

## Reference - proposed National Food Security Act

# What is going to be missed?<sup>1</sup>

Status of BPL families through different sources/Rural						Household in states and Estimation of BPL families as per Saxena and Tendulkar report							
Sr. No	State	Present level/2002	NSSO 04-05	Dr Saxena report	Tendulkar Committee	Total (Census 2001)	Rural <sup>2</sup> (Census 2001)	Urban (Census 2001)	Rural BPL out of NSSO <sup>3</sup>	Rural BPL out of Saxena Report <sup>4</sup>	Rural BPL out of Tendulkar report <sup>5</sup>	Difference between NSSO Figure - Saxena <sup>6</sup>	Difference between NSSO figure/Tendulkar <sup>7</sup>
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1	Andhra Pradesh	25.68%	11.2	19.13	32.3	20010344	15030641	4979703	1683432	2875362	4854897	1191930	3171465
2	Arunachal Pradesh	40.86%	22.3	39.25	33.6	283760	217766	65994	48562	85473	73169	36911	24608
3	Assam	40.86%	22.3	38.5	36.4	6168994	5194290	974704	1158327	1999802	1890722	841475	732395
4	Bihar	54.96%	42.1	75.14	55.7	16319527	14575906	1740621	6136456	10952336	8118780	4815879	1982323
5	Chhattisgrah	42.52%	40.8	73.16	55.1	4998726	4017722	981004	1639231	2939365	2213765	1300135	574534
6	Delhi	14.69%	6.9	12.14	15.6	3379956	244688	3135268	16883	29705	38171	12822	21288
7	Goa	14.92%	5.4	9.5	28.1	458868	224683	234185	12133	21345	63136	9212	51003
8	Gujarat	24.21%	19.1	34.38	39.1	12446995	7525173	4921822	1437308	2587154	2942343	1149846	1505035
9	Haryana	25.05%	13.6	24.08	24.8	5106275	3544484	1561791	482050	853512	879032	371462	396982
10	Himachal Pradesh	40.86%	10.7	19.2	25	2408922	2168339	240583	232012	416321	542085	184309	310072

<sup>1</sup> This fact sheet has been prepared to support the discussion on proposed **National Food Security Act**, in contrast to discrepancies in number of BPL families, state wise status of under nutrition. For further clarification and suggestions and input on this sheet – **Right to Food Campaign Madhya Pradesh Support Group/mprighttofood@gmail.com**

<sup>2</sup> Total number of Rural Households as per Census 2001.

<sup>3</sup> NSSO Survey 2004-04

<sup>4</sup> Calculation based on total number of Rural Households in the state in 2001 Census and applied with percentage mentioned in Saxena report.

<sup>5</sup> Calculation based on total number of Rural Households in the state in 2001 Census and applied with percentage mentioned in Tendulkar report.

<sup>6</sup> Number of BPL HH as per NSSO – Number of BPL families from Saxena report

<sup>7</sup> Number of BPL HH as per NSSO – Number of BPL families from Tendulkar report

Status of BPL families through different sources/Rural						Household in states and Estimation of BPL families as per Saxena and Tendulkar report							
Sr. No	State	Present level/2002	NSSO 04-05	Dr Saxena report	Tendulkar Committee	Total (Census 2001)	Rural <sup>2</sup> (Census 2001)	Urban (Census 2001)	Rural BPL out of NSSO <sup>3</sup>	Rural BPL out of Saxena Report <sup>4</sup>	Rural BPL out of Tendulkar report <sup>5</sup>	Difference between NSSO Figure - Saxena <sup>6</sup>	Difference between NSSO figure/Tendulkar <sup>7</sup>
1	2	3	4	5	6	7	8	9	10	11	12	13	14
11	Jammu & Kashmir	40.86%	4.6	7.97	14.1	2768552	2125486	643066	97772	169401	299694	71629	201921
12	Jharkhand	54.96%	46.3	82.08	51.6	5838522	4489207	1349315	2078503	3684741	2316431	1606238	237928
13	Karnataka	33.16%	20.8	35.42	37.5	13830096	8998481	4831615	1871684	3187262	3374430	1315578	1502746
14	Kerala	25.43%	13.2	23.62	20.2	9356874	6894776	2462098	910110	1628546	1392745	718436	482634
15	Madhya Pradesh	42.52%	36.9	66.55	53.6	14019346	10392537	3626809	3834846	6916233	5570400	3081387	1735554
16	Maharashtra	36.86%	29.6	53.14	47.9	25601389	14408995	11192394	4265063	7656940	6901909	3391877	2636846
17	Manipur	40.86%	22.3	39.24	39.3	492371	362029	130342	80732	142060	142277	61328	61545
18	Meghalaya	40.86%	22.3	39.24	14	520602	401392	119210	89510	157506	56195	67996	-33316
19	Mizoram	40.86%	22.3	39.24	23	190069	91188	98881	20335	35782	20973	15447	638
20	Nagaland	40.86%	22.3	39.24	10	380345	394918	85427	88067	154966	39492	66899	-48575
21	Orissa	48.56%	46.8	84.47	60.8	9873029	8378507	1494522	3921141	7077325	5094132	3156184	1172991
22	Punjab	11.77%	9.1	17.74	22.1	5967476	3805075	2162401	346262	675020	840922	328758	494660
23	Rajasthan	27.41%	18.7	33.14	35.8	12937733	9739544	3200189	1821295	3227685	3486757	1406390	1665462
24	Sikkim	41.43%	22.3	39.24	31.8	128843	109955	18888	24520	43146	34966	18626	10446
25	Tamilnadu	35.03%	33.4	39.96	37.5	16996604	9724711	727893	3248053	3885995	3646767	637941	398713
26	Tripura	40.86%	40.8	70.44	44.5	863183	701155	162028	286071	493894	312014	207822	25943
27	Uttar Pradesh	40.85%	33.4	58.09	42.7	34301455	27178983	7122472	9077780	15788271	11605426	6710491	2527645
28	Uttrankhand	40.85%	40.8	70.44	35.1	2566282	2012630	553652	821153	1417697	706433	596544	-114720
29	West Bengal	35.66%	28.6	51.01	38.2	20140157	14413311	5726846	4122207	7352230	5505885	3230023	1383678
30	A&N Island	34.47%	22.9	40.3	NA	104222	71836	32386	16450	28950	NA	12499	NA
31	Chandigarh	11.35%	7.1	12.49	NA	244134	26428	217706	1876	3301	NA	1424	NA

Status of BPL families through different sources/Rural						Household in states and Estimation of BPL families as per Saxena and Tendulkar report							
Sr. No	State	Present level/2002	NSSO 04-05	Dr Saxena report	Tendulkar Committee	Total (Census 2001)	Rural <sup>2</sup> (Census 2001)	Urban (Census 2001)	Rural BPL out of NSSO <sup>3</sup>	Rural BPL out of Saxena Report <sup>4</sup>	Rural BPL out of Tendulkar report <sup>5</sup>	Difference between NSSO Figure - Saxena <sup>6</sup>	Difference between NSSO figure/Tendulkar <sup>7</sup>
1	2	3	4	5	6	7	8	9	10	11	12	13	14
32	D&N Haveli	50.84%	39.8	70	NA	57503	40924	16579	16288	28647	NA	12359	NA
33	Daman & Diu	15.80%	5.4	9.5	NA	53902	34315	19587	1853	3260	NA	1407	NA
34	Lakshdweep	25.04%	13.3	23.4	NA	16607	9459	7148	1258	2213	NA	955	NA
35	Pondichery	37.40%	22.9	40.3	22.9	267206	89979	1177227	20605	36262	20605	15656	0
	<b>India</b>		<b>28.3</b>	<b>50</b>	<b>41.8</b>	<b>249098869</b>	<b>177639513</b>	<b>66014356</b>	<b>49909830</b>	<b>86557708</b>	<b>72984550</b>	<b>36647877</b>	<b>23112445</b>

Data for the Column 7,8 and 9 has been obtained from Census 2001

## Some Human development indicators (Malnutrition and Anemia among women and children)

Sr. No	State	% of BPL population <sup>8</sup>	Size of the Household <sup>9</sup>	No. of BPL and AAY HHs (as per GoI in 2000 <sup>10</sup> )	No. of BPL and AAY HHs (as per the respective state Govt./Present figure)			Difference in number of families – State Vs Central - Excluded by GoI	Malnutrition <sup>11</sup> among children in %	Undernourished women <sup>12</sup> in %	Anemia among women in <sup>13</sup> %
					BPL	AAY	Total				
1	2	3	4	5	6	7	8	9	10	11	12
1	Andhra Pradesh	25.68	4.77	40.63	174.59	15.58	190.17	149.54	32.5	33.5	62.9
2	Arunachal Pradesh	40.86	4.93	0.99	0.61	0.38	0.99	0	32.5	16.4	50.6
3	Assam	40.86	5.83	18.36	12.02	7.04	19.06	0.7	36.4	36.5	69.5
4	Bihar	54.96	6.16	65.23	39.94	24.29	64.23	-1	55.9	45.1	67.4
5	Chhattisgrah	42.52	5.65	18.75	11.56	7.19	18.75	0	47.1	43.4	57.5
6	Delhi	14.69	5.02	4.09	1.92	1.5	3.42	-0.67	26.1	14.8	44.3
7	Goa	14.92	4.99	0.48	0.13	0.14	0.27	-0.21	25	27.9	38
8	Gujarat	24.21	5.51	21.2	26.44	8.1	34.54	13.34	44.6	36.3	55.3
9	Haryana	25.05	6.3	7.89	9.01	2.92	11.93	4.04	39.6	31.3	56.1
10	Himachal Pradesh	40.86	5.34	5.14	3.17	1.97	5.14	0	36.5	29.9	43.3
11	Jammu & Kashmir	40.86	5.52	7.36	4.8	2.56	7.36	0	25.6	24.6	52.1
12	Jharkhand	54.96	6.16	23.94	14.76	9.18	23.94	0	56.5	43	69.5
13	Karnataka	33.16	5.52	31.29	66.21	12	78.21	46.92	37.6	35.5	51.5
14	Kerala	25.43	5.28	15.54	14.85	5.96	20.81	5.27	22.9	18	32.8
15	Madhya Pradesh	42.52	5.65	21.25	46.56	15.82	62.38	41.13	60	41.7	56
16	Maharashtra	36.86	5.14	65.34	45.59	24.64	70.23	4.89	37	36.2	48.4

<sup>8</sup> Concept note prepared by Ministry of Food and Public Distribution, Government of India, dated June 4<sup>th</sup>, 2009 (annexure -1)

<sup>9</sup> Concept note prepared by Ministry of Food and Public Distribution, Government of India, dated June 4<sup>th</sup>, 2009 (annexure -1)

<sup>10</sup> Concept note prepared by Ministry of Food and Public Distribution, Government of India, dated June 4<sup>th</sup>, 2009 (annexure -1)

<sup>11</sup> NFHS - III

<sup>12</sup> NFHS - III

<sup>13</sup> NFHS - III

Sr. No	State	% of BPL population <sup>8</sup>	Size of the Household <sup>9</sup>	No. of BPL and AAY HHs (as per GoI in 2000 <sup>10</sup> )	No. of BPL and AAY HHs (as per the respective state Govt./Present figure)			Difference in number of families – State Vs Central - Excluded by GoI	Malnutrition <sup>11</sup> among children in %	Undernourished women <sup>12</sup> in %	Anemia among women in <sup>13</sup> %
					BPL	AAY	Total				
1	2	3	4	5	6	7	8	9	10	11	12
17	Manipur	40.86	5.19	1.66	1.02	0.64	1.66	0	22.1	14.8	35.7
18	Meghalaya	40.86	5.42	1.83	1.13	0.7	1.83	0	48.8	14.6	47.2
19	Mizoram	40.86	5.7	0.68	0.42	0.26	0.68	0	19.9	14.4	38.6
20	Nagaland	40.86	5.57	1.24	0.77	0.47	1.24	0	25.2	17.4	NA
21	Orissa	48.56	5.28	32.98	37.58	12.65	50.23	17.25	40.7	41.4	61.2
22	Punjab	11.77	5.92	4.68	2.89	1.79	4.68	0	24.9	18.9	38
23	Rajasthan	27.41	6.04	24.31	16.53	9.32	25.85	1.54	39.9	36.7	53.1
24	Sikkim	41.43	5.33	0.43	0.27	0.16	0.43	0	19.7	11.2	
25	Tamilnadu	35.03	4.45	48.63	181.63	18.65	200.28	151.65	29.8	28.4	53.2
26	Tripura	40.86	5.24	2.95	1.82	1.13	2.95	0	39.6	36.9	65.1
27	Uttar Pradesh	40.85	6.22	106.79	65.84	40.95	106.79	0	42.4	36	49.9
28	Uttarakhand	40.85	6.22	4.98	4.46	1.51	5.97	0.99	38	30	
29	West Bengal	35.66	5.44	51.79	37.96	14.8	52.76	0.97	38.7	39.1	63.2
30	A&N Island	34.47	4.75	0.28	0.13	0.04	0.17	-0.11	NA	NA	NA
31	Chandigarh	11.35	4.38	0.23	0.08	0.02	0.1	-0.13	NA	NA	NA
32	D&N Haveli	50.84	5.28	0.18	0.12	0.05	0.17	-0.01	NA	NA	NA
33	Daman & Diu	15.8	5.3	0.04	0.03	0.01	0.04	0	NA	NA	NA
34	Lakshdweep	25.04	6.23	0.03	0.02	0.012	0.032	0.002	NA	NA	NA
35	Pondichery	37.4	4.97	0.84	1.14	0.32	1.46	0	NA	NA	NA
	<b>India</b>		<b>5.51</b>	<b>652.03</b>	<b>825</b>	<b>242.75</b>	<b>1068.752</b>	<b>436.102</b>			<b>55.3</b>

## Some points

- ❖ As per NSSO Rural poverty in India is 28.3%. And if this level of Poverty is accepted only 4.99 Crore families will get small benefit of NFSA.
- ❖ As per Dr. Saxena Comm. Report 50% Rural Indian are poor and if BPL criteria is followed for NFSA and his recommendations accepted by the Govt, 8.65 Crore families will get subsidized food.
- ❖ As per Tendulkar Report 41.8% rural families are poor and 7.29 Crore families will fall in entitlements of Sasta Ration.
- ❖ In present situation, Government of India considers 652.03 Lakh families under Below the Poverty line, but State governments after door to door survey and following the appeal mechanisms, claims that 1068.752 crore families are living below the poverty line across the country.

In clear words Central Government does not provide any food and security to 436.102 Crore families and either these families don't get food or State governments are bound to make arrangements for them from state budget. If it continues, even after NFSA's enactment, state government will have to arrange and allocate Rs. 23 Thousand Crore from their own kitty every year<sup>14</sup>.

- ❖ According to Amod Kanth (Chairperson of National Commission for the Protection of Child Rights) - Approximately 5.60 Crore children either don't go to school or drop out from school education and reason behind this is Poverty. In this context a holistic and universal National Food Security Act must be seen in contrast with implications and impact of poverty and food insecurity on Right to Education.
- ❖ Lancet Paper series on Maternal and Child Under nutrition of 2008<sup>15</sup> also proves that deaths and disease burden are directly associated with protein-energy malnutrition. Of the nutritional status measures for children, underweight was responsible for the largest disease burden. In the absence of proper mechanism for growth monitoring and supply of services even for the most vulnerable group of children; no space is left for any discussion on the issue of existence of malnutrition in the region.

If our Government could honestly link this Act as an opportunity for controlling diseases burden, especially infectious and bacteria born

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<sup>14</sup> Subsidy Rs 5460/family/Year, if 35kg Foodgrain is provided to left out families from Central Govt list.

<sup>15</sup> Lancet paper series on Maternal and Child undernutrition: global and regional exposures and health consequences  
Published online January 17, 2008 DOI:10.1016/S0140-6736(07)61690-0; www.thelancet.com

diseases like pneumonia, malaria, diarrhea and measles. Various studies now show that a large section of our society spends 30 to 50% of their total earnings to avail health services. Proper nutritional arrangements will provide relief to poor and marginalized families from spending huge resources on Health.

- ❖ **Spending on Food** - According to results of 63<sup>rd</sup> round NSSO survey on Household Consumer Expenditure in India, families from all classes spend Rs 695.15 per month per person, out of this total expenditure Rs. 363.42 spent for Food only. Now the expenditure ratio on Food must be much higher than 2006-07 because of inflation, especially in Food commodities.
  
- ❖ **And after the meeting of Empowered Group of Ministers on 6<sup>th</sup> April 2010** - Planning Commission asked to tabulate BPL families - An empowered group of ministers (EGoM) on food decided Monday evening to defer a decision on the draft food security bill till the Planning Commission gives a report on the number of below poverty level families qualifying for the ambitious social welfare scheme.

'Planning Commission has been asked to give the report on the number of BPL families that will come under the programme,' Agriculture and Food and Consumer Affairs Minister Sharad Pawar said after the eGoM meeting ended after two hours.

He also said the ministries under his domain have been asked to give a report on how similar food security legislations have been enacted and implemented in 22 other countries.

'The EGoM will meet again in three weeks, when these reports will be submitted,' Pawar told reporters.

The empowered group was chaired by Finance Minister Pranab Mukherjee and attended by Deputy Chairperson of the Planning Commission Montek Singh Ahluwalia, Home Minister P. Chidambaram, Defence Minister A.K. Antony, Rural Development Minister C.P. Joshi as well as Pawar.

The EGoM, which had cleared the bill March 18, had not incorporated Congress president Sonia Gandhi's suggestion of providing 35 kg of rice or wheat per month to each family below poverty line (BPL) at Rs 3 per kg. Instead, the EGoM had cleared 25 kg of food grain to each BPL family.

Sonia Gandhi, who is also the National Advisory Council (NAC) chairperson, had urged the government to include destitute and vulnerable households, besides BPL families and those eligible under the Antyodaya Anna Yojana, or poorest of the poor, in the list of beneficiaries.

President Pratibha Patil, in her address to the joint session of parliament last year, had said the government would enact a National Food Security Act which aims to provide every BPL family 25 kg of wheat or rice per month at the rate of Rs.3 per kg.

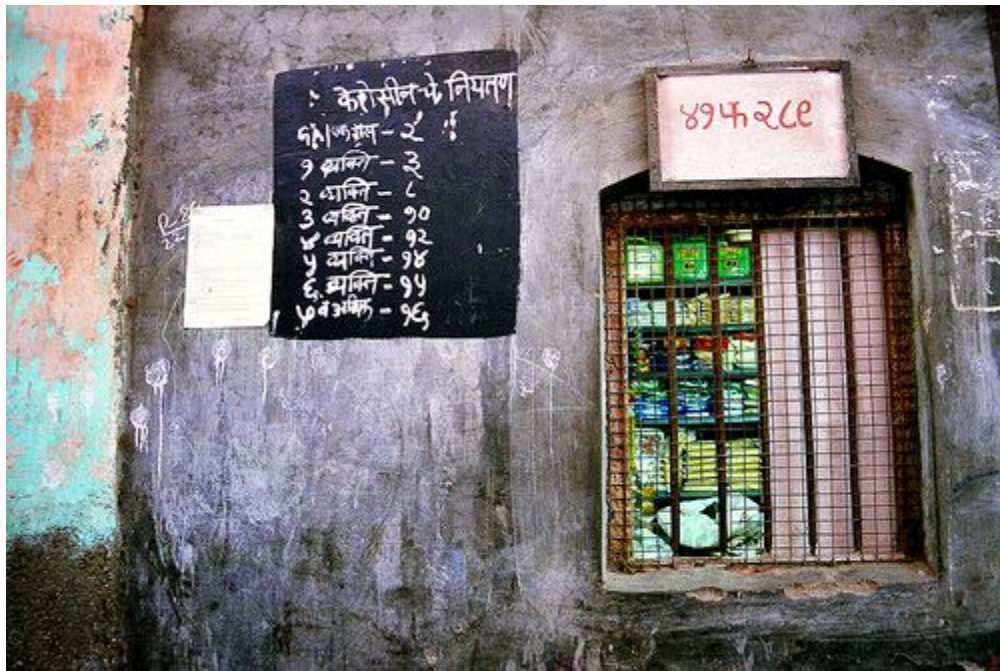
The United Progressive Alliance-led Congress government had also promised it in its election manifesto.

The Congress Monday said there were no differences between the party and government on the national food security bill and both were working for the 'most virtuous coverage' of the needy people. Congress spokesman Abhishek Manu Singhvi told reporters here that the bill was a revolutionary step and a legislation with pioneering scope. 'Inputs from all sections should be welcomed,' he said.

(<http://sify.com/finance/food-security-planning-commission-asked-to-tabulate-bpl-families-news-defaultkefwaccaije.html>)

## What Ails the PDS?

Dipa Sinha



The context of rising food prices, an anticipated National Food Security Act (NFSA), submission of reports in the Supreme Court on corruption and inefficiency of Public Distribution System (PDS) has finally brought issues of access to food, food procurement and distribution into discussion in the mainstream media, both print and electronic. The PDS is the most important instrument of the government for ensuring food security and also price stability. In the recent past, the PDS has failed in achieving both these objectives. In analysing the reasons for this, most of the mainstream discussions continue to bark up the wrong tree of PDS administration, whereas the root of the problem is that the PDS is a targeted system, rather than being universal.

The Public Distribution System in India was modified into the Targeted Public Distribution System (TPDS) in 1997, as part of the larger reforms under the new economic policy of the 1990s. The TPDS divided the population of the country into below the poverty line (BPL) and above the poverty line (APL); with PDS foodgrains being given to those in these two categories at differential prices. In 2002, another category was introduced to reach out to the 'poorest of the poor' through the Antyodaya Anna Yojana (AAY) which provides foodgrains at about half the BPL prices. Currently, about 40% of the BPL are in the AAY category getting rice at Rs. 3 per kg and wheat at Rs. 2 per kg. Whether a particular household will be eligible for a BPL card or not depends on two different processes. Firstly, the numbers of BPL households are determined based on the Planning Commission estimates of poverty (from NSSO consumption-expenditure surveys) superimposed on the number of households from census data. Secondly, an independent exercise of identification is conducted based on a household census using criteria (proxy indicators) determined by the Ministry of Rural

Development (MoRD), with the restriction that the number of poor to be identified by this process should be within the number estimated by the Planning Commission.

It is now well accepted that the official poverty line is more of a destitute line and leaves out many who are indeed poor from the estimates of poverty. To correct this, the Planning Commission set up the Tendulkar Committee which in its report has argued for raising the poverty line (mainly by correcting for price indices) to an extent where the All India poverty ratio would now be around 37%, compared to the official poverty estimates to 26%. It is still to be seen whether this will be accepted by the Government. However, even at this line the average calorie consumption is only 1775 calories which is much less than the officially accepted norms of 2400 calories for rural areas and 2100 calories for urban areas.

It is however argued by some that the purpose of the poverty line is not to provide a number for targeting but only as one of the many indicators of economic well-being that is comparable over time. The earlier 1993 Expert Group on Poverty Estimation even explicitly specified in its report that these poverty lines should not be used for the purpose of targeting public programmes. However, in practice the exercise of setting a poverty line and estimating poverty on the basis of this has very much been linked to determining allocations for public programmes. Another estimate that has been discussed is the Arjun Sengupta committee's report on unorganized sector which argued that 77% of the population in India lives on less than Rs. 20 a day, and defined this group as being "vulnerable".

In fact this has been one of the reasons for the problems of inclusion and exclusion reported with the different kinds of identification criteria used. Currently the government uses a 13-point criterion with proxy indicators such as ownership of houses, land, toilets, etc. This method is now being revised as it has proved to be problematic. While there are many arguments for why this particular criteria cannot work in identifying the poor, the point being made here is that whatever the criteria, as long as there are externally given 'caps' on number of BPL households, no identification criteria can ensure that there are no exclusion and inclusion errors.

While not going into these different estimates and definitions, what is clear is that the lives of millions of poor in the country cannot be determined by these technical exercises of estimating poverty. Allocations for public programmes must be delinked from the poverty line, which in spite of any number of revisions cannot avoid an element of arbitrariness. Given the fact that we have the highest malnutrition rates in the world, there cannot be an alternative to provision of universal services especially in relation to food along with education, health, employment and social security.

In fact, most state governments (Bihar, Madhya Pradesh, West Bengal, Orissa, Chhattisgarh etc.) have been repeatedly complaining that the quota set by the Planning Commission for BPL population for their respective states is highly inadequate and many deserving poor get left out. Many have in fact expanded the BPL quotas using their own funds and including a much larger number of people in the BPL net (this includes most of the Southern states, Madhya Pradesh, Chhattisgarh, Orissa). Therefore, even if the government manages to arrive at an identification methodology which uses the 'best' indicators to identify the poor, many

will be left out because the 'caps' on how many can be identified is set by a completely different process based on a poverty line that has been arrived at using consumption expenditures.

The experience with the targeted public distribution over the last ten years or so shows that this has failed. Independent surveys show large inclusion and exclusion errors, with a large number of poor being left out. The data from the 61<sup>st</sup> round of the NSS shows that only 44% of the households in the poorest quintile have BPL cards, 17% of the households in the richest quintile do so. The inclusion errors, expectedly, are lower in states that have a higher coverage of the PDS. States such as Tamilnadu and even Chhattisgarh which are considered 'best' practices in the implementation of PDS have done precisely this. While Tamilnadu has a universal PDS with the same quotas and prices for all (with a higher quota for those in the AAY category), Chhattisgarh has also expanded coverage to about 74% of its population while the central government quotas for these states are 35% and 42% respectively. Along with this, in both states there have been other reforms in the PDS such as use of technology, making PDS shops viable etc.

While universalisation of the PDS will go a long way in making it more effective, it is not to argue that there are not other reforms required to plug the leakages in the system. The reports of the Supreme Court appointed Wadhwa Committee point out a number of issues that make the PDS a corrupt and inefficient system. Among the issues these reports raise include corruption because of the presence of middle-men at all stages such as private storage agents, transporters, millers and so on, who are in a nexus with the politicians and bureaucracy resulting in the leakage of foodgrains meant for the PDS into the open market even before it reaches the village fair price shop (FPS). To tackle this problem the report rightly suggests that we should move towards direct doorstep delivery of foodgrains to the fair price shop by the government. For this, the government will also have to create the infrastructure for adequate storage and transport facilities at as decentralized level as possible.

The report also raises the issue of corruption at the FPS level which has been linked to, among other issues, the viability of the FPS, which has taken a hit especially after the introduction of a targeted system which decreased the scale of grains and number of beneficiaries involved. Suggestions such as increasing the commission to the ration dealers, allowing the FPS to sell other items as well have been made which are well worth considering. Further, vigilance committees at the community level as mandated by the PDS control order have to be set up and activated to ensure local accountability of the ration dealer. De-privatising fair price shops and handing them over to gram panchayats, SHGs and co-operatives will also contribute to lower corruption in the PDS.

Another issue, that is reported by the Wadhwa Committee is the use of technology such as bar coded ration cards, use of biometrics, end-to-end automation, toll free help line, SMS alerts to panchayats on grain movements, GPS systems for trucks carrying FCI foodgrains and so on, to minimize leakages. Experiences of different states have suggested that these can indeed contribute to increasing the efficiency of the system and resources must be invested into these. However, believing that these innovations (including the UID) can be the

panacea to all the problems faced by the PDS, in the absence of deeper structural reforms towards universalisation and a high political priority is gravely misplaced.

There is a need to look at each of the issues raised above in detail and there are also many other that have not been mentioned here. For instance, the role of PDS can also be analysed in terms of its potential to revive Indian agriculture. For this reforms such as increasing procurement from a wider network of states across the country, expanding the items procured (and distributed) to include pulses, coarse cereals and oilseeds, setting up decentralised systems of procurement and distribution etc. need to be pursued.

The National Food Security Act should be seen as an opportunity for pressing for universalisation of PDS (along with administrative reforms) to make the system more effective. We must not allow an Act to remain an entitlement for only a few (as is being proposed), especially because as long as PDS remains targeted even the few who are entitled to it are unlikely to get any benefits.

# NFSA: Entitlement of Hunger? -1

Sachin Kumar Jain\*

In an political economic context, when price rise, which has developed the resistance to the state's will to control, drought and climate change, uncertain production governance and inequality are hammering the society together, Government of India is working for enacting a law to prevent people from Hunger and Starvation. In the meanwhile an empowered group of ministers (EGoM) was set up by Congress-led United Progressive Alliance Government to bring out a framework of Food Law. A draft of National Food Security Act has been forwarded to the cabinet for approval from EGoM and further action to shape the law, then starvation, under nutrition, chronic hunger and inequality in India would remain an integral part of the structure. In the present times when we find price rise, corruption and reckless attitude of State at its stature, the Government of India once again looks intended to shrug off its constitutional farm duties. On the one hand Article 47 of India's constitution mentions *"The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties..."* but on other side note of the EGoM, which is a base for the framework entirely rules out this duty by saying *"the definition of Food Security should be limited to the specific issue of food grains security (wheat and rice) and be delinked from the larger issue of nutritional security"*

The draft for Food Security Act says that the benefit of the Act would be provided to only those whom the Government of India would describe on certain indicators as poor. We know quite well that identification of poor and statistics related to poverty are quite discrepant. The Government of India considers 60 million families in country as poor, while the state governments that undertake census survey to identify poor and implement schemes at ground level assert that the total number is much more with around 110 million families that have remained deprived over the years. Even then, the government has shown no interest in filling up this huge gap in poverty statistics, because this move will raise question on their liberal and neo-capitalist development policies. Food Security is a state subject, so State Governments should have the decisive stake in defining and identifying poverty, but in NFSA context state governments would be no where in the process, they will just have to follow the discriminatory and flawed poverty indices and there would be no place for the poor additionally identified by the State Government in the central law. This means that about 45 million families would be absolutely deprived of the benefit of food security related laws.

It is just not an imaginative debate. According to Arjun Sengupta Committee Report on Unorganized Sector workers, about 77 percent (850 million) people in country have to subsist on Rs 20 per day, while according to renowned economist Prof. Utsa Patnaik, 76% families (840 million) people in country do not get required calories, like 2100 KCalories for Urban and 2400 KCalories in Rural areas. In a sense they don't get enough food for survival in daily basis. When the scenario is clear that about 75 to 80 percent people are living with starvation then what is the justification of limiting the proposed law to an imaginary standard of 'Below Poverty Line (BPL), which believes that 28 percent people are poor in India'? It is being said that the politically Gandhi family is trying to use the proposed Food Security Act as the third strategic intervention after the National Rural Employment Guarantee Act and the Right to Information Act, to make its political ancestry very subterranean and stalwart, but in its present form, the draft could very well push the Congress into a cavernous chasm.

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Because of this perverse law, hunger would remain extremely coupled with 400 million people in country. Intention of government looks like breaking the relation between nutrition and food security. In reality providing minimum food rights would result into developing and keeping alive the problem of food insecurity. Those people who are out of the BPL list and still needs cheap food grain to survive should have the right to get it. Universal right to food is the only way to ensure total food security in the country. How state has dealt with poverty is an issue of political economy. The definition of poverty line in India was based on per capita per month consumption expenditure of Rs. 49 and Rs. 57 respectively for rural and urban areas at 1973-74 prices to meet per capita daily intake of 2400 and 2100 calories. Dr. N C Saxena, who headed the committee for poverty identification set up by the Ministry of Rural Development mentions that "for the 2004-05 survey the line was approximately Rs. 360.00 and Rs. 540.00 for rural and urban areas but to meet same calorie requirements poverty line in 2004-05 should have been Rs. 650.00 and 1000.00 per month per capita". This discrepancy causes chronic hunger at a large level in India, where 79.8% in rural areas and 63.9% families are bound to live below the existing calorie norms mentioned above. In this case poverty line must address 75.8% population on the country.

The right to define the indicators and sense of poverty is set under the discretion of Govt of India, especially with Planning Commission and the state governments would be left with a role to execute a census survey to list out the names only. State Government would not have the rights to increase the numbers, even if they find increasing numbers during or after BPL census. There are gigantic discrepancies in figures presented by union and state governments. If this issue is not resolved, people will continue to pay the price of this gap in number of poor, which they are already paying. Just to quote as an example, according to the GoI estimates 4.12 million families are poor in Madhya Pradesh, whereas state government has identified 6.6 million families as poor, but in this case Central Government has declined to increase the PDS allocations in any condition. State Government of Madhya Pradesh has again and again been raising this issue that estimates of poverty have been delivered by the experts while sitting in Capital, our estimates are from the field.

Use of BPL as entitlement criteria will exclude large section of the society from legal food entitlements. It is commonly acknowledged that 46 percent of children in country are malnourished, the double that of Sub-Saharan African countries have. Not only this, it is appalling that the maternal mortality rate is very high in India and one of the main reasons is malnourishment amongst women. Apart from Universalisation of public distribution system, no other step can bring about any change in the situation.

## NFSA: Entitlement of Hunger? - 2

In a complex context of rising food prices, well maintained under nutrition among children and women, growing hunger and inequality, Government of India has initiated a step for making national food security act. And central government set up an Empowered Group of Ministers (EGoM) to draw a initial framework of this act. The EGoM is very clear about the idea that definition of food security would be limited to wheat and rice and under no circumstances could it be linked to nutrition security under the proposed law.

The second important point is that the draft Food Security Act only provides for 25 kg of food grains per family while an average family of 5 members including two kids requires about 56 kg food grains, 5 kg pulses and 4 liters of edible oil per month. In India, one of the major causes of increase of malnutrition is dearth of fat and protein in the food plate and by keeping the quota of grains so low and without ensuring entitlement of pulses (for protein) and edible oil (for fat), India not be able to reduce or eliminate malnutrition – this is a point that the pro-market government must comprehend!

Every adult of country should be eligible for 14 kg of grains (including nutritious coarse grains like Jawar, Bajra and Jaudhari) at the rate of Rs 2 per kg, 1.5 kg, pulses at the rate of Rs 20 per kg and edible oil at rate of Rs 35 per kg. For children it should be ensured that they should get half of the above mentioned quota. The ration card should be made in the name of female head of family. In fact the proposed provision of 25 kg grain is far less that the quota of 35 kg per family fixed by the Supreme Court in its 10<sup>th</sup> January 2008 order. If this entitlement is legalized, this will demean the verdict of the apex court.

The path on which ministers like Sharad Pawar are progressing shows no compassion towards providing food security to deprived sections like old aged, single women, widows, disabled, smaller and young children, destitute and pregnant women. At present when 46 percent children and 55 percent women in country are malnourished, the highest infant mortality, child mortality and maternal mortality is recorded in India and 40 percent of the starvation-hit people live in the country, in such state of affairs, making efforts for limiting the legal food entitlements is outrage to the constitution and a testimony that the present structure of the state correspond to profit mongers and neo-capitalists rather than the people suffering from chronic hunger, exclusion and social insecurity.

During the period of last 10 years, when the GDP of the country grew fastest at 8 and 9 percent saw the fastest increase in rate of starvation-hit people too. Ignoring the fact that situations like drought, flood, typhoons and climate change have led to increase in starvation is insult to democracy. Change in agriculture patterns and crop priorities, i.e. food for bio-fuel, diversion of agriculture land for industrial purposes have led the world to food crisis. In this context will these structural causes of hunger be addressed through this legislation or not, is fundamental question or only distribution of limited food gain and conditional cash transfers in near future will suffice the state's duty. The continual statements by the prime minister, agriculture and finance ministers in Gol that price rise is out of control, shows and failure of union govt. of world's fastest growing economy, and it also proves that now development priorities are controlled by the market and in fact certain corporate houses, so how here the present framework of legislation for food security does not reflect any wisdom on structural causes of food insecurity.

State is even not hesitating in violating the Supreme Court's order on Right to Food and has significantly linked it with the fundamental right to live. Since 2001, the apex court is hearing public interest litigation

on hunger, malnutrition, social insecurity and employment related rights issues and has passed 65 such orders that bind the government to hold their accountability and force them to allocate more budget in these areas. Now it is clear that the government is trying to bring in the law to save itself from the directives of the Supreme Court and its real intention is not to fight hunger. The Mid-Day Meal scheme and the anganwadi centers are also centers for food security, but the government is trying its best to keep these centers out of the legal rights ambit so that the private sector could be given a leeway into these sectors. In a perspective, Government of India is trying to de-link the relationships of life and food, defined by the Judiciary by restraining it to BPL families and 25 kg food grain.

The Supreme Court has already through its orders ensured multifarious rights of food like making provision of 35 kg ration per family, subsidized ration for the poor families under the Antyodaya Anna Yojana, supplementary nutritious food and care for infants and young children under the age of 6 years through Integrated Child Development Services, security to pregnant and lactating women under National Maternity Benefit Scheme and Janani Suraksha Yojana, mid-day meals at schools, national old age pension along with the provisions for destitute, urban poor, homeless kids, single women and widow. Some ministers are making best efforts to bury these rights. The Group of Minister has worked out a draft proposing deficient rights to be delivered through a collapsed public distribution system and promoting boycott of some social sectors at a time when the Justice Wadhwa Commission recommending widening the ambit of these rights and reforms in the PDS, has just submitted its report to the Supreme Court. This tread leads to suspicion that the group of ministers is making a strategic move to systematically demolish the intervention being designed in the court for ensuring citizen's right to food. The present public distribution system is on the brink of being totally demolished as 40 to 60 percent of grains go in the drain in absence of vigilance and accountability.

The ministers of the union government have fixed two responsibilities for its own government while the state governments have eight responsibilities in numbers. A net of politics of hunger and trade of starvation is being woven around the proposed law by pushing a very weak concept, which is enough to strangle the democratic system. It seems some in the government or may be all working hard to fabricate a political rhyme out of this law. After all even vases of dry flowers adorn big palaces even if they do not have life or scent. If dead things could add to beauty of palaces then beauty could be looked for in people living and dying with hunger too, as it is being done in the proposed law.

The draft law of the union government does not allow freedom to any of the state governments to take decisions as per its own needs, extension of rights or making efforts at giving better security. This would only add to the pressure on the State governments to give more out of its resources. If the example of Chhattisgarh is taken, it becomes clear that the government is forced to Rs 18000 million per year just to provide food grains to the beneficiaries. If the union government does not fulfill its responsibilities, the pressure on the state governments would increase further and they will have to spend Rs 230 thousand million from their own budgets, if all poor families are not made entitled for food. It is a matter of surprise that in India political parties representing opposition and state governments are maintaining silence on the concept notes and framework of food security through 25 kg grain. It will shrink the space and pride for poor and food insecure in democracy.

They have also dictated that no special authority or commission or special courts would be set up to look into violations of rights and Entitlements under the proposed food security law. It means that in case of violation of rights, the victims would have to take recourse only to present judiciary system, which does not

represent as a social justice system and accessible to poor and marginalized, and where 1.4 million cases are still waiting to be resolved. Not only increase of hunger related deaths would imminent while waiting for decisions, even families would disappear.

Another surprising factor is that the government is only talking of distribution of grains, but is silent on issues like production of grains, security to farmers and preventing the diversion of agriculture land, forest and water for corporate giants. This means that there is preparation for import of food grains in near future so that the multinational companies can be benefited through public resources. Efforts are also being made to employ policy of conditional cash transfers place of food grains to the beneficiaries, so that the government does not have to procure grains and could thus save on the subsidy money. Whether this step leads to saving subsidy would only become clear later, but what would happen of the farmers? Has the government given any thought to this question? The open market is anyway already in preparation of eating up the farmers and farming without any hitch.

# Arm-twisting with Hungry not with Hunger

There is acceptability that state should legitimize the people's right to food, while food security of old aged, destitute, single women and widow, people with stigmatized diseases and occupations, homeless, primitive tribal group and excluded communities must be griped, in contrast to the state's constitutional duty defined under fundamental rights and directive principals to the state policy. Can you believe that a regime elected by the people can prepare and come out with a draft of food rights legislation that would keep a very large section of its own citizens wounded of hunger and exploitation? If yes, then more then 400 million people (the difference between planning commission's estimates of poor people and the number who are nutritionally in-secured according to Prof. Utsa Patnaik and Arjun Sengupta) will still be living and dying with hunger. A scan through the concept being followed by the Empowered Group of Ministers (EGoM) makes it clear that if the National Food Security Act proposals are approved, with its present understanding, then in the coming days, chronic hunger, malnutrition and inequality would reach its altitude. The alliance national government at centre that calls itself progressive has taken steps to implement such a National Food Security Act under which all families below poverty level would get 25 kg of food grains at Rs 3 per kg. In context of rising prices, drought, in-depth starvation (most of which are resultant of economic policies of previous governments), such limited laws are totally irrelevant and without use. These proposed entitlements are controversial and would promote exclusion further.

The action related to the new law is being taken at a time when India is considered one of the fastest growing economies of world (actually an employment less and unequal development), but it is also the country where maximum undernourished children reside. There are about 360 billionaires in the country, but 93 percent of the workforce is in unorganized sector having no legal security provisions and protection measures from the state. Despite National Rural Employment Guarantee Act in place, the labourers get only Rs 30-40 of wages for a day of labour that too several days after the work is done. The price of food grains is spiraling and nutritious food is out of reach for most of the people and yet the finance minister, the agriculture minister and also the prime minister feel pride in announcing from the public and private platforms that control over the price rise is out of their hands. They fail to remember that it is not a situation to take pride in but to feel shameful of. The available buffer stock of food grains was filled with two times the needed food grains, yet the corporate players in food grains sector were allowed to take economic benefit of the hunger of common people. The majority of population in country – about 64 percent – gets livelihood from agriculture and yet agriculture is facing one of the worst scenarios. Painfully, those who produce food and work hard to make us food secure are bound to sleep hungry. The per capita food grain availability is dwindling and the farmers are forced to commit suicide or leave agriculture. Continuing droughts have made the situation worse. The promises that were repeatedly made during elections are being violated by the political parties in power.

At present, hunger and malnutrition is channelising the violation of fundamental right to life and survival repeatedly but the state is not ready to consider food and nutrition security as indispensable rights of people. Therefore it has decided that under the proposed National Food Security Act, only one third of the needy people would be provided a part of food requirement. They have restricted the rights to 25 kg of ration. The fact that a family of five members requires minimum of 60 kg food grain and pulses per month has been totally disregarded. Along with price rise and perils of livelihood, the way people are caught in web of malnutrition; there is a need to at least double the proposed eligibility of grains.

The Below Poverty Line factor has been made the base for the new law. We all know that the defining poverty on only expenditure based indicators and flawed BPL identification has become the biggest State patronized scam and deception of present times. To absolve itself of the accusations, the government has played with the statistics to show the poverty at lower levels, but during the last ten years it has repeatedly become apparent that economists and capitalist policy makers are engaged in statistical tricks with the poverty figures. Arjun Sengupta, in his report on workers of unorganized sector has shown that 77 per cent people are trying to survive by spending Rs 20 a day. Would these people be considered out of ambit of poverty? Then Prof. Utsa Patnaik says that the basic need of rural people is about 2400 calories per day and for urban people it is about 2100 calories per day, but 76 percent people do not get these essential calories, meaning stomach full of nutritious food. Would these 840 million people be not considered poor? The National Family Health Survey (NFHS-III) shows that between 1998-99 and 2005-06, the malnutrition among children has gone down by merely one percent, but the Government of India did the mysterious effort of bringing down the poverty figures by ten percent during this period. It considers that only 28.3 percent people meaning about 31 Crore people (6.5 Crore) families are below the poverty line. Actually these are those people who are in or around starvation line and not below poverty line.

After intervention of the Supreme Court and lots of public debate, the Union Rural Development Ministry gave the responsibility of analyzing the indicators and identification process to a committee of experts headed by Ex IAS official Dr NC Saxena, who said that in any circumstances, 50 percent of the rural populace in the country would have to be considered as poor. He has recommended that rather than depending on indices like BPL in the matters of food and nutrition, everyone should be provided right to food security. During same time, the Planning Commission of India also appointed the Prof. Suresh Tendulkar Committee which held 41.8 percent of the rural populace as poor. These studies have proved that despite living in poverty, the Government of India is doing a planned effort work of keeping about hundreds of people out of ambit of poverty.

When it is almost sure that in the present scenario when the increasing perils of food insecurity, price rise, change in priorities of production, increasing intervention of market, lowering reach to food and rampant corruption is rapidly inflating the hunger zone and is slowly taking over lives of people completely, in such situation, the talks of food security as made by EGoM sounds like less of security and more of business and politics. In a meeting of EGoM, member of this groups and senior minister AK Antony very rightly pointed out that statistics and economics could not cloud the political mandate, as envisaged by Congress president Sonia Gandhi, behind the proposed Bill.

Still only distribution aspect is in the center and no thought is being given for the policy intervention to protect, promote and preserve the food production aspect rather than concentrating on export-import of food grains and other grains. Farmers should be protected and big corporates must not be allowed unusual tax and duty exemptions to import grains and create crisis of food in country. During last five years, first 4 million ton of food grains were exported by overlooking the domestic needs and when hunger started spreading in the country, grains were imported from other countries and companies on double the cost. Even today on the name of government purchase, 75 percent of grains is being procured from only 5 states, forcing farmers in other states to develop lackadaisical attitude in farming, especially for food and cereals and gradually giving it up. Even now, the government showing political will by declaring that priority would be given to grains production and would immediately design a decentralized procurement mechanism for all the states wherever possible so that the farmers' interest could be protected. The union

government of course keeps saying that efforts would be made to bring agriculture into folds of progress, but no linkages of their commitment could be seen while a draft of NFSA was prepared by EGoM?

The bill prepared by EGoM has simply ignored old aged, infirm, single women and widow, disabled and other excluded sections of the society by saying that if it deemed proper then the schemes meant for these sections could be linked to 25 kg grains provision, but institutionalized schemes like ICDS and MDM would be kept out of it. Freedom from Hunger with nutritional security is a children's fundamental right in all circumstances but in a fastest progressing country, where half the children are malnourished, the government does not feel appalling at indicating that nutrition would not be a legal right of children. It seems this group is not in a position to internalize the needs of these particular groups and just trying to satisfy the statistics and economics' of the act.

We have been noticing that since 1991, when policies for liberalization were adopted, whenever there are talks of civil and economic rights and community control over natural resources, the policy makers give a very scrawny logic of lacking resources? In contrast the government does not at all feel hesitant to provide benefits or exemptions to the companies and corporations out of the taxes. Very clearly public resources have been used to subsidize the private profit. During last year itself, taxes worth Rs 4,18,096 Crore were waived off for the rich people of the country while the tax theft goes up to the extent of Rs One Lakh Crore per year. Comparatively government allocates only Rs 39000 Crore for NREGA and Rs 43000 Crore for subsidized food grains. Billions of rupees are lying in the Swiss Banks while several billion rupees are being spent on unnecessary display schemes and programs like the Commonwealth Games when the stomachs of the poor are empty.

It is worth mentioning that 46 percent of children in country are malnourished and this rate is double that of Sub-Saharan Africa. Not only this, it is shameful that the maternal mortality rate is very high in India and one of the main reasons is malnourishment amongst women. Apart from Universalisation of public distribution system, nutrition and public health programs, no other step can bring about any change in the situation.