



(Regd., Public Charitable Trust No 599 / 94--95 IV)

#6, Kasturi Apts, 2nd floor, No.35/23, Langford Road Cross, Shanthi Nagar, Bangalore 560025

Tel: 080-2211 0584 / Telefax: 080-41144126, E-mail: info@civicspace.in, Internet:

www.civicspace.in,

11 January 2012

Mr. Ramesh Zalki, IAS
Principal Secretary
Women & Child Development
M.S.Building,
Dr. Ambedkar Veedhi
Bangalore -560001

Dear Sir,

Subject: Our consolidated comments to the sub-committee on “Convergence & Monitoring” set up under the Committee to look into children’s malnourishment deaths as per direction of the Hon’ble High Court of Karnataka

We thank you for the opportunity given to us to serve on the sub-committee on “Convergence and Monitoring” in the ICDS and submit our comments on it.

Our basic submission is that all interventions under ICDS should be in consonance with the National Nutrition Policy of 1993 which explains in great detail how convergence is to be brought about between various departments to ensure nutritional security in the nation and prevent malnourishment and starvation deaths.

1. Holistic approach of the National Nutrition Policy

The NNP passed in 1993 makes the clear-cut statement that all policies should be consistent with our national nutritional needs. The NNP calls for a holistic and integrated approach and “close collaboration between the Food Policy, the Agricultural Policy, the Health Policy, the Education Policy, the Rural Development programme and the Nutrition Policy as each complements the other”. This would ensure that nutritional security is looked at not just from the end-point of consumption but also from end to end – from production of food to procurement, storage and distribution of all food items, and to accessibility, availability and affordability by the mass of citizens, including children.

We wish to summarise below the provisions of the National Nutrition Policy which are relevant for the formulation of policies by the various concerned departments.

The NNP has been supplemented by a National Plan of Action for Children which sets goals, and targets, etc. The relevant portions related to nutrition need to be incorporated into the State Plan of Action to combat malnourishment.

2. Institutional mechanisms necessary for bringing convergence

The NNP is to be translated into sectoral action programmes in each of the above-mentioned sectors. Each concerned Central and State Ministry is supposed to implement the measures for which it has direct or nodal responsibility.

2.1 A State-Level Nutrition Council is supposed to be constituted, to be chaired by the Chief Minister and to comprise concerned Ministers of the State Government, representatives of leading NGOs working in the state, experts and representatives of related professional bodies to oversee the implementation of the Nutrition Policy and issue policy guidelines based on latest nutritional surveillance feedback. It is not known whether the State-level Nutrition Council has been set up and what policy guidelines it has issued.

2.2 An Inter-Ministerial Co-ordination Committee is to be set up at State level under the NNP headed by the Chief Secretary to oversee the implementation of the sectoral plans and “to analyse, discuss and resolve the technical issues and nutrition aspects of all plans and strategies during the implementation stage”. The Committee would also focus on the State level targets for the various nutrition-related indicators-based targets set under the NNP. It is not known if this Inter-Ministerial Coordination Committee has been set up at State level and whether it has vetted and given its approval for all the sectoral programmes of the various ministries.

2.3 Special working groups in each concerned department are supposed to be constituted at State level, “to analyse the nutritional relevance of sectoral proposals and to incorporate nutritional considerations in the light of the Nutrition Policy wherever necessary”. One does not know if a ‘working group’ within the above Ministries has been set up at the State level under the NNP and whether they have vetted their sectoral programmes for relevance of their proposals in the light of the NNP.

2.4 Nodal agency for implementation of NNP: The Women & Child Development Department being the nodal department for ensuring the implementation of the NNP, it should ensure that the several institutional mechanisms, to ensure implementation, monitoring and review of sectoral policies of various departments for nutritional security, are set up and that necessary convergence is brought about between them

3. Law on nutritional security

A law to ensure nutritional security should be the logical corollary and vehicle to provide a legal status to the holistic and integrated approach of ensuring end-to-end nutritional security articulated in the NNP - from production, procurement, storage, and distribution to consumption of food items. If it is difficult to give statutory status to all these different elements in a single omnibus Bill, it should be achieved by framing separate Bills for each of these elements.

4. Role of Women & Child Development Department

According to a Supreme Court ruling in the Right to Food case, the state is supposed to universalise ICDS and provide anganwadis on priority basis in all SC/ST and tribal hamlets.

4.1 Universalisation of ICDS: In a landmark order dated 28 November 2001, the Supreme Court directed the central and state governments to:

“Implement the Integrated Child Development Scheme (ICDS) in full and to ensure that every ICDS disbursing centre in the country shall provide as under:

- (a) *Each* child up to 6 years of age to get 300 calories and 8-10 grams of protein;
- (b) *Each* adolescent girl to get 500 calories and 20-25 grams of protein;
- (c) *Each* pregnant woman and each nursing mother to get 500 calories and 20-25 grams of protein;
- (d) *Each* malnourished child to get 600 calories and 16-20 grams of protein;
- (e) Have a disbursement centre in *every* settlement.”

In April 2004, the Supreme Court re-examined this matter in detail and reaffirmed in no uncertain terms that ICDS should be universalised without delay. In particular, the Court directed the government to ensure that there is at least one functional Anganwadi in each of India’s 14 lakh rural habitations. The latest order, dated 29 April 2004, gave the Central government three months to specify the time frame within which this is to be done. One assumes that the State government too would have given an undertaking to the SC in this regard regarding the time-frame within which it would universalise the ICDS:

4.2 50% more anganwadis needed: However, very little appears to have been done to implement this order, as far as the number of Anganwadis is concerned. If one assumes that about 25% children from affluent families, out of the 60 odd lakh children of 0-6 years, do not need the services of an anganwadi, 45 lakh still need one. On the basis of one anganwadi for 40 children of 0-6 years, the State needs at least 1,12,500 anganwadis to cater to 45 lakh children. However, despite the high levels of malnourishment in the state, there are only 63,377 anganwadis currently which is just a little more than 50% of the need. Only around 16 lakh children are receiving pre-school education. The situation in urban slums is worse compared to rural hamlets. In Bangalore, where more than 16% of the State’s population is residing, the coverage of ICDS is less than 10% of children.

4.3 Improvement in infrastructure and manpower of anganwadis: Anganwadis need to have their own buildings. Land should be acquired under the Land Acquisition Act to provide space for establishing anganwadis, especially in crowded cities like Bangalore and the onus for providing land or space should not be on the community. Toilets, drinking water and **playgrounds** are essential for all anganwadis.

There is need for a second anganwadi worker, one to cater to 0-3 year children and the second to cater to the 3-6 year children. All anganwadis should be run as day-care centres, running from about 9 am until working women return from work around 6.00 PM. Children can be picked up any time when the mother returns from work.

5. Role of Food & Civil Supplies Department:

For the Food department, the NNP specifically stipulates, “The Public distribution system shall ensure availability of essential food articles such as **coarse grains, pulses, sugar and oil** (emphasis added), besides rice and wheat at reasonable prices to the public, particularly to those living below the poverty line”.

5.1. Universalisation of PDS is the answer: A fundamental right to food cannot be restricted to a few persons. By definition it has to be universal. Thus the arbitrary limits on the proportion of families in rural and urban areas who can be entitled to subsidised PDS foodgrain is ultra vires in addition to not having any logical basis or criteria. Hence the Food department should entitle everybody to a Right to Food. However, it can be made self-selecting like the NREGA or the ICDS. Only those who seek PDS food can be given access to it. One could also think of invalidating cards which do not draw rations for a specified period of time, for instance, for six months. Alternatively, once the system is universalised, those who do not wish to take food grains from PDS (many are even now not seeking rations from the PDS) can be made to give an undertaking that they do not wish to claim their entitlements. This will ensure that their entitlements are not siphoned off and misused.

5.2 Targeting is the cause of inclusion and exclusion errors: The mad scramble to get BPL cards is because of the targeted system which creates two different categories of beneficiaries. Any distinction between APL and BPL, between ‘priority’ and ‘general’ categories, or in quantity of entitlements (25 kg to some and 35 kg to some) and in issue prices (Rs. 3, 2 and 1 for rice, wheat and millets for priority categories and half of MSP for others) will lead to inclusion and exclusion errors and be an incentive to abuse and misappropriation. For instance in Karnataka, Rs. 1.700+ crore is the leakage per year due to errors of classification, bogus cards, etc. More money can be saved and more food grains can reach the intended beneficiaries if there is universalisation with self-selection.

Universalisation was the practice earlier until the targeted system was introduced in the nineties. The errors of inclusion and exclusion were not there earlier and the system used to work smoothly. If the universal system could be sustained earlier when the GDP growth rate was 3%, it would be easier now when the growth rate is 8 to 9%. A universal system would in the long run be less expensive than a targeted system which only leads to abuse and genuine beneficiaries being left out. Governments have shown that they are not capable of preventing these abuses. The Agriculture Ministry has stated that procurement of additional grain to meet this goal of universalisation is feasible. The success of almost universal PDS in Tamil nadu and elsewhere proves that this is possible.

5.3 Only individual entitlement will create right for all: Entitlement should be on ‘individual’ basis and not on ‘household’ basis if the aim of ensuring food security of ‘all’ as claimed in the preamble to the Act is to be fulfilled. **This too was the practice earlier and no one was confused about the varying entitlements for each household.** Currently, the entitlement of 35 kg or 25Kg per family is sufficient only to meet the requirements of some families for a period of just a week every month. There is also no logical or nutritional basis

for the cap of 25 or 35 Kg per family. By having individual entitlements, some small families could be given less and the grain thus saved could be given to the larger families. But this would ensure that all have a right to food which the current system does not ensure.

5.4 Entitlements should be based on nutrition norms: When the ICMR recommends that 14kg of cereals per person per month is the requirement, the current entitlement of 4-5 kg per person has neither a nutritional nor logical basis. Given the current malnutrition levels in the country, the aim of the Food department should be to attain better nutritional levels in the country for its citizens and not merely to give a tokenistic entitlement. Hence the individual entitlements for cereals per person through the PDS should be 14 Kg.

5.5 Pulses and oil need to be included: The problem of malnutrition in India is due to the lack of adequate proteins, vitamins and other micronutrients in the diet. PDS has to make available pulses and oil (one and a half kg of pulses and 800g of oil per person per month) in addition to cereals if a dent has to be made on malnutrition. Currently, protein-energy malnutrition can be linked to the unaffordable prices of pulses in the market. This would also give a boost to the production of pulses and oil seeds which has been showing stark decline over the decades due to lack of incentives and over-emphasis on the growing of cereals. This would give a boost to dry land agriculture which is the mainstay of the country's farmers, which is currently the cause of large-scale farmers' suicides. Several goals could be met with this single initiative.

5.6 Millets to be included: The inclusion of millets in the PDS is very essential as it is still the staple food of most of the poor. The PDS is currently not meeting their requirement for their staple food. This would again give the growing of millets, which are again mostly grown in dry land areas, a boost and help in the recovery of agriculture in the country.

5.7 Fruits and vegetables to be included: Almost 40-50% of fruits and vegetables are wasted in India due to lack of adequate storage facilities and food processing units, even as poor children and adults hardly consume any fruits and vegetables. The Food Security Act should contain measures to somehow avoid this wastage of precious fruits and vegetables by making them available cheaply through the PDS rather than letting them rot. Adequate fruits and vegetables should also be included in the menu of the ICDS and midday meal programmes and made available through local procurement by the Food department to all community kitchens, ICDS centres and government schools.

5.8 Determination of poverty line: In Karnataka, the annual household income level for being considered Below Poverty Line (BPL) under the PDS is Rs. 17,000 in urban areas. This works out to a monthly household income of about Rs. 1,400 and a daily household income of about Rs. 47 for a family of four or about Rs. 12 per person per day, which is far less than the national figure of Rs.32 /person/day. The rural figure of Rs. 11,000 annual family income works out to about Rs. 8 per capita per day which is far below the Rs. 25 fixed by the Centre.

What is also significant is that these State figures do not rise with rise in prices (as the Centre's poverty line does) but remain constant over several years and change only when fresh surveys are undertaken or when the state government decides to raise the levels. How can the State fix lower income levels for determining poverty lines than the Centre, and why

are these not linked to rise in prices as is being done by the Centre? **Also, the issual of ration cards is not a continuous process and is done once in several years. This is a violation of a person's fundamental right to food as a hungry person cannot wait for years to get a ration card to fulfil his right to food.**

If at all there has to be an income limit for determining the poverty line, the Wadhwa Committee set up by the Supreme Court in 2008 in the Right to Food case said in a report that the basis for determining the BPL category should be the minimum wage payable to an unskilled workman. Anyone earning below this amount should be deemed to be BPL, Justice Wadhwa said. However, nowhere have these state-fixed minimum wages been determined as per the criteria evolved for their fixation. This will be dealt with in greater detail under the "Role of Labour Department".

6. Labour department

The National Nutrition Policy calls for "Policies for effecting income transfers so as to improve the entitlement package of the rural and urban poor by improving their purchasing power and reorienting poverty alleviation programmes, like the employment generation schemes, to make a forceful dent on the purchasing power of the lowest economic segments of the population. The nutritional benefits of income generation shall be taken for granted. Existing programmes shall be scrutinized for their nutrition component."

6.1 Enhancing purchasing power: To enhance the purchasing power of the poorer sections, there is no better way than to bring into the fixation of minimum wages the comprehensive nutrition norms adopted by the 15th Indian Labour Conference while fixing minimum wages. The 15th ILC said that in calculating the minimum wage:

- the standard working class family of husband, wife and two children should be taken as three consumption units for one earner (husband: one unit, wife: 0.8 unit and two children: 0.6 units each);
- minimum food requirement should be calculated on the basis of 2,700 calories per day per consumption unit (as recommended by Dr. Aykroyd for an average Indian adult of moderate activity);

The Supreme Court fully upheld these criteria in the case of Unichoy vs State of Kerala in 1961. Since the SC accepted this as the entitlement of each worker and his family, this nutritional norm has the force of law.

Dr. Aykroyd emphasised the importance of biological value of proteins and pointed out that animal proteins are biologically more efficient than vegetable proteins. He suggested that they should form at least one-fifth of the total protein, for instance through, milk, eggs, etc. in the diet of children. These components are currently missing in the way the minimum wages are fixed.

The 15th ILC nutrition norms have been adopted in the Sixth Pay Commission Report for calculating salaries. If salaried persons are entitled to these nutrition norms as per the Sixth

Pay Commission Report, then all others are also entitled to it as per the 15th ILC. This should form the basis for fixing minimum wages.

**Fixation of minimum wages as per 15th ILC norms in the
Sixth Pay Commission**

Item	Per day consumption per consumption unit (in gms)	Per month consumption of 3 consumption units (in Kgs)	Price per kg as per prevailing rates in Dec 2009 (in Rs.)	Total cost in Dec. 2009 (in Rs.)
Rice/wheat	475	42.75	21.00	897.75
Dal (Toor/Urad/Moong)	80	7.20	94.29	678.89
Raw vegetables	100	9.00	10.00	90.00
Green leafy vegetables	125	11.25	10.00	112.50
Other vegetables	75	6.75	28.53 (for onions)	192.58
Fruits	120	10.80	30.00	324.00
Milk	200	18.00	21.50	387.00
Sugar and jaggery	56	5.04	37.87	190.86
Edible oil	40	3.60	65.37	235.33
Fish		2.50	205.53	513.83
Meat		5.00	243.21	1216.05
Egg		90 pieces	2.00	180.00
Total for food			Approx.767	5018.79
Detergent, etc.			200.00	200.00
Clothing		5.5 mtrs	80.00	440.00
Total				5658.79
Misc. @ 20%				1131.76
Total				6790.54
Addnl. Expenditure @25%				1697.64
Total				8488.18
Housing @ 10%				848.82
Grand total				9337.00
Daily wage @ 2009 prices				359.12

Source: "A Just Minimum Wage" –booklet brought out by the "New Trade Union initiative"- e-mail: secretariat@ntui.org.in - website: <http://ntui.org.in>

Hence the labour department should overhaul its method of fixation of minimum wages and fix a minimum floor-level wage of Rs. 360 per day per worker for all unskilled work across all occupations. If a particular sector is unable to pay this level of wages, such employers

should be subsidized to be able to pay their workers this minimum. The wages under the NREGA should also be raised to these levels.

This is a better way of fighting poverty and malnutrition than handing out doles. **This will ensure that a person willing to work for 300 days in the year is ensured a decent living and will not be required to ask for doles or subsidies.** But for those unable to work due to exigencies of circumstances, social security and social assistance programmes need to be initiated by the labour department.

6.2 Social security programmes for workers: Currently the Unorganised Workers' Social Security Act does not cover all workers or provide a minimum floor-level of benefits. It should be revamped to cover all unorganized workers in an "area-based approach" rather than the current "sector-based, establishment-specific and employer-specific approach" so that all workers are covered in a decentralized and accessible manner irrespective of the sector they are working in, as an unorganized worker does not stick to a single sector but keeps shifting from sector to sector, from location to location and from employer to employer.

There is much less reason to make social security sector-specific for those who are self-employed also, as social security is a universal right, irrespective of which sector one works in.

The benefits provided should cover all the nine benefits specified in the ILO convention on Social Security and be high enough to enable the beneficiary to lead a decent life.

7 Agriculture, Animal Husbandry & Horticulture Department

There can be no nutritional security without strengthening agriculture and horticulture. The National Nutrition policy says: "Our Agricultural Policy has been hitherto concerned with production exclusively and not nutrition, which is the ultimate end. While the Green Revolution has largely remained a cereal revolution, with bias towards wheat, coarse grains and pulses, which constitute the poor man's staple & protein requirements, have not received adequate attention. The prices of pulses, which were below cereal prices before the Green Revolution are now almost double the price of cereals. Our Food Policy should be consistent with our national nutritional needs. This calls for the introduction of appropriate incentives, pricing and taxation policies."

Improvement of Dietary pattern through Production and Demonstration: Improving the dietary pattern by promoting the production and increasing the per capita availability of nutritionally rich foods. The production of pulses, oilseeds and other food crops will be increased with a view to attain self-sufficiency and building surplus and buffer stocks. The production of protective food crops, such as vegetables, fruits, milk, meat, fish and poultry shall be augmented. Preference shall be given to growing foods such as millets, legumes, vegetables and fruits (carrots, green leafy vegetables, guava, papaya and amla).

If the government is really interested in providing food security to citizens, it should first secure to farmers the land, seeds, fertilizers and water required to make food available. Only when food is available can citizens have food security. Instead, it is tragic that the government is selling agricultural land to industrialists, and on the pretext of making seeds, fertilizers and water continuously available, is privatizing these. This will definitely reduce agricultural productivity and food security will be jeopardized. **The extent of land needed to provide food security to all in the state should be calculated and this land held sacrosanct and not diverted for any other purpose.** Strengthening of the procurement process for the PDS will provide incentives to farmers to grow more local foods and provide security to their lives.

Farmers are the backbone of the country and without them there can be no food security. By neglecting the crisis in farming, the government is driving lakhs of farmers to suicide. It is not possible to talk of food security without taking into consideration this crisis in agriculture. The government needs to procure grains from farmers at better prices, increase storage facilities and improve distribution.

Some form of cooperative system, on the lines of milk cooperatives and hopcoms for fruits and vegetables, should be evolved even for food grains produced by farmers. Food grains, vegetable and fruit supply to community kitchens, school midday meals and anganwadi meals should be through these cooperatives.

A system should be devised by which the PDS, W&CD and education departments source milk, eggs, fruits and vegetables from local farmers', dairy cooperatives and egg producers to supplement the food given through ration shops, school and anganwadi midday meals with these nutritionally rich foods.

8. Revenue department

8.1 Land reforms: The National Nutrition policy calls for "Implementing land reform measures so that the vulnerability of the landless and the landed poor could be reduced. This will include both tenurial reforms as well as implementation of ceiling laws.

8.2 Social Assistance programmes for those unable to work: Currently, social assistance programmes for those unable to work such as the elderly, widows, disabled, etc., do not cover all those eligible and nor are the benefits high enough to enable a decent standard of life. These schemes should cover all those eligible and provide high enough benefits. They should also be entitled to get a free meal at community kitchens.

9. Education department

The National Nutrition Policy states that "Basic health and nutrition knowledge with special focus on wholesome infant feeding practices, shall be imparted to the people extensively and effectively. Nutrition and health education concepts shall be effectively integrated into the school curricula, as well as into nutrition programmes".

The Education Department in collaboration with the Horticulture Department should promote the growing of fruit trees, such as papaya, guava, banana, avocado, mango and jackfruit, and vegetables in all school and anganwadi compounds which can be raised by the children themselves and eaten by them.

10. Information department

The Information department should help combat malnutrition through extensive use of various media. The NNP says that “efforts should be made for promoting sound feeding practices, which are culturally acceptable and / based on local food habits. Alongside the information gap, existing social attitudes and prejudices, inherent in our milieu, which discriminate against girls and women and affect their health and nutrition, need to be countered through educational programmes”.

11. Other measures

The following extracts from the NNP need further attention.

11.1 Community Participation: The active involvement of the community is essential not only in terms of being aware of the services available to the community but also for deriving the maximum benefit from such services by giving timely feedback necessary at all levels. After all, communication must form an essential part of all services and people themselves are the best communicators.

Community participation would include:

(a) Generating awareness among the community regarding the National Nutrition Policy and its major concerns;

11.2 Improvement in the Status of Women: The most effective way to implement Nutrition with mainstream activities in Agriculture, Health, Education and Rural Development is to focus on improving the status of women, particularly the economic status. After all, women are the ultimate providers of nutrition to households

(b) involving the community through their Panchayats or where Panchayat do not exist, through beneficiary committees in the management of nutrition programmes and interventions related to nutrition. such as employment generation, land reforms, health, education etc.

(c) actual participation, particularly of women in food production and processing activities,

(d) promoting schemes relating to kitchen gardens, food preservation. preparation of weaning foods and other food processing units, both at the home level as well as the community levels; and

(e) Generation of effective demand at the level of the community for all services relating to nutrition.

Therefore emphasis on women's employment and education particularly nutrition and health education should provide the bedrock of the nation's nutritional intervention if a self-sustaining development model is to be pursued in which the community is able to manage its nutrition and health needs on its own. The socio-economic security of women is sine qua non."

Thanking you,

Yours sincerely,

Kathyayini Chamaraj
Executive Trustee
CIVIC Bangalore
97318 17177