which is responsible for their displacement and migration. A



Bill on food security, therefore, cannot overlook the plight of the migrant men and women to the mega cities and other urban centers for better prospects.

Two strategies are worked out in the 'food bill' to concretize the vision of a life of dignity for every citizen of the country—one, access to adequate quantity and quality of nutritious food; and two, provision of the required food at affordable prices. This methodology touches upon the very core of the tribal existence. Since, they have no purchasing power, they cannot afford to have nutritious food necessary for the healthy growth of mind and body. Any legislation to bridge that gap of the tribal development is always appreciable. There are, however, a couple of issues emerging from the Bill which need to be discussed. They are pertaining to the beneficiaries, cash transfer, identification of priority households and targeted public distribution system, women's security, and grievance redressal mechanism.

## Beneficiaries

There are as many as six categories of beneficiaries mentioned in the Bill. The first set of beneficiaries is categorized in terms of "priority households" and "general households". The first category of people will be entitled to receive, under the Targeted Public Distribution System, seven kilograms of food grains per person per month, and not less than three kilograms of food grains per person per month for general households, at subsidized prices (Chapter II, 3. (1). The subsidized prices are envisaged to extend up to 75 percent of the rural population and up to 50 per cent of the urban population. It also insists that no less than 46 percent of the rural and 28 percent of the urban population will be designated as "priority household" (Chapter II, 3. (2).

There are real concerns about the criteria used to identify the priority/target and general households. There have been controversies about their inclusion and exclusion criteria. According to the media reports, Darvinder Singh, a resident of Bhagote village in Ramban, about 130 km north of Jammu, sent demand drafts of Rs 26—the Planning Commission's poverty line cut-off for rural areas—to Prime Minister Manmohan Singh, Finance Minister Pranab Mukherjee and the Commission's Deputy Chairman Montek Singh Ahluwalia asking them to show how to spend a

day on that amount (*The Hindustan Times* 1/10/11). In Darvinder Singh's opinion the Planning Commission's classification of poor was an "insult to crores of poor of the country". He contended that despite soaring inflation, the commission was making "illogical, unjustifiable and unrealistic claims" (*The Hindustan Times* 1/10/11). He also urged the prime minister to "withdraw the affidavit submitted in the Supreme Court to save further embarrassment to the poor". It can be recalled that the Planning Commission had recently told the Supreme Court that poverty line for urban areas could be provisionally placed at Rs 965 per capita per month (Rs 32 per day) and for rural areas at Rs 781 per capita per month (Rs 26 per day) (*The Hindustan Times* 1/10/11). Among others, Aruna Roy and Harsh Mander, members of the Sonia Gandhi-led National Advisory Council, challenged the poverty line definition of the Commission and demanded that Ahluwalia withdraw the affidavit or resign. Ridiculing the poverty line, NAC member N C Saxena said, "On Rs 32 a day, you know only dogs and animals can live. People who are spending below Rs 32 (a day)... They are poorest of the poor" (*Times of India* 3/10/11). In spite of the raging controversy over the poverty line, Ahluwalia said that it was "not all that ridiculous" in Indian conditions (*CNN-IBN* 12/10/11).

The second set of beneficiaries is "every pregnant woman and lactating mother" entitled to free meal during pregnancy and six months after the child birth. The mechanism through which free meal is provided is the local *anganwadi*. This is in view of meeting the "nutritional standards" as specified (Chapter II, 4. (a). The bill also provides "maternity benefits" of rupees one thousand per month for a period of six months provided the beneficiaries are not receiving similar benefits under any law (Chapter II, 4. (b).

While the idea of providing free meal to every pregnant woman and lactating mother is very good, there are some practical difficulties in its operationalization. If every village has an *anganwadi* things will be less complicated. However, if remote tribal villages have no access to any *anganwadi* due to factors, such as poor health, lack of means of communication, bad climatic conditions, and safety concerns, a woman cannot walk down to an *anganwadi* for free meal in her ninth month of pregnancy and also after the delivery? What is then a more effective delivery mechanism to provide free nutritious meal to a mother overcoming the above

hurdles apart from many others not mentioned here? Maternity benefits of one thousand rupees a month is a good idea provided it reaches the beneficiary without her efforts. However, given the past experience, it will not be surprising if the go-between takes half the money that a deserving woman is supposed to receive. The Bill should look into the problem of poor delivery mechanism as well.

The third set of beneficiaries is “every child up to the age of fourteen years” in different age groups entitled to have appropriate meal to meet the nutritional standards specified through *anganwadis* and schools (Chapter II, 5. (1&2). The “children who suffer from malnutrition” are envisaged to be identified through the local *anganwadis* in conformity with the standards specified (Chapter II, 6). The provisions in the Bill are well intentioned, but its operationalization will not be easy. If the present bill becomes an act it will address the problem of hunger to some extent.

The fourth set of beneficiaries is the “affected households” due to an emergency or disaster. They are entitled to two meals free for a three-month period from the date of disaster (Chapter III, 9). Many tribal households in the rural areas are affected by development-induced displacement. In the post-liberalized economy since early 1990s, land-grabbing has been institutionalized and legalized. Obviously, tribals are the easy targets as they live in the habitats where the best of India’s minerals and natural resources are found. The question before the ‘Food Bill’ on the food security is whether it takes into accounts only the natural calamities or human-made disasters as well. Rampant plundering and pillaging of land, forest and water and the plight of the victims on account of this inhumane act does create disaster and trauma for the affected. The ‘Food Bill’, however, does not take into consideration this aspect of the human-made tragedy.

The fifth set of beneficiaries is the “persons living in starvation” who can be “persons, households, groups, or communities, if any, living in starvation or condition akin to starvation” (Chapter IV, 10). They are entitled to two free meals a day for a period of six months from the time of identification and any other relief considered necessary by the State Government (Chapter IV, 11). The idea of supporting the persons living in starvation is a good idea but the problem of identification and criteria of inclusion-exclusion

persist. Three categories of people may fall under this category—beggars and the persons living in rural areas without resources, and the persons whose resources have been alienated from them. One of the categories of beneficiaries consists of “special groups” of destitute persons who are entitled to at least one free meal every day, and the homeless who can avail “affordable meals at community kitchens” (Chapter III, 8).

## Limitations of cash transfer

The cash transfer is to be made “food security allowance” from the concerned State Government if there is “non-supply of the entitled quantities of food grains of meals to entitled persons” (Chapter V, 13).

However, according to a survey by NGO Rozi Roti Adhikar Abhiyan (RRAA) a majority of Delhi’s poor prefer a reformed Public Distribution System (PDS) over cash transfers. The survey was conducted in July in slums and resettlement colonies across Delhi, covering 4,005 households. The findings revealed “that about 91.4 percent respondents were strictly against the concept of cash subsidies.” According to the survey, 87.4 percent of the respondents agreed to the PDS system’s universalization. It is argued that the “Universalization will ensure distinction between above poverty line (APL) and below poverty line (BPL) families is done away with” (*New Kerala* 12/8/11). According to the findings of the survey by RRAA, “Three quarters of respondents did not want to do away with the PDS because they felt the ration card doubles up as an identity proof, especially in times of death, birth, marriage and employment” (*New Kerala* 12/8/11). They also “feel that it will take away their food security that the PDS ensures, for the money might be used for other needs” (*New Kerala* 12/8/11). Food rights campaigner and former NAC member Jean Drèze has suggested to the Prime Minister “that the proposed Food Bill should incorporate strong safeguards if the government intends to go for cash transfers instead of providing subsidized food grains” (*The Hindu* 2/10/11). Prof. Drèze, who quit the Sonia Gandhi-headed National Advisory Council (NAC) following differences over the draft Food Bill, opined that the reasons that PDS beneficiaries cited for opposing cash transfers were quite thoughtful and convincing. These concerns were from the point of view of the poor households. He pointed out that many respondents were worried about the possibility of the



misuse of the money and also fear about a sudden rise in food prices. Another apprehension expressed was that in places where markets were accessible, there were fears of the traders raising prices if PDS is to be closed. There is a problem with regard to the banking system as well, which is often too far and too crowded for a simple villager to handle (*The Hindu* 2/10/11).

## Problems of identification and Targeted System

There are serious problems of identification of the priority households and general household despite the guidelines from the Government from time to time. Prof. Drèze points out at least four alternative figures available for the rural population Below Poverty Line: The BPL figure of Planning Commission is 28 per cent, whereas N. C. Saxena Committee Report, Tendulkar Committee Report, and National Commission for Enterprises in the Unorganized Sector (NCEUS) peg the figure at 50 percent, 42 percent, and 80 percent respectively (Drèze 2011 p.1). Drèz argues that the Right to Food is “a fundamental right to all citizens” under Article 21 of the Constitution, and that, “any targeting method inevitably entails substantial “exclusion errors” (Drèze p.2).

The “exclusion criteria” in the bill looks very complex (see Chapter VI, 14). The list of the identified priority households and general households needs to be displayed prominently in the public domain (see Chapter VI, 16) to avoid any manipulations. In the draft bill it is envisaged that the Targeted Public Distribution System (TPDS) will be reformed in terms of “doorstep delivery of food grains, computerization for transparency, leveraging “Aadhaar” for unique identification for proper targeting of benefits, transparency of records, preference to public institutions/ public bodies such as Panchayats, self help groups, co-operatives in licensing and managing fair price shops by women or their collectives, diversification of commodities distributed under the PDS over a period of time, support to local public distribution models and grains banks, and schemes, such as, cash transfer, food coupons, or other schemes, to the targeted beneficiaries in lieu of their food grain entitlements (Chapter VII, 18).

The critics claim that the Bill further destroys the PDS. According to them, it does not respond to the

needs of hunger, malnutrition of women and children, primarily of tribals, Dalits, other backward castes and classes. Farmers are going to be badly hit by the bill if it becomes a law.

The Bill seeks to entitle nearly 75 percent of India’s population to subsidized food grains. It guarantees subsidized food grain to only 75 percent of the rural households and 50 percent of the urban households. According to the letter written by the campaign members to the prime minister including activists Aruna Roy, Nikhil Dey, Arundhati Dhuru, and Kavita Srivastava from the People’s Union for Civic Liberties (PUCL), among others, “This draft Bill makes a complete mockery of the idea of food security for all and dilutes even existing entitlements obtained through the Supreme Court” (*New Kerala* 2/8/11). According to the activists, “It was expected that the government will increase investment in the schemes related to food security, in order to reduce the unacceptably high rates of malnutrition and hunger in India. Instead what we get is a draft which minimizes government’s obligations, restricts people’s entitlements and is devoid of any accountability” (*New Kerala* 2/8/11). The activists claim that ‘the Bill interprets food security only as distribution of cereals and cooked meals and is completely silent on pulses, millets and oil’ (*New Kerala* 2/8/11). There is the “lack of commitment towards nutritional security or production” (*New Kerala* 2/8/11). Thus, this Bill does not seem to have the mechanism and power towards alleviating hunger and malnutrition in the country.

## Security of women

The Bill makes space for the women empowerment by ensuring ration card to the eldest woman of the priority/general household if she is 18 years of age and above. In case no woman in the household is of that age, the eldest male member of the household is made the head of the household for the purpose of procuring ration card. However, the female member will become the head for such ration card in place of the male member once she attains the age of 18 years (Chapter VIII, 19). The issue of women empowerment in the real sense of the terms is complex, especially when the Bill promotes cash transfer. The cash in rural areas is primarily controlled by men. Hence, although the idea of women empowerment is the need of the hour, one needs to monitor whether women are in reality the

decision-makers as well when it comes to making use of the cash transferred in their names.

## Grievance Redressal Mechanism (Chapter IX, 20-27)

In case of malpractices in the PDS which has been and is going to be rampant, one cannot imagine the simple, rustic villagers to travel to the District Grievance Redressal Officer to lodge official complaints about corruption. They neither have time for that since they live from hand to mouth, nor do they have resources to travel to the district headquarters. Even if the Grievance Redressal Officers are available at the local level, it is less likely that tribals will openly and boldly go to them to lodge any complaints given the local dynamics of governance. It has been my observation in the Sonbhadra district of Uttar Pradesh where the village pradhan who is responsible for the distribution of the ration cards, has been favorable to those who have an allegiance to him. He, however, is said to be discriminatory against those, who are below poverty line and deserve Indira Awas and red ration card, but do not share good camaraderie with the village pradhan. In the case of all Government schemes, such as Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) and others, similar experiences are observed. The provision of “doorstep delivery” of the PDS grains may stop black marketing or make it difficult to siphon off without opposition (Drèze, p. 5). However, a rigorous monitoring is desirable to make the system work.

## Conclusions

The Bill is a good effort on the part of the Government as it legitimizes the right of the people to a life of dignity through nutritional food. However, in the context of the tribals in India the Bill cannot be understood in isolation. It is within the framework of development. Hence, what also seems to be happening is the lack of addressing the real issues of development. Availability of subsidized food will surely eradicate hunger if the act is implemented seriously and honestly. This act, however, cannot solve the problem of development as it addresses the symptoms and not the root cause. Crudely speaking, it makes the tribals dignified beggars and not the owners of their own resources and decision-makers in the development

process. This piecemeal solution does remove hunger by giving them food, but certainly it does not give them a life of dignity. Or it may be more appropriate to say that the subsidized food under the ‘Food Bill’ gives tribals, who have lost their land and resources, only a ‘subsidized dignity’. The real life of dignity can be spoken about only when they participate in the democratic process of governance and well-equipped in skill and knowledge, are part of the competitive world for better education, better purchasing and bargaining power and diversified job opportunities. The present Bill may be a small step towards that direction. Irrespective of whether the present ‘Food Bill’ has enough security for tribals or not, it does seem to have enough food for thought, at least for the time being.

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# FOOD SECURITY: IMPLICATIONS FOR DALITS

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## Introduction

Till the 1980s, the dominant approach to examining famines and their consequences focused on food availability. This came to be known as the food availability decline (FAD) approach. In 1981, through his work, “Poverty and Famines: An Essay on Entitlement and Deprivation”, Amartya Sen (1981) challenged the then established FAD paradigm to assert that famines were not always a result of shortage of food. Famines, he argued, is a case of people not having enough to eat but this is not necessarily a result of there being not enough food to go around. It is from this idea that the ‘entitlement’ approach to food and famine stems. It is an approach that focuses attention on people having or not having enough command over food, as distinct from the idea that there is not enough food to eat.

Despite the early recognition of the fundamental importance of the right to food by the Universal Declaration of Human Rights (1948) it was only in

the 1970s and the 1980s that food security became a key concept around which theoretical frameworks and analyses of undernourishment began to be developed. In the 1970s, many of the definitions of food security concentrated on the concern towards building up national or global level food stocks that is, the importance of the physical availability of food stocks (Frankenberger and Maxwell, 1992).

With apparent achievement of ‘self-sufficiency’ in food grain, the focus of analysis shifted in the 1980s. While the ‘success’ of the GR increased food availability, various studies on famines sought to make the point that famines could occur even when food was available, due to the lack of purchasing power among the people and this shifted the emphasis to the question of economic access to food at the household level.

Today, food security concerns include not only the problems of physical availability of food stocks but more on the economic and physical access to food stocks, as well as biological utilization of the food

consumed, availability or otherwise of safe drinking water and sanitation as well as nutrition practices and knowledge that can help or hinder the absorption of food into the body form part of the more inclusive contemporary conception of food security.

## Constitutional Provisions and Directive Principles of State Policy

Even though the Indian Constitution does not expressly target the fundamental right to food, the Article 21 of the Constitution of India guarantees a fundamental right to life and personal liberty. The expression 'Life' in this Article means a life with human dignity and not mere survival or animal existence. The Right to Food is inherent to a life with dignity, and so Article 21 should be read with Articles 39(a) and 47 to understand the nature of the obligations of the State in order to ensure the effective realization of this right. Article 39(a) of the Constitution, enunciated as one of the Directive Principles, fundamental in the governance of the country, requires the State to direct its policy towards securing that the citizens, men and women equally, have the right to an adequate means to livelihood. Article 47 spells out the duty of the State to raise the level of nutrition and the standard of living of its people as a primary responsibility. The citizen's right to be free from hunger enshrined in Article 21 is to be ensured by the fulfillment of the obligations of the State set out in Articles 39(a) and 47.

The reading of Article 21, together with Articles 39(a) and 47, places the issue of food security in the correct perspective, thus making the Right to Food a guaranteed Fundamental Right which is enforceable by virtue of the constitutional remedy provided under Article 32 of the Constitution. Therefore, it is the obligation of the state to be proactive in strengthening people's access to food.

## Present Situation and Persistence of Multidimensional Hunger

Considering the rate of poverty at 27.5% as estimated by the Planning Commission in 2004-05, nearly 300 million people struggle for meeting two square meals a day. The National Family Health Survey - III estimates that 40.4 % children are underweight and 28.1 % men and 33 % women have their body mass index

below normal. The cost of under nutrition or hunger to society comes in several forms. One of the most obvious is the direct cost of treating the damage caused by under nutrition and malnutrition. The indirect costs include lost productivity and income caused by premature death, disability, absenteeism and lower educational and occupational opportunities. India ranks 67th in the Global Hunger Index 2010, of 84 countries.<sup>1</sup> This bleak outlook at the aggregate level is further exacerbated due to sharp disparities arising from intersecting socio-economic disparities (Kabeer, 2010) such as economic status, gender, caste/tribe, mother's level of education, access to primary health care, mother's nutrition status at birth, and other related social and economic disparities.

For instance, children from the lowest wealth quintile are nearly 3 times more likely to be underweight than children from the top wealth quintile. Rural underweight prevalence is nearly 40% higher than the corresponding urban rates. Children belong to underweight mothers are 34% more likely to be underweight than children belonging to mothers with a normal BMI. In SC/ST and OBC households children are nearly 50% more likely to be underweight than children from other ethnic backgrounds. Mothers with little or no education have children who face a 66% higher chance of being underweight when compared to children whose mothers have 5 or more years of education (NHFS-3).<sup>2</sup> The prevalence of malnutrition is significantly higher among children from low-income families, although rates of child malnutrition are significant among middle and high income families. Children from households identifying as Muslim or belonging to Scheduled Castes or Schedule Tribes generally have worse nutrition.<sup>3</sup>

Examining the provisions of the National Food Security Bill 2011 and analyzing from the perspective of marginalized/Dalit sections of the society we need to discuss the extent to which this bill be able to secure Right to Food for the people at the fringe and necessary changes that must be incorporated in the bill

1 The Global Hunger Index (GHI) is a multidimensional statistical tool used to describe the state of countries' hunger situation. The GHI measures progress and failures in the global fight against hunger. It is prepared and published by the International Food Policy Research Institute

2 Hunger: The true growth story in India <http://www.macrosan.org/anl/dec10/pdf/Hunger.pdf>

3 The HUNGaMA survey report 2011



to improve its representative character and address the need of India's Dalit who have long been suppressed and exploited. We will first look into the provisions for the Food Security, Entitlement of the special groups, identification of the households and reforms in Targeted Public Distribution System. Later, we will discuss about the grievance redressal mechanism and finally, we will analyze about the transparency and accountability provisions.

The National Food Security Bill 2011 has been tabled in Parliament by Shri L. K. V. Thomas, Minister for Consumer Affairs, Food and Public Distribution on December 19, 2012. The mandate of the Bill is to provide for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity and for matters connected there with. The proposed legislation marks a paradigm shift in addressing the problem of food security—from the current welfare approach to a right based approach. Besides expanding coverage of the Targeted Public Distribution System, the proposed legislation would confer legal rights on eligible beneficiaries to receive entitled quantities of food grains at highly subsidised prices. It will also confer legal rights on women and children and other Special Groups such as destitute, homeless, disaster and emergency affected persons and persons living in starvation, to receive meal free of charge or at affordable price, as the case may be. The Bill has fifteen chapters and fifty two clauses.

## Beneficiaries, PDS and Entitlements

According to the bill, the beneficiaries will be divided into General Households and Priority Households. For the Priority Households, Seven kilograms of food grains per person per month at “not exceeding rupees 3 per kg for rice, rupees 2 per kg for wheat and rupee 1 support price for wheat and coarse grains, per kg for coarse grains.” And for General Households, Not less than three kilograms of food grains per person per month for general households at not exceeding 50 per cent of the minimum support price for wheat and coarse grains, and not exceeding 50 per cent of derived minimum support price for rice. The Bill is somewhat questionable in some respects. It calls for selective PDS. There is a need of universal PDS. The country should follow the principle of exclusion as against inclusion. Categorization of below poverty line (BPL), above

poverty line (APL) and targeted PDS are controversial issues and there is large amount of corruption in such classification. The proposed Food Security Act will be the largest social protection against hunger anywhere in the world. Its success will depend upon how far we are able to reach all those who need food. It is difficult to have exact separation line for general households and priority households.

According to the bill, Central Government will prescribe the guidelines for identification of households and State Government will identify the beneficiaries. The Practice of Caste based discrimination is so rigid that there have been many instances of excluding particular communities from accessing the benefits and they have not been identified and thus, been kept away from the state benefits. Considering the present scheme of identifying beneficiaries on the basis of inclusion and exclusion criteria, the chances of exclusion of disadvantage group increases many times. There has been plethora of debate about universal approach vs targeted approach. “General” Households get only token PDS entitlements (3kg per head per person), so that the PDS effectively remains targeted to “Priority” groups. While selecting the beneficiaries, Government must ensure that Dalit communities are not discriminated. It is recommended that Selection committee for identifying target population must have wide representation from all sections of the society.

In terms of Dalits' *community access* to the PDS, four forms of discriminatory practices are reported – discrimination in quantity, discrimination in price, caste-based favoritism by the PDS dealer, and practices of “untouchability” by the PDS dealer – in varying degrees of currency.<sup>4</sup> Dalits receive, for the same price, lesser quantities than the dominant castes receive from the PDS shopkeeper. In some cases, they are also charged more for the same quantity.

According to clause 18 (1), there is a need to take up reforms in the Targeted Public Distribution System as the whole Food Security Bill revolves around an efficient PDS. To better manage the PDS, this bill talks about providing ownership of PDS shop to public institutions or public bodies such as Panchayats, self help groups, co-operatives, and etc.

<sup>4</sup> Dalit and Right to Food-Discrimination and Exclusion in Food-Related Government Programmes : Sukhadeo Thorat and Joel Lee

This is an encouraging provision. But it still lacks the representations of Dalit Community. Dalits' *participatory empowerment* and *ownership* of the PDS is measured by the percentage of PDS shops owned by Dalits. Having Dalit organizations, Self Help Groups and Individuals owning PDS shop will lessen the discriminating practices. In addition to the ownership, the location of the PDS shop is also very important. One of the factors conditioning Dalit access to the benefits of the PDS is the location in which the shops are physically situated. Having PDS shop mainly in dominant caste locality sometimes creates problem in accessing benefits by the marginalised communities. This is evident from the case study below.

### Case Study 1

#### Mass Attack and Social Boycott against Dalit

Singapur village in Sindhanur Taluk, District Raichur, and Karnataka witnessed Mass attack and social boycott of 20 Madiga families. The village has a household of approximately 100 Lingayath (OBC), 100 Kopaliga (OBC), 100 Kurba (OBC), 20 Madiga (SC) and 20 Chalavadi (SC). The people of Singapur village usually cross the river Tungabhadra to reach the nearby village Nitur. Usually the sailor Timanna S/o Hanumamaa belonging to the caste Kabaling (OBC) used to charge Rs. 4 for each person and Rs. 10 to carry the motorbikes on his boat in order to cross the river. The incident relates to 3.6.09, when the victim Gundappa S/o Sharanappa belonging to Madiga with his two sisters reached the river bank in order to reach the village Nitur. On that day Ms. Hanumamaa M/o Timanna belonging to dominant caste was sailing the boat. She demanded a sum of Rs. 30 from the victims. At this victims objected and questioned her reason for charging more. Later on the arguments started between the victim and Hanumamma. During the arguments Hanumamma passed a comment "being a Madiga how can you be proud of yourself". The accused called her son Timanna, who was accompanied by Shivappa, Mailappa Hanumanth, Garish and Anbaresh. They had a quarrel with the victim Gundappa and after beating him black and blue they left the place.

After reaching home Timanna called a meeting with around 300 dominant caste people participating and unanimously deciding to attack the whole Madiga community in the village in order to teach them a lesson. The dominants reached the hamlets of Madiga, carrying sharp edged weapons, stones, rods and attacked the Madiga community. They also abused them with their caste name and also announced social boycott against Madiga community. (Source: NCDHR field report)

**Social boycott for three months cut off access to the main village including ration shops**

There is need to ensure that any separate Dalit locality in a particular village must have a PDS shop. This fact has been validated by the recent Mirchpur case of Dalit atrocity. In the midst of violence, fear and exclusion faced by the Dalits in Mirchpur access to food was ensured only because the ration shop was located in the Dalit colony.

This bill does not have any special provisions for making food material available during atrocity and social boycott. This happens mainly when PDS shop is owned by dominant group and located in dominant caste locality. During the instances of social boycott and atrocity the District and Block administration must take extra measures to provide ration if they are not allowed to access food from the PDS shop. These aspects must be included in the present Food Security Bill.

## Provisions for Women and Children

In addition to targeting households under Targeted Public Distribution System, bill provides for Nutritional support to pregnant women and lactating mothers, Nutritional support to children, Prevention and management of child malnutrition, Entitlements for emergency and disaster affected persons. According to clause 4 of the bill, every pregnant woman and lactating mother shall be entitled to— (a) meal, free of charge, during pregnancy and six months after the child birth, through the local anganwadi (b) maternity benefit of rupees one thousand per month for a period of six months. Data on the age distribution of BMI for adult women show that Indian women are the most 'weight deficient' during their reproductive years. Over half the pregnant women in the age group 15 to 49 suffer from anemia. The situation in India is inordinately dire for women belonging to the lower income households, women in rural households and those living in the so called scheduled tribe or scheduled caste households<sup>5</sup>. Considering the grim situation, there is a need to provide adequate benefits to women belonging to marginalized community in addition to the general entitlements. Maternal benefits (Rs. 1,000 per month for 6 months) are meager, and their real value will go down as prices go

5 Hunger: The true growth story in India <http://www.macrosan.org/anl/dec10/pdf/Hunger.pdf>



up since they are not indexed. The maternal benefit for the marginalized community/ Dalit should be enhanced.

According to the clause 5 of Chapter II Nutritional Support to the children should be in the form of appropriate meal for children from age of 6 months to 6 years and one mid day meal for children from 6 years to 14 years on all school days and one mid day meal for children from 6 years to 14 years on all school days. The Supreme Court in its order on 28 November 2001 directed the Central Government to universalise the Integrated Child Development Scheme (ICDS). The Ministry of Women and Child Development, Government of India in its notification number TNO.F.14-1I2008-CD-1 had given approval for Universalization of ICDS Scheme under third phase of expansion bringing the total number of AWCs to 14 lakh. But these universalization aspects are not completely reflected in the bill. If we go deeper into this scheme and analyse it from the perspective of Dalit then we find huge disparity. According to Madras High Court, discrimination by providers, grassroots-level workers like Auxiliary Nurse Midwives (ANMs) and Anganwadi Workers (AWWs) were more discriminating than the higher-order providers such as doctors and lab technicians. Of the total number of times that Dalit children accessed health care services, more than 93 per cent times they experienced discrimination by ANMs and AWWs. Almost always (98 per cent times), the AWWs served the food last to the Dalit children. Nature of discrimination includes AWWs do not touch them, AWWs make them sit separately, AWWs do not speak gently and AWWs serve them food last. There is need to provide reservation of SC/ST in hiring of ANMs and AWWs. In the existing guidelines<sup>6</sup> framed by the Government for filling up the post of workers under the Nutritious Meal scheme as well as Anganwadi workers, preference is given to residents of the village or to persons who are living with the same locality. In most of the cases, either schools or Anganwadi centres are located in the hamlets dominated by upper castes and applying preference as indicated in the guidelines will clearly edge-out the members of scheduled caste from getting opportunity to work in such centres, since hardly there are any schools or Anganwadi centres situated in the

Dalit colonies. That was why the Supreme Court also in the Right to Food case gave direction to States to make efforts that all Scheduled Caste and Scheduled Tribe colonies in the Country must have Anganwadi Centres.<sup>7</sup> There is a need to include in the bill the provision to identify Dalit hamlet and open Anganwadi centres.

A new study based on a survey of the height and weight of more than one lakh children across six States has found that as many as 42 per cent of under-fives are severely or moderately underweight and that 59 per cent of them suffer from moderate to severe stunting, meaning their height is much lower than the median height-for-age of the reference population.<sup>8</sup> According to clause The State Government shall, through the local anganwadi, identify and provide meals, free of charge, to children who suffer from malnutrition, so as to meet the nutritional standards specified in Schedule II of the bill. If the present practice of discrimination persists as highlighted in the Madras High Court Judgments, then it will take another 60 years to eliminate the malnutrition. This clause reinforces the arguments for reservation of SC/ST in hiring of ANMs and AWWs.

In a recent study, “Whose Right to Food? Caste Discrimination and Food Security Programmes”, to assay caste discrimination and exclusion in the MMS, three factors have been used. The first of which is Dalit children’s *physical access* to the midday meal, second factor considered is Dalits’ *participatory empowerment/ownership* of the MMS and third factor is Dalits’ *community-level access* to the MMS. The Situation is really deplorable on second and third factors. In measuring Dalits’ *participatory empowerment* in and *ownership* of the MMS, two indicators are used to evaluate Dalit participatory empowerment/ownership of the MMS, namely, the percentage of MMSs organized/operated by Dalits and the percentage of MMSs in which Dalit cooks are engaged. Survey finds that there are only 31 percent of cooks employed and 29 percent of the organisers belong Scheduled Caste and Scheduled Tribe. There have been many instances

6 Selection of Anganwadi Workers under ICDS Scheme: Ministry of Women and Child Development

7 Madras High Court Judgment on SC/ST reservation for AW Workers: [http://www.righttofoodindia.org/data/madras\\_hc\\_anganwadi\\_workers\\_reservation\\_sc\\_st.pdf](http://www.righttofoodindia.org/data/madras_hc_anganwadi_workers_reservation_sc_st.pdf)

8 The findings – contained in the Hunger and Malnutrition (HUN-GaMA) report by the Naandi Foundation – were described by Prime Minister Manmohan Singh as a “national shame”. Despite impressive growth in India’s Gross Domestic Product (GDP) in recent years, the level of under-nutrition is unacceptably high, he said.

of Dalit cook being harassed and subsequently removed.

### Case Study 2

#### Prevalence of Untouchability Practice in Mid –Day Meal Scheme

On 14th August, a village Panchayat meeting was held to recruit cooks in the school at village Kallipur, PS-Mirjamurad in District Varanasi, Uttar Pradesh. Under the same scheme, Shanti Devi (SC) was recruited and on September 1, 2006 she was appointed as a cook in the Kallipur Government Primary School. On the very first day, except Dalit children all the other caste children denied to have food cooked by her. It continued on the second day too. Considering the protest by the children, she was asked to leave and given Rs. 116 for two days of work.

On the intervention of Mirjamurad Police Station, she was reinstated in the school for a month and was asked to stay away from kitchen work and mainly focus on cleaning the school.

Source: NCDHR field report

As the case study highlights, the caste discrimination is rampant in the Mid-Day Meal Scheme. As per a recent report<sup>9</sup>, 40% schools of Shahjahanpur, Badaun and Pilibhit districts of Uttar Pradesh, teachers do not taste the mid-day meal food and students refuse to eat it since the cooks belong to lower caste<sup>10</sup>. The discrimination practice excludes the employment of Dalit cook and thus reduces their chance of climbing the ladder of socio-economic structure of our society. Survey findings with reference to the third factor, Dalit *community-level access* to the MMS, indicate that caste-based exclusion and discrimination of one form or another do in fact plague a significant percentage of Midday Meal Schemes across the country. Dalit children are made to eat separately and served at the end.

### Case Study 3

#### Dalit school children prevented to take Mid-Day meal with upper caste students

Like most of the schools in the state, students used utensils and plates for taking meal during school hour. But teachers of Keutapala Primary School under Balikuda block in Jagatsinghpur district being inspired by upper caste villagers prevented SC and dalit students to use utensils and plates and advised them to sit separately due to untouchability. Although all students belonging to upper castes were allowed to take MID meals with utensils and plates, as many as 25 Dalit students of the school, including girls, were prevented to sit with them at the time of taking meal or restricted to use government supplied plates. The village has a population of about 500, and about 150 of them are Dalits.

Source: NCDHR field report

In some cases, they are served in different utensils. In the case mentioned above, Dalit school children prevented to take Mid-Day meal with upper caste students in Odisha.<sup>11</sup> This practice of segregation of children must be stopped.

Dominant caste opposition to Dalit cooks may represent a power struggle over livelihood rights. In the manner of social boycotts, concerted dominant caste opposition to Dalit cooks functions to break Dalit economic aspirations, i.e. Dalit entry into new livelihood domains such as government employment as MMS cooks at the village level. The rural dominant caste establishment, which traditionally enjoys the economic dependence of the Dalit community, perceives Dalit entries into new economic spheres as threatening, and therefore responds with a backlash. This must not be allowed to happen. In the free democratic country which India is proud and aspiring to be next superpower, everyone has the right to grow and prosper. The Supreme Court on 20.04.2004 gave its order that in the appointment of cooks and helpers, preference should be given to Dalits, Schedule Caste and Schedule Tribe. The Bill should include these aspects to provide the legal backing. Government must ensure that suitable features/provisions should be included in the bill so that marginalised community/ Dalit should be given preference in employment of cooks and Dalit based organisation should not

9 Whose Right to Food? Caste Discrimination and Food Security Programme : Sukhadeo Thorat and Joel Lee

10 Times of India [http://articles.timesofindia.indiatimes.com/2011-06-07/india/29628941\\_1\\_mid-day-meal-midday-meals-districts-children](http://articles.timesofindia.indiatimes.com/2011-06-07/india/29628941_1_mid-day-meal-midday-meals-districts-children)

11 Dalit school children prevented to take MID day meal with upper caste students in Odisha  
<http://www.orissadiary.com/CurrentNews.asp?id=26368>



discriminated against for managing the Mid-Day Meal Scheme.

## Grievance Redressal Mechanism

Every Organization must evolve a system of redressal of public grievances arising from its work. Considering the amount of public money which will be put into this to make the Right to Food a reality, it is very important to put grievance redressal mechanism to address the complaint of the beneficiaries. According to the clause 20, Chapter IX of the bill, the Central Government and the State Governments shall put in place an internal grievance redressal mechanism which may include call centres, help lines, designation of nodal officers, or such other mechanism as may be prescribed by the respective Governments. A District Grievance Redressal officer shall be appointed by the State Government for each District, to enforce these entitlements and investigate and redress grievances. This has been included in the clause 21 of the bill. According to the bill, Central Government will prescribe the guidelines about time to address the concerns of the beneficiaries. This internal mechanism will be more effective and concerned officer will be duty bound to address the grievances if some time frame would have been included in the bill.

This bill has also provides for State Food Commission and National Food Commission. It provides that every State Government shall constitute a State Food Commission and Central Government shall constitute National Food Commission for the purpose of monitoring and review of implementation of the proposed legislation. It further provides that the State Commission as well as National Food Commission shall consist of a Chairperson; five other Members; and a Member Secretary out of whom there shall be at least two women, and there shall be one person belonging to the Scheduled Castes and one person belonging to the Scheduled Tribes, whether Chairperson, Member or Member Secretary. This is significant provisions of the bill. It is very important to have representation of the disadvantage sections of the society so that their concerns are addressed properly and there would be no scope of discrimination of any kind. The bill lists out

seven different functions for State Food Commission<sup>12</sup> and eight different functions by National Food Commission<sup>13</sup>. In the present system of Targeted Public Distribution System, there have been many cases of human rights violation of disadvantage sections of the society relating discrimination in distribution of food grain, social boycott and then exclusion from the benefits of TPDS, lower quantity of allocation, and denial of ration on some occasion. In the Mid Day Meal also, there have been a number of discomfoting incidences. As most of the poor people would belong to Dalit community, there is a need to have a special focus on Scheduled Caste and Scheduled Tribe in the responsibilities of the State Food Commission and National Food Commission as cross-sectional approach in its functions.

## Entitlement of Special Groups

In the chapter on Entitlement of Special Groups, there are very notable provisions for emergency and disaster affected persons. It seems that affected persons will be able to get the benefits as intended by the bill. There has been denial of relief measures to persons of Dalit community due to caste based bias. These incidents are hardly reported in the media as a result policy makers are not oblivious about the plight of the people. According to a survey conducted by Dalit

12 (6) The State Commission shall undertake the following functions, namely:— (a) monitor and evaluate the implementation of the Act, in relation to the State; (b) either suo motu or on receipt of complaint inquire into violations of entitlements provided under Chapters II, III and IV; (c) issue guidelines to the State Government in consonance with the guidelines of the National Commission in implementation of this Act; (d) give advice to the State Government, their agencies, autonomous bodies as well as non-governmental organizations involved in delivery of relevant services, for the effective implementation of food and nutrition related schemes, to enable individuals to fully access their entitlements specified in this Act; (e) hear appeals against orders of the District Grievance Redressal Officer; (f) hear complaints transferred to it by the National Commission; and (g) prepare annual reports which shall be laid before the State Legislature by the State Government

13 The National Commission shall undertake the following functions, namely:— (a) monitor and evaluate the implementation of this Act and schemes made there under; (b) either suo motu or on receipt of complaint inquire into violations of entitlements provided under Chapters II, III and IV; (c) advise the Central Government in synergizing existing schemes and framing new schemes for the entitlements provided under this Act; (d) recommend to the Central Government and the State Governments, steps for the effective implementation of food and nutrition related schemes, to enable persons to fully access their entitlements specified in this Act; (e) issue requisite guidelines for training, capacity building and performance management of all persons charged with the duty of implementation of the schemes; (f) consider the reports and recommendations of the State Commissions for inclusion in its annual report; (g) hear appeals against the orders of the State Commission; (h) prepare annual reports on implementation of this Act, which shall be laid before each House of Parliament by the Central Government.

Watch, Bihar in Flood Relief Camp in September 2008, huge amount of discrimination was noticed. They have found the instances of denial of medical service, relief materials, deprivation of drinking water and sanitation, discrimination in food distribution and many such instances.<sup>14</sup> The case of caste based discrimination in distribution of relief material and medical help is harsh reality and uncomfortable truth. Considering the amount and severity of devastation caused by the calamity and disproportionate impact on the marginalized sections of the populations, provisions for three months for cooked food should be extended to one year. Also, there is need to have separate provisions for women. Since, the calamity will destroy all the physical structures, primary health facilities, Anganwadi, etc, women especially pregnant mothers and lactating women should be given extra benefits and required food.

In addition to existing responsibilities of State Food Commission and National Food Commission, a special focus on Disaster Relief work must be given. The key functions of State Food Commission must include the responsibility of ensuring that two meals which have been included in clause 9 of the bill must be distributed without any discrimination. Also, they should work in cooperation with State Disaster Management Authority to ensure that Dalits are not discriminated. Similarly, the key functions of National Food Commission must include the responsibility of ensuring that two meals which have been included in clause 9 of the bill must be distributed without any discrimination. They should work in cooperation with National Disaster Management Authority to ensure that Dalits are not discriminated.

## Penalties

To ensure that recommendations of the District Grievances Redressal officer are attended to and beneficiaries are not victimized, clause 41 says that penalties for the offending officer, not adhering to the recommendations of District Grievance Redressal Officer will be a maximum of Rs. 5000. The small amount of monetary fine may not act as much of deterrent. There is a need of tougher action and higher

penalties so that it may act as an example and incident may not be repeated in future. The missing point which is very important here is that it is completely silent on compensation to victim. If the order of District Grievances Redressal officer is not followed then the victim should also be compensated adequately.

## Transparency and Accountability

Transparency and accountability are main constituents of good governance. Transparency and accountability are interrelated concepts and mutually reinforcing. Without transparency there couldn't be any accountability. Unless there is accountability, transparency would be of no value. The existence of both conditions contributes to an effective, efficient and equitable management in public and private institutions. Transparency refers to sharing information and acting in an open manner. It allows stakeholders to gather information that may be critical to uncovering abuses and defending their interests. Transparent systems have clear procedures for public decision-making and open channels of communication between stakeholders and officials, and make a wide range of information accessible. Accountability is defined as the requirement that officials answer to stakeholders on the disposal of their powers and duties, act on criticisms or requirements made of them and accept (some) responsibility for failure, incompetence or deceit.<sup>15</sup> According to this clause 37<sup>16</sup>, there would be Vigilance<sup>17</sup> Committees at the State, District, Block and fair price shop levels. According to the present system, Vigilance Committees by the States/UTs concerned at Panchayat, Block, District and the State/UT level are constituted by drawing members from the Government, social organizations, consumer organization and local bodies to periodically review

<sup>15</sup> As defined by United Nation Development Programme

<sup>16</sup> (1) For ensuring transparency and proper functioning of the Targeted Public Distribution System and accountability of the functionaries in such system, every State Government shall set up Vigilance Committees as specified in the Public Distribution System (Control) Order, 2001, made under the Essential Commodities Act, 1955, as amended from time to time, at the State, District, Block and fair price shop levels consisting of such persons, as may be prescribed by the State Government giving due representation to the local authorities, the Scheduled Castes, the Scheduled Tribes, women and destitute persons or persons with disability.

<sup>17</sup> Clause 37 (2) The Vigilance Committees shall perform the following functions, namely:—(a) regularly supervise the implementation of all schemes under this Act; (b) inform the District Grievance Redressal Officer, in writing, of any violation of the provisions of this Act; and (c) inform the District Grievance Redressal Officer, in writing, of any malpractice or misappropriation of funds found by it.

<sup>14</sup> For A Morsel of Life : A Dalit Watch Report on the Flood Relief Camp in Bihar (September 2008) [http://www.idsn.org/uploads/media/Dalit\\_Watch\\_Report\\_floods\\_Bihar\\_2008.pdf](http://www.idsn.org/uploads/media/Dalit_Watch_Report_floods_Bihar_2008.pdf)



the functioning of the schemes/fair price shops under PDS<sup>18</sup>. The Present bill has taken a step forward and says that committees will have due representation of the local authorities, the Scheduled Castes, the Scheduled Tribes, women and destitute persons or persons with disability which is a of very significant importance. But this clause is silent on the number of people in the committees and number of people from the Dalit/marginalized community. Considering the fact schemes such as Mid Day Meal, ICDS, TPDS and Nutritional Support to Pregnant Women and lactating mothers, there is an urgent need to have committee which is widely represented by people from all sections of the society. The words “due representation” of clause of 37 (1) is needs further clarification.

According to the PDS (Control) Order, 2001, meetings of the Vigilance Committees on the Public Distribution System at the State, District, and Block and FPS level shall be held on a regular basis. The date and periodicity shall be notified by State Governments However, the periodicity shall not be less than one meeting a quarter at all levels.<sup>19</sup> But this has not been happening in all the states. There is some consistency in the meeting at State level but meetings at District, Block and FPS have been not regular. There is a need to have the provision about the minimum number of meetings included in the bill.

In the light of mandate of securing the basic Rights of food, the Vigilance Committee is of very importance to ensure that PDS are functioning efficiently and poor are not made to suffer. Though the bill has provided for Vigilance Committee at each level, it has not explicitly included and described how the selection will be done and how the selection committee will be constituted. The State Government must ensure that it should form a committee having wide representation of the marginalized communities.

According to the clause 5 of the bill, for every child in the age group of 6-14 years, one day mid day meal, free of charge, except on school holidays, in all schools run by local bodies, government and government aided schools, up to class VIII will be provided. But the

transparency and accountability provisions does not apply here. This bill does not mechanism to oversee the functioning of Mid-Day meal though it does exist in the present scheme. The letter sent by the Department of School Education and Literacy, Ministry of Human Resource Development (F.No.1-8/2010) to States notes that State Level Steering cum Monitoring Committee (SMC) has been set up in most of the States, but their meetings are not held as regularly as desired. Further, SMCs at District, City, and Block level are either not set up or their meetings are not held regularly. The lack of adequate monitoring has led lopsided implementation of the scheme and huge amount discrimination against the Dalits. The bill should include the provisions for setting up of SMCs at State, District, City, and Block and village level with adequate representations of Scheduled Caste and Scheduled Tribe. Similarly, bill should also include the provisions of including the monitoring mechanism of ICDS with adequate representations of Scheduled Caste and Scheduled Tribe at State, District, Block and Village level. In this case also, elaborate monitoring mechanism already exists in the scheme. It must be brought under the bill, so that regular meeting can take place and concerned of Dalits are addressed.

## Recommendations

1. Dalit communities must not be discriminated while selecting the beneficiaries. It is recommended that selection committee for identifying target population must have wide representation from all sections of the society.
2. To bring participatory empowerment and increase Dalits' community access to PDS, ownership of PDS shops should be given to Dalits in accordance with their population the state. In addition to the ownership, the location of the PDS shop is also very important. One of the factors conditioning Dalit access to the benefits of the PDS is the location in which the shops are physically situated. Having PDS shop mainly in dominant caste locality sometimes creates problem in accessing benefits by the marginalised communities.
3. If a Dalit hamlet is separate from the main village, a separate PDS shop should be given irrespective of population
4. During the instances of social boycott and atrocity, the District and Block administration must take

18 Ministry of Consumer Affairs, Food and Public Distribution <http://fcamin.nic.in/dfpd/EventDetails.asp?EventId=23&Section=PDS&ParentID=0&Parent=1&check=0>

19 Annexe to the Public Distribution System Control Order, 2001 <http://fcamin.nic.in/dfpd/EventDetails.asp?EventId=1473&Section=PDS&ParentID=0&Parent=1&check=0>

- extra measures to provide ration if they are not allowed to access food from the PDS shop.
5. Considering the grim situation, there is a need to provide adequate benefits to women belonging to marginalized community in addition to the general entitlements. Maternal benefits (Rs. 1,000 per month for 6 months) are meager, and their real value will go down as prices go up since they are not indexed. The maternal benefit for the marginalized community/ Dalit should be enhanced.
  6. In the light of the Judgment of the Madras High Court and discrimination in ICDS by ANMs and AWWs, there is need to provide reservation of SC/ ST in hiring of ANMs and AWWs. The existing guidelines for filling up the post of workers under the Nutritious Meal scheme as well as Anganwadi workers should be modified.
  7. The Bill must include the provision that to secure Right to Food, both Center and State Government must put in efforts to ensure that all Scheduled Caste and Scheduled Tribe colonies in the Country must have Anganwadi Centers.
  8. In the provision of Mid-Day Meal, priority should be given to Dalits/Dalit based Social Organizations to organize and manage and also preferences should be given to Dalit Cook which will have twin advantage of ending the discrimination and providing the means of livelihood which will help in improving their economic status.
  9. This internal mechanism of grievances will be more effective and concerned officer will be duty bound to address the complaints if some time frame would have been included in the bill.
  10. The Bill provides that every State Government shall constitute a State Food Commission and Central Government shall constitute National Food Commission for the purpose of monitoring and review of implementation of the proposed legislation. As most of the poor people would belong to Dalit community, there is a need to have a special focus on Scheduled Caste and Scheduled Tribe in the responsibilities of the State Food Commission and National Food Commission as cross-sectional approach in its functions
  11. Considering the amount and severity of devastation caused by the calamity and disproportionate impact on the marginalized sections of the populations, provisions for three months for cooked food should be extended to one year. Also, there is need to have separate provisions for women. Since, the calamity will destroy all the physical structures, primary health facilities, Anganwadi, etc, women especially pregnant mothers and lactating women should be given adequate benefits and required food.
  12. In addition to existing responsibilities of State Food Commission and National Food Commission, a special focus on Disaster Relief work must be given. The key functions of State Food Commission must include the responsibility of ensuring that two meals which have been included in clause 9 of the bill must be distributed without any discrimination. Also, they should work in cooperation with State Disaster Management Authority to ensure that Dalits are not discriminated. Similarly, the key functions of National Food Commission must include the responsibility of ensuring that two meals which have been included in clause 9 of the bill must be distributed without any discrimination. They should work in cooperation with National Disaster Management Authority to ensure that Dalits are not discriminated.
  13. To ensure that recommendations of the District Grievances Redressal officer are attended to and beneficiaries are not victimized, there is a need of tougher action and higher penalties. The missing point which is very important here is that it is completely silent on compensation to victim. If the order of District Grievances Redressal officer is not followed then the victim should also be adequately compensated.
  14. The Bill must clarify about the due representation to the local authorities, the Scheduled Castes, the Scheduled Tribes, women and destitute persons or persons with disability. It shall also mention about the number of members in the committee at state, district, block and FPS level. Also, there is need to have provisions about the number of meeting per quarter.
  15. Though the bill has provided for Vigilance Committee at each level, it has not explicitly included and described how the selection will be done and how the selection committee will be constituted. The State Government must ensure that it should form a committee having wide representation of the marginalized communities.



16. The Bill should also have provisions of setting up of vigilance/monitoring committee for Mid-Day Meal and ICDS with adequate representation of Scheduled Caste and Scheduled Tribe.

At last but not the least, the Present bill aims to secure Right to food to the people of India. The bill should not remain a mere promise and people especially Dalit should not be left to fend for themselves. The bills must bring in certain changes. The views of Civil Society must be included and Government should hold wide consultations on the present provisions of the bill. This is just hollow food security. Limiting benefits to priority households will elude the food security to millions. There is a need to bring certain changes in the present bill so that those who are not able to voice their concerns will have some lease of life and hunger will not haunt.

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# PERSONS WITH DISABILITIES & FOOD SECURITY

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## Background

It is estimated that there are 7 crore disabled people in the country and studies show that 80% of them live in rural India and 60% to 70% (5 crore) of these belong to poor families. In this circumstance, any development intervention or legal framework cannot take the risk of excluding the poor families with disabled citizens thereby denying their fundamental rights. One must understand that poverty is both a cause and consequence of disability. Persons with disability have greater needs than others which require additional cost for health care, basic needs, accessibility and transport whereas they have lower earning capacity deriving from their impairment and lack of access and opportunities. The World status report on Disability 2011 has reiterated the fact that there is high chances of impoverishment in families in which either the bread earner or a dependant is disabled and that a large proportion of household with self-reported disabled members are below poverty line, have fewer assets, smaller land holdings and greater debt as compared to other families. It is also estimated that a person with disability to live on an equal footing with non-disabled persons have to incur additional costs which range anywhere from between 9% to 60% of his/her/family income.

This paper looks into the aspects related to food security in India and the various criteria set by the Government which has posed a challenge particularly for those persons with disabilities from poor families. There are also a set of recommendations from the disability sector.

## 1. Inclusion in Below Poverty Line

From our experience of working with rural poor families having members with disability, we have observed that many poor families having members with disability have not been included under BPL category in the BPL Census 2002 and are continued to be deprived of various benefits. From a study of the various documents available on the present BPL Census 2011 it is very much evident that again the same mistake is going to be repeated in the 2011 BPL census. Out of the seven deprivation indicators one relates to disability, which says that “*Households with at least one disabled member and no able bodied adult would be considered as a BPL household*”. This would mean that a family having one or more disabled member with one or more able bodied adult, which could really be very poor and deserve the benefits for its survival, will not be considered as a BPL household.

To understand this better below are studies from rural India highlighting the point and showing how persons with disabilities and their families will be excluded from the BPL thereby in the long run deprived of all benefits (for those who really deserve them).

### Case-1

A household with two rooms, kutcha walls and roof, three non-disabled members (father (58), son (36) and daughter-in-law (31), two disabled members- one child with multiple disability (12) and one with visual impairment (7). Two adults are literate (class four and class five). The family owns less than half-acre of land. The family belongs neither to SC nor ST. The prime caregiver is the daughter-in-law, (mother of the two children). The 58 year old grandfather has many health problems and is not able to do labor work. The father of the children- main occupation is labor work - works in their own field during agricultural season and tries to get some other kind of labor work, whenever available at other times.'

The prime care giver (mother of the children) does most of the house hold work which has no economic value. The daughter with VI does not go to school as the 'local primary school refused her enrollment due to her disability' in the local primary school and the son with multiple disabilities is mostly dependent on his mother for self care activity and has epilepsy.

They all are still alive. The family can't afford the medicines for epilepsy in a regular manner. Grandfather also gets frequent prescriptions from the local PHC – he cannot afford the prescribed medicines ++

Technically, under the set automatic exclusion and deprivation criteria, this family is not BPL.

### Case-2

Ruhia Hansdah lives in a village of Baripada Block of Mayurbhanj district of Orissa. He has three daughters. The eldest one is non-disabled. The younger two daughters are deaf-blind. The eldest daughter died two years back. The mother died one year back. The father is the only member to look after these two children. He has a house having three rooms (with thatched roof) and some land. Being only adult member of the house and nobody to help him his income has gone down.

This family deserves to be considered as a BPL family. But, this family has two disabled children but with an able bodied adult and may be excluded from BPL status when the scoring is weighed down.

### Case 3: Domni

This panchayat is situated around 20 KMS away from Koraput town and has a population of 95 families with 100% tribal population (Gadva and Rana sect). Domni is an 18 year old disabled girl belonging to one of the families in the outer hamlet of the village. She lives with her mother Rupaya who is aged 40 and her grandmother Sukri who is 65. Domni is disabled and is paraplegic which means that she can't even get up and needs full time care from a person for daily living. Her father expired when she was very young (16 years ago). There by leaving Rupaya and Sukri to support the family. Both mother and grand-mother work as daily wage laborers in and around the village. They get 80 rupees per day whenever they get work which is not regular. They are paid less than the men who are paid Rs. 100 per day for the same work. They work in road construction, agriculture labor, digging, house or building construction. Between them they manage to earn Rs. 1000 per month. Sukri just started receiving her old age pension of Rs. 200 and Domni receives the disability pension of Rs. 200.

They are covered under the existing BPL and have a BPL card. Through this card they are entitled for 30 KGs of food grains at Rs. 2 per KG.

Expenditure pattern of the family per month is as below

- 60 for food grains (under the BPL entitlement)
- 60 for raggi
- 200 for vegetables
- 280 for ration

They live in a thatched house which is very small and has no electricity.

### Cost Analysis

- Between three family members they are able to earn Rs. 1400 per month (only if they are able to get 12 days of wage labor) which is approximately Rs. 466

per member per month. This translates to Rs. 15 per capita per day.

- The mother and grandmother have to forgo wages for those days when they have to care for Domni which is income lost due to onset of disability.
- Each time they have to take Domni to the hospital on any illness or relapse they have to spend around Rs. 600 minimum as there is an additional cost for auto (no bus service to the village) which costs Rs. 300. Cost of medicines (Rs. 300) and the mother and grandmother forgo their daily wages of Rs. 160. Therefore Rs. 760 in total per month cost. They have to make this visit four times a year.
- They had spent around 10000 in the treatment of Domni in the past and are in debt.
- According to the planned BPL criteria 2011 Domni's family will not be qualify for the BPL criteria as she is a disabled member and there are non-disabled adult members in the family.

During the BPL Census 2011, all such families who form a majority will be deprived of basic amenities for survival. Their fundamental rights to be free from hunger and right to life cannot be denied by setting and using ambiguous criteria during the Census. The challenge therefore, is how we ensure that real needy poor households with children with disability or adults with disability – in need of support for survival- are not missed out and are deprived of their rights to food and right to live. Therefore, the deprivation parameters should be reconsidered so that the Constitutional obligations of the Fundamental Rights and Directive Principles are not violated for persons with disability. The **deprivation indicator** may be revised as below

Households with the following criteria are to be included under BPL Category:

1. Person with disability within the meaning of the law (including Persons with Disabilities Equal Opportunities Act 1995, the National Trust Act 1999 and the Mental Health Act 1987) for the time being in force being head of the family and whose annual income is not taxable after allowing for the benefit of exemption under Section 80 (u) of the Income Tax Act.
2. Parent/Guardian of one or more minor with a disability and whose annual income is not taxable under the relevant law for the time being in force and

3. Person with disability in a family should be considered as a unit under BPL as against the norm of family as a unit. If there are 3 members in the family there should be 3 BPL units.

Moreover we sincerely appeal that the investigators/ enumerators may kindly be instructed to give special emphasis while conducting the BPL survey so that no such families are left behind.

## 2. Mahatma Gandhi National Rural Employment Guarantee Programme (MGNREGA)

MGNREGA came into being in 2005 to curb migration and enhance the income of rural households. Invariably, persons with disabilities are alienated from this massive programme which the government boasts off “people's participation and augmenting income”. The income enhances their purchasing power and thereby their access to food. key issues faced by persons with disabilities are:

- There is no special identification of disabled people in distribution of job cards – i.e. the cards are distributed to all irrespective of disability in most of the Panchayats.
- Job cards are issued to family members as a whole and not specifically to persons with disabilities i.e. even where there are disabled members in the family.
- Type of work for disabled people – It is observed that certain categories of disabled people especially physically disabled could do lighter jobs and not hard jobs like digging 1 feet deep (10 square feet by 10 square feet) which is a regular measurement of work to be done by one individual in a day in road construction work. This apart, there are other works to be done in road construction which include breaking mud, leveling mud, dressing the land, guiding people to dump mud, filling the mud onto the bond to be transported, carrying the mud, providing water to people, taking care of little children etc. most of which can be done by severely disabled people as well.

List of work persons with disabilities can do as listed by persons with disabilities themselves



TYPES OF DISABILITY	JOB
Hearing and speech impaired	All tasks
Visually impaired	<ul style="list-style-type: none"> <li>• Breaking mud,</li> <li>• Filtering mud,</li> <li>• Tree plantation,</li> <li>• Filling mud in the bond etc.</li> </ul>
Physically disabled - In both legs	<ul style="list-style-type: none"> <li>• Breaking mud and stone.</li> <li>• Filling the bond with mud.</li> <li>• Splashing water on cement.</li> <li>• Guiding people to put the mud properly in road construction.</li> <li>• Filling muster role if educated.</li> </ul>
Physically disabled - One leg	<ul style="list-style-type: none"> <li>• Breaking mud.</li> <li>• Carrying load on shoulder.</li> <li>• Filling muster role if educated.</li> <li>• Guiding people to put the mud.</li> <li>• Dressing work – leveling mud on the road.</li> <li>• Taking care of children.</li> <li>• Providing water to people.</li> </ul>
Physically disabled – Mild	<ul style="list-style-type: none"> <li>• Breaking mud.</li> <li>• Carrying load on shoulder.</li> <li>• Filling muster role if educated.</li> <li>• Guiding people to put the mud.</li> <li>• Dressing work – leveling mud on the road.</li> <li>• Taking care of children.</li> <li>• Providing water to people.</li> <li>• Supervision.</li> </ul>
Physically disabled - No 2 arms	<ul style="list-style-type: none"> <li>• Carrying load on shoulder and transporting it from one place to other,</li> <li>• Taking care of children.</li> </ul>
Physically disabled - No one arm	<ul style="list-style-type: none"> <li>• Dig one feet ground.</li> <li>• Dressing work.</li> </ul>

### Main findings of a study undertaken by VSO India in the state of Chhattisgarh on inclusion of persons with disabilities in MGNREGA

1. Attitudinal barriers at family and societal level are one of the main reason hindering persons with disabilities from accessing the programme.
2. Low self-confidence of persons with disabilities themselves coupled with lack of support and encouragement from family.
3. Lack of understanding on behalf of Panchayat officials that persons with disabilities also are entitled to work under the programme has lead to many not getting the job cards.
4. Lack of information to persons with disabilities and their families on MGNREGA and provisions of lighter jobs like supplying water and taking care of children is another main cause of families not thinking of sending their disabled members to the work site.
5. Lack of directions from the higher level (District Collector) to collect disability-segregated information in the issue of job cards to persons with disabilities has made the process complicated.
6. Only mild or moderate disabled people have access to jobs and are issued job cards or their names are featured in the job cards issued to the family but persons with severe disabilities are neglected as seen in the case of few who can also work.
7. Mostly disabled people have their names in the job card of the family but this is done randomly i.e. in most cases the disability is not taken into consideration in issuing job cards but when it comes to work they have no access.
8. Due to absolute poverty a few persons with disability even do not have enough money to take photographs required for the job card.
9. Lack of understanding amongst panchayat leaders, family and community on potentials of persons with disabilities and work doable by them has limited the scope of their inclusion in the programme.
10. Persons with disabilities can do lighter jobs at the site of construction but they are expected to do heavier jobs like digging 10/10 feet ground which is hard for people with physical disability.
11. Persons with severe disabilities like paraplegics and cerebral palsy have no provisions under this programme.
12. It must be noted that representation of women is nil in this programme. I.e. not one of the 100 laborers at Bulga Panchayat road construction site was a woman. Women with disabilities are left out from the programme as observed in many cases. Their photos or names were not represented in the job cards issued to the family.

## Recommendations

- All panchayat officials should be trained to have a positive attitude towards disability and persons with disabilities.
- 3% reservation to be enforced in all gram Panchayats under this scheme. i.e. off every 100 laborers employed 3 persons to be disabled people. (persons with disabilities equal opportunities act 1995 provides for reservation in all poverty alleviation programmes)
- All lighter works should be reserved specially for physically disabled people.
- Gram Panchayats should have segregated data on number of disabled people having job cards.
- Gram sabhas to ensure that all persons with disabilities or their family have job cards. Especially those with very severe disability.
- Special initiatives need to be taken to encourage persons with disabilities to participate in the NREGA programme.
- Panchayat officials should take initiative to include persons with disabilities in the MGNREGA work.
- Jobs to be identified in each Panchayat according to the ability of person with disability and not assign fixed jobs.
- The job categories under the MGNREGA should be expanded in scope and definition to include – care givers to persons with disabilities with high support needs, support to volunteers working for persons with disabilities. Example vikas Sathis pilot scheme of the National Trust. Care givers and those providing support to persons with disabilities particularly with high support needs should be considered as employment under the MGNREGA.
- Extension of tasks: Construction of ramps for schools buildings, panchayat halls, cultural centers, weekly haat, primary health centers and any other public utility spaces and approach road to reach the door step of persons with disabilities should be considered as tasks under the existing MGNREGA tasks.
- Construction of IAY for persons with disabilities with appropriate ramps should also be considered as one of the task under the MGNREGA.

## 3. Food Entitlements under the PDS

According to a study conducted by VSO India in Bolangir district of Orissa only 2% of persons with disabilities surveyed have access to the Antodaya Anna Yojna and 91% does not have access to this scheme. 35% of persons with disabilities are not aware of the scheme. Here majority of the respondents have no information about the government scheme and others who have applied or was selected by the gram sabha didn't get any follow up action from the Government staff.

The Supreme Court Advisor in Assam conducted a survey recently in 2008 on access to food and work schemes and discovered that all the 18 disabled respondents in Guwahati, who were also homeless and unemployed, and depended on food distributed at the Sukreswar Temple and Ulubari Mazhar for their survival, did not have AAY cards.<sup>88</sup> Government authorities<sup>89</sup> claimed that the AAY quota allocated for Assam had already been distributed, though records on beneficiaries had not been maintained category-wise despite the explicit orders of the Supreme Court, and new cards had not been issued for the past few years.

It is also mentioned in the 8th report of the commissioner of the Supreme Court that Interim order of 2nd May 2003 of the Supreme Court is one of the least implemented by most of the state governments. The following are the main reasons for wider failure:

- a) the political powerlessness of these groups
- b) the absence of authentic data about the groups
- c) Difficulties in identification
- d) Many persons with disabilities are not on BPL lists and these are used for identification. The identification of BPL categories is very inadequate in most states
- e) Persons with disabilities find it difficult to access the scheme, go to government offices etc. where accessibility is low
- f) There are small quotas for these benefits which get exhausted very soon
- g) Data is often not kept by government on number of disabled persons getting the cards

It must be noted that this is in violation of Supreme Court order for Antodaya Anna Yojana. The



Government of India was directed “to place on AAY category the following groups of persons:

- Aged infirm, disabled, destitute men and women, pregnant and lactating women, destitute women;
- Widows and other single women with no regular support;
- Old persons (aged 60 or above) with no regular support and no assured means of subsistence;
- Households with a disabled adult and assured means of subsistence; households where due to old age, lack of physical or mental fitness, social customs, need to care for a disabled, or other reasons, no adult member is available to engage in gainful employment outside the house;
- Primitive tribes.

Orders related to the Public Distribution System also apply to Antyodaya Anna Yojana (AAY), since AAY is a component of the PDS. For instance, the order of 23rd July directing State Governments to ensure regular supply of grain to the ration shops applies to AAY also. The State Governments were requested to consider providing grain free of cost to those who are so poor that they are unable to lift their quota, even at the highly subsidized AAY prices.

#### 4. National Food Security Act

From our experience of working with rural and urban poor families having members with disability, we have observed that many of them have limited access to food entitlements. Based on various documents it is very much evident that persons with disabilities are going to be left out in the NFSA also which is a direct violation of articles 25 and 28 of the UNCRPD which India has signed and ratified.

The following areas in the NFSA bill need to be looked at,

##### A. Reference to Disability as Definition

The definition refers to the persons with disabilities equal opportunities act 1995??? it has neglected the National Trust Act 1999. There by automatically excluding people living with autism, cerebral palsy, multiple and mental disabilities. There is also no reference to the United Nations Convention on the

Rights of Persons with Disabilities (UNCRPD) which India has signed and ratified.

It should include the UNCRPD definition which is a more comprehensive definition of disability: Persons with Disabilities include those who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

India has ratified and signed the UN convention on the rights of persons with disabilities and the state is bound to make legislations inclusive of persons with disabilities.

##### B. Entitlements (Chapter- IV- Entitlements of Special Groups)

There is no reference to persons with disabilities in the social group. There is only a mention of destitute, homeless and disaster affected people. It is estimated that there are 7 crore disabled people in the country and studies show that 70% (5 crore) of these belong to poor families. This is approximately 7% of the population. Even the XI planning commission recognizes 5% disabled population. In these circumstances, the Planning Commission and the National Advisory Council cannot take the risk of excluding the poor families with disabled citizens thereby denying their fundamental rights. This section cannot be neglected particularly due to the discrimination and deprivation faced by disabled people mostly of those with high support needs is much higher.

##### C. Exclusion in following Chapters

Chapter on entitlements for pregnant mothers

Chapter- V- Right of Persons Living in Starvation

Chapter- VI- Right to Receive Subsidized Food Grains

All these sections have no mention of persons with disabilities and has subjected to the schedules, it is not clear if disabled people are one of the priority category. If this is left to states responsibilities it will be a total disaster as persons with disabilities do not rank anywhere in the top. Various studies by the office of the commissioners of the Supreme Court have highlighted

the fact that disabled people have less or no access to food entitlements.

In this light all these chapters should have specific mention of persons with disabilities.

## D. Complaints and Grievance Redressal Mechanism

Article 9 of the UNCRPD directs the states parties to ensure access in physical and communication. In this light the act should recognize the aspects of alternative communication including sign language, use of Braille, e-text and verbal. Chapter X reads:

(66) Manner in which complaint shall be made. - A complaint can be made either in writing, or by electronic means in English or in Hindi or in the official

Language of the area in which the complaint is made: Provided that if such a complaint cannot be made in writing, the District Grievance Redressal Officer shall be render all reasonable assistance to the complainant

Making the complaint orally to reduce the same to writing,

Chapter X to include sign language and alternative mechanisms including use of Braille, and email for complaints and grievance redressal procedures.

## E. Cooked mid day meals and ICDS

Children with disabilities are often neglected in the ICDS programme and do not have access to food entitlements. A SCC study reveals that there is no child with disability population in many anganwadi centers surveyed in many states. There are no outreach programmes or support services for children with severe disabilities. Community response is not present. There must be convergence of responses at the panchayat level to ensure that food entitlements are accessible and made available to children with disabilities and home based support to severely disable and those with high support needs. Outreach initiatives should be a part of the act to ensure coverage of all persons with disabilities.

## 5. Other Recommendations

- Development of a scheme to provide subsidies for farmers with disabilities and farmers whose family has a disabled member. This will help in meeting with additional costs incurred on the family member or meet the support needs of the farmer with disability.
- Enhance the scope of the national livelihoods mission to include persons with disabilities as one of the key participants in the process. Some of the aspects to include.
- Provision of financial support to persons with disabilities or families with a person with disability for self employment and income generation.
- Promote and develop appropriate skill based vocational training to persons with disabilities to equip them with appropriate and adequate skills to undertake appropriate livelihood options.
- Develop schemes for promoting entrepreneurial opportunities for persons with disabilities and family members who have a disabled member with high support needs.

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# CHILDREN'S RIGHT TO FOOD SECURITY: NO GUARANTEES

**RAZIA ISMAIL**

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India's decision-makers seem to find it difficult to see that there are children in the country. Being unable to see them, they are unable to perceive that they are hungry. In an age when we are able to use euphemisms like 'under-nutrition,' this is perhaps not surprising. But it is disgraceful none the less.

This country has a large population of children- forty-one per cent of its total numbers. National leadership has been unable to recognize them for what they are: the nation's greatest resource. India has failed, and still fails to give them their due in foundational attention and investment. This failure is manifest in the fact that more than 48 per cent of that precious 41 per cent of the people are malnourished by international standards, or by any standard of natural justice.

In twice declaring malnutrition to be a national shame, the Prime Minister has publicly acknowledged that it is children who are the most at risk and the worst afflicted. National data has affirmed that babies of under-nourished mothers face the risk even before birth, and certainly through their earliest months. This is the stage of greatest risk to staying alive -- and of the gravest stagnation in the survival graph. Recorded statistics also show worsening nutritional anaemia in the 0-3 age group. The 2011 country report on

Millennium Development Goals says 'India is going slow in eliminating the effect of malnourishment.' It certainly is. In the base year 1990, the proportion of underweight children in the below-3 age group was 52 per cent, in 1999 it had fallen to around 43 per cent, and by 2005-06 it was about 40 per cent. The MDGs' target for 2015 is 26 per cent; but is not expected to dip below 33 per cent by that deadline year.

This is the climate in which the Food Security Bill moves for political consideration.. It is supposed to answer an enormous challenge. Good money will be needed, in some quantity. Good sense will be needed even more, and honesty of purpose most of all. The language of Press forecasts of mid-February -- 'India's expenses on food handouts will likely rise by 2.2%' -- shows some understanding that more is needed, but also hints that the media think the issue at stake is handouts rather than food rights to shift nutrition from dream to reality.<sup>1</sup>

Children's entitlements are not a charity issue, to be answered with some welfarist gesture. Nor is food security legislation to be dismissed as political

<sup>1</sup> Hindustan Times: 16.02.2012: 'Govt. may unveil Food Security Bill in upcoming Budget.'

gimmickry. The Food Ministry has argued that the 2.2% expenditure increase will not pose a 'huge additional subsidy burden,' Be that as it may, the core question is why India has condoned national hunger for so long, and not made it a central index of its claim of progress.

Survival, and the quality of survival are the real national shame. Data shows the size of the persisting problem among the children aged below 5 years. The worst level of nutritional anaemia is in the 0-3 age group, and it is worsening. All official analyses on health and causes of death cite malnutrition a major contributing factor in child mortality and morbidity. Lack of data -- with lack of enquiry -- cloaks the serious fallout of hunger and malnutrition among older children and the child-mothers among them.

Information readily available from National Family Health Surveys (NFHS) and District Level Health Surveys (DLHS) shows that children's bare survival is still a massive national challenge, and children's health and nutrition status are unacceptably poor. But since they continue to be politically and administratively condoned, it may be inaccurate to call them 'unacceptable'.

Statistics of the nutrition, hunger gap and its impact clearly show children's vulnerability in both urban and rural settings. Less is known about the migrants and socially depressed among them, but available data indicates negative scores. While the government machinery is slipshod in tracking and recording the fallout, and often fails to capture data on the above-sixes, these ground realities remain negative

A bad start in nutrition security leads to lifelong health insecurity. Anaemia in adolescent girls is on record. Information on boys gets scant notice, but is available; they also endure malnutrition, and they suffer from nutritional anaemia too. It is well known that children who suffer malnutrition in early childhood are condemned to lifelong deficits in general health.

The well-publicized new HUNGaMA Report reiterates country and district data on how malnutrition leaves children underweight, wasted and stunted. Back in the mid-1970s, the National Institute of Nutrition published a research report on "paperback children",

physically and intellectually stunted by denial of the nutrition they needed for robust growth and development. To the argument that they suffer deficits in mental and cognitive development -- research suggests that the shortfalls may be in energy limitation and related capacity to pay attention to stimuli. Foetal deprivation of iodine does prevent normal brain development in the unborn child, leaving it incurably deprived.

Overall, today's children continue to be of the paperback variety. The fallout of their nutrition insecurity, as well as that of their mothers, calls for a food security perspective that addresses both general food rights and micro-nutrient and key nutrition requirements.

The nutrition challenge that children face is thus one of both quantity and quality. It must be addressed with both factors in view. There is deprivation of food in bulk, and there is deficit in the range of foodstuffs children need. Ergo: a national legislation for food security which must consciously.

Strangely, and unfortunately, most official national reporting on nutrition is written in the future tense - much is to be done and is pledged to be done. The 2011 country report on MDGs action recites several intended actions. It should have been able to report more on work done and children and households fed.

The Food Security Bill is supposed to transform the national picture. The Children's Right to Food Campaign (CRTF)<sup>2</sup> has already declared the need to transform the Bill itself, and listed a score of changes it requires if it is to really work for the good of children and their communities. The CRTF argues that the Bill needs to recognise people's rights to land, water, forests, and other natural resources for livelihoods and food security. It makes the case that the Bill must admit that tackling malnutrition is government's responsibility, and must uphold all the currently available entitlements for children guaranteed by the Supreme Court's Interim Orders and judgements under the 'Right to Food case'.

<sup>2</sup> Children's Right to Food Campaign/ 2nd National Convention, Bhopal 2012.



Tavleen Singh<sup>3</sup> is among attentive commentators warning that the legislation could be defeated by its own design faults. One of these flaws is that it presupposes that a central diktat will make all kinds of connectivity flower across the land without conscious attention to building the infrastructure this requires, and generating genuine decentralization to make it work in the field. The Bill hints at building large silos. Singh points to the importance of developing road and transport links where there are none, and of setting up community granaries for local storage.

For those constantly in search of the next meal, and forced by circumstance to make do with the barest minimum, being adequately nourished is a chronic uncertainty. The price rise, especially in food, has undermined purchasing power, virtually eliminated protein-providing 'dals' from the daily diet, and aggravated the nutrition insecurity of millions of households, and the children in them. What it has done to the food access of children living on their own is another, and un-recorded, tale of woe. A legislation of the kind now in the pipeline cannot compensate, because it does not contain the needed correctives

In setting out to tackle malnutrition mainly by improving food availability, India has still not acted on the importance of addressing nutrition requirements in greater depth. The whole issue of deficiencies at critical phases of childhood awaits attention. So does the fact that many of those deficiencies are due to planning and programming defaults.

Timeliness is a key factor in tackling malnutrition and 'under-nutrition'. Food provision and essential nutrition must reach those most in need when their need is most acute. Such key moments come when childhoods mark their developmental milestones. They also occur when normal conditions of comparative stability, solvency and security are upset.

In the 2011 run-up to making new proposals for the 12th Five-Year Plan, the Ministry of Women and Child Development was informed that its bid to enhance food provision to adolescent girls in order to strengthen their potential for safe motherhood would miss the intended objective, because it will target the teenage

girl instead of the pre-teen. It is during the brief age span of 9 to 11 years that girls get their second growth spurt and could benefit from iron supplementation to their diet. Good feeding later would be good for their general health, but would not affect body development including pelvic growth, to improve their prospects for safe child-bearing.

The Ministry's intention to expand its services for teenage girls is still going ahead into the next Plan period. The Government's preoccupation with RCH and safe motherhood concerns as its sole ambition for girl children will remain unsupported by this vital nutrition input at a vital phase of childhood. Boys, it is assumed, will get fed because of 'son preference.' It is not realized that getting the prince's share in a famished household may still leave many boys hungry and under-nourished. The State rejoinder to son preference should not be boy-blindness 'Many' in India means millions..

Many vulnerabilities confront access to food and nutrition. One relates to natural resources and the space and means to produce or gather food. The CRTF's Bhopal 2012 conclusions<sup>4</sup> point to people's declining control over natural resources vital to food production—land, water, seed, forests and biological diversity. These are increasingly coming under the private sector. Economic growth meanwhile is bereft of employment guarantees, decent work conditions or wages. The CRTF has situated the issue of children's right to food in this structural context. It is not very certain that the Government does.

Then there are factors of identity and status that limit nutrition rights. The campaigns for food justice have sought attention to the powerlessness of children of Dalit, tribal or minority communities, of migrants, of children with disabilities, children of groups displaced or dispossessed by development projects. Children in conflict-affected areas and settings are especially at risk. Street children and children on their own do not seem to figure in food supplementation designs that seek to use the household or family conduit. No one seems to know about the nutrition status of children shut away in institutions. Government policies must reach out to all such 'labelled' children. But do they?

<sup>3</sup> Tavleen Singh: 'This is not food security': Indian Express, 25th December, 2011.

<sup>4</sup> CRTF: 2nd National Convention, Bhopal 2012: final statement and recommendations.

Along with new promises about food security, the Government is also speaking of increasing food production. Shifts in land use from food to non-food crops will have to be addressed. Emphasis on rice and wheat cultivation, and displacement of millets and local coarse-grains from the local small-holdings will have to be reviewed. This again casts change into the future tense.

Pending a new green revolution, will there be enough food to go round? The burden of possible food imports has been rumored. Will there be money to pay for this? There is talk of funds becoming retrievable from the telecom scam-control effort. But as the Bill transits through its formative avatars, the appropriate body of pundits is forecasting another bumper harvest of rice and wheat. These will doubtless make many non-children in positions of authority go to sleep worried. Where will all this bounty be stored? Will it rot this time too? Better storage standards, and the building of silos have been flagged as urgent needs. But if a primary question is about storage, will the outreach have to await a great big construction project? High priority should be given to prompt movement of the food to consumption destinations

Will plentiful supplies without forwarding addresses lead to more corruption among suppliers? Or just plain inefficiency? Or just the customary inattention? The Minister for Food has reportedly said he is all for food subsidies being decreed. But he is worried about the frailties of the PDS as a major conduit, and the tendency for supplies to go astray. The minister is not wrong. His concerns could equally apply to other flagship measures particularly targeting children and expectant mothers. The National Planning Commission has a recent report on its website which shows that about 60 per cent of the food component resources assigned to the Integrated Child Development Services programme (ICDS) goes missing en route to its mandated utilization and its target beneficiaries. This directly affects the children and needy women fortunate enough to be on the ICDS coverage lists. Field checks by the National Human Rights Commission in parts of Orissa bear out this information.

So food meant for children gets siphoned off into the wrong kitchens, or into the market. Does it suffice for the State to deplore the dishonesty? Can it leave such theft unchecked? The real question before the

Government is: what is the State's responsibility? The people have already said they do not want food coupons or pocket money: they want food.

The Minister for Finance has also been reported as worried. His worry is about where to find the funds to pay for needed food to reach the needy people. Can India afford to spend all this money? Should the Government not instead be asking itself whether it can afford not to? The poorest households and providers are the foremost victims of the rise in food prices. Their huts and shacks are where the much-vaunted 'demographic dividend' is struggling through famished childhoods. Is the Finance Ministry looking at optional expenditure or necessary investment?

Clearly, there is an operational challenge, an urgent need for infrastructure, and a call on national leadership to commit itself and get to work. The Bill lists many proposed institutional mechanisms, local bodies and committees. The CRTF calls for children's right to food to be included in the mandatory agenda for 'gram sabhas,' and for child nutrition issues to inform all processes of panchayat capacity building.

Motivation and local ownership of the food security aim are as necessary as accountability standards and mechanisms. Equally, both national and state legislators should make food security their primary task in each of their constituencies. Funds they receive for local area development could hardly be better utilised. Local nutrition needs assessments would be first investment. Regular monitoring and auditing of action and impact should follow, with community involvement, support and accountability.

For the crops counted and listed in harvest reports, the answer would appear to lie in timely distribution. Food is meant to be eaten. Ideally it should be locally grown in sufficient quantity where it is needed — or provided with dispatch. Those who do not grow or produce what they need to consume are supposed to be able to buy it to eat. Those who cannot manage to buy what they need are supposed to receive the State's attention.

The Bill focuses on supplying wheat and rice, and 'coarse food-grains.' There are other commodities that must be taken into account. What about other foods and nutrients? What about protein requirement? The new Bill mentions them, but does not specify. What



about safe drinking water? That too is mentioned, but without detail. Apart from quantum scarcities, water portability is a serious concern. Water-borne and water-related diseases are among leading causes of children's illness and death. Consumption of unsafe water can wipe out the benefits of better food access. The Bill mentions the importance of sufficient and potable water, but it does not clarify how provision would be assured.

What is actually on the proposed menu? Some is cooked; some is described as "energy-dense," without saying what this is. All the take-home handouts are to be 50 per cent energy-dense. This sounds like the kind of ready-to-eat packet that the Government had disapproved not long ago, on policy grounds. The planned food provision should also contain some edible oils; it does not mention oil. The CRTF has expressed informed concern about this deficiency.<sup>5</sup>

Activists and experts of the Right to Food Campaign, the CRTF and child rights NGOs firmly support hot cooked meals as the preferred option for provision to all beneficiaries of food security programmes or supplementary nutrition measures, especially for children. The option of hot cooked meals should be available to all: could it extend to those listed for take-home rations?

Local foods should be well-used. Neither the Bill nor the activists' listing mentions local fruits, even though local food traditions show awareness of their nutritional value, such as the seasonal benefits that the mango and papaya offer. To enhance the diversity and quality of the ICDS diet, the CRTF recommends the use of millets, animal products like eggs, milk, yogurt, and meat (for those who eat it), and other locally available foods. Midday meals in schools should similarly draw on local food varieties. The most suitable mix for any location can be decided in consultation with the community.

There are various opinions on what would constitute good nutrition and what is safe for children to consume. The Bill should not rest on readymade or processed 'packet' foods, and should guard against ready-to-eat commodities. The 'energy-dense' food component needs to be explained. What is it? If it is

meant to provide important micro-nutrients, could these not be obtained by diversifying the local fresh food available? Millets and animal products can help to meet micronutrient requirements locally. The best routing for micronutrient administration would be via established government supplementation programmes, rather than by loading additives into bulk food supplies. Supply of iron-fortified wheat flour is contraindicated in areas affected by malaria or minority conditions like thalassaemia. Likewise, the Bill should not legislate unthinkingly in favour of food fortification or use of GM foods, while the jury is still out on their safety, especially for children. Good sense requires suspension of open field trials of GM seeds or crops while their safety is still being researched.

Statistics of the nutrition-hunger gap and impact not only establish children's prominence among the deprived and afflicted, but also show that the youngest are the worst off. What is the essential nutrition input that should go directly to the below-3 age group, or even the below-5 group? Is it sensible to use only indirect nutrition, via the mothers?

Even though small children are to be served, there is no mention of milk anywhere in the Bill. There is, however, a provision to promote breastfeeding for the baby's first six months. How this promotional effort would be carried out, and by whom, is not stated. The MDGs country report also speaks of promoting early initiation of breastfeeding (within an hour of giving birth), exclusive breastfeeding up to 6 months, and continued breastfeeding along with complementary foods up to 24 months. It is not clear how under-nourished mothers could guarantee breastfeeding. If a mother is at risk or incapable, what emergency or short-term provision is proposed to safeguard the nutrition security of the infant?

At the neonatal stage of childhood, the Government plans or promises 'integrated management' of illness and severe malnutrition. Since the country deals with 26 million births every year, the numbers of F-IMNCI providers ((2,970) and nutritional rehabilitation service centers (455) to deal with 'severe acute malnutrition' seem too low.

Overall, the Bill's promised operation may be dogged by the risk of misdirected or ambiguous logistics, as accessibility seems tied to some peculiar classifications.

<sup>5</sup> Children's Right to Food Campaign/ 2nd National Convention, Bhopal 2012.

Eligible beneficiaries are categorised by age, location and status. Something called an 'age-appropriate meal' will be given to children in the 6-month to 6 years age range. It is not stated what this might be for each of the sub-sections of the age group. This appropriate food will be offered at anganwadis, presumably of the ICDS. Since only a third of the children of the ICDS age-group are actually within ICDS coverage, it is not clear what would be the eligibility or access of those in the age group but not in the anganwadi. The nutrition provision for the 6-month to 3-year sub-group is 500 kilo-calories and 12 to 15 grammes of protein — and it is a take-home ration. For the 3-year to 6-year sub-group, it is the same nutritional standard, but in the form of a cooked meal. If the child is classified as malnourished, the entitlement is 800 kilo-calories, with 20-25 grammes of protein, as a take-home ration. If the supply point is the anganwadi, and the malnourished child is not in the ICDS catchment population, where should he or she go for the additional calories and grammes? Elsewhere in the Bill, there is an assurance of "a free meal" for all children with malnutrition, but no mention of age limits. In another part of the draft text, an age bar of 'children up to 14 years' is mentioned.

Three supply points are identified: the anganwadi, the school and 'community kitchens.' On the assumption that mothers-to-be can access the anganwadis, that is where all 'pregnant and lactating mothers' would line up for a daily take-home ration of 600 kilo-calories and 18-20 grammes of protein— but if they are also classified as destitute or needy they come under other provisions. The Bill offers a meal a day to 'all destitute persons.' It does not say for how long, or predict an end to the destitute condition. It offers two meals a day to households affected by emergencies or disasters — for a period of three months. It does not name any supply point.

To the homeless and needy, the Bill offers an 'affordable meal,' at a community kitchen. It is reasonable to assume that there would be children in all these categories of deserving people, but the Bill is silent on how the various age-related periods of entitlement would operate for them, or how they could access age-appropriate meals or the assigned kilo-calorie and protein amounts through whatever pipelines are set up to serve the various kinds and categories of beneficiaries. The same question arises in respect of

expectant or nursing mothers, who are also listed as deserving of nutrition supplements.

The Bill is not silent on perceived neediest categories. Persons living in 'starvation or akin to starvation' can get two meals a day for six months. Quantities and content are not mentioned. How children in these conditions will be served, during or after these six months, is not stated. The Bill also says nothing on what supplementary nutrition will reach women in this category who are starving or nearly so, or their babies, for whom breastfeeding is to be encouraged.

While the Food Security Bill seems to set 14 years as the eligibility ceiling for children, the oldest child, aged from 15 to 18 years, poses another challenge. This age group will include child brides who are already bound for motherhood, as well as child workers of either sex. Will these girls' eligibility hinge on whether they are pregnant or nursing? The CRTF has called for the Mid Day Meals entitlement and provision to be extended to all children up to the Class XII age group, whether they are on school rolls or not. But those in such situations are not always accessible.

It is not explained what community kitchens are, or who operates them. The CRTF recommendation is to involve community members and to tap their energies, and to use locally available goods and services, with the added spin-off of stimulating the minor local economies. The Bill refers to 'community kitchens' as the source of food supply to 'homeless and needy' people, who will get 'affordable' meals. What would this affordable rate actually be? Tavleen Singh has argued in favor of communities taking local responsibility, and village women running 'free kitchens.' It is important to underline that the core responsibility of ensuring that food is available for local provision still rests with the State.

The Bill has a provision for providing cash or some kind of authorization to the beneficiary if actual food supply happens to be unavailable. This implies the possibility of food being replaced by some kind of coupon system. Field enquiries have shown that the people want food, not coupons or cash. The CRTF is opposing any provision for introduction of cash transfers in the place of food subsidies. The Bill should not have built-in loopholes.



This implies universalization of the Public Distribution System, with a genuine change in its standards of honest delivery. If local bodies, including PRIs, can be motivated and mobilized to take ownership in a national drive for child nutrition, could that work?

How important is it to India that its children should not be starved of the nutrition that is their right? Who among those in power will take responsibility to act upon the Supreme Court's call? The State is after all answerable to the people. The CRTF has demanded both official and popular action to undertake up nutrition surveillance and ongoing social audit. It is calling for activation of the proposed Bill on Grievance Redressal<sup>6</sup> to take all schemes related to children's right to food and nutrition under its purview. This would be a fitting positioning of the right.

Both State and Society are answerable to the children. Whatever the imperfections of the Food Security Bill, it is a legislative effort whose time has come. The Government is on test to get its act together, examine the proposed provisions through the lens of human rights, consult and confer with non-governmental counterparts, and bring forward an Act worthy of children.

Making good food and nutrition security available to the people is a matter of ethics in governance, and should be a hallmark of the legislation, and an evidence of the State's guardianship of people's food security. The sphere of nutrition and related basic health is not for privatisation. Nor is it a development option to be taken up at will, or left open to penetration of private sector and commercial interests. It should herald the development and pursuit of a national mission to overcome the malnutrition, hunger and food poverty of millions. The ruling party authorship of the move has been given more attention than either the ethical imperative for such legislation, or the inherent frailties of the Bill itself. The issue deserves more intelligent examination and analysis. The only 'profit' that India should seek from its action for food security is public good. The saving of children's lives will be the first marker of commitment.

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<sup>6</sup> The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011



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**T**he proposed National Food Security Bill, if implemented, will be the largest social welfare scheme in the world. This publication brings together a diversity of perspectives to try and analyze this proposed legislation's existing gaps, potential impact and challenges. The publication is also an attempt to offer comprehensive insights into the proposed Bill from the point of view of the marginalized and disadvantaged sections of society.

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