



## To Provide Food and Nutritional Security in Human Life Cycle Approach: A Food Security Bill

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### Abstract:

*The Food Security Bill (FSB), which had been in the works since UPA took office for the second time in 2009, finally received the nod from the cabinet in March. But, contrary to expectations, it was panned by many sections of the press. An editorial in The Indian Express implied that the bill had a fundamental flaw, while the one in Mint explained why it will not work. The bill received adverse reactions from the “aam admi” too, as was evident by the comments readers of the Financial Press left on the website.*

*But the FSB is not an idea that the government came up with overnight. It's been debated over several years and across several platforms. Then why is India's biggest social welfare policy measure facing such flak?*

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### 1. The Origin of the Campaign

The right to food campaign started when the Rajasthan unit of the People's Union for Civil Liberties filed a writ petition in the Supreme Court in April 2001 demanding that the country's food stocks be used to alleviate hunger and malnutrition. The prolonged battle between the PUCL and the Union of India led to many “interventions”, like instituting food commissioners, to ensure universalization of welfare schemes like mid-day meals for schoolchildren.

Meanwhile, the UPA's first stint had achieved two very important results that propelled the right to food campaigners to push forward their agenda: The government had passed the National Rural Employment Guarantee Act (now the MGNREGA) and ensured that India grew at over 9 percent for successive years. With the country riding at such a high, the activists had asked the UPA a simple question when it took over the second time in 2009: How can India be among the world's fastest growing economies and yet have hunger and malnutrition levels worse than that of Sub-Saharan Africa?

### 2. Preliminaries

The Bill seeks “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 therewith and incidental thereto”.

It extends to the whole of India and “shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint, and different dates may be appointed for different States and different provisions of this Act”.

### 3. Why So Serious?

But by now, the argument had lost its edge primarily due to the sharp deceleration in India's growth rate. From growing at an average of 9 percent between FY06 and FY11, India is huffing and puffing to even touch the 5 percent mark now. Slower growth has meant a steep fall in tax revenues.

The fiscal deficit is also a major concern and if India further slips on its promised 5.2 percent growth rate in FY14, the credit rating agencies could downgrade the country's investment climate to "junk" status. If that happens, corporate India would find it harder, and costlier, to raise loans for investment.

"The government has passed it [the FSB] with great reluctance and obviously corporate India is not very happy," says Biraj Patnaik, a senior campaigner for the right to food. Reason: The bill is likely to cost the government Rs 1.25 lakh crore each year.

But this entire amount is not new expenditure for the government. India is already spending close to Rs 1.16 lakh crore on schemes that are listed as "entitlements" under the FSB. For instance, food subsidy (Rs 85,000 crore), mid-day meal (Rs 13,215 crore), Integrated Child Development Scheme (Rs 17,700 crore) and maternity entitlements (Rs 450 crore).

So, the additional expenditure is around Rs 8,635 crore, an increase of 0.09 percent of the GDP. But its impact on fiscal deficit is an old issue that had largely been overcome when the growth was good. Opposition against the FSB now came from different quarters.

### 4. Hunger Vs Malnutrition

The new reason for disapproval stems from the different ways in which hunger and malnutrition are defined. Naysayers argue that eradication of malnutrition requires more than just removal of hunger. Simply providing for the basic minimum food is unlikely to do enough to improve India's ignominious malnutrition levels. Food security is necessary but not sufficient for nutrition security.

"For nutrition, you need to focus on children and women. The FSB does take a step ahead in that direction, though it could have done more on those fronts," says Reetika Khera, professor at IIT-Delhi.

The other area of concern is increased government involvement when it comes to procuring grains from the market. The fear is that the FSB will significantly raise the amount of food grain procured from the market and distort agriculture prices in the process. "The government procures just under one-third of the total production. The bulk of food grain trade is in the private sector and it will remain there. This is because the current allocation for the food schemes covered by the bill is about 56 MT [million tonne] of grain; this will increase to approximately 62 MT—an increase of just four MT," says Khera.

### 5. Food over Facts

Montek Singh Ahluwalia, deputy chairman of the Planning Commission, and considered as one of those unhappy with the entitlement mode adopted by the UPA, settled the debate while addressing students at IIT-Delhi recently. "This is no longer about facts. This is about a moral recognition that something is wrong. There is now a broad consensus (among policymakers) and that is new."

## **6. Entitlements**

### **6.1 Public Distribution System (TPDS)**

Priority households are entitled to 5 kgs of food grains per person per month, and Antyodaya households to 35 kgs per household per month. The combined coverage of Priority and Antyodaya households (called “eligible households”) shall extend “up to 75% of the rural population and up to 50% of the urban population”.

The PDS issue prices are given in Schedule I: Rs 3/2/1 for rice/wheat/milletts (actually called “coarse grains” in the Bill). These may be revised after three years.

### **6.2 Children’s Entitlements**

For children in the age group of 6 months to 6 years, the Bill guarantees an age-appropriate meal, free of charge, through the local anganwadi. For children aged 6-14 years, one free mid-day meal shall be provided every day (except on school holidays) in all schools run by local bodies, government and government aided schools, up to Class VIII. For children below six months, “exclusive breastfeeding shall be promoted”.

Children who suffer from malnutrition will be identified through the local anganwadi and meals will be provided to them free of charge “through the local anganwadi”.

### **6.3 Entitlements of Pregnant and Lactating Women**

Every pregnant and lactating mother is entitled to a free meal at the local anganwadi (during pregnancy and six months after child birth) as well as maternity benefits of Rs 6,000, in instalments.

[Notes: (1) “Meal” is defined in the Bill as “hot cooked meal or ready to eat meal or take home ration, as may be prescribed by the Central Government”. All “meals” have to meet nutritional norms specified in Schedule II. (2) The entitlements of women and children are to be delivered by state governments through schemes “in accordance with the guidelines, including cost sharing” to be prescribed by the Central Government. (3) Every school and anganwadi is to have “facilities for cooking meals, drinking water and sanitation”. (4) For purposes of issuing ration cards, the eldest woman in the household (not less than 18 years of age) shall be considered head of the household.]

## **7. Identification of Eligible Households**

The Bill does not specify criteria for the identification of households (Priority or Antyodaya) eligible for PDS entitlements. The Central Government is to determine the state-wise coverage of the PDS, in terms of proportion of the rural/urban population. Then numbers of eligible persons will be calculated from Census population figures. The identification of eligible households is left to state governments, subject to the scheme’s guidelines for Antyodaya, and subject to guidelines to be “specified” by the state government for Priority households. The lists of eligible households are to be placed in the public domain and “displayed prominently” by state governments.

## **8. Food Commissions**

The Bill provides for the creation of State Food Commissions. Each Commission shall consist of a chairperson, five other members and a member-secretary (including at least two women and one member each from Scheduled Castes and Scheduled Tribes).

The main function of the State Commission is to monitor and evaluate the implementation of the act, give advice to the states governments and their agencies, and inquire into violations of entitlements (either suo motu or on receipt of a complaint, and with “all the powers of a civil court while trying a suit under the Code of Civil Procedure 1908”). State Commissions also have to hear appeals against orders of the District Grievance Redressed Officer and prepare annual reports to be laid before the state legislature.

The State Commission may forward “any case” to a Magistrate having jurisdiction, who shall proceed as if the case has been forwarded under Section 346 of the Code of Criminal Procedure 1973.

### **9. Transparency and Grievance Redressed**

The Bill provides for a two-tier grievance redressed structure, involving the District Grievance Redressed Officer (DGRO) and State Food Commission. State governments must also put in place an internal grievance redressed mechanism which may include call centers, help lines, designation of nodal officers, “or such other mechanisms as may be prescribed”.

### **10. Transparency Provisions**

Mandatory transparency provisions include: (1) placing all PDS-related records in the public domain and keeping them open for inspection to the public; (2) conducting periodic social audits of the PDS and other welfare schemes; (3) using information and communication technology (including end-to-end computerization of the PDS) “to ensure transparent recording of transactions at all levels”; (4) setting up vigilance committees at state, district, block and fair price shop levels to supervise all schemes under the act.

### **11. District Grievance Redressed Officers**

DGROS shall be appointed by state governments for each district to hear complaints and take necessary action according to norms to be prescribed by state governments. If a complainant (or the officer or authority against whom an order has been passed by the DGRO) is not satisfied, he or she may file an appeal before the State Food Commission.

### **12. Penalties and Compensation**

The Food Commissions have powers to impose penalties. If an order of the DGRO is not complied with, the concerned authority or officer can be fined up to Rs. 5,000. The Commission can authorize “any of its members” to act as an adjudicating officer for this purpose.

In case of “non-supply of the entitled quantities of food grains or meals to entitled persons”, such persons will be entitled to a food security allowance from the state government, as prescribed by the central government.

### **13. Other Provisions**

#### ***13.1 PDS Reforms***

In Chapter VII, the Bill states that central and state governments “shall Endeavour to progressively undertake” various PDS reforms, including: doorstep delivery of food grains; ICT applications and end-to-end computerization; leveraging “adhere” (UID) for unique identification of entitled beneficiaries; full transparency of records; preference to public institutions or bodies in licensing of fair price shops; management of fair price shops by women or their collectives; diversification of commodities distributed under the PDS; full transparency of records; and “introducing schemes such as cash transfer, food coupons or other schemes to the

targeted beneficiaries in lieu of their food grain entitlements” as prescribed by the central government.

### ***13.2 Obligations of Government and Local Authorities***

The main obligation of the Central Government is to provide food grains (or, failing that, funds) to state governments, at prices specified in Schedule I, to implement the main entitlements. It also has to “provide assistance” to state governments to meet local distribution costs, but on its own terms (“as may be prescribed”). The Central Government has wide-ranging powers to make Rules.

The main obligation of state governments is to implement the relevant schemes, in accordance with the guidelines issued by the Central Government. State governments also have wide-ranging powers to make Rules. They are free to extend benefits and entitlements beyond what is prescribed in the Bill, from their own resources.

Local Authorities and Panchayati Raj Institutions are responsible for proper implementation of the act in their respective areas, and may be given additional responsibilities by notification.

#### ***13.2.1 Schedules***

The Bill has three schedules (these can be amended “by notification”). Schedule 1 prescribes issue prices for the PDS. Schedule 2 prescribes “nutritional standards” for midday meals, take-home rations and related entitlements. For instance, take-home rations for children aged 6 months to 3 years should provide at least 500 calories and 12-15 grams of protein. Schedule 3 lists various “provisions for advancing food security”, under three broad headings: (1) revitalization of agriculture (e.g. agrarian reforms, research and development, remunerative prices), (2) procurement, storage and movement of food grains (e.g. decentralized procurement), and (3) other provisions (e.g. drinking water, sanitation, health care, and “adequate pensions” for “senior citizens, persons with disability and single women”)

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