



(Regd., Public Charitable Trust No 599 / 94--95 IV)  
#6,Kasturi Apts, 2<sup>nd</sup> floor, No.35/23, Langford Road Cross, Shanthi Nagar, Bangalore 560025  
Tel: 080-2211 0584 / Telefax: 080-41144126, E-mail: [info@civicspace.in](mailto:info@civicspace.in), Internet: [www.civicspace.in](http://www.civicspace.in)

---

30<sup>th</sup> October 2011

To  
The Under Secretary (NFSA),  
Department of Food & Public Distribution,  
Room No. 459,  
Krishi Bhawan, New Delhi-110001

Dear Sir,

**Subject: Our comments on the National Food Security Bill (NFSB)**

We do not wish to reiterate the comments that have been already made effectively by the Right to Food Campaign and others. Our main focus is that the proposed National Food Security Bill (NFSB) does not ensure ‘nutritional security’ as claimed in the Bill. If the goal of the NFSB is to provide ‘nutritional security’, it should be in consonance with the National Nutritional Policy (NNP) enunciated in 1993.

1. **Bill does not fulfil claimed ‘purpose’:** The Bill says that its purpose is “To provide for food and nutritional security, in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices”. However, it neither defines ‘*nutritional security*’ nor ‘*adequate quantity*’.
2. **Dissonance with National Nutrition Policy:** The NFSB only ensures a meagre amount of cereal entitlement while the NNP passed in 1993 makes the clear-cut statement, “Our Food Policy should be consistent with our national nutritional needs”. The NNP calls for a holistic and integrated approach and “close collaboration between the **Food Policy** (emphasis added), 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.

We wish to summarise below the provisions of the National Nutrition Policy which are relevant for the formulation of policies by the Food Ministry, and hence the NFSB.

The NNP is to be translated into sectoral action programmes in each of the above-mentioned sectors, including the Food Ministry. Each concerned Central Ministry is supposed to implement the measures for which *it* has direct or nodal responsibility, which would mean the PDS and other food-related schemes for the Food Ministry. **Special working groups are supposed to be constituted in all the above concerned departments, including the Food Ministry “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 Food Ministry has been set up under the NNP and whether it has vetted the NFSB for relevance of the proposals in the light of the NNP.

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.” It says that the per capita availability of 215 kg/person/year of food grains needs to be attained. But the NFSB has violated this requirement under the NNP by not including pulses, sugar and oil as entitlements.

An Inter-Ministerial Co-ordination Committee, including the Food Ministry, is to be set up under the NNP 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”. It is not known if this Inter-Ministerial Committee has vetted and given its approval for the NFSB.

The National Nutrition Council is supposed to be constituted in the Planning Commission to oversee the implementation of the Nutrition Policy and issue policy guidelines based on latest nutritional surveillance feedback. This panel met for the first time only last year and decided to overhaul nutrition programmes in the country. It is not known whether the National Nutrition Council has approved the NFSB.

**Our question is: Despite these several institutional mechanisms to ensure implementation, monitoring and review of sectoral policies of various departments for nutritional security, how could the Food Ministry come up with a NFSB that is totally at variance with the NNP?**

What is apparent is the total dissonance between the NFSB and the NNP. **In fact, the NFSB 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. If this is accepted, then the current Bill should be re-named as the National Food Entitlements Bill, as it is ensuring only that.

**3. Lack of adherence to nutritional norms in the NFSB:** While ICMR norms say a moderately active male requires 2,700 cal. per day or 14 Kg of cereals, 800 grams of oil, 1.5 kgs of pulses per head per month, and 200 g of vegetables/capita/day the Bill says 'priority' households shall be given seven Kg. of food per person/month and 'general' households shall be given three Kg. of food grain/person/month though these levels are far less than amounts required for ensuring nutritional security. **No logical or nutritional basis for fixing these amounts has been provided by the drafters of the Bill and there is no mention of pulses and oil.** A saving grace is that individual entitlements for every person in a household seems to have been accepted and the discredited caps of five units per household, irrespective of how many persons are there in a household seems to have been given up.

Millions, including children, eat watery dal, do not eat fruits or drink any milk. These are items which are not provided by the PDS but are necessary for nutritional security. 45% fruits and vegetables rot in the country. The Bill has not spared any thought on how to get these valuable foods into the PDS and into children's stomachs instead of ploughing them back into the soil. Also, a stipulation that ICDS meals and school midday meals should contain specified amounts of vegetables, raw fruits, eggs and milk or milk products would help in this. This is essential if we are to meet the Millennium Development Goals to

which the nation has committed itself and if we are to erase the stigma of having the highest number of malnourished people in the world.

For this, it is essential to bring into the NFSB the comprehensive nutrition norms adopted by the 15<sup>th</sup> Indian Labour Conference for 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 the 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 food entitlements fixed for the food to be supplied in anganwadis, school midday meals, for adolescents and pregnant and lactating mothers under the NFSB.**

The 15<sup>th</sup> 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 15<sup>th</sup> ILC. This should form the basis for any law on nutrition.

**Nutritional norms of 15<sup>th</sup> ILC as per Dr. Aykroyd adopted by 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 <i>(for onions)</i>	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
<b>Total</b>			<b>Approx.767</b>	<b>5018.79</b>

**Source:** “A Just Minimum Wage” –booklet brought out by the “New Trade Union initiative”- e-mail: [secretariat@ntui.org.in](mailto:secretariat@ntui.org.in) - website: <http://ntui.org.in>

**4. Manner of setting up and functioning of vigilance committees missing:**

The NFSB calls for State governments to set up Vigilance Committees at the State, District, Block and Fair-Price Shop level. However, the mode of selection of vigilance committees has not been spelt out. One knows that currently, most vigilance committees exist on paper only. Most ration shop owners select a few card-holders willing to connive with them, promise them some amount of additional/free grains or some other benefits and get their signatures on ghost meeting minutes that are never conducted. Unless ration card-holders of a shop select their own vigilance committee members, the vigilance committee members will be beholden to the shop owner and will

not be accountable to the card-holders. The constitution, functions and procedures for the functioning of Vigilance Committees need to be spelt out clearly in the NFSB.

- 5. Penalties are too meager:** The Bill says any public servant/authority found guilty of failing to comply with the relief recommended by District Grievance Redressal Officer shall be liable to penalty not exceeding five thousand rupees. While Rs. 5,000 may be adequate for non-issuance of a ration card, or delay in adding names or changing address, it is too meagre if the official has been indulging in malpractice or misappropriation of food grains. No criminal action is foreseen in such cases. Upwards of Rs. 1,700 crore per year is the estimate of the misappropriation in the PDS by the Lokayukta in the State of Karnataka
- 6. Continuous process of issuing ration cards missing:** Currently issuing of ration cards is not a continuous process and cards are issued only when announcements are made by the Food department. It is also because caps have been set on the numbers of those who can be given BPL cards and no fresh cards can be issued unless someone else is deprived of it. The poor are often made to wait for years before they are issued ration cards, which is highly dependent on periodic surveys and political whims. Will the NFSB ensure that the issuance of ration cards is a continuous process as and when people apply for one or will it be done once in several years as being done now? This is a violation of a person's Right to Food as food is a daily need and a person cannot wait for years to have his/her need fulfilled.

We hope the above points will be taken into consideration while finalising the Food Security Bill and appropriate changes made.

Yours sincerely,

Sd.

Kathyayini Chamaraj  
Executive Trustee  
CIVIC Bangalore  
97318 17177