

Oct.23, 2010

To

**Sh.Sharad Pawar ji**

**Hon'ble Minister for Agriculture, Food and Consumer Affairs**

**Government of India**

Respected Sir,

I am writing here on behalf of FIAN India. FIAN India is a counter part of FIAN International a human rights organization on right to food and having its head office in Heidelberg, Germany and working in more 50 countries in the world.

FIAN has a consultative status of United Nations and worked as a key organization to develop Voluntary Guidelines of FAO of UN.

Recently FIAN had organized a consultation in Delhi and 36 national and state organizations have participated. We have developed a memorandum on **National Food Security** Bill and want to submit to you. So we humbly request you to provide **15 minutes** time between **Oct.20 to Oct.25, 2010**.

The 10 Members of delegation will represent organizations such as FIAN, Ekta Parishad, Breast Feeding Promotion Network of India, Bhartiya Krishak Samaj, National Confederation of Dalit Organizations-NACDOR, Tamil Nadu farmers Forum, Peoples Campaign for Common School System-PCCSS, Multiple Action Research Group-MARG etc.

Look forward for kind help from you.

With regards,

Sincerely yours,

Sanjay Rai

National Secretary

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# Proposed National Food Security Bill by Govt. of India

## Recommendation and Suggestions

We welcome the proposed move to legislate a food security law, which is a positive step of the Indian Government. Ensuring adequate nutritious food is of crucial importance for the enjoyment of all other rights and for achieving social justice. Without adequate food, people cannot lead healthy active lives. They are not employable, cannot care for their children and their children become victims of exploitation and cannot learn to read and write. Furthermore, hungry people cannot meaningfully participate in the political life of a nation, which undercuts the fundamental principle of democracy. Hence, the right to food cuts across the entire spectrum of human rights. As India is a state party to numerous international laws relating to the right to food, the proposed bill should be in coherence with all the constitutional and international obligations stipulated in the human right treaties ratified by the Government of India.

Main international binding human rights instruments which have strong reference to the right to food are the Universal Declaration of Human Rights (UDHR, Art. 25), the International Covenant on Economic, Social and Cultural Rights [ICESCR] (Art. 11), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, Art.24 &27), the Convention on the Rights of the Child (CRC, Art. 12&14 ), the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW).

In the year 2000, the 189 states of the UN General Assembly, including India, adopted the UN Millennium Declaration, a joint effort to eradicate poverty worldwide by 2015. The FAO Right to Food Guidelines, adopted by the FAO council in 2004, reiterates the legally binding standards already existing for the right to food. They focus on how states can fulfill their obligations under the human right to food by developing, implementing and monitoring their public policies, through benchmarking and increased accountability.

### **Positive Aspects of the Proposed Bill:**

Where the human right to food is generally violated or threatened, women and girls are often specifically or more severely affected. Despite the increasing formal recognition of gender equality in international and domestic law, women are often hindered from the enjoyment of their rights. In households; women are generally responsible for the family's food supply, as they are responsible for preparing meals and often for tending the family's home-grown vegetables or fruits. Women frequently have many duties and may even work longer hours than men. However, women in many cases are still discriminated against and lack social empowerment. Women are also discriminated against in terms of access to land, access to employment and equal pay.

Along these lines it is appreciable to see in the draft bill that women shall be considered as the head of the household for the purpose of distribution of Below Poverty Line (BPL) cards. This is a substantial step

towards empowering women and recognizing the influential role they play on a day to day basis. Involving Panchayati Raj institutions going for the formation of vigilance committees, social audit and redress of grievances mechanism are appreciable steps in ensuring food security. Furthermore, the government has already agreed to alter the original FSA draft to make the entitlement 35kgs of food grains per BPL household, instead of the original 25kgs. The numbers of those to be covered by this scheme have similarly been raised (from 26% to 37.7% BPL families). The government must be commended for responding quickly and positively to criticisms of the original draft.

Recommendations for Inclusion in the FSA: Hunger and malnourishment problems continue to exist despite several government food subsidies, direct feeding, and livelihood and social security programs. Several studies have shown that tribals, dalits, women, children, persons with disabilities and elderly people are among the most vulnerable to food insecurity. Poverty, landlessness, forced evictions, unemployment, low pay, discrimination, failure of EGS, poor nutritional status of mothers, massive corruption and drought, vulnerability, exploitation and irresponsibility of the state constantly violate individuals' food rights.

Therefore the proposed Act should focus not only on assured physical, economic and social access to adequate, nutritious and culturally appropriate food to lead an active and healthy life with dignity, but also on respecting, protecting and promoting the access to productive resources and jobs under adequate conditions of work. The act should include provisions to guarantee that public policies respect and promote the protection of the access of all inhabitants of India to productive resources (land, forest, water, and seeds etc.) and /or adequate income needed to feed themselves and their families in dignity. This is a fundamental component of the effective promotion and protection of Adequate Food Security for All, with a clear objective of reducing Hunger, Malnutrition and Poverty. The promotion of food and nutritional security for all will never be achieved only through food distribution schemes, which are needed, but which do not sufficiently guarantee the full realization of the right to adequate food.

### **Specific Areas to be addressed:**

Universalization of the PDS: The public distribution system must be made universal, and the proposed bill must not contain any policies which conflict with human rights legislation the Government has ratified, interim orders of the Supreme Court, or the fundamental rights of Indian citizens.

Access to natural resources: It is critical that the FSA does not only include a Public Distribution System (PDS is necessary for those who are unable to feed themselves), but also individuals' abilities to provide for themselves. True food security cannot be obtained merely by establishing a public welfare system. Welfare which does not proceed with the aim of empowering people and allowing them to provide for them will become unsustainable and counter-productive. A PDS standing alone will only make families permanently dependent on welfare.

Local Food Production: The Act should include provisions that guarantee that a minimum of 80% of the food purchased for the food distribution and nutrition supplementation programs are purchased directly from peasants/small holder farmers and associated with governmental policies that support these farmers to produce in agro ecologically adequate ways. This will provide local markets to the small

and medium farmers on the one hand and save the agriculture produce from wastage in transporting. Government estimates (April 2008) that on an average 15-30 percent of country's food gets damaged while on its way from the farm to fork. (A recent study revealed in July 2010 that 50,000 metric tonnes of wheat and rice had rotten away due to scarcity of storage and presently 17.8 million tones stored under tarpaulin.) Additionally, supplying families with locally grown foods will ensure cultural relevance of food provided, and enable the PDS to ensure that people receive fruits, vegetables, and pulses, along with food grains. Nutrition Security: The FSA must include a provision requiring the PDS to distribute food products beyond just food grains. People cannot live on rice and wheat, and many families cannot afford to purchase vegetables, pulses, oils etc and do not have the resources to grow their own. India has a tremendously high rate of child malnourishment (a recent study reveals 47% children less than three years are under weight, 45% are stunted and approximately 74% women and children are anemic) that will not be addressed merely through distribution of food grains. Therefore, the FSA must address the issue of nutrition security.

### **Therefore the following important and crucial recommendations to be included in the food Security bill:**

- The Act must create an obligation for both the central and the states governments to prevent and address chronic starvation, and reach food pro-actively to persons threatened with starvation.
- The Act must place an obligation on the government to encourage food production through sustainable and equitable means, and ensure adequate food availability, in all locations at all times. And in doing so, local and indigenous food production and existing livelihood rights, and the traditional and indigenous knowledge systems of local communities should be protected and supported. The state should adopt policies to give incentives towards the production of coarse food grains. Adequate allocation of resources on agricultural education, research and technological interventions need to be ensured to increase the food production.
- The Act should prevent the forcible diversion and acquisition of agriculture lands, water and forests for non-agricultural purposes.
- The Act must incorporate measures that guarantee that all Policies and Development Programs which might directly or indirectly affect the ability of citizens to realize their Right to Adequate Food, must be submitted to ex ante Human Rights and Environmental Impact Assessment, as well as Free, Prior and Informed Consent. In case the impact is excessive the policies and projects should not be implemented. In case the implementation is decided, effective full compensation should be guaranteed to all affected individuals and families, including equal or better access to resources, housing, and services.
- Trade policy has become a major component policy of Govts in recent years under the expectation that "external integration" will increase the productivity levels, increase growth and improve living standards through trade, technology and capital flows. Therefore act must

incorporate measure that guarantees all trade agreements bilateral or multilateral that directly or indirectly affects the ability of citizen in realization of their Right to Food. These agreements must be made public including before the elected bodies, prior to approval.

- The act must include the safe guards against the invasion of corporate interests and private contractors in food policy and nutrition related schemes, especially when they affect food safety and child nutrition. Govt must not enter into any partnership with the private sector where there is conflict of interest.
- The Act should Incorporate, Consolidate and Universalize all entitlements currently existing under Supreme Court orders of existing schemes, especially:
- MNREG Act, Hot cooked, nutritious mid-day meals in all government and government-assisted schools, Provision of all ICDS services to all children below the age of six years, Antyodaya entitlements as a matter of right for “priority groups”, National maternity Benefit Scheme, Public Distribution System, Old age pension, National Family Benefit Scheme.
- The entitlements available to the poor people must be based upon a rational definition of Poverty; the recommendations of the Saxena Committee (on the identification of BPL) must be taken into account
- The Act must also create new entitlements and enhance the area of existing scheme for those who are excluded, including out-of-school children and the urban poor, physically mentally challenged people, old people, tribal, ethnic minorities.
- Enhancing the Mid Day Meal for all the days in a year and with Three Square Meal for all the children. NREGA to be expanded for all days and PDS to be fixed on an individual intake rather only confine with family.
- The Act must take cognizance of all the relevant provisions under other such laws that have direct or indirect bearing for the realization of right to food, especially Mahatma Gandhi National Rural Employment Guarantee Act, 2006, Minimum wages Act 1948, Land Acquisition Act 1894 with proposed amendments, Forest Rights Act 2006, Right to Information Act 2005, Constitution (73rd Amendment) Act regarding Panchayat Raj, 73<sup>rd</sup> constitutional amendment 1993 and its extension to Fifth Scheduled Areas PESA, Interstate Migrant Workman Act 1979, Persons with Disabilities (Equal Opportunities, Protection Of Rights And Full Participation) Act, 1995, Caste and Scheduled Tribe (Prevention of Atrocities) **Act**, 1989. The new Food Security Act must be synergized with all these laws.
- The Act should institute a **NATIONAL MECHANISM** directly linked to the prime minister cabinet, composed by all food and nutritional security policy relevant ministries and civil society representatives, including a strong representation of food producers (farmers, fisher folk, pastoralists, forest dwellers, etc) and the organizations of the most affected groups, to advice the government on the general directives of a national food and nutritional security strategy,

which should integrate all relevant policies, programmes and acts, and should be built within the Right to adequate Food framework, and on the provisions of the General Comment 12 and the FAO RTF Guidelines. This body (council, committee, etc) should have a minimum of 50% representation of civil society.

- The Act should institute an INTERMINISTERIAL BODY to coordinate and implement the food and nutritional security strategy, based on the right to adequate food framework, guaranteeing policy coherence and monitoring.
- The Act must clearly chalk out the responsibilities and roles of all the government departments at national and state levels that must manifest itself at the local level with clear role articulated for the Panchayati Raj Institutions. It will work as an effective tool to ensure community participation in the actual realization of the entitlements at the local level.
- The Act should include strong in-built, independent institutions for accountability along with grievance redressal provisions including mandatory penalties for any violation of the Act and compensation for those whose entitlements have been denied, as well as to promote needed corrections in the implementation of policies or in their coordination.
- A participatory process must be adhered while evolving such a law. Space must be provided for the civil society, community and various other representatives for them to communicate their views.

We are-

Name/Organization (If any) -----Signature

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