The Centre for Child and Law, National Law School India University in collaboration with Child Rights and You (CRY) and Department of Food, Public Distribution and Civil Supplies, Government of Karnataka organized a consultative meeting at the International Training Centre, NLSUI, on Monday, May 12, 2014 to discuss the issues in drafting of State Rules in Karnataka under the National Food Security Act, 2013. The purpose of the Consultation was to discuss the methodology and process being followed for rule making, receive feedback on the pros and cons of various alternatives and methods under consideration and thereby strengthen the rule making process after learning from the expertise and experiences from the civil society members.

As part of this process, members from civil society organizations such as CRY, Right to Food Campaign-Karnataka, Child Rights Trust, Sneha Jeevi Samasthe, Samajik Parivartan Janandolan, Eco Foundation for Sustainable Alternatives, Food First Information and Action Network (FIAN), academicians and former bureaucrats attended the meeting. The discussions and deliberations on various pertinent issues concerning the provisions of the Act highlighted the need to creatively expand the entitlements and other provisions mentioned therein. Suggestions were also put forward on strong implementation, vigilance and monitoring mechanisms required for effective realization of the Act.

SESSIONS I and II

The proceedings began with Dr. Neetu Sharma, welcoming the gathering, pointing out that there was a need to utilize the space in the rule-making process and design a progressive set of rule in Karnataka for the implementation of the National Food Security Act.

Prof. Ashok Patil, Co-coordinator of Center for Child Law, enumerated the primary objectives of the Act as provision of nutritional security, access of adequate quantity of food at affordable prices and the guarantee of dignity of life. India being a federal system in certain aspects, he expressed that the
responsibility of implementation lay squarely on the State. And for this reason, the State rules become extremely vital.

Prof. Babu Mathew chose to be critical of the Act. He reflected that while the Honourable Supreme Court explored new aspects of jurisprudence in several landmark cases like the PUCL case, the Act was devoid of these principles and was indeed watered down. In Mr. Babu Mathew’s view, rule-making threw the window open for flexibility and implementation. A greater level of focus on delegatory legislation and administrative law, their scope and limitation was what he strongly recommended. The possibility of the Government procuring coarse grains through rule-making was another idea he mooted. He drew attention to the fact that the schedule in the Act that addresses provision of food only spoke of quantity ignoring the aspect of nutrition content. This he believed could be fixed by efficient rule-making. He urged the Centre for Child Law to conduct an empirical study to learn about the working of the Act, so that evidence based report can be given to support the formation of rules for implementation.

Comparing the Act to MGNREGA it was reasoned that the implementation of the Act was a day-to-day challenge. Though MGNREGA started off brilliantly, it deteriorated with time and the Food Security Act too faced a similar threat.

Identification of beneficiaries and entitlements were addressed in the second session of the meeting. Mr. Pellissary, linking the subject to welfare economics, was of the opinion that there were two important points of consideration here: firstly, to get the institutions right which would include having the right apparatus and rules in place and secondly, having responsible individuals capable of taking the organizations forward. He also pointed out and called to attention to the fact that the Act found no space for the word “HUNGER” although its fundamental objective is to make the whole of India’s population food secure. He thus threw the matter open for discussion after saying that if there is no assessment of the outcome of hunger, no law would hold any meaning.

One another participant briefed the members of the civil society about the issues raised by the Centre for Child Law team, in so far as the State rules relating to identification of priority household and entitlements were concerned there was a major problem in counting the poor in the country while also suggesting that universalized subsidy would be a much better
strategy to deploy as against targeted subsidy. On the subject of identifying eligible household, wrongful exclusions and inclusions posed to be a great challenge. Socially vulnerable groups and food insecure groups would be an integral part of the rules they draft for inclusion.

**SESSION III and IV**

The discussion on the entitlements followed in the next session with one Mr. Narayana giving the audience a synopsis of the issues that need to be addressed. He asserted that the entitlements were not associated with PDS alone, but also involves other health and nutrition related schemes. The goal of the discussion was to expand the entitlements. The points that needed to be analyzed were: 1. if the entitlements could be broadened, 2. The future of State-level schemes, 3. The mechanism for Cash Transfer, 4. Mechanism to give greater legal validity to the entitlements. He further stated that there was a need to diversify food basket, and means to include more micro nutrients.

Issues relating to Transparency and Accountability were also discussed. Chapter XI of the National Food Security Act provides for transparency and accountability mechanisms. The key recommendations for setting up the Vigilance Monitoring Committees were widely discussed. The composition of the Vigilance Monitoring Committee, term of office of the representatives, need for capacity building, paying honorariums to non ex officio and non elected members of the Vigilance Monitoring Committees, fund utilization, quorum and removal of members, detailed tasks and functions of the monitoring committees, inspections, powers of the monitoring committees, frequency of the meetings and its accountability.

More representation should be given to the SC/STs and other minority groups.

In the panel discussion on Suggested Rules for the State Food commission, under National Food security Act, including the eligibility for appointment of the chairperson, five other members and Member Secretary of the State Commission were debated. The panelists were given a glimpse of the procedure for appointment of the Chairperson and members, rules related to the term of office and condition of service, the power of the Governor to remove the Chairperson and members.
Issues relating to Social Audit were deliberated on the implementation of the National Food Security Act. Different models can be adopted. Government can co-opt an agency for the process of social audit. Example of Chhattisgarh where GPS system is followed to trap the black marketing was mentioned. ‘Cash Transfer’ must be given less importance in the rule making process was one of the recommendation from the participant. Further it was observed that the different commissions constituted in India (NHRC, SHRC) have only recommendatory powers and lacked in implementation. Where tribunals help us in implementation and thus, there should be conversion of commissions into tribunals.

The organizers were overwhelmed by the wide range of responses and opinions. The same would be considered after extensive research and rules will be framed further studying the best practices of the other states will also be considered and recommended to the government of Karnataka.

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