

THE NATIONAL FOOD SECURITY (NFS) ACT, 2010

BY

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I. National Food Security (NFS) Act, 2010

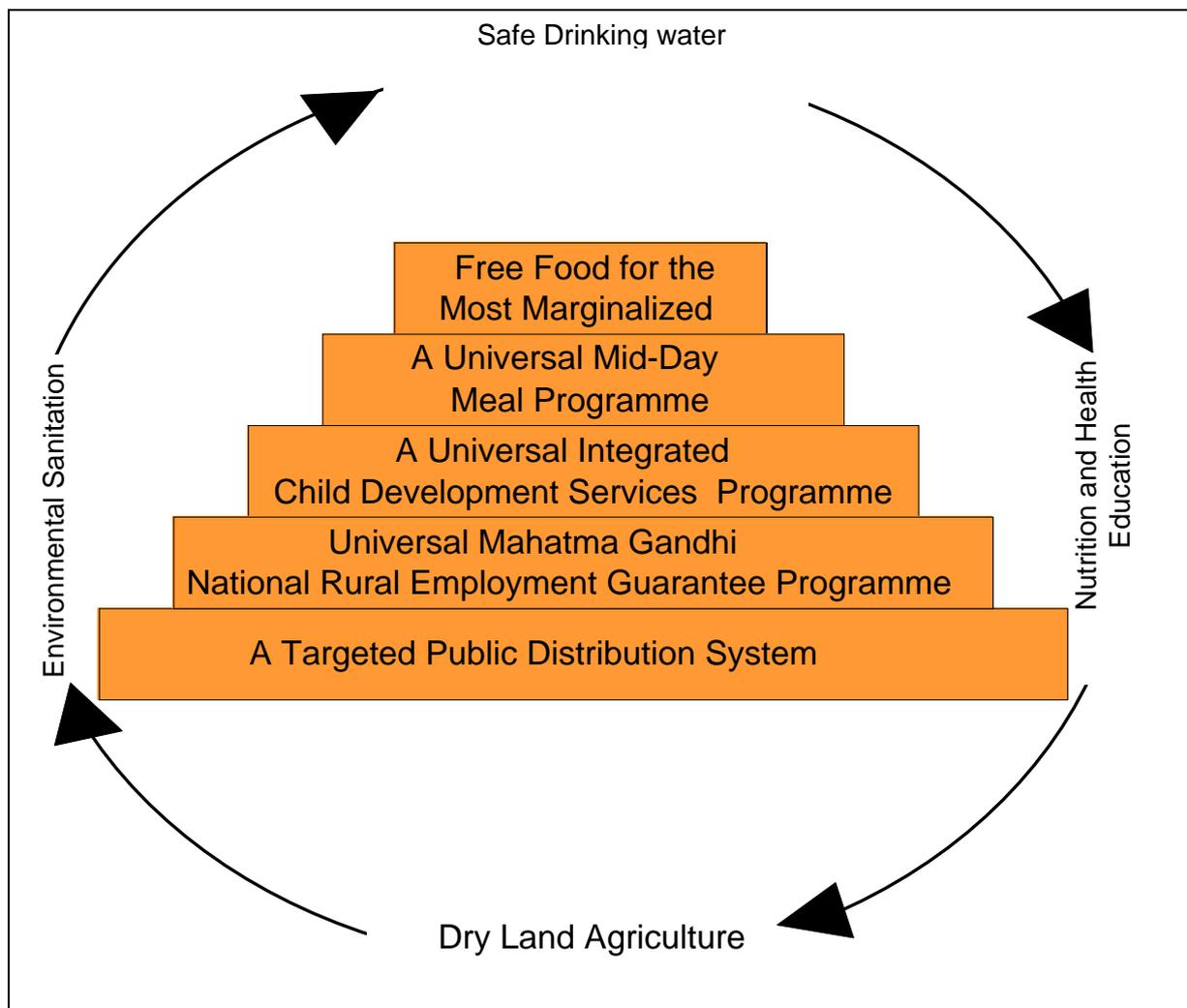
A National Food Security (NFS) Act, 2010 is in the offing. The bill as originally proposed has been reviewed by an empowered Group of Ministers under Mr. Pranab Mukerji and more importantly by the National Advisory Council (NAC) headed by Ms. Sonia Gandhi. In the words of Dr. M. S. Swaminathan, Member, the NAC has “provided a broad framework to achieve the goal of food for all and forever” in its meeting held in July 2010 but this framework has been severely criticised at least in some circles as a set back in the struggle for an effective and equitable food security law. This paper examines a way forward.

II. Food Security vs. Nutrition Security

A look at the bill as originally drafted compels one to make the point that food security is not about the Public Distribution System (PDS) alone. Even more importantly, the point needs to be made that food security is not the same as nutrition security and that when we talk of food security in the year 2010, we should make sure that nutrition security is also included in what we are attempting to do by way of food security. Nutrition security is the whole while food security is a part of that, and therefore the law that is being contemplated should really be a food-cum-nutrition security law rather than a mere food security law. The proposed law should integrate the two concerns of food security and nutrition security through comprehensively embracing certain vital ingredients of both, which would guarantee this. The good news is that we already have in some of our existing laws and programmes the ingredients addressing these concerns at least at the conceptual level even if not in the manner in which we have been implementing them. **It is also worth noting at the outset that an important strategy for defending and expanding the rights of the poor in any scheme that seeks to guarantee a particular right is to fine-tune it to**

the other related schemes in a manner that all related schemes pull together all the rights that govern all the participants in such schemes. Such a synergy will guarantee all rights essential to the poor, each right reinforcing the other. Food and Nutrition security is no exception to such a synergy. In fact the most important paradigm that should govern a law that guarantees food-cum-nutrition security is to define such security as the sum total of the entitlement that a poor household would access through its entitlement in *all* the food and nutrition related schemes that the Government implements or proposes to implement and not merely through a single programme like the PDS; there will be no food security through PDS alone even if the PDS provides 40 kg of grains per household – the NAC is recommending 35 kgs per household per month in the PDS in one-fourth of the most disadvantaged districts or blocks in the country in the first year- given the fact that an average household of 5 would need the energy equivalent of around 60kg of food grains per month. Therefore the law should specifically refer to all the food and nutrition-related schemes as also schemes where the potential exists for the use of essential commodities (like in the MGNREGA) together and examine how much a poor household would access through all these programmes through organically integrating them at the delivery level. Some of the most important programmes relevant to food and nutrition security are the employment ingredient in the Mahatma Gandhi National Rural Employment Guarantee Programme (MGNREGA 2005), though its guarantee claims are greatly exaggerated; the Targeted Public Distribution System (TPDS), though its targeting and implementation has several flaws and has been rightly criticized; the Integrated Child Development Services (ICDS) programme, though its implementation is in the doldrums; the Antyodaya Anna Yojana (AAY) and the Annapurna scheme; the Mid Day Meal (MDM) programme; and the National Old Age Pension Scheme (NOAPS). For guaranteeing food and nutrition security to the poor, for a start, we can build on the base that these programmes provide, **but it must be recognized that none of these programmes can stand alone and be expected to deliver food or nutrition security; that some of these programmes need to be drastically overhauled as discussed later in this paper; and that all these programmes have to be viewed as complementing one another so that necessary linkages are created to make food and nutrition security a reality in terms of quantity and quality. It is important to add that all these programmes need to be**

predicated on adequate, decentralized production of food grains which essentially means that India's dry land agriculture must receive priority attention by way of a second green revolution in the vast areas of the country that do not have assured irrigation facilities. Increased agricultural production, including especially of nutritious dry land cereals, needs to be guaranteed to sustain this food and nutrition security not only in terms of adequate food grains supplies but equally importantly in terms of employment, incomes, health and education in these poorly endowed areas where human development indices are very low. Thus, we need to build on some of the existing programmes, underpinned by an appropriate strategy for increased agricultural production, with a new emphasis on dry land agriculture. Nutrition and health education; environmental sanitation; and safe drinking water are obviously a *sine qua non* for ensuring food and nutrition security. They need a special mention though they are subsumed under a universal ICDS programme, even as essential micro-nutrients are. The emerging architecture can be represented by the diagram below:



III. Objective and Content

In this paper, it is not proposed to elaborately describe what these various programmes are, as readers have a clear idea of how they are structured and what they are expected to deliver in terms of programme guidelines. There are state-specific variations in the implementation of these programmes in details and quality, but broadly, their outlines are known to all of us. This paper proposes amendments to these programmes which it is believed will make them effectively serve the cause of food and nutrition security. It is not proposed to deal with the MDM in this paper as this programme as of now does not seem to be debilitated by the kind of major policy shortcomings dogging the other programmes shown in the Food Security Diagram such as the TPDS, the MGNREGA and the ICDS and the over-arching dry land agriculture, though its nutrition content needs a radical overhaul. It is to be recognized also that discrimination has affected the full implementation of the MDM even as it has the ICDS, and that issue needs to be addressed as well in these programmes.

While section IV deals with these programmes, the need for monitoring hunger is dealt with in section V and the principle of accountability is referred to in section VI. Section IV B in addition refers to the barrage of criticism against the TPDS in certain circles and questions the validity of the so-called *Universal PDS*, pointing out the ambiguities in its advocacy and absence of its definition. Section VII is a conclusion that cautions.

IV. Programmes

A. MGNREGA 2005

Against the background of decades of chronic rural unemployment and under employment; inflation and non-enforcement of any sort of minimum wages; and resulting hunger, the MGNREGA has come to be seen by the rural poor as a veritable boon. A genuinely guaranteed rural employment programme is a *sine qua non* for authentic food security. While the Mahatma Gandhi National Rural Employment Guarantee programme is a good programme, it is *not* an authentic employment guarantee law. The reasons are not far to seek. Debate on this Act all over the country

has highlighted the fact that the Act guarantees only 100 days of employment for the entire household. It requires no research to show that in rural India, every household sends at least two members to work to keep the pot boiling.

The overall Labour and Workforce Participation of both men and women have been on the decline emphasizing the dwindling availability for the rural poor of manual labour. In rural India, the Labour and Workforce Participation Rates reflect greater participation of women than men in many states. The continuing existence of a large incidence of poverty in rural India; the slowing of rural employment growth in the late 1990s; deceleration of the rural workforce growth rate from 1993 – 1999; and declining employment and employment stagnation from 1993 – 1999 in states such as Andhra Pradesh, Karnataka, Maharashtra, Tamil Nadu, and Himachal Pradesh are well documented facts. It is also well documented that the Current Daily Status data from the 1990's on unemployment indicates very high unemployment levels in rural areas in Kerala, West Bengal and Tamil Nadu. These rates were even higher for women in Kerala, West Bengal, and Assam (*Reference 1*). While this high level of rural distress was general, the distress was greater among rural women than men. The incidence of poverty also tended to be higher amongst rural women, with more rural women living in poverty than men. Against this background, the NREGA 2005 restricts the work opportunity to just one person in the household. The deprivation of full employment to the rural household in this programme, therefore, acts as a discrimination against the needs and rights of women. This is not the sort of “guarantee” that a law seeking to provide employment guarantee to a rural poor household should think of. Compare this to the Employment Assurance Scheme (EAS) that the Congress framed for the country in 1993 for 1752 most backward blocks in 257 districts. It assured employment for two adults in the household for 100 days each. Admittedly, the word “guarantee” was not used in the EAS, nor was that concept even conceded. However, the EAS did spell out what an employment programme should be like for the poor. Yet, twelve years after that programme demonstration, the poor got a scheme in 2005 that actually reduced the entitlement by half. Therefore, it is essential to change the provision in the NREGA in regard to this basic issue from guaranteeing just 100 days of employment to the entire household to guaranteeing 100 days of employment to every adult in a household. This alone would enable a poor rural household to try and have economic access to food security

through enhanced purchasing power. This would also translate into reality one of the references made in Section 3 of the MGNREGA at the very beginning to the possibility of the Central and State Governments making provision for securing work to every adult member of a household for a period beyond the 100 days guaranteed in the Act. Such expanded employment opportunities in the MNREGA can also be used for enhancing productivity in private lands in drought-prone and other poorly-endowed upland areas, to make agriculture viable and sustainable for small and marginal farmers in such areas. This needs to be seriously considered as recurring droughts and adverse seasonal conditions in such areas are rendering even medium farmers abandon agriculture in such years further jeopardising food grains availability. Farming in such vulnerable areas needs to be protected from unaffordable costs and MGNREGA can be a good tool in the food security context in these areas.

As explained above, in rural areas women's participation in employment is very high. That women are doubly burdened because of their reproductive functions is obvious. Poor, rural women work until late in their pregnancy and resume work some times only weeks following delivery. The former require rest while at work, and the latter need to breastfeed their infants; both requiring privacy. The rights of the women labourers to rest during pregnancy and breastfeed in privacy while at work, and the right of the infant to her mother's breast, are fundamental ingredients to the right to work in dignity and the right to life of a working woman, and the right to life of her infant implied in its right to nutrition. These aspects have a very close and decisive bearing on the food and nutrition security of the mother and the child. These are rights guaranteed under the Constitution of India explicitly under Article 21 in Part III and under Articles 42 and 43 in Part IV. In the context of toiling women, these rights can be protected through a crèche at the worksite, and were indeed sought to be protected by the EAS of 1993 which stipulated that facilities provided at each work site should include "crèches for the small children of workers" (*Reference 2*).

Where the 1993 EAS required a crèche, twelve years later the MGNREGA of 2005 did not even mention a crèche in the main Act. It merely wanted a "shade for children" in the main Act though it mentioned a crèche in the operational guidelines (*Reference 3*). Peoples' constitutional rights belong in the realm of the law and not in

the operational guidelines. In fact, as if to cancel the effect of even this reference to the crèche, the next Guideline states:

“If more than five children below the age of six years are present at the worksite, a person (preferably a woman) should be engaged under REGS to look after them. Suitable provisions should be made for this in the cost estimates” (*Reference 4*).

The provision for a crèche can be made in the MGNREGA that provides childcare and nutrition services to children for the duration of the mothers’ working day (8 to 9 hours, six days in a week). Services can and should also be especially targeted for children 0-3 years of age as this group hardly benefits from the centrally sponsored ICDS programme in any worthwhile manner. Absence of these services for women and children amounts to violation of their rights. Hence, the definition of a crèche should be amplified and made an entitlement in the NREGA, and the provision for it should be made in the body of the Act itself. Such a beginning could also be the long-delayed start for converting the ICDS Anganwadi centres all over India into crèches, a reform that is a crying need to make that programme relevant to the rights of both the rural working class mother and her child, not to mention those of the girl sibling in the context of her right to education.

In any kind of public employment programmes cereals and other essential commodities priced affordably should form part of the wages for those wages to be considered real in terms of value. That would lend meaning to the concept of “*a living wage*” as provided in Article 43 of the Constitution of India and as interpreted by the Supreme Court of India. That brings in a food-cum-nutrition security guarantee dimension as well to the wage. However, the cereal component in the daily wage should not be more than what corresponds to the daily intake needs. Practices such as allowing a large proportion of food grains to constitute half or even more than half of the daily wage with negligible cash component as done a few years ago in the Government’s Food for Work Programmes in states like Andhra Pradesh, should not be allowed as they actually violate the workers’ right to access other non-cereal and non-food needs. Further, a choice should be given to the workers whether to take the food component of the wage in kind or cash so that they may exercise the cash choice for use at the market place if price and quality are more advantageous at the market

place than at the worksite. Seen in this food security context, condition 31 in the Schedule II of MGNREGA 2005 which states that wages may be paid either wholly in cash, or in cash and kind, *provided that at least one fourth of the wages shall be paid in cash only*, violates workers' right to access other non-cereal and non-food needs. To ensure food security by enhancing the purchasing power of the labourer participating in the NREGP, the MGNREGA 2005 needs to be amended to allow the participating worker the choice to draw part of her wages to the extent not exceeding the actual household requirement of 2 to 2 ½ kg of food grains per day, at the same price as applicable in the PDS.

An average household needs to be supplied with 60 kg of cereals per month for its consumption needs. That would make it 720 kg of cereals (60 kg x 12) per annum. The bulk of this requirement must come from the food component of the MNREGA wage. At 200 days of employment the cereals that can be accessed by a household will be 500 kg (200 x 2.5 kg). The rest should come from the PDS. If, however, the MGNREGA would not provide for this level of employment fully or partially, the burden of cereals security shifts to the PDS entirely or to the extent of non-provision of employment. This is further discussed in the next section.

Another disturbing feature of the NREGA that denies purchasing power so crucial to the food security of the participating labour is the provision in Section 7 of the Act relating to payment of unemployment allowance. Sheer equity demands that if a person is not provided with employment despite the existence of a law providing a guarantee, the person denied employment because of the failure of the state can not be faulted or penalized but should actually be *more than fully* compensated by the state. However, the Act provides in Section 7 (2) for an unemployment allowance at a rate that shall not be less than "one-fourth of the wage rate for the first thirty days during the financial year and not less than one-half of the wage rate for the remaining period of the financial year." If the wage rate per day, guaranteed in the previous section 6, "shall not be at a rate less than 100 rupees (or whatever) per day", there is no reason why the poor labourer should be denied this guaranteed wage rate if the government fails to keep its promise made to her in law, and instead pay her only Rs. 25 for the first 30 days of unemployment and Rs. 50 for the rest of the period of her state-created unemployment. Elementary principles of equity would demand that if a

government fails to fulfil its promise of a certain wage rate, it should pay a rate higher than what it had promised by way of a wage rate to the deprived person including a penalty amount, and not the other way around. Such a provision in the law would also act as a deterrent to non-fulfilment of the promised guarantee of employment by the government, and compel the political establishment to properly oversee the functioning of its bureaucratic machinery so as to ensure that the promised guaranteed employment, and through that, food security is indeed generated and provided to the poor. Far from this, the Act does not even intend to punish delays in payment of unemployment allowance or pay a penalty for the delays. This is clear from Section 8 of MGNREGA where all that the poor are promised is a mere assurance that the state government shall take all measures to make the payment to the concerned household “as expeditiously as possible”. Also objectionable in the food security context is the rider in Section 7(2) that this payment is subject to the “economic capacity” of the state government. This kind of grudging concession that takes shelter behind red herrings such as the capacity of the state detracts from the ostensible philosophy governing the guarantee concept sought to be propagated in this Act, and clearly violates the Right to Food. Government should amend the Act to provide for full unemployment allowance based on a living wage with appropriate penalty, and fix a timeframe of no more than a fortnight for making payment for every week of employment denied, or else the right to work and the right to food security implied in the right to work would be a misnomer.

The same principle of basic equity should inform the guarantee that would be held out in the proposed Food Security Act 2010 when failure occurs in the delivery of the promised quantities of essential commodities to the targeted poor.

B. The Targeted Public Distribution System (TPDS), Antyodaya Anna Yojana (AAY) and the Annapurna scheme.

There are high levels of hunger prevalent in most parts of India, especially areas that do not have assured irrigation facilities. In addition, pockets of hunger prevail every where in the country. Starvation deaths have been occurring periodically as well in the country. The households living below the poverty line, identified through *transparent and liberal criteria* as such, through surveys conducted at the grassroots level by agencies of decentralized governance, with assistance from civil society groups, need

a properly targeted, functioning, and affordable Public Distribution System (TPDS), in addition to a proper wage employment guarantee programme as described *supra*, to cope with their food security needs. To ensure this, the price of food grains in a well-run TPDS should be determined on the basis of the employment levels and wage levels obtaining at the relevant time. The size of the family should be the unit to determine the food requirements of the household, ensuring interpersonal equity within the household in regard to scales. Such requirement should be guaranteed to a poor household as its non-negotiable entitlement. As mentioned in the previous section, an average household needs to be supplied 720 kg of cereals per annum to ensure its cereals security (60 kg x 12). The bulk of it must come from the cereal wage component of the MGNREGA wage. At 200 days of employment the cereals that can be accessed will be 500 kg (200 x 2.5 kg). In such a scenario the TPDS should provide the balance. The law should therefore calibrate what the cereals policy should be in the MGNREGA's wage composition first before determining what it should be in the TPDS, for the vast unorganised labour that participates in the MGNREGA. If the MGNREGA would not provide for an optimum number of days of guaranteed employment or the cereal wage component, then the burden of cereals security would fall entirely on the TPDS to the extent of supplying 60 kg per household per month on an average or to the extent of non-provision of employment. Sixty kgs is mentioned as *an average* because household sizes would obviously differ but the over all national need will have to be calculated on the basis of the total poor households to be guaranteed food at this scale. Such planning for all poor households is essential since not all the poor would be participating in the MGNREGP. It need hardly be added that cereals alone do not mean food. To begin with, at least, pulses, edible oil and iodised salt need to be added to this basket, with emphasis on the supply of nutritious cereals like jowar, ragi, bajra and other "minor" millets. The quantity of entitlement and the affordable price fixed should be kept frozen for the period during which the household remains below the poverty line, the elimination of such poverty itself being the acid test of the quality and implementation of the development and anti-poverty strategies drawn up by the State. The food grains entitlement for a month should invariably reach the fair price shop by the twenty-fifth day of the previous month at the latest. The poor household should have the right to draw its entitlement during the month through as many instalments as it deems feasible. This is essential to ensure that the fair price shop dealer in the TPDS does

not assume powers that are not his. A TPDS of this kind with the fair price shop at the centre should be a permanent arrangement. The way the Cooperatives and Civil Supplies Corporation outlets in Tamil Nadu are run offer a good model in this context. In times of drought and other natural calamities when the purchasing power goes down because of rising inflation, the entitlement for the household in the fair price shop should go up, and the prices should be revised down so that the household is kept above hunger. The TPDS should thus be looked upon as an alternate market for the poor, but it can function as a market relevant to the poor only when insulated from factors of violent fluctuations of supplies and price. The Government of India should refurbish the existing TPDS on these lines in all the States.

At present the Government of India has, in addition to the TPDS, two other programmes called the Antyodaya Anna Yojana (AAY) and the Annapurna scheme.

1. The beneficiaries of the AAY according to the Government guidelines are:
 - a) The poorest of the poor families from amongst the BPL families covered under TPDS like landless agriculture labourers, marginal farmers, rural artisans/craftsmen such as potters, tanners, weavers, blacksmiths, carpenters, slum dwellers, and persons earning their livelihood on daily basis in the informal sector like porters, coolies, rickshaw pullers, hand cart pullers, fruit and flower sellers, rag pickers, cobblers, destitute and other similar categories in both rural and urban areas.
 - b) Households headed by widows or terminally ill persons/disabled persons/persons aged 60 years or more with no assured means of subsistence or societal support.
 - c) All primitive tribal households.

The scale of food grains under the AAY scheme is 35 kg per household, priced at Rs. 3 per kg of rice.

2. The Annapurna beneficiaries are:

Indigent senior citizens or those 65 years of age or above, who though eligible for old age pension under the National Old Age Pension Scheme (NOAPS), are not

getting the pension. Ten kg of food grains per person per month is supplied free of cost under the Annapurna scheme.

These two programmes show a wrong coupling of categories of the very poor. This is what happens when food-related programmes are conceived in an ad-hoc fashion to meet a particular situation like liquidation of stocks accumulated in excess of the buffer needs because of food stocks procured at high minimum support prices but offered at unaffordable prices to the poor in the TPDS.

We, therefore, need to merge the beneficiaries of these two schemes into one category to be recognized as the poorest of the poor (or “destitute”, though some people may not consider such a nomenclature politically correct or appropriate), and make available to them food grains altogether free of cost on the basis of a special entitlement pass book or card to be designed for them, distinguished from the BPL category cards. This category, which would be entitled to free food grains, would consist of households headed by widows, single women, the disabled, persons aged 60 years or older with no assured means of subsistence or societal support, terminally ill persons, all primitive tribes’ households and similarly placed poorest of the poor. This merged programme could continue to be called Antyodaya Anna Yojana (AAY). The stakeholders in this programme should be enabled to draw their entitlement from the same fair price shops in the TPDS that deliver the food grains to the BPL card holders. Since there would be the destitute who may not be able to cook even the free commodities they get, other facilities like free kitchens adequately supervised for hygiene and nutritive values, should be sponsored and operated by the state with civil society help.

UNIVERSAL PDS Vs A TPDS.

At this stage it is important to comment on a stand being taken by some experts in the country that the PDS should not be a targeted system but one which universally is available for everyone (*Reference 5*).

The month of July 2010 saw three important articles appear in the Hindu on the proposed Food Security Act, 2010. Interestingly, two of these were by two members

of the National Advisory Committee, Jean Dreze¹ and Dr.M.S.Swaminathan² and the third one by Brinda Karat, MP³ and member of the Politburo of the Communist Party of India (Marxist). The common point all the three advocate is a universal Public Distribution System in the place of a TPDS.

Dreze's criticism of the TPDS is based on the argument that it is "unreliable and divisive". It is unreliable because of enormous exclusion errors. Though he concedes "these can be reduced with better BPL identification methods" he adds that "the fact remains that there is no real way to identify poor households and it is bound to be a hit-or- miss exercise because of the "fact that a household may be well off today but poor tomorrow does not help matters. Last but not least, the power equations in the rural areas are such that any BPL survey is liable to be manipulated. There is no reason to expect the next BPL survey to be more reliable than the last one." That identification is a difficult exercise can not be gain said but to come to an irrevocable conclusion that the power equations in the rural areas are such that any BPL survey is liable to be manipulated and that there is no reason to expect the next BPL survey to be more reliable than the last one is the voice of desperation and defeatism. It fails to recognize the rising struggle of the marginalized in rural India. It also questions the potential for change by which we have set a lot of store in amending our Constitution in 1993 and introducing decentralized governance, including in particular the empowerment of the dalits, backward classes and women through reservation in the Panchayat Raj Institutions (PRIs). No body is pretending that the millennium of emancipation has arrived for the marginalized in rural India but to make sweeping statements to the effect that we are helpless against power equations in the rural areas in the context of the identification of the poor and should, therefore, live resigned to such a belief is wrong. If Dreze is right, we may as well give up the concept of decentralized governance altogether in our country and abolish Gram Sabhas. "That a household may be well off today but poor tomorrow" is a fact of life in monsoon-bound India but that has to be met by liberal standards of identification, by rejecting the Planning Commission's poverty estimates and doing fresh surveys establishing the truth as it obtains on ground and factoring the uncertainties involved. Dreze claims that "targeting is also divisive: it prevents the emergence of a cohesive public demand

¹ The task of making the PDS work – The Hindu, July 8, 2010.

² Pre-requisites for sustainable food security – The Hindu, July 20, 2010.

³ Distracting from entitlements – The Hindu, July 26, 2010.

for a functional PDS. And vocal demand is very important for the success of the PDS. This is one reason why the PDS works much better in Tamil Nadu than elsewhere: everyone has a stake in it. Chhattisgarh's recent success builds on the same principle – about 80 per cent of the rural population is covered.” Vocal demand is certainly very important but to argue that the well-to-do in the population will raise their voice in solidarity with the marginalized if targeting goes in the PDS is at best an academic speculation. Given the existing social cleavages in Indian society, to say of all things PDS targeting is socially divisive is facetious and is a far-fetched argument made merely to buttress a point and does not merit a rebuttal. As for Tamil Nadu, even when they had a PDS based on income limits before they came to adopting a PDS that abolished income distinction, their PDS was always well managed. A more convincing explanation for the success of the PDS may lie in the fact that an overwhelming majority of the fair price shops in Tamil Nadu are run by the cooperatives and the Tamil Nadu Civil Supplies Corporation. It is very interesting that Dreze states that “Chhattisgarh’s recent success builds on the same principle – about 80 percent of the rural population is covered.” There is obviously semantics involved here. Eighty percent of the rural population being covered can not be called “universal”. No body can object to even 100 per cent of the population of the people living in the scheduled areas of our country being covered in the PDS. That is, in fact, actually the right thing to do. In fact, we do not need to do any identification in the scheduled tracks at all but cover the entire population with Household Entitlement Passbooks or identity cards; but to say there should be a universal PDS that should cover the non-poor as well every where in the country, including, by implication, the non-poor in the district of Tanjore in Tamil Nadu or West Godavari in Andhra Pradesh or in most areas of Punjab, Haryana and western Uttar Pradesh is to confuse altogether the discourse on the rights of the poor itself. However, if Dreze is happy with 80 per cent coverage so are all of us who believe that there is no need to provide heavily subsidized food grains to the non-poor; but there is no need to mystify it by calling it a universal PDS. Dreze is right in saying that the success he saw in Chattisgarh PDS is because the system has been *made to work*, in contrast to the days 10 years ago when ration shops were in the hands of corrupt dealers who sold away the PDS grain in the open market. Such steps that make for good governance would be necessary even in a so-called universal PDS. Therefore, the problems in the PDS do not lie in a TPDS or a solution in a universal PDS that subsidizes the non-poor but

in eliminating in the PDS defects he has pointed out in identification and eliminating spurious cards and fighting corruption, by involving participatory mechanisms in the governance of the PDS.

Be that as it may, after all the noise about a universal PDS created by some of its own members including through the press as if food and nutrition security is only about the PDS, the NAC has come out with a truncated proposal even in regard to the PDS. In the words of Dr M.S. Swaminathan, the NAC “has proposed a phased programme of implementation of the goal of universal public distribution system. This will start with either one-fourth of the districts or blocks in 2011-12 and cover the whole country by 2015, on lines similar to that adopted for the Mahatma Gandhi National Rural Employment Guarantee Programme (MGNREGP)...” Hardly the stuff of universality. This proposal of the NAC has been described by Brinda Karat as a “disturbing disjuncture between what is being claimed and the actual implications of the proposals”. She is right in saying this. However, her premise that “the most basic requirement for a legal guarantee for food security is the replacement of the present targeted system by a universal system of public distribution and that “India had such a system till the advent of neo-liberal policies in the 1990s when targeting started,” is flawed. The truth is what “India” had prior to the 1990s was a predominantly metropolitan-urban PDS with very little concern for the rural poor excepting in states like Kerala, Tamil Nadu, Andhra Pradesh, Gujarat and to a certain extent Karnataka. In Kerala we had a rationing system that covered all households for the simple reason that the per capita production of food grains historically in that state was a quarter of its consumption needs, and there was a policy that the plantations-based export-oriented economy of that state needed to be preserved, and its food needs met from the central pool. In West Bengal, Calcutta and Asansol areas alone had statutory rationing for historical reasons but not the rest of the state. In reality, a comprehensive PDS that also covers the rural areas as an antidote to rural hunger came into existence in India in Tamil Nadu and Andhra Pradesh only in a big way, and later in Karnataka and Gujarat. Otherwise, the Indian PDS excepting in Kerala had always been a metropolitan phenomenon. The largest states of India never had a PDS though on paper upward of 328, 000 ration shops existed according to the dubious claims of the Union Ministry of Civil Supplies. Most of these fair price shops shown by the States existed merely on paper. Such was the bias against rural hunger and poverty prior to

the 1990s that, as pointed out by the Report of the Study Group on Public Distribution System for Areas Other than Metropolitan Cities, 1986, (*Reference 6*) roughly 46 per cent of the entire food grains allotted in 1983 from the Central Pool went just to 3 States that had metropolitan cities and Delhi, if we exclude the quantity allotted to Kerala which in any case needs a special treatment considering its historical deficits. At the time of this Report, Calcutta got the lion's share of the food grains allotted to West Bengal - 35 percent of wheat and 39.76 per cent of rice -, while Bombay got 33 per cent of wheat and about 50 per cent of rice allotted to Maharashtra. This Report, which was based on the Study Group's tours of several states, categorically found that excepting in some of the States "the PDS in the country has suffered from neglect in the rural areas, where most of the country's poor lives. The fair price shops in the rural areas in many cases are non-functional owing to absence of supply support". The Study Group, of which the former Rajya Sabha Member of Parliament Smt Prathiba Patil and the well known social activist Bunker Roy as well as the present writer were members, did not have any "neo-liberal" prejudices.

India's "universal" system of public distribution prior to the 1990s was universal only in the near universal neglect of rural India.

Against this background, what the TPDS attempted to do was to change this metropolitan-urban prejudice to cover the poor in rural India because the TPDS recognized, as does Karat in her article, that "most disadvantaged people" often live in the "least disadvantaged districts." This, the TPDS sought to rectify by recognizing rural hunger and rural poverty. The first step came about in March, 1993 when the Advisory Council on PDS adopted a resolution "urging the Government of India to evolve a national Policy on PDS which should focus on the need to allocate larger and more meaningful quantities to the really needy and deserving sections of society". In pursuance of this the Union Government constituted a Committee of Ministers from three State Governments including Shri Narendra Nath Dey, Minister of Food and Civil Supplies, Government of West Bengal to examine all relevant issues and make appropriate recommendations. This Committee of Ministers after holding discussions with the Ministers and other representatives of States and UTs and also with representatives of political parties in Delhi and some State capitals made the recommendation, among others, that "in order to ensure that larger and more

meaningful quantities of food grains reach the really needy and poorer sections it is inescapable that the relatively better off sections of the population are excluded from access to the PDS in respect of food grains”. In another recommendation the Committee directed the Central Government to issue guidelines on the categories to be excluded and gave an illustrative list that included income tax assesses; sales tax assesses; professionals like doctors, lawyers, engineers and chartered accountants, and employees of the government, the public sector and the private sector, subject to an income ceiling. In the rural areas categories other than land less labour; rural artisans; share croppers; small and marginal farmers; all IRDP beneficiaries and others in similar economic situation, would be excluded. These were merely illustrative lists and freedom was given to the state Governments to take decisions based on relevant socio-economic factors and local conditions (*Reference7*).

The TPDS came into existence later in 1997.

Admittedly, there are flaws in the implementation of the TPDS, even as there are flaws in the law relating to and the implementation of the MGNREGP. The right answer to this problem is to learn from the mistakes; learn from models like Tamil Nadu and not flog the concept of targeting as if making heavily subsidized food grains available to the non-poor alone will eliminate all ills in the PDS. The problem is not with the TPDS; it is with the way PDS itself, as a programme, is being implemented, riddled with corrupt practices and absence of political will to reform the (T)PDS through participatory governance. The advocates of a universal PDS are, therefore, missing the wood for the trees. The NAC has further compounded the situation, as Karat points out, by talking of a new category of “socially vulnerable groups”. Hunger, after all, affects all groups of the poor and all the poor must be guaranteed food and nutrition security, though in the exercise of identification and enumeration of the poor, the socially vulnerable groups are easy to identify as qualifying for entitlement, as in the case of Scheduled Tribes, Scheduled Castes and the most backward classes and many minority groups referred to by Karat.

While deploring the NAC recommendation for retaining the “APL/BPL divide” but writing of the categories to be excluded in the proposed law, Brinda Karat states that “if this means the income-tax paying category, there can be no objection to it”. This

obviously shows that her idea of a universal PDS does admit of excluding certain categories of the APL though the essence of her entire article is that there should be no exclusion of the APL population from the PDS. This creates ambiguity yet again about the definition of a universal PDS even as does Dreze's approving reference to the coverage of only 80 per cent in Chhattisgarh. There is, therefore, need for the advocates of a universal PDS, especially those in the NAC, to be clear in their own minds and in telling the country what exactly they mean by a universal PDS. If they do think that certain non-poor categories need not be provided heavily subsidized essential commodities, they should say so and define what a universal PDS is so that the endless discussion on this can cease and the NAC can concentrate on the actual work on hand. Or, they should say in simple terms that they favour subsidies for the non-poor also. If they believe in the latter, at least some human rights thinkers in the country should be forgiven for questioning their understanding of the principles of equity and equality as expressed in Article 14 of the Constitution of India and the principle of positive discrimination in favour of the poor that governs the concept of social and economic justice. Interpreting the concepts of universality and indivisibility of human rights to mean equal treatment of the poor and the non-poor in regard to heavy subsidies especially in the food security context is a distortion of the discourse on human rights. No doubt, the much-admired Tamil Nadu has done that in the matter of distribution of colour Television sets but there are any number of people in India including in Tamil Nadu itself who have been shocked by it. It should be emphasized that when we talk of "Food Security for All," we are really concerned about *all those who are poor* and are not accessing their food requirements today, unlike the non-poor. **Food security for all is not about guaranteeing food security to those who can afford the market.** This understanding should be the starting point in human rights discourse. As an essential ingredient of social and economic justice it has to be seen whether treating the non-poor and the poor as equals does not violate the principal of equality as laid down in Article 14 of the Constitution of India. This is because equality of treatment can be justified only between those who are similarly circumstanced or entitled to equal treatment. In this view a universal PDS which provides the same level of subsidy to the non-poor as for the poor can even be challenged in the courts as a violation of Article 14 of the Constitution of India.

It would bear repetition and emphasis here, therefore, that a PDS targeted for the benefit of the poor living below the poverty line is a policy that evolved over a period of time in India going back to the 1980's and not some thing done to please the protagonists of economic reforms in India including the World Bank, as darkly hinted by some protagonists of a universal PDS.

The question that we must raise in this context, therefore, is:

Is it that we want every one or every household in the country, regardless of their economic status or whether they are poor, to be given the entitlement in the PDS of a certain quantum of cereals, say about 60 kgs per month, and other essential commodities at heavily subsidized rates, alongside the poor?

The answer in this writer's view has to be in the negative. While taking this stand, I wish to say that I am acutely aware of the large scale distress prevalent in the country, particularly rural India, including stark hunger. I have, over a long period, advocated and continue to advocate as in this paper *vide supra* that certain sections of the population should actually be provided with free food grains and essential commodities, such as the households of the widow-headed, single woman-headed, the disabled, the old and the infirm, etc. mentioned above. Free food for the destitute does not seem to be figuring in most calculations. As for the others living below the poverty line, we need to identify them transparently and liberally, based on meticulously conducted surveys conducted with the help of SHGs Mother's group, civil society organisations and other responsible community groups. Such identified households in the rural areas have to be approved by the Gram Sabha in the rural areas.

We should not be afraid of their numbers if we are to be honest about identifying the poor. There have been various estimates made of such poor households including the grossly understated Planning Commission's percentage of the population living below the poverty line. Nobody should take any more the Planning Commission's poverty estimates seriously. There are more credible estimates like those made by N.C. Saxena and there is also the estimate of 77 percent of the poor in the unorganised

sector by Dr. Arjun Sen Gupta (NCEUS). To ensure that no one hungry is left out, the Centre must insist that the State governments make a door-to-door survey and accurately determine this number. The Centre and the NAC can provide help and guidance in this exercise. The right response to problems of incompetence and lack of integrity that result in leakages, shortages, ghost cards and bogus cards in the PDS is to improve governance and its techniques. Political leadership in India has never been modest about claiming credit for the decentralisation of governance supposedly ushered in through the 73rd amendment to our Constitution. However, anyone with elementary knowledge of what is happening around the country in this context knows that this amendment has been practiced more in its breach than in its practice in most states of the country. If ever there was one opportunity better than another to fully empower the Gram Panchayats and the Gram Sabhas, including in terms of devolution of powers and finances, it would be through giving them full and genuine powers for the identification of the poor households for entitlement under the proposed Food Security law, with the sensitive assistance of the civil society groups and District Collectors in areas like training and other resources required. This would be a great opportunity to renew our commitment to good governance through decentralised governance in the context of food and nutrition security. If the message is properly carried to those Panchayats that have as their presidents dalits, scheduled tribes, backward classes, women, and other panchayats who want to make an honest job of it, real empowerment will have resulted for them in the crucial context of food and nutrition security. That would inspire others in the Panchayat Raj system to follow suit.

Even if the overall Indian poor households living in poverty total nearly 80 percent, they should be identified and provided with entitlement cards and subsidized food grains and other essential commodities in the PDS. If, and when, we are prepared to accept a figure of 80 per cent as the real poverty, why should we still be arguing for a “universal” PDS? Why should the remaining 20 per cent be provided with heavily subsidized essential commodities? At the present Indian population of 1,150 million, 20 per cent will be some 225 million. Should the Government divert the resources meant for the poor in favour of these 225 million? On what basis then is a “universal” PDS justified if that means that a substantial population that is non-poor should be covered by heavily subsidized food grains? Why would the tax payers, who include

the indirect taxes paying poor, agree to this? If the argument is that there would always be some poor households left out of coverage in identification, and therefore there should be universal coverage, then the answer is: Yes, there could be administrative shortcomings in any scenario, but the right solution lies in covering the genuine 80 per cent of the population in the PDS by eliminating administrative lapses but not in declaring that the PDS should cover all 100 percent of the population. The right response to a situation like this lies in eliminating shortcomings in targeting through better governance instead of “universalising” the PDS. All of us who have administered anti-poverty programmes know surely that bringing in the non-poor into any subsidized programme meant for the poor amounts to nothing but an invitation to such non-poor to elbow out the genuinely poor from the entitlements promised to them, as has happened in many, many of our programmes. This is what will happen in a “universal PDS” as well.

In any system that undertakes distribution based on equity, the beneficiaries need to be identified and an identity token issued to those identified. That could be a card or a pass book or coupons or whatever. It is argued by those who justify a “universal PDS” that those non-poor, who should also be included in the system and whom are issued identity cards, would in any case *not* draw the commodities from the fair price shops, and that therefore there would be no diversion of resources meant for the poor nor wastage of the tax payer’s money! This is a strange argument and also absolutely incorrect as all of us who have actually implemented the PDS at the grassroots level know. What is certain to happen in a scenario where entitlement cards are also issued to the non-poor is that those cards would find their way invariably into the hands of their drivers, cooks, gardeners, housemaids and others. Those categories may be poor but having been enumerated already under the category of poor and assured of their household needs, why should they have the advantage of more than one ration. Surely, that cannot be equity? Or even worse, those cards would be in the custody of the fair price shop dealers who would show the subsidised commodities as having been drawn on them while selling them in the market and appropriating the proceeds. It is common sense that in any system including in the so-called universal PDS there *would* be a propensity for ghost and bogus cards. The way to go is to tackle them and eliminate them to the maximum extent possible. For these practical reasons and

reasons of equity, the balance of advantage does not lie in a universal public distribution system. Policy makers should also bear in mind that they would be mistaken if they believe that once the number of cards is decided, that number is written in stone. This is certainly not so. Elimination of ghost and bogus cards and issue of fresh cards where justified is a continuing process in any food security system.

It may also be added that the idea of a universal PDS is unlikely to be received with any great enthusiasm by the poorer sections of the people. During a recent visit by this writer in May 2010 to a couple of villages near Anantapur in Andhra Pradesh when he sought the views of two women's groups on such a proposal, there was unanimous outrage. "Why should the non-poor have BPL cards?" was the question from these bemused groups. Far from empowering the poor, as claimed by the universalistic thinkers, a "universal" PDS would only be disempowering the poor for the fair price shop dealer would know who to take care first. The answer is not a universal PDS but a TPDS where the poor are mobilised to demand their right to food. Mobilisation is a sine qua non for any rights-based programme.

"What the non-poor need in terms of their legitimate rights is not the supply of food grains at subsidised prices, but the *availability* of food grains." (Reference 8)
The principle that should be followed in a rational PDS is: free food grains for the poorest of the poor; affordability for the other poor; and availability for the non-poor. Not a universal coverage that heavily subsidises those who do not need it.

It must, however, be acknowledged that the concept of "universalisation" must certainly be followed where it is merited. The universalisation of the MGNREGA 2005 is justified because manual employment is a self-selecting activity in the sense that the really non-poor would not ask for or present themselves for manual employment involving the soiling of their hands, and thus misappropriate the resources meant for the poor. Similarly, we can universalise the ICDS for it is self-selecting in the sense that the socio-economically "upper classes" (read, upper castes) are less likely to send their women and children to the AWC as studies also show.

And, if they did, we should be happy because commensality and the community's coming together for the benefit of the children and child rights; for the promotion of gender-related rights and issues; and social integration which are some of the greatest pillars of the ICDS programme when originally conceived, would stand enhanced. A universal PDS, however, will not be self-selecting because the identity cards of the non-poor will find their way into the hands of those who would be undeserving. States where good quality grains are ensured in the PDS, for example, would see the non-poor drawing those subsidized food grains. **Thus, "universalisation" can not be a principle to be universally advocated for all programmes.**

While the central or the state governments should be under no obligation to guarantee food grains at subsidized prices for the APL families, their responsibility to hold the general price line and control inflation can never be played down or diluted. Even as they do in Kerala through the Maveli stores concept, the Government of India and the State governments should frame schemes using the cooperatives in a big way and the outlets of the state civil supplies corporations to release food grains and other essential commodities whenever required at the Government of India's *economic cost* so as to moderate their prices in the open market. Further, allotment of food grains to J&K and North Eastern States should continue on a special basis for obvious reasons but backed up by strict monitoring of movement and sales by the Centre. The point also needs to be made that while there is no need for a multiplicity of schemes within the PDS as there are now, schemes like supply of subsidised commodities to institutions like weaker sections students hostels and homes for the disabled should continue as a measure of social justice.

The relevance of a PDS of this kind for food and nutrition security should be seen in the context of its capacity to play an integrative role through village level delivery of essential commodities for household level food security through wage employment programmes like the MGNREGA; nutrition-cum-health programmes like the ICDS; social security programmes like free food grains in the AAY; and the right to education programmes like the MDM. **What a poor household would access through all these programmes taken together is what would constitute food and**

nutrition security and not the PDS by itself. Incidentally, this integrative role would also make the PDS outlets viable for efficiency that is free from corrupt practices.

C. The Integrated Child Development Services (ICDS) programme

As for nutrition security, which is a fundamental ingredient of the Right to Food, it is not enough to talk of the universalising of the ICDS as we have been doing since 1985. A Government policy resolution approved by Parliament needs to be put in place accompanied by a time-bound programme of action the time frame being, say, 5 years, with another 2 extra years for bringing into operation the last of the ICDS projects established at the end of these 5 years so that in about 7 years we will have covered the entire country with Integrated Child Development Services. However, the following minimum reforms need to be carried out in the programme before we universalise the ICDS:

- 1. What the ICDS needs today is not the limitedly conceived Anganwadi Centres, but crèches that provide the services for 8 to 9 hours, six days a week, with special emphasis on delivering services to the crucial 0-3 year cohort, a cohort that hardly benefits today from the ICDS in any worthwhile manner.** This age is most crucial and relevant for nutritional and stimulation purposes from the point of view of the child's brain development. How a crèche is also a real help to the rural working woman labourer has already been explained in the section on the MGNREGA. Enhanced manpower, infrastructure (in building which MGNREGA resources should play a part) and levels of nutrition would be crucial for this reform.
- 2. The supplementary nutrition served must have to be locally and culturally relevant which means that ready-to-eat foods of any sort transported over long distances, which among other defects is also a source of great corruption, must be removed from the programme altogether.** The supplementary nutrition served must be cooked from locally available food materials, keeping in mind the nutritive values of the foods required by the pregnant and nursing mothers and the 6 months to 6 year children. "Coarse" cereals and millets have an exceptionally significant role in this.
- 3. Ensure regular supply of Vitamin A and Iron and Folic Acid to pregnant women and adolescent girls as this is fundamental to the woman's and the**

child's nutrition security. Its absence compromises safe pregnancy and causes irreversible birth defects. Non-supply or short supply to the Anganwadi Centres of Vitamin A, Iron and Folic Acid, medicines, referral slips, and inadequate identification, check-up, and follow-up of children with disabilities, all of which is now a common failure in the ICDS must be addressed afresh.

4. **The issues relating to the Cold Chain in Immunization** in the ICDS, such as the entire logistics relating to movement of vaccines over long distances from the source of manufacture to the Anganwadi Centres over several stages, and how we ensure that the vaccines do remain potent till the time of their administration to the child and the pregnant woman require to be addressed.
5. **The specific responsibilities to be discharged as between the Health and ICDS functionaries** in regard to Immunization; NHE; health check-ups; referrals; ORT; distribution of Vitamin-A; distribution of Iron and Folic Acid; and dispensing medicines for minor ailments need to be reviewed and fresh mandates laid down.
6. **Issues relating to the mode of recruitment, remuneration, discipline, service conditions and motivation levels of the AWWs and helpers need an immediate review.** Anganwadi Workers' non-residence in the village and absence of home visits would need to be addressed. All aspects relating to the adequacy of their training and how to strengthen it would need to be addressed. These issues affect the goals and objectives in the ICDS programme relating to nutrition security.
7. **The issues pertaining to the practice of "taking home" of the supplementary nutrition** by pregnant and nursing women need to be addressed so as to determine whether this is a nutritionally desirable policy at all, and if yes, the safeguards that need to be followed.
8. **Strengthening of the Adolescent Girl programme including her nutrition as her health, training and involvement are essential so as to have this programme implemented properly and universally in every village.**
9. **Growth monitoring and Nutrition and Health Education** must become dominant themes in the ICDS and involve men folk so that best nutrition practices get internalized by every member in the household - man, woman, and child.
10. **Use of MGNREGA resources for infrastructure building in the ICDS.**
(Reference 9)

D. Dry Land Agriculture

A Programme of Action for making the Right to Food and Food and Nutrition security a reality in the country would call for reforms in regard to Agriculture production strategies so that adequate local supplies of food of the quality required are ensured. For this we need an Agriculture policy that recognizes the need for **decentralized Agriculture**, which aims at raising levels of productivity across agro-climatic zones, especially in the most resource-deprived zones involving the production and productivity of nutritious cereals like “coarse” cereals and “minor” millets, which would mean:

1. **Support to dry land Agriculture**, including mixed cropping taking advantage of our biodiversity.
2. **An inputs policy** that incorporates moisture conservation, discipline in ground water management and closely regulated use of chemical inputs and enhanced use of bio-fertilization and integrated pest control methodologies.
3. **Public-funded research** in (a) evolving drought resistant, high yielding varieties of seeds of nutritious cereals, otherwise called “coarse” cereals and “minor” millets that are palatable, unlike certain hybrids, and therefore acceptable to consumers; and (b) storage technologies that enhance shelf life of these “coarse” cereals.
4. Production incentives for farmers through **highly remunerative MSPs** for these nutritious, “coarse” cereals and “minor” millets.
5. **Assured purchase mechanisms for local procurement** of these nutritious coarse cereals and millets through local institutions.
6. **Promotion of the use of nutritious coarse cereals in the PDS; MDM; ICDS; and MGNREGA wage component by providing special subsidies for these grains in these programmes.**
7. Expand the employment opportunities in the MGNREGA and use those expanded opportunities liberally for enhancing productivity in private lands in drought-prone, tribal and other poorly-endowed upland areas, to make agriculture viable for farmers in such areas.
8. A **credit policy** that unambiguously supports the above efforts.

All this should be aimed at producing **marketable surpluses** of nutritious ‘coarse’ cereals and millets. Surplus in this context primarily, and **to begin with**, should mean surpluses for food consumption needs (as against industrial raw material needs as “coarse” cereals lend themselves readily to industrial purposes) **through recognition of the primacy of palatability and taste preferences as also the need for storage technologies to enhance shelf life, including, in particular, at the locale of production itself.**

Enhanced food grains production and productivity in general, and in rain-fed areas in particular, would pave the way for an autonomous, decentralised PDS which should be the goal of public policy in India’s march to Food and Nutrition security.

V. Monitoring of Hunger

Hunger is the first manifestation of the absence of the Right to Food and prevalence of food insecurity. Hunger is the first threshold to be crossed in the march towards poverty eradication. To eradicate hunger, monitoring of the hunger status of individual households village-wise in hunger prone areas and computerising the data pertaining to household hunger should be done as a baseline and benchmark. Such hunger monitoring is not taking place in India, though there is no dearth of hunger atlases. **This monitoring will help watch closely and easily the developing hunger situation anywhere including of migrant families** so we can intervene with relevant measures at very short notice. Such monitoring should lead to measures discussed in this paper for overall food security, but **short-term strategies like opening of nutrition centres at the shortest possible notice should be part of the policy** in ushering in the Right to Food, so that response to a sudden crisis is swift and averts mortality.

VI. Responsibility and Accountability

The proof of the food security pudding is in the poor actually eating. The ultimate question is how to enforce the right to food and nutrition security and about the compensation payable to the poor whose entitlements might go undelivered. We are all aware of the failure in this regard in many states to the detriment of the rights of the poor in the MGNREGA. The idea of an “allowance” as conceived in the

MGNREGA will not work in a Food Security law. It is not practical morally or politically to allow a failure of guarantee to happen in a context of guaranteed food security because the consequences would be far reaching. Hunger is a more *immediate* issue unlike a partial guarantee of 100 days of employment in a year of 365 days. Therefore, **if a fair price shop fails to deliver the promised food grains on demand, during the course of the month in instalments convenient to the card holder, the government should have to pay immediately to the cardholder the full market price applicable for the specific variety of the food grain concerned of Fair Average Quality plus a “failure of guarantee allowance” at the rate fixed for the grain in the PDS.** Such a provision alone would act as a deterrent to non-fulfilment of the promised guarantee of food security by the government, and compel the political establishment to properly oversee the functioning of its bureaucratic machinery so as to ensure that the promised guaranteed scale of food grains, and through that, food security, is indeed provided to the poor. We need mechanisms for this at the fair price shop, intermediate panchayat, district, state and central levels to monitor the functioning of the promised guarantee. Obviously the district collector or a specially designated high level functionary at the district level has to be the central figure in this endeavour.

Since in a democracy the political executive is, and should be, supreme in terms of formulation of policies and their implementation as well, through strict, corruption-free direction and control of the bureaucracy, **the eventual responsibility and accountability for prevalence of food and nutrition insecurity, leave alone for situations like deaths by starvation, should rest with the elected heads of Government at the Central and State levels so that the battle for the poor people’s Right to Food is not fought through proxies (like blaming “systemic” failures and “bureaucratic” failures).** This must be incorporated in the proposed law as a proof of the recognition as to where the proverbial buck stops. While it is theoretically alright to say that the state governments should be held responsible for implementing the guarantee regarding food security it would be untenable for the Government of India to disown its own accountability in regard to implementing the guarantee for, after all, the food security law is going to be a central law, and, most importantly all relevant action regarding Minimum Support Prices (MSP); procurement prices; procurement of grains for

the central pool; their allocations, movement and bulk storage by organizations like the Food Corporation of India (FCI) and the Central Warehousing Corporation (CWC); and a host of other related actions like central issue prices and consumer subsidies all come within the purview of the Government of India. Food and Nutrition security has to be, therefore, necessarily a concurrent responsibility with more than half the responsibility lying with the Union.

VII. Conclusion

The points made in this paper would show that before the proposed law is enacted, considerable preparatory work is called for in aligning all relevant laws and programmes for a credible fulfilment of the promised food security to the poor. Gearing up the PRIs and government machinery as also defining the role of the civil society organisations for the identification and enumeration of the poorest of the poor for entitlement to free food grains, and of the households below the poverty line for TPDS purposes, will take considerable time, as well thought out guidelines and thorough training are crucial for enumeration of the poor. Enough time must be provided for identification and enumeration in the field of the eligible households. **Any plan for proper, guaranteed food security should call for assessing what the production and consumption would be for the next cycle of 5-7 years, and determining what buffer stocks would need to be built as also requirements of imports, considering the inevitable failure of monsoon at least once if not twice in this cyclical period. All thoughts of exports of food grains would need to be banished for the foreseeable future until the Food and Nutrition Security System finds its feet and food production including in dry land areas achieves stability.** This entire effort would be a lot more complex than that undertaken for ushering in the MGNREGA 2005. Activist groups have a duty to warn the Government of these challenges so that the NAC and Government closely examine all the issues involved and bring in a truly satisfying, equitable and comprehensive food-cum-nutrition security law.

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