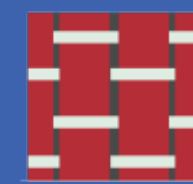




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JUSTICE
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THE NATIONAL FOOD SECURITY ACT (2013)

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LAWS

CONTEXT

India tops the world hunger list with 194 million people. Almost half the children under 5 years of age suffer from malnutrition. About 2 million children die before they reach the age of five. Two thirds of these deaths are related to insufficient and inadequate nutrition.

Article 39 (a) of the Constitution directs the state to ensure that all its citizens, men and women equally, have the right to an adequate means of livelihood.

Article 47 makes it one of the primary duties of the state to raise the standard of nutrition of its people.

In 2001, the Right to Food Campaign (a civil society network of organizations and activists) filed a Public Interest Litigation to ensure food security for all.

The case lasted 16 years ending in February 2017, wherein more than 50 orders were passed by the Supreme Court finally resulting in the passage of the National Food Security Act (NFSA), 2013.

These orders in the form of a mandamus directed the relevant public authorities to inter alia universalize benefits such as mid-day meals, enact supplementary nutrition programmes for children, and make provisions for maternity benefits and old age pensions.

KEY PROVISIONS

With this backdrop, the Government notified the NFSA, 2013 on September 10, 2013 with the objective to provide for food and nutritional security by ensuring access to adequate quantity of quality food at affordable prices.

WHO IS COVERED

The Act covers at least 75 % of the rural population and 50 % of the urban population to receive subsidized food grain at the federal level. “Eligible households” are divided into two categories: Antyodaya (Poorest of the poor) and Priority households. The Antyodaya scheme was in place before the passage of the NFSA and continues as such in the Act.

The new category, i.e. Priority households replaces the old below poverty line (BPL) category that was marred by inclusion and exclusion errors.

It is now the responsibility of state governments to notify eligibility criteria and identify both Priority and Antyodaya households.

MATERNITY BENEFITS

All Pregnant women, lactating mothers are entitled to receive maternity benefits of at least Rs.6000.

CHILDREN'S ENTITLEMENTS

The Act prescribes promotion of exclusive breastfeeding for children up to six months. Children between ages six months and 14 years are entitled to free, nutritious meals at Anganwadis and schools.



GRIEVANCE REDRESSAL

The Act mandates all states to set up effective internal grievance redress systems, for example to activate help lines and designate officers to deal with grievances. It also mandates state governments to set up an independent two-tier system for monitoring and review of the implementation of the Act, involving District Grievance Redressal Officers (DGROs) and a State Food Commission.

In case of a violation of entitlements, a complaint should be filed with the DGRO. Complaints can also be filed on the internal grievance redress system through toll-free helplines or online depending on the nature of the complaint.

TRANSPARENCY & ACCOUNTABILITY

The Act mandates that all PDS records be kept open for public inspection. The Act also provides for social audits and the setting up of Vigilance Committees to ensure transparency and accountability. Under the NFSA, Vigilance Committees are expected to regularly supervise the implementation of all schemes under the Act and inform the DGRO of any suspected misappropriation of funds.



ACTION POINTS

PROCEDURAL

It is the Centre's responsibility to procure and buy food grains at the minimum support price from farmers. Then grain is allocated to each state, wherein state governments have the mandate to identify eligible households.

Upon delivery of grains from the central depots to each state, the respective state governments deliver allocated food grains to ration shops.

The ration shop is the final point in the chain where beneficiaries purchase their food on subsidised prices depending on their entitlements. This can be proved through ration cards, documents signifying antyodya status etc.

LIMITATIONS

Some of the difficulties associated with the Act are:

- **No provision for community kitchens for destitute persons:** The Act omits special nutritional requirements/provisions for destitute persons as well as community kitchens.
- **Omission of millets and oil:** The Act, while providing enough food for survival fulfilling calorific requirements, omits more wholesome nutritional subsidies, with oil and millets still being out of reach for the poorest in terms of affordability.

- **No provision for water:** The Act does not provide for safe drinking water facilities which are a natural corollary to food security.
- **Ambiguity regarding identification of beneficiaries:** States are supposed to identify priority and general beneficiaries but the Act provides no rationale to identify households that belong to these groups.
- **Scientific method to reduce inclusion and exclusion errors:** Should there be a scientific method to identify the most vulnerable? Should there be universal coverage?

WHERE TO FIND FURTHER RESOURCES?

<http://www.righttofoodcampaign.in/>
The Right to Food Campaign website is a comprehensive source of resource material on the right to food act, provisions, case law, official documents and state information.