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21<sup>st</sup> February 2011

The Secretary,  
National Advisory Council,  
2 Moti Lal Nehru Place,  
Akbar Road,  
New Delhi 110011.

Dear Madam,

**Subject: Submission to the National Advisory Council on the Food Security Act**

CIVIC Bangalore is a non-profit organisation working since 18 years on governance issues. We are members of the Right to Food Campaign – Karnataka and convenors of the Right to Food Campaign's Bangalore Urban District. Kindly find below our inputs on the NAC framework for the Food Security Act.

1. **Universalisation of PDS is the answer:** A fundamental right 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 PDS foodgrain as spelt out in the NAC Framework is ultra vires in addition to not having any logical basis or criteria. Hence the Food Security Act 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 should also de-link the use of ration cards as a means of identity proof by creating some other basis for establishing identity and thus remove the incentive to take a ration card just to prove identity, even when one does not wish to draw grains. 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 foodgrain 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.

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. 70 crores is the leakage per month due to errors of classification, bogus cards, etc. More money can be saved and more foodgrain 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.

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 basis for the cap of 25 or 35 Kg per family. It is illogical, unfair and unjust to give the same amount of grain to large and small families. There is no need to give a family 35 kg if there are only one or two persons in it. 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.
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 Security Act 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. **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. But there is nothing in the Food Security Act to address this. 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.

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.
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 to all ICDS centres and government schools.
8. **Creating enabling environment for citizens to provide for themselves:** Mr. George Kent, food rights expert, has pointed out the larger issue of rights: “The dominant view under international human rights law is that the primary legal obligation of the state is to *facilitate* by establishing enabling conditions under which people can provide for themselves. The obligation of the state to *provide* food directly applies only ***when people are unable to provide for themselves through no fault of their own***. He says: “Hunger will never be solved by charity or by food aid. ***It must be solved by creating the conditions in which all human beings can live a decent life, providing for themselves (emphasis added).***”

We wish to point out that the current situation in India is exactly this: **it does not create the conditions in which people can provide for themselves, which makes provisioning by the state imperative.** Crucial in this is the number of days of employment available to a person and the minimum wages earned by the person for 8 hours of work. This determines how much of his needs a worker can fulfil.

9. **15<sup>th</sup> ILC norms for need-based minimum wages not implemented:** Studies say that if all the criteria fixed by the 15<sup>th</sup> Indian Labour Conference in 1957 for fixing the need-based minimum wage were followed, the figure would be Rs. 207 per earner per day today. (Each worker is supposed to be able to look after a spouse and two children.) This works out to a need of more than Rs. 50 per capita per day for a family of four. A need-based minimum wage as per 15<sup>th</sup> ILC would cover all the needs of a worker’s family for food, clothing, shelter, health care, education and a modicum of recreation and festivities. But nowhere in the country are minimum wages at these levels being fixed, leave alone being paid. The current poverty line which is fixed at around Rs. 12 to Rs. 15 per day per person is woefully below this figure and even the minimum wage of Rs. 100 per worker per day under NREGA fails to meet this criterion. By this, we are forcing the poor to beg for handouts. In such a situation, it becomes imperative for the state to subsidise either in cash or kind those who do not earn these amounts.
10. **Need-based minimum wages will create enabling environment:** Rather than the state subsidising with cash or kind, the preferable way would be to ensure that ***the minimum wages fixed by the state are high enough to enable the worker to fulfil all his basic***

*needs by paying prevailing prices for the goods and services he needs. Alternatively, the prices of goods and services that he needs need to be kept at such a level that the minimum wage can cover all these costs.* The 15<sup>th</sup> ILC has fixed the norms for the break up of the minimum wage to cover various expenses: approximately 30% of the minimum wage should be for rent, 30% for food, 20% for fuel, transport and other needs and 20% for health and education. 20% more was added by the SC for festivities and leisure. In addition, a worker needs at least 250 days of employment in a year. If he can work for this many days and he is paid a need-based minimum wage, the worker can fulfil his needs with dignity instead of depending on charity as the conditions that enable him to lead a decent life would have been created. This would ensure that all those who work need not depend upon hand-outs.

**11. Need-based minimum wage level to be poverty line:** The Supreme Court too has endorsed the 15<sup>th</sup> ILC criteria and said that a minimum wage fixed as per these criteria was the barest minimum that should be paid to all workers everywhere at all times. Essentially, it means that anyone earning less than this amount should be considered poor as otherwise, one or other of his/her basic needs would not be met. This should be the criterion for fixing a poverty line, if at all, rather than the dubious criteria currently in vogue for determining who is poor. **As long as this condition for enabling a worker to lead a decent life are not fulfilled, the PDS as a hand-out will have to be continued.**

Yours sincerely,

Kathyayini Chamaraj  
Executive Trustee