NATIONAL FOOD SECURITY ACT
ADDRESSING HUNGER
The NFSA 2013 has the objective “to provide 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”.
INTRODUCTION

The need for food securities law is greatly felt in India. To have adequate nutritious food and a population free from hunger and malnourishment are crucial for enjoyment of all other rights and achieving social justice. Without adequate food, people cannot lead healthy active lives. They are not employable, cannot care for their children and their children become victims of exploitation.

According to Tendulkar Committee Report approximately 370 million people are below poverty line in India. Around 22.6% of the total population in India suffering from hunger. Census of India 2011, RGI, GOI, suggests that 43.5% children of the country, under age of five years, are chronically malnourished. 7.60 lakh children die every day due to health problems If the international standard for the definition of the poor, i.e., a household that spends more than one third of its income on food is followed, 95% households of India would be considered poor. Another 600 million people from the unorganized sector live on a paltry Rs. 20 per day.

The initiatives of the Government to bring National Food security Law to protect food Security is laudable. Through this Law, Indian Government took an important step towards the alleviation of India’s hunger problem which suggests the implementation of schemes for regular food distribution. India has managed to maintain a sufficiently high level of foodgrain reserves. FAO in its current report of 2014 says that India has 194 million hungry people. In such situation, National Food Security Act is not just another Act; it is a boon for those toiling millions. Seeing India’s record of higher maternal deaths and women’s nutrition, the NFSA introduced the maternity entitlement scheme under which every pregnant and nursing mother was to receive Rs. 6,000 as a one-time cash transfer.

Though it is indeed a credible step of the Government but it should have the component of promotion and protection of Adequate Food Security for All, with a clear reduction of Hunger and Malnutrition and Poverty. Lack of proper nutrition contributes to worse class performance, lower test scores, and eventually less successful students and a less productive and competitive economy. Malnutrition and its consequences are immense contributors to deaths and disabilities worldwide. Promoting good nutrition helps children grow, promotes human development and advances economic growth and eradication of poverty. The Right to Food is one of the foremost rights of every human being.

Right to food means access to adequate food at all times, with dignity. Food being primary for the survival of human beings, this aims to protect the right to live with dignity, free from dependence on anybody, and free from hunger and malnutrition. This comprises people’s ability to feed them, and to avail food in appropriate quantity and of appropriate quality.

The Right to Food encompasses: the availability or sustainability of food or the means to produce the food, the appropriate quality and quantity of food, its economic and physical accessibility. This right can be fulfilled by a holistic approach of: access to resources for production, dignified employment, and social security and welfare schemes.

It is the responsibility of the State to ensure that people’s Right to Food is not being vio-
lated, and to ensure the rights of the vulnerable population like women, children, aged people, people with special needs are also realized. The NFSA is still in the pipeline after its enactment in 2013. There is a need to bring it to government’s notice that vast majority of masses are hungry and suffering from malnutrition.

**NATIONAL FOOD SECURITY ACT, 2013**

Ensuring Food Security for all was the promise made by the United Progressive Alliance during the 15th Lok Sabha elections which was again emphasized by the then President of India Mrs. Pratibha Patil in her first presidential address. This promise saw a lot of activities at both the civil society level and at government level to come up with the best framework for a law on Food Security. A National Food Security Ordinance, 2013 was passed after the approval of the Cabinet.

This National Food Security Ordinance had to go through many amendments before it was passed by both the Lok Sabha and the Rajya Sabha, and then it received the nod from the President on September 13th 2013 and was notified as National Food Security Act, 2013.

The Act

The NFSA 2013 has the objective “to provide 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”.

A life cycle approach is the approach to food security and nutritional support, and other appropriate interventions, provided from the moment a human being is formed till death i.e. cradle to death approach. Hence, using this approach this Act starts its supports from the beginning of the pregnancy for all the pregnant females, continues through the lactating period- the various physical developmental stages of a child to during the old age.

The provisions under this Act override the provisions under any other law.

A. Entitlements

This Act primarily concerns women, children and the poor households.

Under NFSA, 2013, pregnant and lactating women, children in different age groups: 6 months to 6 years and children up to 14 years of age are provided with different nutritional support. Poor households, to be identified by the State Government, shall be provided with low priced food-grains.

**The nutritional needs of pregnant and lactating women will be addressed:**

1. They are entitled to take home rations with 10 to 20 grams of protein and 600 calories per day from the local Anganwadi.
2. Pregnant and lactating women who are not covered by any other programmes and schemes are entitled to Rs. 6000.
Nutritional needs of children are met through:

1. Children between 6 months to 3 years of age shall be provided with take home rations of nutritional value of 500 calories and 12-15 grams of protein.
2. Children between 3 years to 6 years of age shall be provided with one morning snack and a free mid-day meal on all school days by the local Anganwadis. The nutritional content should be 500 calories and 12-15 grams of protein per day.
3. For malnourished children between 6 months to 6 years of age, there are special provisions under this Act. The take-home ration for malnourished children is of nutri-

History of National Food Security Act, 2013

2009: Presented in the manifesto of Congress Party for 15the Lok Sabha elections
June 4th 2009: Mrs. Pratibha Patil, the then President of India announced that her Government will enact a law to provide basic food security for all
July 2010: A draft of National Food Security presented by the National Advisory Council (NAC)
2010: Prime Minister of India formed an expert committee headed by Dr. C. Rangarajan to understand the implications of the proposal by NAC and to make recommendations on the same
2011: Submission of the Report by Expert Committee to the Government
July 2011: The draft of Food Security law passed by a ministerial panel
14th September 2011: Public comments sought on the Draft NFS Bill 2011 (which had incorporated changes after recommendations from the expert committee, State and Central Ministries, and other stakeholders)
18th December 2011: Revised draft of NFS bill 2011 approved by Union Cabinet
22nd December 2011: Introduction of NFS Bill 2011 in Lok Sabha
5th January 2012: The Speaker of Lok Sabha referred the NFS Bill 2011 to the Standing Committee for examination and report
31st January 2012: Suggestions invited from selected Central Ministries, State Governments/UT Administrations/Institutions/Experts and so on by Standing Committee
November 2012: Bill draft sent to food ministry to incorporate changes consulted by State Governments
17th January 2013: Report presented to Speaker of Lok Sabha by Standing Committee on Food, Consumer Affairs and Pubic Distribution
19th March 2013: Official list of amendments present in Lok Sabha by Food Minister KV Thomas
2nd May 2013: An amended Food Security Bill is presented in Lok Sabha by the Union Minister, leaving out separate categories for urban and rural beneficiaries
8th May 2013: Food Minister initiates a debate on Food Security law, Lok Sabha ends without a vote as opposition parties protests
13th June 2013: During Cabinet meeting political party assures support to the Bill, Ministers decided to call a special session in Parliament to vote but it failed
4th July 2013: Food Aid Programme passed by the Cabinet through an Ordinance which was valid for 6 weeks from the start of next Parliamentary session
5th July 2013: National Food Security Ordinance signed by President of India, Pranab Mukherjee
5th August 2013: In monsoon session of Parliament, NFS was one of the main legislation to be passed in both the houses
26th August 2013: NFS bill 2013 passed in Lok Sabha
2nd September 2013: NFS bill passed in Rajya Sabha
10th September 2013: NFS Bill 2013 approved by President of India and is published in the Gazette of India, Extraordinary, Part II, Section-1 as Act Number 20 of 2013
tional value of 800 calories and 20-25 grams of protein.

Even though this Act has made special provisions for ‘malnourished’ children, it has failed to propose criteria to identify or define malnourishment.

Identification of malnourished children:
Under this National Food Security Act, 2013, the State Government is responsible for identifying malnourished children. Local Anganwadis are responsible for identifying malnourished children and for providing free meals/take home rations to meet their nutritional needs.

4. School going children from the age of 6 years to 14 years or up to class VIII to be given one free mid-day meal. These are valid in all schools run by local bodies, Government and Government aided schools.

This Act ensures food security by:

i. Right to 5 kilograms of food-grains per month at subsidized rates
ii. Schedule I of the Act describes subsidized prices: food-grains should be provided at cost not exceeding Rs. 3/kg of rice, Rs. 2/kg for wheat and Re. 1/kg for coarse grains
iii. The rates of food-grains should remain as mentioned for a period of 3 years from the commencement of the Act. They can be revised after 3 years by the Central Government but shall not exceed:

The benefits available to eligible households under this Act cover 75% of the rural population and 50% of the urban population.

Eligibility of Households:

- Households covered under Antyodaya Anna Yojana by Central Government
- Other households identified by the State Governments to be covered under Targeted Public Distribution System (TPDS).

The States are required to identify the eligible households within 365 days from the commencement of the Act.

Also, when there is no supply of entitled foodgrains in the appropriate quantities, then the State Governments have the responsibility of providing the eligible households with Food Security Allowance.

In India, there are several benefits that have been made legal entitlements under various laws and schemes; FSA has failed to cover them. They are:

I. Immunization, health education and pre-school education;
II. All areas with SC/ST population in majority should have been covered on a priority basis;
III. Local women’s Self Help Groups and Mahila Mandals should be encouraged to supply supplementary nutrition and food being distributed to the Anganwadis;
IV. Access to ICDS should not be based on the BPL status of a family and
V. Rural and urban communities, without any Anganwadi centre, should have an Anganwadi if there are 40 or more children under the age of 6 years.

Shortcomings of the National Food security Act: In spite of the positives of this Act, it has some glaring limitations which do not support the aim of Food Security.
Shortcomings of NFSA 2013:

i. Under the NFSA 2013, only 35 kgs of food-grains per family per month is to be provided. Thus, a maximum of 7 members in a household shall be provided with 5 kgs of food-grains per month.

ii. Indian Council of Medical Research has identified that a minimum of 7 kilograms of food is required for a healthy child and a minimum of 14 kilograms of food is required for an adult. This Act provides for just 5 kgs of food-grains, not even sufficient for a growing child.

iii. It provides the basic food-grains skipping nutrition: food rich in proteins, vitamins and minerals.

iv. One meal is not sufficient to meet the nutrition needs; NFSA provides just mid-day meal to children, that too on school days ignoring 1/3rd of the year i.e., weekends and holidays.

v. Mid-day meals are not being provided to children in private schools.

vi. There is no sustainable approach in this Act, it promotes the vicious circle of dependency.

Limitations in Implementation of the NFSA

- The PDS control order confines ration cards only to citizens or recognized refugees while Article 21 (Right to Life) of the Constitution extends to all residents. This will also make it difficult for one to get a ration card because a lot of migrants will then have to prove their citizenship.

- This Act requires address proof to avail Ration Cards making it impossible for the shelter less, homeless, slum-dwellers and migrant workers to avail their entitlements.

- There are no clear set criteria or definitions to identify APL and BPL families.

- The NFSA 2013 needs to define malnourishment to check discrepancy.

- This Act requires address proof to avail Ration Cards making it impossible for the shelter less, homeless, slum-dwellers and migrant workers to avail their entitlements.

- The central government has accorded extension to the states thrice to implement the Act, this is in clear violation of the act which says that the Act should commence within a year of its enactment.

- This Act requires address proof to avail Ration Cards making it impossible for the shelter less, homeless, slum-dwellers and migrant workers to avail their entitlements.

- This Act requires address proof to avail Ration Cards making it impossible for the shelter less, homeless, slum-dwellers and migrant workers to avail their entitlements.

- The NFSA introduced the maternity entitlement scheme under which every pregnant and nursing mother was to receive Rs. 6,000 as a one-time cash transfer but two years down the line, there are still no signs of the scheme getting implemented.

- The states are instructed not to add any new household to Antyodaya Anna Yojana (AAY) if any household drops out of the programme due to any improvement in social or economic status, deaths, etc.; the number of households would be reduced and over time, the programme would be phased out.

- The PDS Control Order also states that there shall be no new entry for ration card till data from next population Census is available. This means that coverage is frozen in terms of numbers for ten years. Children born after 2011 Census would therefore be denied inclusion under NFSA till they are about 10 years old.
PDS Control order restricts the eligibility to receive entitlements under NFSA to ‘citizens and recognized refugees’. The NFSA never lays down the qualification for being a citizen. It would exclude most vulnerable sections like homeless, migrants, forest dwellers, de-notified tribes and single women for whom it would be difficult to produce citizenship documents.

Supreme Court recognizes the AAY as a scheme for the poorest of the poor and presses for its proper implementation. For millions, the ration provided by the AAY is the only sources of food security. It is therefore important that such a provision for the most vulnerable is not phased out.

There are major cuts in Union Budget for various programmes under this Act. The Integrated Child Development Services (ICDS) had a 50 per cent cut, the Mid Day Meal Scheme saw its budget reduced from 13,000 crore to Rs. 9,000 crore and similarly several other social sector schemes which have a direct bearing on nutrition have seen cutbacks.

Storage of food grains is a major concern which has been vaguely covered in the Act.

**B. Provisions for Penalty**

In case the order of District Grievance Redressal Officer is not followed without a reasonable cause by a public servant or authority, then the State Food Commissions have the power to appoint or authorize its members to act as an adjudicating officer to conduct an inquiry to decide on failure to follow orders.

Penalty can be imposed:

In case the concerned public servant or authority has been found guilty by the Inquiry conducted of failing to provide the relief recommended by the District Grievance Redressal Officer then a penalty of maximum Rs. 5,000 can be imposed.

The member of State Commission holding the inquiry has the power to summon and enforce the presence of any such person who is acquainted with the case and can provide with any evidence or to provide with any such document which may be relevant to the inquiry.

**C. Reforms pertaining to Targeted Public Distribution System**

The Central and State Governments are required to make necessary reforms in the Targeted Public Distribution System in accordance with the stipulations in National Food Security Act 2013.

Schools providing Mid-day Meals should have facilities for cooking meals, drinking water and sanitation. In case of urban schools, central kitchen can be used as per the guidelines by the Central Government.

Women as head of the household:

According to National Food Security Act, 2013, the ration card is issued on the name of eldest woman in the household and she must be above the age of 18 years.
In case there is no woman over the age of 18 years in the household, then the eldest male member of the household shall be considered the head of the household till the time female member attains the age of 18 years.

D. Grievance Redressal

Under this Act, there are provisions for Grievance Redressal Mechanism, internal grievance redressal and establishment of both State and District level mechanisms. Grievance Redressal Mechanism comprises Internal Redressal Mechanisms, District Grievance Redressal Officers and the State Food Commission.

The State Governments are responsible for setting up Grievance Redressal Mechanisms. Internal Grievance Redressal, nodal officers and other such systems which may be put forward by the State Government.

The District Grievance Redressal Officer has the roles of addressing complaints on:

- non-distribution of entitled food-grains or meals and
- taking necessary redressal actions on the complaints

An appeal can be filed against the decision of District Grievance Redressal Officer at the concerned State Food Commission.

State Level Mechanism

State Governments are responsible for the formation of State Food Commission. Also if necessary, State Governments have the power to form or designate a statutory body or commission to perform the functions and exercise the powers of State Food Commission.

- The purpose of State Food Commissioners will be to monitor and review the implementation of this Act.
- With the approval of Central Government, a Joint State Food Commission can also be setup for two or more states.
- Under this Act, there is no provision for a national level commission.

The power and Functions of State Food Commissions are:

I. To monitor and evaluate implementation of this Act in the States;
II. To advise the State Government to implement this Act effectively;
III. To inquire into the violations of this Act either suo motu or on receipt of complaint;
IV. To advise State Governments, their agencies, autonomous bodies, non-governmental organizations part of relevant services, to ensure and carry out effective implementation of food and nutrition related schemes, and to ensure that individual fully access entitled food-grains;
V. To hear appeals against District Grievance Redressal Officers, and
VI. To prepare annual reports to be presented before the State Legislature.

In cases where State Commission inquire into violation cases, they are entrusted with the powers of a civil court while trying a suit under Code of Civil Procedure, 1908 for the following matters:

a) To summon and enforce attendance of any person, and examine him in oath;
Under this Act, key authorities with their responsibilities are:

<table>
<thead>
<tr>
<th>AUTHORITY</th>
<th>DUTIES</th>
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</table>
| Vigilance Committees: State, District, Block and fair price shop levels | i. To supervise implementation of Act  
ii. To ensure transparency in PDS |
| Local Authorities: Panchayat, municipality, district board, cantonment board, town planning authority and any other body, which is authorized for self-governance, or any other body which has the authority to control and manage civil services within an area | i. To ensure implementation of this Act, TPDS  
ii. To ensure implementation of other schemes of Ministries and Departments of Central and State Governments  
iii. To implement provisions of Act in respective local area |
| District Grievance Redressal Officer | i. To enforce entitlements under this Act  
ii. Fast and effective grievance redressal of people with issues of distribution of entitled food-grains or meals |
| State Food Commission | To monitor and review implementation of this Act |
| State Governments | To implement and monitor schemes of various Ministries and departments of the Central Government, and their own schemes, according to the guidelines |
| Central Government | i. To ensure allocation of food-grains and regular supply of food-grains to entitled people  
ii. To allocate State Governments under PDS, the required quantity, under the Act, of food-grains from the Central pool |

Under this Act, cases of violations can be forwarded to courts. The State Commissions have the power to forward any case, to be tried, to a Magistrate. Any Magistrate presented with any forwarded case by a State Commission has to proceed in accordance to 346 of the Code of Criminal Procedure, 1973.

**E. Duties, Responsibilities and Powers of Central and State Governments, and Local Authorities**
## Central Government

<table>
<thead>
<tr>
<th>Duties of Central Government</th>
<th>Areas in which Central Government can frame rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. To allocate food-grains according to the number of people belonging to eligible households as identified by the States;</td>
<td>i. Entitlements under various schemes as mentioned under sections 4, 5 and 6, cost sharing under section 7;</td>
</tr>
<tr>
<td>ii. To provide food-grains to the State Governments according to the entitlements specified under sections 4, 5 and 6, and at prices specified for persons belonging to eligible households as mentioned in Schedule I;</td>
<td>ii. Scheme providing maternity women and lactating mothers under Section 4, clause (b), including cost-sharing;</td>
</tr>
<tr>
<td>iii. To procure food-grains for the Central pool through its agencies, the State Governments and their agencies;</td>
<td>iii. Amount, time and manner in which entitlements are to be paid to eligible individuals under Section 8;</td>
</tr>
<tr>
<td>iv. To allocate food-grains to the States;</td>
<td>iv. Introduce schemes of chah transfer, coupons, and other such schemes to the targeted individuals to ensure food-grains entitled to them in areas and manner under clause (h) of sub-section (2) of section 12;</td>
</tr>
<tr>
<td>v. To provide transportation to the food-grains to depots designated by Central Government in each state;</td>
<td>v. Process of providing funds to State Governments by the Central Government in cases of short supply of food-grains, under section 23;</td>
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<tr>
<td>vi. To help State Governments meet the expenses incurred while:</td>
<td>vii. Manner of providing assistance to State Governments to help meet expenditure under clause (d) of sub-section (4) of section 22 and</td>
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<tr>
<td>• movement of food-grains within the states,</td>
<td>viii. Any other matter in which the Central Government has to or might have to make provisions.</td>
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<tr>
<td>• handling of food-grains and</td>
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<td>• margin paid to fair price shop dealers;</td>
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<td>vii. To create and maintain required modern and scientific storage facilities at various levels.</td>
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## Responsibilities of the State Governments

Areas in which the State Government can frame rules

In cases where there is a contradiction in Central and State rules, State rules have to be in accordance to that of Central rules, hence the State rules will be void in these cases.

To implement and monitor schemes of various Ministries and Departments of the Central and the State Governments to ensure food security in their State, according to guidelines issued by the respective governments.
i. To form guidelines to identify priority households under sub-section (1) of section 10;
ii. To form internal grievance redressal mechanism under section 14;
iii. For appointment of District Grievance Redressal Officer, and powers under sub-secti-
on (2) of section 15;
iv. Method of appointment of District Grievance Redressal Officer, and terms and condi-
tions of the same under sub-section (3) of Section 15;
v. Proper way and time limit for hearing complaints, and filing complaints of District
Grievance Redressal Officer under sub-section (5) and (7) of section 15;
vi. Method of appointment of Chairperson, other members and Member-Secretary of
the State Commission, and terms and conditions of the same, under sub-section (5) of
Section 16;
vii. Formation of procedure of meetings of the Commission and its power under sub-
section (5) of Section 16;
viii. Procedure for placing Targeted Public Distribution System related records in public
domain and made open for inspection under Section 28;
ix. Process for social audit covering: functioning of fair price shops, Targeted Public Distribu-
tion System and implementation of such welfare schemes under Section 43;
x. Formation of Vigilance Committees under sub-section (1) of Section29;
xi. Implementation of schemes or programmes by Central or State Government to utilize
institutional mechanism under Section 43 and
xii. Any other matter in which the State Government has to or might have to make provi-
sions.

**Targeted Public Distribution Systems and States**

States have been assigned some duties related to TPDS. They are:

i. Delivery of food-grains from depots of Central Government in the respective State;
ii. To organize intra-state delivery of food-grains through agencies authorized by them at
the door-step of fair price shops;
iii. To ensure that foodgrains are delivered to entitled person and costs specified in
Schedule I and
iv. To ensure payment of food security allowance to entitled persons in case of failure of
supply of food-grains or meals.

To ensure efficient operations under TPDS, the States shall have to:

a) create and maintain storage facilities which are scientific and are able to accommo-
date food-grains required under TPDS and other food based welfare schemes and
programmes;
b) ensure that the capacities of Food and Civil Supplies Corporations and other design-
nated agencies have strengthened and
c) Have in place institutionalized licensing arrangements for fair price shops. This ar-
rangement should be in according to Public Distribution System (Control) Order, 2001
made under the Essential Commodities Act, 1955, as amended from time to time.
d) Through notifications, the State Governments can assign additional responsibilities of
TPDS to local authority.

Local authorities are responsible for:

• Proper implementation of this Act in their areas and
• Proper implementation for carrying out duties and responsibilities related to implementation of various schemes of Central and State Governments.

F. Transparency and Accountability

Under this Act, accountability and transparency at various levels has been covered comprehensively. Means of achieving them are:

i. Records related to TPDS are kept in public domain and are open for inspection
ii. Independent agencies to conduct periodical social audits on functioning of fair price shops and Targeted Public Distribution Systems along with other such welfare scheme.
iii. Publicizing the findings of Social audits and to take necessary actions and
iv. Setting up vigilance committees. These Committees should have appropriate representation from local authorities, Scheduled Castes, Scheduled Tribes, women, destitute or from people with special needs.

Vigilance Committees are supposed to regularly supervise the implementation of all schemes under this Act.

Filing Complaints in Delhi

In case of grievance with Public Distribution Systems under this Act, complaints can be filed/registered by:

I. Call Centre established for this very purpose.
   Timings: 9:00 A.M. to 6:00 P.M.
   Working Days: Monday to Saturdays
II. Assistant Commissioner of the concerned circle
III. Additional Commissioner of Vigilance
IV. Commissioner of Food and Supplies
V. Anti-Corruption Branch, Directorate of Vigilance, Govt. of NCT of Delhi, Room No. 178-184, Old Secretariat, Delhi
VI. Public grievance Cell, Govt. of NCT of Delhi, M-Block, 2nd Floor, Vikas Bhawan, I.P. Estate, New Delhi.

Complaints regarding hoarding and black marketing along with other violations of Control orders issued under Essential Commodities Act:

• Hoarding and black marketing of food articles, along with other violations of Control orders issued under Essential Commodities Act are cognizable offences.
• To file complaints and FIRS about violation of Control orders issued under Essential Commodities Act, an Anti-Hoarding Cell functions in the department. These complaints can also be made at the Central Control Room.
RECOMMENDATIONS

I. The Act should create an obligation for governments to prevent and address chronic starvation, and reach food pro-actively to persons threatened with starvation.

II. Use of information and communication tools, end-to-end computerization to ensure transparency in transactions at all levels, and to prevent diversion of food-grains;

III. There should be rise in quantity of foodgrains provided instead of restricting it to 5 members of a family despite knowing the fact that majority of them are large households.

IV. Schemes like Antyodaya Anna Yojana should not be phased out because it is like life saving oxygen for the most vulnerable sections.

V. The new entry should not be frozen as mentioned in the PDS control order because it would deny right to food to a child born after the census till the next census data, i.e for 10 years which is the most crucial years for a child’s mental and physical growth and a child need adequate nutrition at the most.

VI. A complete balanced diet means adequate balance of carbohydrates, protein, vitamins and fats but what has been provided under PDS contains wheat and rice which is not enough for nutrition, so government should also include edible oils and pulses in it.

VII. There is a great need to be sensitive towards migrants. NFSA does not include migrants as its beneficiary and this clearly violates Article 21 of the Indian Constitution. Migrants would be denied right to food because of their inability to prove their citizenship.

VIII. Maternity benefits other than cash transfer, like help availing nutritious diet during pregnancy should be given.

IX. Act should focus not only on assured physical, economic and social access to adequate, nutritious and culturally appropriate food to lead an active and healthy life with dignity, but also on respecting, protecting and promoting the access to productive resources and jobs.

Judiciary has played an important role in emphasizing and defining the Right to Food

Courts at various levels and many times have upheld the Right to Food which has been implied in the Right to Life and to a life of dignity. Some of the major cases in Apex courts involving Right to Food which have contributed towards Right to Food to be a Right and an entitlement are:

- *Francis Coralie Mullin vs Union Territory of Delhi*: This case has contributed to the inclusion of many positive rights to Article 21 of Indian Constitution
- *PUCL vs Union of India*
- *Chameli Singh vs State of Uttar Pradesh*: Through this case, it was added that the Right to Life covers various rights. Like the right to: food, water, education, medical care and shelter.
- *Olga Tellis vs Bombay Municipal Corporation*: This case had been helpful in adding Right to livelihood in the ambit of Right to Life and Right to Food.

The Supreme Court has also contributed in helping realize the Right to Food. In *Peoples’*
Union on Civil Liberties (PUCL) vs. Union of India case had issued interim orders which had positive impact on the realization of Right to Food for all groups including children. The Supreme Court of India has recognized 8 schemes as attempts to realize Right to Food.

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<tr>
<th>Schemes identified by the Supreme Court of India that are forerunner in attempts to realize right to food</th>
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<td><strong>Targeted Public Distribution (PDS)</strong></td>
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<tr>
<td><strong>Antyodaya Anna Yojana (AAY)</strong></td>
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<td><strong>National Old Age Pension Scheme (NAOPS)</strong></td>
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<td><strong>National Family Benefit Scheme (NFBS)</strong></td>
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<td><strong>National Maternity Benefit Scheme (NMBS)</strong></td>
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<td><strong>Integrated Child Development Services (ICDS)</strong></td>
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<tr>
<td><strong>National Programme of Nutritional Support to Primary Education or Mid-Day Meal Scheme (MDMS)</strong></td>
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<tr>
<td><strong>Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)</strong></td>
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*Source: Supreme Court Commissioners*
Similarly, the Supreme Court has issued Interim Orders on Schemes and Acts concerning children.

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<thead>
<tr>
<th>Scheme</th>
<th>Interim Orders by Supreme Court</th>
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<td><strong>Mid-day Meal Schemes</strong></td>
<td>i. It shall be extended to all Government schools</td>
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<td></td>
<td>ii. It shall cover summer vacations in school</td>
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<td></td>
<td>iii. Specially emphasis on drought prone districts</td>
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<tr>
<td><strong>Integrated Child Development Schemes (ICDS)</strong></td>
<td>i. Provision of drinking water</td>
</tr>
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<td></td>
<td>ii. Monitoring of growth, nutrition &amp; health education, immunization, referral and pre-school education</td>
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<td></td>
<td>iii. Priority to SC/ST habituated areas</td>
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<td></td>
<td>iv. Anganwadis can be open in places where population exceeds 300 and not more than 1000.</td>
</tr>
</tbody>
</table>

Also, Supreme Court had issued Interim order that all States and Union Territories shall have full and updated data on ICDS on their websites to improve and ensure transparency mechanisms. This data shall include:

- Location of all functional Anganwadi centers
- Category-wise number of beneficiaries
- Total funds allocated and other related details.

Another Interim order stated that women’s Self Help Groups and Mahila Mandals should be encouraged to deliver supplementary nutrition/food distributed to Anganwadi Centers. Private Contractors should be banned from carrying out these tasks to reduce pilferage.

The Right to Food is Human Fundamental right. It has been advocated by UNHCR and many international conventions, Indian Constitution and by the Supreme Court of India.
INDIAN CONSTITUTION

The Constitution of India has 4 Articles related to the Right to Food.

- **Article 21** of the Constitution of India provides Indians with the fundamental right to protect life and personal liberty. Under this the State has to ensure the Right to Life of citizens, and this covers right to two meals a day a minimum and a right to live with dignity.

- **Article 39 (a)** states that the State shall ensure that its policies are directed towards securing adequate means to livelihood for its citizen, irrespective of their gender.

- **Article 42** covers the condition of work and maternity relief. The work place should have in place humane conditions of work.

- **Article 43** “The State shall endeavor to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the State shall endeavor to promote cottage industries on an individual or co-operative basis in rural areas”.

- **Article 47** covers that the State should improve and increase the standard of nutrition and standard of living of its citizens.

**India has signed international human rights treaties.**

**Main international binding human rights instruments are:**

- The Universal Declaration of Human Rights (Art. 25), the International Covenant on Economic, Social and Cultural Rights [ICESCR] (Art.1)- “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”.

- The International Covenant on Economic, Social and Cultural Rights (ICESCR), 1977- article 11 (1) and (2): “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living (...) including adequate food (...) and to the continuous improvement of living conditions (...)” The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international cooperation, the measures, including specific programmes, which are needed”.

- The UN Millennium Development Goals (MDGs), 2000- A joint effort to eradicate poverty worldwide by 2015. Hunger and malnutrition is one of the causes to and results of poverty. Eliminating hunger and malnutrition will be a crucial part of poverty eradication.
FAO definition on Food Security: “The right to food is the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensure a physical and mental, individual and collective, fulfilling and dignified life free of fear”.

- FAOs Voluntary Guidelines for the realization of the Right to Food in the context of Food Security in India.

- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),

- The Convention on the Rights of the Child (CRC),

- The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW),

- Indigenous and Tribal People Convention and

- The Statute of Rome on the International Criminal Court

This is crucial to understand that a law is different from government schemes and programmes. Once a law is formulated, it cannot be withdrawn unlike various schemes. NFSA is a crucial law giving food security to millions, thus its immediate implementation is required in this alarming situation of rising numbers of hungry people.
Article 47 covers that the State should improve and increase the standard of nutrition and standard of living of its citizens.
FIAN in India works for the progressive realization of the ‘right to adequate food’ as enshrined in the Indian constitution, national and international laws including the Covenant on economic, social and cultural rights ratified by government of India. FIAN stands against discriminatory, exploitative and exclusionary policies and practices – both institutional and customary, which prevent people from feeding themselves in dignity.

TCT works towards ensuring a dignified childhood by promoting and protecting the rights of the children.