

NATIONAL FOOD SECURITY BILL 2012

Comments by Beyond Copenhagen, CECOEDECON, PAIRVI & others

1. General

The UPA government tabled on 22nd December 2011, the National Food Security Bill in the Parliament. The Bill is presented in pursuance of the UPA I commitment to ensure Right to Food through legislative provision. It is highly relevant in view of the fact that more than one third of the population of the country is below poverty line, alarming child and women malnutrition rates, and many pockets of abject poverty. It is also highly relevant in view of the fact that more than 2,50,000 farmers have committed suicide as a result of increasing debt and destitution in the last two decades and it is the majority of the farmers and food producers which are in the hunger trap in various parts of the country. The Bill completely ignores many critical important which should be considered for a long term solution of food insecurity.

- 1.1 **Flawed concept of food security:** The Bill presented seems to have been moved on the wrong presumptions. The "Right to Food" has been derogated to "Food Security Bill" The concept of food security, which is explained in definitions, that is 'the supply of the entitled quantity of foodgrains and meal specified under Chapters II, III and IV" (through PDS) is highly flawed. In the world predominantly under the hegemony of BWIs, IFIS and finance capitalism, the food security is generally understood as availability of sufficient food grains in the market. With the unflinching faith of captains and advocates of free markets in the "self correction and justice of market," the Bill smacks of a similar belief in the failed PDS system and the market. Any effort to provide food security, without linking it with critical components of production and producers, procurement, management and distribution is bound to be another disastrous experiment and colossal waste of public money. Years of experience of PDS has shown that the system of procurement of food grains from different parts of the country to central pool and then transporting it to distant parts of the not only incurs huge costs for the government, but has been unreliable, not been able to penetrate in distant parts and communities, which need it most, and most importantly has been extremely prone to corruption and leakage. The lessons from the PDS is important enough to have set us thinking on making innovative, inclusive and locally regulated solution rather than trying to fix a mechanism, which has very little or no promise.
- 1.2 **Attack on the federal structure:** The Bill completely undermines not only the role of the state government in contributing towards food security, but is an unabashed attack of the federal structure, by providing central government the power to chose and limit and target audience, and make regulations for its functioning. This is despite the fact that most of the states are unhappy with the central government's estimates of BPL.
- 1.3 **Distrust of the state Governments:** The Bill also smacks a complete distrust of the state government's capacity to run a scheme, despite the fact that southern states and of late basket states like MP, Chhattisgarh, and UP have shown remarkable improvement in functioning of the PDS. Besides, there seems to be no logic in depriving the huge sections of populations from subsidized food grains in the various states, which can afford double subsidization (like TN, Andhra, Karnataka, Chhattisgarh) where majority of the population is getting food grains.

- 1.4 **Additional financial burden on state governments:** The Bill also places additional financial burden on the states. Expenses incurred on providing food security allowance, provisions for monitoring and regulation, District level grievance redressal, State Food Commission, all have to be borne by the states. In addition, the provisions for entitlements for special groups also lays down cost sharing scheme. Poorer states might not be able to meet out these expenses. Human Rights Commissions set up in various states are rendered practically useless due to severe resource crunch. In many states, already notified but resource crunch have kept the governments from forming the commission. State Food Commissions might meet similar fate.
- 1.5 **Toothless State Food Commission:** The provisions in the Bill neither ensure independence of the State Food Commissions, nor provide them any power for effective functioning and remain recommendatory in nature. Only National Food Commission have been vested with the powers of the civil court. The Bill also fails to mention that terms and conditions of service of chair and members shall not be changed to their disadvantage during their tenure in the office that makes the Commission vulnerable to political and state pressure.
- 1.6 **Further attempts to subvert food security:** The Bill also reveals intention of the government to introduce many questionable schemes like food coupons and Conditional Cash Transfers (CCT). Making specific provision for these in the Bill is signal of government's hideous design to further delegate the food security to the mercy of market operations rather than take responsibility for providing food security to the country.
- 1.7 **Government ignoring valuable lessons from successful experiments:** There are thousands of models available in the country where communities have successfully demonstrated over a period of time, that community ownership, inclusive planning and monitoring, local production, procurement, management and distribution, is only long lasting solution to the problem of food insecurity in the parts of country, where there is very little existence of the state and its corrugated machinery. However, the compulsion not to acknowledge and learn from these experiences, and replicate these, must be strong enough to have come up with a Bill like this.

2. Provisions of the Bill

Leaving alone, the idea of more pragmatic, inclusive and sustainable food security, the Bill is highly flawed in its approach, intention and economics, and will have insurmountable problems in achieving the limited objectives laid down by the Bill. The specific comments on the provisions of the Bill are submitted as below:

1. The number of households which will be able to access subsidized food grains is less than various estimates of BPL households done by Committees appointed for the purpose.
2. There is no clarity yet on how priority households will be identified.
3. The general households will receive a meager amount of food grains, and that too is subject to change/detriment based on the availability of food.
4. There is no timeline given for the Bill to come into effect. With regard to identification of the non priority households, state governments have been given responsibility to identify those within a year, which might be delayed further.
5. Maternity benefits laid down are meager.

6. The provision for children aged 6-14 years is not sufficient for healthy growth of the child. They will receive food through mid day meals only on week days. Many of them go to bed hungry. In addition, schools also remain close for long durations for vacations in many states.
7. It is not clear what will happen to children in the age group 14-18. The Bill does not specify whether they will be treated as adults and will receive monthly ration from the PDS shops?
8. The Bill also presumes that all schools have drinking water and sanitation facilities (toilets) despite many reports which affirm the contrary.
9. In case of malnourished children, the Bill saddles aanganwaris with the responsibility of identifying them. Experience shows that aanganwaris are incapable of identifying and addressing different forms of malnutrition, in which case such children must be attended by Nutrition Rehabilitation centres. The Bill makes no such provisions.
10. Complaint procedure is not clear. Who can file the complaint and how it can be filed needs more thoughts. It is important that *bonafide* peoples groups and civil society organizations are also allowed to file complaints. At the same time, it is also important and multiple choices like filing complaints through mobile phones and text messages are given to people to reduce their burden to travel to places for filing complaints.
11. The chapter on "Provisions for Advancing Food Security" is laudable. However, it seems to be out of context within the provisions of the Bill and seems to be included only to pay lip services to higher objectives of real food security through equal emphasis on production, procurement, distribution and management, and most importantly ensuring food security at local level, which should have been the paramount concern for efforts to ensure food security.
12. Penalty of INR 5,000 for violation is not a sufficient deterrent and should be raised.
13. Exclusion criteria of state not being liable due to "force majeure" defeat the principal objective of the Bill. In fact, it is in times of emergency like drought, flood and other natural disasters that create grave situations of extreme food insecurity.

3. Conclusion

The Bill is a half hearted attempt to ensure food security. There are enough indications of political considerations in introducing such a Bill. The Bill has little incorporation of the recommendations made by Parliamentary Committee on Agriculture, National Advisory Council, experts and civil society organizations. The cost calculations doing rounds are erroneous in view of the fact that the Bill attempts to reduce the numbers as well as entitlements of beneficiaries. The major burden of ensuring food security has been delegated to the state governments without any additional sources to meet them or without enough power of intervention and correction. Many of the state governments have already expressed their lack of willingness to support such a measure. It is high time that policymakers understand that top down approach of ensuring food security has lost relevance, and until and unless 6,00,000 villages in India are made responsible for their own food security, all efforts will hardly have any effect in reducing hunger and food insecurity.