

Summary of the National Food Security Bill 2013

(revised version, as tabled in Parliament, 22 March 2013)

1. Preliminaries

The Bill seeks “to provide for 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”.

It extends to the whole of India and “shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint, and different dates may be appointed for different States and different provisions of this Act”.

2. Entitlements

Public Distribution System (TPDS)

Priority households are entitled to 5 kgs of foodgrains per person per month, and Antyodaya households to 35 kgs per household per month. The combined coverage of Priority and Antyodaya households (called “eligible households”) shall extend “up to 75% of the rural population and up to 50% of the urban population”.

The PDS issue prices are given in Schedule I: Rs 3/2/1 for rice/wheat/milletts (actually called “coarse grains” in the Bill). These may be revised after three years.

Children’s Entitlements

For children in the age group of 6 months to 6 years, the Bill guarantees an age-appropriate meal, free of charge, through the local anganwadi. For children aged 6-14 years, one free mid-day meal shall be provided every day (except on school holidays) in all schools run by local bodies, government and government aided schools, up to Class VIII. For children below six months, “exclusive breastfeeding shall be promoted”.

Children who suffer from malnutrition will be identified through the local anganwadi and meals will be provided to them free of charge “through the local anganwadi”.

Entitlements of Pregnant and Lactating Women

Every pregnant and lactating mother is entitled to a free meal at the local *anganwadi* (during pregnancy and six months after child birth) as well as maternity benefits of Rs 6,000, in instalments.

[Notes: (1) “Meal” is defined in the Bill as “hot cooked meal or ready to eat meal or take home ration, as may be prescribed by the Central Government”. All “meals” have to meet nutritional norms specified in Schedule II. (2) The entitlements of women and children are to be delivered by state governments through schemes “in accordance with the guidelines, including cost sharing” to be prescribed by the Central Government. (3) Every school and anganwadi is to have “facilities for cooking meals, drinking water and sanitation”. (4) For purposes of issuing ration cards, the eldest woman in the household (not less than 18 years of age) shall be considered head of the household.]

3. Identification of Eligible Households

The Bill does not specify criteria for the identification of households (Priority or Antyodaya) eligible for PDS entitlements. The Central Government is to determine the state-wise coverage of the PDS, in terms of proportion of the rural/urban population. Then numbers of eligible persons will be calculated from Census population figures. The identification of eligible households is left to state governments, subject to the scheme's guidelines for Antyodaya, and subject to guidelines to be "specified" by the state government for Priority households. The lists of eligible households are to be placed in the public domain and "displayed prominently" by state governments.

4. Food Commissions

The Bill provides for the creation of State Food Commissions. Each Commission shall consist of a chairperson, five other members and a member-secretary (including at least two women and one member each from Scheduled Castes and Scheduled Tribes).

The main function of the State Commission is to monitor and evaluate the implementation of the act, give advice to the states governments and their agencies, and inquire into violations of entitlements (either *suo motu* or on receipt of a complaint, and with "all the powers of a civil court while trying a suit under the Code of Civil Procedure 1908"). State Commissions also have to hear appeals against orders of the District Grievance Redressal Officer and prepare annual reports to be laid before the state legislature.

The State Commission may forward "any case" to a Magistrate having jurisdiction, who shall proceed as if the case has been forwarded under Section 346 of the Code of Criminal Procedure 1973.

5. Transparency and Grievance Redressal

The Bill provides for a two-tier grievance redressal structure, involving the District Grievance Redressal Officer (DGRO) and State Food Commission. State governments must also put in place an internal grievance redressal mechanism which may include call centres, help lines, designation of nodal officers, "or such other mechanisms as may be prescribed".

Transparency Provisions

Mandatory transparency provisions include: (1) placing all PDS-related records in the public domain and keeping them open for inspection to the public; (2) conducting periodic social audits of the PDS and other welfare schemes; (3) using information and communication technology (including end-to-end computerisation of the PDS) "to ensure transparent recording of transactions at all levels"; (4) setting up vigilance committees at state, district, block and fair price shop levels to supervise all schemes under the act.

District Grievance Redressal Officers

DGROS shall be appointed by state governments for each district to hear complaints and take necessary action according to norms to be prescribed by state governments. If a complainant (or the officer or authority against whom an order has been passed by the DGRO) is not satisfied, he or she may file an appeal before the State Food Commission.

Penalties and Compensation

The Food Commissions have powers to impose penalties. If an order of the DGRO is not complied with, the concerned authority or officer can be fined up to Rs. 5,000. The Commission can authorise “any of its members” to act as an adjudicating officer for this purpose.

In case of “non-supply of the entitled quantities of foodgrains or meals to entitled persons”, such persons will be entitled to a food security allowance from the state government, as prescribed by the central government.

6. Other Provisions

PDS Reforms

In Chapter VII, the Bill states that central and state governments “shall endeavour to progressively undertake” various PDS reforms, including: doorstep delivery of foodgrains; ICT applications and end-to-end computerisation; leveraging “aadhaar” (UID) for unique identification of entitled beneficiaries; full transparency of records; preference to public institutions or bodies in licensing of fair price shops; management of fair price shops by women or their collectives; diversification of commodities distributed under the PDS; full transparency of records; and “introducing schemes such as cash transfer, food coupons or other schemes to the targeted beneficiaries in lieu of their foodgrain entitlements” as prescribed by the central government.

Obligations of Government and Local Authorities

The main obligation of the Central Government is to provide foodgrains (or, failing that, funds) to state governments, at prices specified in Schedule I, to implement the main entitlements. It also has to “provide assistance” to state governments to meet local distribution costs, but on its own terms (“as may be prescribed”). The Central Government has wide-ranging powers to make Rules.

The main obligation of state governments is to implement the relevant schemes, in accordance with the guidelines issued by the Central Government. State governments also have wide-ranging powers to make Rules. They are free to extend benefits and entitlements beyond what is prescribed in the Bill, from their own resources.

Local Authorities and Panchayati Raj Institutions are responsible for proper implementation of the act in their respective areas, and may be given additional responsibilities by notification.

7. Schedules

The Bill has three schedules (these can be amended “by notification”). Schedule 1 prescribes issue prices for the PDS. Schedule 2 prescribes “nutritional standards” for midday meals, take-home rations and related entitlements. For instance, take-home rations for children aged 6 months to 3 years should provide at least 500 calories and 12-15 grams of protein. Schedule 3 lists various “provisions for advancing food security”, under three broad headings: (1) revitalization of agriculture (e.g. agrarian reforms, research and development, remunerative prices), (2) procurement, storage and movement of foodgrains (e.g. decentralised procurement), and (3) other provisions (e.g. drinking water, sanitation, health care, and “adequate pensions” for “senior citizens, persons with disability and single women”).