

## Editorial

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Prime Minister's panel to study recommendations on proposed food security Bill might delay its enactment. Early this month the Prime Minister Manmohan Singh constituted an expert group to study the recommendations of the Sonia Gandhi-headed National Advisory Council on the proposed food security Bill. An internationally acclaimed economist C Rangarajan who is Prime Minister's economic adviser is head the panel.

After intense lobbying for months the government suddenly announced the constitution of the panel which many in the government think will delay the enactment of the proposed Bill. In fact many were surprised at the Prime Minister's decision to have such a panel when it was thought that now is the time for the Food Security Bill to spread its wings all around and provide succor to the people.

The move surprised many amongst the members of the National Advisory Council who met to discuss the importance of the proposed Bill. The council which comprised some of the leading economists of the country like chief economic adviser to the finance ministry, Kaushik Basu, expenditure secretary Sushma Nath, agriculture secretary P K Basu, Food secretary B C Gupta among others were sceptical about the timing of the bill.

In a country where 5013 children perish everyday of malnutrition, delay in the enactment of the Food Security Bill might prove to be hazardous for millions of the people. In fact its a deviation from the commitment made by the government to the majority population that their worry on hunger should vanish now. According to National Family Health Survey about 50% of the children in India suffer from malnutrition and of them 5,000 die prematurely everyday. In the World around 14,000 children die every day. It shows that of those dying, one third are from India.

Social movements of Rajsthan and India had asked the authorities to protect the rights of the MNREGS workers for minimum wages. The present situation in which the workers are paid a maximum of Rs 100 against the newly revised wage of Rs. 135 in Rajasthan will not enough to tame the hunger.

Few in world on back at a conference on poverty in New York it was believed that of 92. 5 crore hungry, 45.6 crore have homes in India. The Nobel laureate Amarty Sen had once said that famine does not appear in democracy but hunger always looms in the system. At World Food Conference in 1996 , it was said that by 2015 the number of hungry people would come down to the half of its existing proportion. When the World faced economic recession in 2008, international leadership poured in 10 billion dollors to extricate the rich and industrialists. On the other hand even if one billion dollar would wiped the scars of hunger. Alas, will this ever happen?

Happy reading!

**Sanjay K Rai**

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The current United Progressive Alliance (UPA) Government led by the Congress party has the veneer of working for *aam adami*, actually is more interested to secure the interests of big corporate companies, especially the multinationals. It explains the dilly-dallying approach of the ruling regime to introduce the much awaited National Food Security Bill in Parliament.

And, it is not just the government, but the opposition too that is hell bound not to let the Parliament function in order to score points over the 2G spectrum allocation scam, is actually not interested to let this bill see the light of the day. Clearly, as the bill targets the most vulnerable, deprived and downtrodden communities of the nation, neither the government, nor the opposition is actually interested. For, the elections are about 4 years away and they'll talk about the *aam adami* in 2014, but now they've some other matters to take care of.

That explains the move by the Prime Minister, Mammohan Singh who has formed an expert group chaired by the chief of the Prime Minister's Economic Advisory Council, C. Rangarajan to examine the recommendations of the toothless body, National Advisory Council, headed by none other than Sonia Gandhi, the Congress chairperson. Needless to say, the much needed bill will be forgotten for months, so that policymakers could have enough time to concentrate on more urgent matters such as plethora of scams hitting the nation.

Here, it should be remembered that the NAC has recommend that the new law should provide a legal entitlement to subsidised food to at least 75 per cent population, which includes 90 per cent of rural and 50 per cent of urban populations. A large number of them are Dalits and Adivasis. But, as they have little bargaining power besides that power of their votes, policymakers are obviously not listening to them at present. And, the government can dole out a whopping Rs. 5 lakh crores as subsidy to industries, but when it comes to provide just flacks to feed the starving millions, it develops cold feet.

It is just not the food, but access and availability of many other natural resources and facilities determine the access of food to these people, such as access to forests and availability of non-timber forest produce, access and availability to water and sanitation.

In this connection, implementation of the Forest Rights Act (FRA) in its true letters and spirit across the country is must as a large number of Dalits and Adivasis are forest dependents and a good chunk of their food is from non-timber forest produce such as wild fruits, herbs and foliage.

If the FRA needs to be properly implemented, another pro- corporate & multinationals act; the Land Acquisition Act (LAA) must be opposed by the larger civil society with its full force as it'll not only negate all advantages of the FRA, but will also make food even more scare to people. This Act will reduce the government's liability and responsibility in the event of any land acquisition for the so-called public interest & will give the full and free hand to corporate & multinationals companies to 'negotiate' with people; meaning to coerce them with their might to give up. It'll reduce large scare fertile land to a great extent as it is being recently proposed to develop large scale industrial & commercial hubs all along with Delhi-Mumbai national highway.

Another big threat to the food security is the large scale mining in which corporate & multinationals in connivance with the policymakers are involved. The struggle of people on Niyamgiri forest in Odhisha speaks volumes, corroborated by the N.C. Saxena Committee report. The action of Bellari brothers in Karnataka is another example how laws can be twisted and large chunk of land; the fertile land, is sacrificed at the altar of mining. Little wonder, hundreds die of starvation deaths and debt ridden farmers commit suicide.

The last season saw less paddy production, and comparatively lower showing of wheat in rabi season and farmers suicide in the Bundelkhand region of Uttar Pradesh. In the last few years dozens of farmers had committed suicide after their fields failed to produce improved variety of oil seeds.

In kharif season paddy production went down by 90 lakh tonnes. Because of these factors, the Union food minister Sharad Pawar was not in favour of raising the quota for grains up to 35 kilos per person from existing 25 kilos every individual. Officials in Uttar Pradesh have conceded that the farmers in the state became victim to inferior quality of seeds supplied to them.

In Uttar Pradesh Cooperative Federation of the state provided seeds to the farmers but it did not disclose which company was roped in to supply seeds, which was inferior quality by all means. Agriculture director of the Mukesh Gautam wrote several letters to the federation to know the names of the company which supplied the seeds. Gautam admitted that seeds for urad ( pulse ) was such a inferior quality that plants did not have even early buds. Chandra Sekhar Agriculture University which went to examine the quality of seeds found that they were of inferior quality.

Farmers bought these seeds at the rate of Rs 80 per quintal and there was a subsidy of Rs 12 for a quintal. In Jhansi 11618 hectares, 6,000 hectares in Chitrakoot , nearly 50, 000 farmers had bought seeds from the Seeds Development Corporation. For the sake of a subsidy of Rs 12 for a quintal farmers lost huge funds. Shobharam Ahirwar of Urudwah village in Bundelkhand had used 8 kilos of seeds but could not see even buds on his plants.



Similarly Mukesh Rajak, Dallu Sahariya, Jagan Ahirwar had taken seeds from the Talvehat Sahkari samiti but none of the plants on 8 hectares of land saw even early buds. Such was the state of affairs, said a villager. Bhaiyalal Saharia of Tindra village says that he took huge loans to cultivate urad but had to forgo every penny he borrowed .villages like Delwara, Nagoura and mamoura had seen similar fate where farmers were cursing their fate.

In such a situation it was imperative that the Seeds which meant to supply better quality seeds to farmers would destroy their agriculture and bring untold misery to them. So it should be shelved, is the opinion of farmers in Uttar Pradesh.

Rae Bareli/(U.P.) It may sound untrue that the UPA chairperson Sonia Gandhi's constituency has supply of water from hand pumps that was unfit for human consumption. This has happened in villages of Rae Bareli that sends Sonia Gandhi to Parliament and had elected Indira Gandhi for several terms in the past.

On one fine morning the inhabitants of Ganeshpur and Tadipur villages in Bachhrawan block of Rae Bareli district, that the main handpumps of the village was giving waters of yellowish colour. The water coming out from the handpump was fit for human consumption but may be because of unauthorised digging in the area had started giving yellow-coloured water, said an official of the block. The impact of hand pump water was so severe that an old well in Ganeshpur village that was used for supplying water to the livestock also became yellow. Animals refused to drink it.

Inhabitants of the villages were mostly Dalits whose main avocation was working as agriculture labourers on the farm of landlords. Many of these villagers complained to the health officials of the block that they were getting skin allergy, jaundice and other water-borne diseases all of a sudden. Never in the past the villagers had experienced this kind of problem.

When all attempts of the villagers to seek redress from the block officials went astray, they knocked on the doors of the FIAN U.P. A Fact Finding Mission team of Norway, U.P. and Nepal met managing director of the Uttar Pradesh Jal Nigam A K Srivastava who called for water samples and got it examined. On a report received from the district officials Srivastava confirmed that it happened all of a sudden. He said the department was still groping for the reasons of yellowish water coming for the hand pump which was the primary source of water for over 300 households scattered in the villages.

Srivastava admitted that the water had brought a steep fall in the crop yield and this matter of grave concern. Teachers of nearby villages have complained to the officials that children of these villages are experiencing bad health and were unable to concentrate in study. Almost entire population of the two villages of over 55 years suffer from back bone diseases, said a pradhan. Eventually the problem was solved with the active interest shown by the FIAN team.

Under the UN's international convention on economic, social and cultural rights, the government has obligation to ensure adequate and affordable water for all its citizens. Even Article 21 of the Constitution says that Right to life without Right to water is not possible.



### Dalit Women got land

■ Ragni Saxena

Lakhimpur/ Lucknow: Bitouli Devi of Lakhimpurkhiri was given the patta of land by the then Congress government way back in the early seventies in pursuance of its policy to give land to the landless.

Amids much fanfare the 70-year old widow was given patta of the four bighas of land by the government near the picturesque surrounding roadside which goes straight to Lucknow. After giving land to the hapless women the government and the called beneficiary Bitouli forgot all about it. She thought it was just one of the many gimmicks done by the government , Bitouli told this correspondent.

A few months ago some of her old acquaints dropped at her hut to convey the good news that she would be given possession of the land for which the patta was given in the early seventies. At first she thought it to be a joke. But soon other women started pouring in her place to convey similar tales about their surprise gifts from the government.

Actually the government had issued on Govt. order on May 13, 2007 which said that the Dalits who were issued patta of the land even years before should be given possession of the land . She became owner of the land by virtue of government order.

Incidentally, she was not the only beneficiary by the issued by the government. Bitouli, who was surviving with alms from others became virtually leader of the motley group of women who were issued patta but were not able to get possession of land .As the luck would have it today Bitouli became a torch-bearer for those who are being divested of their due. She spends lot of time to help others. Once free from the pangs of hunger she now wants to help achieve this kind of feat. This success is a result of a year long struggle of local community organization Rozi-Roti Sangathan with the support of FIAN local activists.



*Bitouli Devi*

### **FIAN International Press Release**

#### **Climate policy threatens human rights**

<http://www.fian.org/news/press-releases/climate-policy-threatens-human-rights>

Heidelberg, 29.11.2010. On the occasion of the 16th Conference of the Parties to the UN Framework Convention on Climate Change (COP 16), FIAN International demands that Governments worldwide commit to avoid negative effects of climate protection measures and to design these measures in full compliance with human rights.

At the climate negotiations in Cancún, Mexico, from 29th November to 10th December, 2010, heads of governments and states will decide how to set the course for a post-2012 agreement. Among others, they will discuss how to continue the climate protection measures of the Kyoto Protocol.

FIAN demands all Governments to acknowledge the fact that climate protection measures can have devastating effects on human rights and that protective measures need to be implemented to prevent this from happening in the future.

“In the international human rights treaties, the community of states pledges to protect the rights to food and water as fundamental human rights. However, in many parts of the world access to food and water is being threatened by rising temperatures, changing precipitation patterns, as well as an increasing frequency of storms and floods”, states Anton Pieper, climate advisor at FIAN Germany. “This primarily affects the poorest sectors in population, which have least contributed to the causes of the situation. Paradoxically, in addition to the grave effects on human rights through climate change itself, human rights are further being violated through climate protection measures”, Pieper goes on.

In the course of implementing climate protection measures within the framework of the Kyoto Protocol, conflicts with local populations are constantly coming up. One example is the expansion of agrofuels - classified as renewable energy sources - which repeatedly leads to forced evictions. In addition, people often have to face slave-like working conditions on the agrofuel plantations.

Therefore FIAN International demands that Governments in Cancún campaign to take into consideration human rights criteria in the implementation of climate protection projects. “CO2 reduction measures can no longer be implemented at the expense of human rights”, Pieper concludes.

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Note on state of malnutrition in India

The National Family Health Survey (NFHS 3 - 2005-06) findings are:

## Children

- 38.4% of children under the age of three are stunted, that is too short for their age and 46% are underweight that is too thin for their age. Both indicators have slightly improved from 1998-99.
- Wasting, defined as an abnormally low weight for the child's height affects 19% of children under the age of three with a slight deterioration from 1998-99.
- Overall girls and boys are about likely to be undernourished. Under-nutrition is higher in rural areas and is strongly correlated with the level of maternal education showing a two-fold difference between non-educated mothers and 10-year and above educated mothers. This may be linked to a stark difference in access to a nutritious diet and complementary feeding at 6-9 months.
- Most children under age three are anemic (79.2%). The prevalence is slightly higher in rural areas and among non-educated mothers. High prevalence of anaemia may be linked to poor variety of diet, poor hygienic conditions and limited access to iron supplementation.

## Women

- More than a third (36%) of women have BMI below 18.5 indicating a high prevalence of nutritional deficiency.
- Malnutrition levels are higher amongst girls. Almost half the girls 15-19 are undernourished.
- Prevalence of undernutrition is nearly two times higher amongst women with no education than amongst those with 12 years or more of schooling {More than half the women in the highest income quintile are underweight}.
- Undernutrition is more prevalent in rural areas.
- The anemia situation has worsened over time for women.
- The prevalence of anemia is marginally higher in rural areas than in urban areas. More than 50 % of the women in urban areas are anemic with almost third of them with moderate to severe anemia.

The dismal state of affairs could be summarized  
(see [www.motherchildnutrition.org](http://www.motherchildnutrition.org))

- For every ten children aged three or less, born to illiterate mothers, 5 children are stunted - too short for their age. This is a sign of chronic malnutrition. (Compared with: 2 children born to well-educated mothers).
- For every ten children aged three or less, born to illiterate mothers, 5 are underweight - too thin for their age. This is a sign of acute and chronic malnutrition. (Compared with: 3 children born to well-educated mothers).
- For every ten children aged three or less, born to illiterate mothers, 2 are wasted- too thin for his/her height. This is a sign of acute malnutrition and the child is at risk of dying from malnutrition or from any common child disease like diarrhoea or respiratory infections. (Compared with: 1 child born to well-educated mothers).
- For every ten children aged 6-9 months, born to illiterate mothers, 5 children receive solid or semi-solid foods in addition to breast milk as recommended. (Compared with: 7 children born to well-educated mothers)
- For every ten children aged one to three years, born to illiterate mothers, less than 2 children received Vitamin A supplement in the last six months prior the survey. (Compared with: 3 children born to well-educated mothers)
- For every ten illiterate women aged 15-49 years, 4 have a Body Mass Index (BMI) below normal - too thin. (Compared with: 2 well-educated women). The prevalence of women with a lower BMI is two-fold higher in rural areas than in urban areas.

- For every ten pregnant illiterate women, 6 women are anaemic but less than one takes Iron and Folic Acid (IFA) supplementation for 90 days as recommended. (Compared with: 5 well-educated pregnant women with an equal number accessing IFA supplementation as recommended)
- In India, for every ten women, 4 women are illiterate and 6 are educated. 8 out of 10 illiterate women belong to the lowest wealth quintile. Among the educated women, 2 are well-educated (10 years complete and above), less than 2 have 8-9 years complete and 2 have less than 8 years complete.

Even sub-Saharan Africa has a better record of child malnourishment at 30 per cent while China records eight per cent and Pakistan 37 per cent. A massive 440 million people languish at the bottom of the economic pyramid in India and about 500,000 children are born deformed each year due to vitamin/mineral deficiencies. India's child sex ratio is still a nettlesome 927 girls for every 1,000 boys while even some of the poor African countries (Nigeria at 965 and Ghana at 964) fare better - as does neighbouring Pakistan with 958.

National Institute of Nutrition carried out studies on diet and nutritional status of the special age groups such as adolescents and elderly people. The results revealed that both the groups were subsisting on inadequate diets and their diets were deficient of almost all the nutrients. About half of the elderly were suffering from CED and the prevalence of under nutrition was about 53% and 40% in adolescent boys and girls respectively

While the focus is on women and children, little has been done to study and remedy the problem of those who do manual work. They are essentially calorie machines. Most often these men consume themselves since the calorie output is more than the input.

### Chinese engines as threat to livelihood of fish workers in Kerala

■ Mr. T Peter

The Kerala Swatantra Matsya Thozhilali Federation (KSMTF) opposed the import of powerful Chinese inboard engines for sea going vessels will lead to unsustainable exploitation of fish stocks.

According to KSMTF State president T. Peter and secretary Anto Elias the arrival of about 500 Chinese engines had led to a crisis in the fisheries sector, threatening to affect the livelihood of fish workers.

“There are over 5,000 trawlers, 13,000 fishing boats fitted with outboard engines and 500 with inboard engines, in addition to 7,000 catamarans and 5,000 other types of fishing vessels operating from Kerala. It is estimated that the existing fleet itself is responsible for over exploitation of fish stocks. The import of Chinese inboard engines capable of generating 240 to 440 horsepower will worsen the situation.

The federation said the engines were capable of trawling the sea from the bottom to the surface, at a speed of 2.5 to 4.5 nautical miles, while other boats trawl the bottom at a speed of less than 2.5 nautical miles. The high powered engines, it said, would enable the vessels to carry out mid-water trawling and pelagic (surface) trawling as well. The leaders said such saturation trawling would have disastrous consequences for traditional fish workers.

The federation urged the Centre and State governments for strict regulations on the operation of boats equipped with imported high powered Chinese engines.

## Human Rights Approach to Secure Food for All

### The Right to Food A Basic Human Right

The Government's initiative to take hunger and food insecurity in India up to debate with the goal to reach a National Food Security Act is welcomed. The Right to Food is the foremost right of every human being. Ensuring adequate nutritious food is of crucial importance for the enjoyment of all other rights and for achieving social justice.

### Food Security and Present Scenario

Today, 250 million of India's citizens are undernourished. Despite of India's average annual GDP growth rate on 8 percent, an increasing part of the population is facing under- and malnutrition. According to the National Sample Survey, 80 percent of the population is living under the government made calorific value standard. 48 percent of the children and 55 percent of the women are malnourished, while 22 percent of the total population is undernourished. Simultaneously, grain is rotten in storage and cash crops takes up a growing part of the fields.

### What Does the Indian Law Say?

The Indian Constitution provides a strong framework for the protection and promotion of human rights. Article 21 secures the protection of life and personal liberty. Article 47 states that “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”. The provisions found in the Indian Constitution provide a legal support for the National Food Security Act.

The Protection on Human Rights Act was passed in September 1993 by the Indian Parliament. The purpose of the Act was to provide a national monitoring mechanism for human rights and protected the population from human rights abuses. On January 10<sup>th</sup> 2008, the Supreme Court ruled that every family living below the poverty line should be provided 35 kg of grain. The NFSA should be in line with this.

### International Treaties and Guidelines of Relevance

The UN Universal Declaration of Universal Human Rights was adopted in 1948. As a member, India has agreed to respect, protect and fulfil the rights established in the document. Article 25 specifically mentions the right to food: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services (...)”.

The International Covenant on Economic, Social and Cultural Rights was ratified by India in 1979. Article 11 specifically mentions the right to food, and establishes the “(...) fundamental right of everyone to be free from hunger” and that State Parties “shall take, individually and through international cooperation, the measures, including specific programmes, which are needed”.

India is a member of the Food and Agriculture Organization (FAO). In 2004, FAO introduced a set of Voluntary Guidelines to guide states in their work of implementing the right to food in the context of food security. These guidelines hold a broad definition of the right to food, including nutritional and cultural aspects. In 2000 world leaders came together to adopt the United Nations Millennium Declaration, introducing a global partnership to reach a set of ten Millennium Development Goals (MDGs) by 2015. As a signatory, Indian government should make efforts to fulfil the goals.

### Government Proposal of National Food Security Act

The proposed draft of the National Food Security Food Act aims to cover Below Poverty Line (BPL) families. Women will be considered head of the household. The Government will take use of Targeted

Public Distribution System to allocate the demand of grain and provide families with access to it. The draft makes the Central Government responsible for identifying poverty levels and allocating food or money to state governments. The State Governments are responsible for the implementation and monitoring of the resources. 25 kg of food grains are provided each family for Rs. 3 per kilo. The National Advisory Council (NAC) has made several recommendations for change in the proposed draft: it should ensure subsidised food grains for a minimum of 75 percent of the population, which should be divided in “priority households” and “general households”. The priority households will have a monthly entitlement of 35 kg at a subsidised price. General households will have a monthly entitlement of 20 kg at a price not exceeding 50 per cent of the current Minimum Support Price.

### **Civil Society Demands**

Food First Information and Action Network (FIAN) along with other human rights and civil society groups welcome the government initiative. They demand that the National Food Security Act (NFSA) should be in coherence with national and international obligations with the primary objective of **promotion and protection of Adequate Food Security for All**, with a clear **reduction of Hunger and Malnutrition and Poverty**. The current outreach of the Public Distribution System (PDS) is not enough, though needed for those

- The NFSA must make the right to food universal, in line with the Universal Declaration of Human Rights. The promotion of food and nutritional security for all will never be achieved only through food distribution schemes, which are needed, but do not sufficient in guaranteeing the full realization of the right to adequate food for all.
- The government must respect, protect and promote access to productive resources (land, water, forest, seeds etc.) and jobs.
- A welfare system that does not empower people and allow them to take care of themselves is unsustainable and counter-productive.
- The NFSA should assure physical, economic and social access to adequate, nutritious and cultural appropriate food.
- A minimum of 80 percent of the subsidised food should be local produce as a means to reduce wastage. The NFSA should include measures to promote agro-ecologically adequate ways of production.
- The government should protect land from non-agricultural use and create trade policies that do not interfere with the food security of people. There must be transparency in the relationship between the government (public) and private investors. When conflicts emerge, the government should abstain from partnership with private actors.
- The NFSA should include an inter ministerial body link to the prim minister cabinet, to coordinate and implement the food and nutritional security strategy, based on the right to adequate food framework, guaranteeing policy coherence and monitoring by involving civil society representatives, to advice the government on the general directives of a national food and nutritional security strategy.
- Act must include strong inbuilt, independent institution for accountability along with grievance redressal provisions including mandatory penalties for any violation of the act and compensation for the victim.

**The Right to Food is not about being fed but to be guaranteed to feed oneself with dignity.**

**ANALYSING THE NATIONAL FOOD SECURITY BILL 2010 BASED ON THE PRINCIPLES FOR A FRAME WORK LAW FOR THE FOOD SECURITY ACT INCORPORATING THE NORMATIVE CONTENTS THAT ENSHRINED IN THE U N SYSTEM OF RIGHT TO FOOD AND WE ACCORDINGLY RATIFIED**

(Report of the National Consultation on the proposed National Food Security Act

**Food First Information and Action Network (FIAN)** is an International Organisation having Consultative status with the United Nations Committee on Economic Social and Cultural Rights (ICESCR), working on the Right to Food interventions in more than 60 Countries using the ICESCR as part of the U N Bill of Human Rights. FIAN International Secretariat is at Heidelberg, Germany.

**Reference materials were drawn** from the National Food Security Bill 2010 of the Government of India, The Brazilian Government Law of National Food and Nutritional Security System, Guide for legislating for the Right to Food codified and published by the Food And Agricultural Organisation (FAO) with the basics of Indian Constitutional Premises of its Chapter III and IV concerning Directive Principles of State Policy and the Fundamental Rights.

**The Objectives**

WHEREAS the Government of India is taking arduous efforts in respecting, protecting and fulfilling the International Human Right obligations of the Right to Food as enshrined in the International Covenant on Economic Social and Cultural Rights (ICESCR):

AND WHEREAS the Government of India under the Constitutional Obligations to guarantee the Fundamental Right to Life under article 21 (as per the interpretation of the Supreme Court) together with guiding provisions of governance under the Directive principles of state Policy supported several means of enabling legislations, entitlement programs of central and state governments augmenting agricultural production and ensuring adequate availability of food for all the people, a BILL to provide a statutory frame work binding on state authorities and courts.

**The Proposition**

Be the Act shall be enacted by the Parliament in the 60<sup>th</sup> Year of the Republic of India incorporating the food and nutritional security by applying internationally acceptable standards of Right to adequate food as a fundamental and basic right with the following main features:

Be it also taken into account of Food and Nutritional Security Laws either enacted or being undergoing legislative process in several of the Latin American and Africa Countries where the available resource means is still lacking. Yet, as a policy of political will the following countries are on the list of aspiring to adopt the Model of an international standard setting in the fulfillment of Food and nutritional security of the poor people concerned:

**In this regard the following fundamental principles may be incorporated:**

1. Well meant definition of Food security and further elaboration of the right to food in the Indian context and make it operational
2. Framing Rules as the subordinate legislative tool to determine the following subjects. The Rules (Subordinate Legislation) shall be made available along with the Parent Act for discussion in the Parliament.
  - 2.1 Identifying specific measures to be taken to realize the obligations promoting food security with all normative contents of right to food.
  - 2.2 Make efforts to scrutinize and frame time limit to carry out the legislated principles into activities to fulfill the objectives of the parent Act on national Food security
  - 2.3 Defining and determining a set of obligations for state authorities, Civil society and Private actors (Corporate Houses and Multi national Corporations) fixing Social obligations and extraterritorial obligations respectively.

- 2.4 Determine and fixing accountability criteria for any dereliction or negligence or mishandling and mismanagement on the authorities concerned in the government network of from the Procurement Grid operative functions till the delivery point at the PDS outlets.
- 2.5 The private actors as a participatory mode shall be brought under the provisions of the national food security act liable under the Social Obligation for domestic actors and in the form of extra-territorial Obligation in cases of Multi national Corporations (MNC) and Multi-lateral Funding and Redevelopment Agencies.
3. Establishing necessary institutional mechanism and other necessary measures to be taken by competent state authorities
4. Set out provision to deal with likelihoods of situations violations and prevention mechanism together with education, capacity building and wider range of social economic and political measures.
5. Instead of multiple legislations (Central and State Laws) review of relevant sect oral laws shall be incorporated as a provision in the Parent Act itself. Few of such legislations in the field of:
  - 5.1 Social security and labour rights
  - 5.2 Various poverty reduction entitlement programmes both central and states codified together and brought under the domain of the National food Security Legislation and certainty to avoid budgetary constraints. In this regard all subsidized food /employment provision including the Mahatma Gandhi National Rural Employment Act.
  - 5.3 Trade ethics and ,food safety, product labeling legislative control
  - 5.4 Natural resource preservation and involvement of indigenous/local communities availing the benefits out of the easementary rights and minor forest produce collection etc with a tie up of effective implementation of Forest rights Act.
  - 5.5 Easy access to productive resources to small and marginal farmers to form part of procurement chain to the maximum possible level by proper implementation of agrarian reform measures.
  - 5.6 Fixing levies on Extra Territorial Obligations of Multi National Corporations(MNC) and Corporate Social Obligations for their usage and profiteering on community resources and sourcing the resource mobilization towards the National Food security Fund
  - 5.7 The scope and usage of Food security Fund shall be expanded to meet the financial requirement in promoting agrarian reform measures and ensuring small farmers participation in the procurement chain for the central pool with in the prescribed "Procurement Grid" shall be ensured.

### **Request and Submission to the Government**

Based on the above suggested points of concern, we are obliged to place before the Hon'ble office of the Prime Minister and the Hon'ble chairperson of the National Advisory Council the following observation of ours on the present National Food security Bill 2010 for possible inclusion and make the proposed National Food Security Act as the corresponding legislation towards respecting, protecting and fulfilling the International human rights obligations of the "Right to Adequate Food" by our Government of India as a State Party to the United nations Human rights System.

### **Analyzing National Food security Bill 2010 in the light of the above observations:**

#### **Defining the legislative scope of food security in par with development index standards:**

The draft of the National Food Security Bill 2010 proclaims to provide a statutory frame work to entitle families living Below Poverty Line (BPL) to certain minimum quantities of food grains per month through Targeted Public Distribution System (TPDS) is in lack of qualitative and quantitative needs of our own civilized means for a dignified livelihood of our citizens. Together, internationally accepted norms and to foster the culturally accepted food habits of our people, the Act shall define its legislative scope and objectives. The constitutional caution of "within the available means, the state shall endeavor to protect the fundamental rights and directive principles shall be construed and calculated by the Hon'ble

government and the National Advisory Council in the light of the optimistic achievement of 9 per cent growth rate. It is needless to put on record, the prescribed food security situation under the National Food Security Act I should spell out to the community of nations that we are stipulating to attain the "development index criteria" in fulfilling the human right to adequate food.

In this regard, the definition clause in Chapter ONE, Section 2 defines Allocation Norms. This section has failed to define about the normative contents of Right to Food with qualitative and quantitative adequacy.

#### **Determining the quantity and quality content with nutritional value assertion**

In Chapter TWO, section 3 Assured food grain supply to below Poverty Line (BPL) families provided. Certain quantity alone is assured. But adequate quantity is not assured. This section speaks nothing about nutritional value and qualitative content of the food. The Act shall quantify the required food for men, women and children by all and all times. It may not be possible for the government to provide the required quantity towards full realization of the Food secured situation. But, there shall be an indication of reaching the required level at certain point of time. The present provision is only an interim measure.

#### **Absence of solid means of transfer and possession of Food grain before supply to BPL families:**

Under section 4 of the Bill TPDS is assured with supply from Central Pool to the State Pool. There is no explicit mode of allocation, transit from the central Godown to state government controlled locations for supply to BPL families. No responsibility is fixed on any of authorities. In the growing ill feeling in the view of policy observers in the national and international arena, even after the Supreme Court assertion that safeguarding procured food lacks responsibility, then it has to be checked by prescribing accountability on the authorities concerned.

As per the chapter THREE, the TPDS lies in joint management of Central and State governments. Between the Central and state Governments; there is no identification procedure of task sharing, responsibility fixation.

#### **Multiplication/duplication of BPL family list**

Guideline for BPL family identification is a complicated issue as per current experiences. In this Bill no provision or mode to rectify the errors so far experienced. Also, A provision to effectively check and ensure multiplication or duplication of BPL families between the State list and central list. More over PDS shall be made in a manner of intermingling with the process of unique identification Authority of India scheme.

#### **Process of Poverty estimation made part of the Act:**

Multiplicity of BPL families and improper application of Guidelines in identification shall be effectively checked. In Subsection (3) of section 4 in the Chapter TWO, the state is allowed to have its own calculations of BPL families and meet its own budgetary requirement. This provision would enable the fulfillment of the 'Right to food'.

The Poverty estimation process of the Planning commission has been construed as a procedure to adopt and not have been considered as a serious exercise in the light of providing 'differential calculations' by the state and the Centre. The Act must fix an estimation norm for BPL family identification based on socio-economic status of concern families.

#### **Role of Panchayati Raj Institutions (PRI)/Urban Local Bodies (ULB):**

Provision under subsection 5 of section 4 is assigning powers to State Governments to take into confidence of PRI and ULB. Many of the state governments are not at all considering this discretionary power to be used to make the implementation of the scheme at grassroots participation in the supply

chain /delivery mechanism. In the Act, the assigning power of the state shall be converted into a form of mandatory provision attached to state allocation from central pool.

#### **Accountability with application of exclusive penal provision**

Appropriate Government is responsible for accountability and transparency as per Sub Section (6) of section 4. This provision shall be attached to certain internal mechanism leading to punitive action and recovery of loss on financial terms.

The Central Government jointly with State Governments is responsible to procure wheat and rice for the central pool under section 6(1) of CHAPTER THREE. Section 6(2) imposes further obligation on the Central government grains to allocate grains to State Governments. The responsibility lies with the State Governments to transport the allocated grains to its designated depots. The obligations in this section are very critical importance which includes establishment of ware housing also. The provision on is silent on standard setting in warehousing and transportation norms including operational guidelines. If these are all left with the rule making power, then also a specification is necessary in the parent Act itself.

The mode of procurement, pooling in central government go downs, transporting to designated depots at state control are the main channels of supply chain to reach the delivery points. The chances for pilferage, wastage, mismanagement in handling and logistic supports shall be strictly put under the provisions with mandates on concerning authorities in the Act.

#### **Protective clause to meet food security with participatory means**

Important among all legal frame work shall make food security at production level sufficiency with participation of small farmers by producing a minimum level of 30 per cent need of the central Pool as an inbuilt provision. This alone ensures real food security with productive employment and participatory means of feeding themselves by the targeted population. Legitimate and measured usage of over procured grains and safe keeping of the procured grains shall be laid down in the Act as accountable liabilities of state authorities.

#### **Education and Information on food and Nutritional security**

Ensuring safe and quality food availability at marketing and consumption levels shall be safeguarded in the Act, with provisions on information, awareness and training on Food security measures shall be incorporated in the ACT

Section 7 of the Bill provides for the obligations met out by the state Governments. The authorities employed at these points are responsible for efficient PDS and also lacunae in implementation.

There shall be a provision specifically made to fix responsibility and accountability on the authorities handling this liability.

Notification by the State governments in the official gazette of delegated responsibilities to the PRI and ULB shall be mandatory Central Food security fund/State Food security Fund/Food security Allowance The central food security fund as defined in section 2(d) read with Section 3, Organising or set-up of dedicated food security Fund in section 6(2), expeditious payment of Food security Allowance by the state Government under section 7(8) read with section 14 and also section 9 of the Bill shall be made with concerned rules by means of a draft of Subordinate Legislation at the centre is essential.

#### **Vigilance and monitoring**

The vigilance committee provided in section 10 of the Bill shall be made more independent with public participatory mechanism.

### **Complaints and redress**

An Independent complaint and redress mechanism shall be provided at each PRI level and the administrative segments of ULB level.

### **Social Audit:**

In Social audit, the mode of functioning shall be laid down in the parent Act itself with relevant rules under the subordinate legislation. To make social audit more meaningful and result oriented education, information and training at PRI level shall be made mandatory for the benefiting public Under the Food security Law.

Chapter Five in Section 16 penalties for non-compliance in fixed as a formal procedure. The punitive provision shall be self contained in this Parent Act itself and include the following non compliance/irregularities/etc. as punishable severely.

- (1) Derelictions of duty in procurement, storage, allocation, transportation, value addition and supply etc.
- (2) Willful negligence in procurement/storage/transit/supply.
- (3) Accounting
- (4) Distribution, expeditious payment of Food Security Allowance
- (5) Others

### **Delegation of Power**

Delegation of power as allowed in section 17 of the Bill shall be scrupulously transformed to whom-so-ever authority holding required standard of performance subjecting them to public scrutiny.

The power of giving directions by the control Government shall be exercised to the State Government and made it mandatory to comply by the States is a welcome measure. This power of direction shall not imply any political motivation other than the long-term well-being of the State as a whole. This provision shall be strictly worded when the Bill becomes an Act.

### **Overriding clause/Review and Integration of Sect oral Laws**

The over riding clause in the Section 19 of the Act and power of the Central Government to make rules in Section 21 of the Act shall have exercised in the sprit of due implementation of the Act under its provisions.

It shall be advisable to discuss the Bill legislation in both houses of the Parliament along with draft rules (as subordinate legislations).

Therefore, the Government is expected to come forward with the framing of relevant rules before the Bill is going to be discussed in the Parliament.

### **Powers of State Governments**

When the State Governments making rule under Section 22 s it is mandated no to over ride or contradict both this Act and the Rules is a welcome provision.

The power of Central Government to removed difficulties Section 23 of the Act shall be exercised to achieve legislative incorporation of international covenants/protocols and code of conduct compatible to our national law and thereby assure a food secured situation in the country for all people at all times.

November 4, 2010

To  
The Minister  
MOIA, Government of India  
New Delhi

Dear Sir,

**Subject : Concerns from Civil Society Organisations and Trade unions on the Global Forum on Migration and Development to be held in Mexico from November 8-11, 2010**

We the representative of trade unions, networks, migrants' associations, advocates and civil society groups wish to draw your attention towards our concerns on the Global Forum on Migration and Development to be held in Mexico from November 8-11, 2010. Progressing over the last three years, this year the theme "Partnerships for migration and human development: shared prosperity shared responsibility" appears to be linking migration and 'human development'.

Migration is of immense importance to India and India is one of the world's largest migrant sending countries (20 million migrants according to World Migration Report 2005) and also hosts migrants from various countries (placed eighth in the world in 2005). India is the largest recipient of workers' remittances at US\$ 52 billion in 2009 according to World Bank estimates. Most of these remittances come from the millions of unskilled and semi-skilled migrants who comprise bulk of the labour migrating out of India.

Experience of the CSOs and trade unions over the past three years (Belgium, 10-11 July 2007; Manila, 27-30 October 2008 and Athens, 2-5 November 2009) shows that while the GFMD gives a window to the CSOs to engage with the State, the process lacks transparency and accountability and the issues of migrants' rights, equity and justice have so far remained neglected. The discussion has remained confined to linking migration with economic development and remittances. This year, as the GFMD is being hosted by a migrant sending country, Mexico, there are possibilities of integrating concerns of migrants in this state led process. We are concerned that the government of India is moving in line with the international discourse on 'migration management' and the retreat of the state, which carries with it a danger of increased restrictions on the mobility of people, in particular of low- and unskilled workers.

Therefore, in the context of the fourth Global Forum on Migration and Development (GFMD), scheduled to be held in Mexico on November 8-11, 2010, we urge Government of India to take into consideration our concerns given below:

- Given the focus of the Mexico GFMD on 'human development', the Government of India must move away from a remittance driven approach to development and advocate holistic development of migrant workers and their families and ensuring that economic developments are transferred into improved quality of living of migrant families and communities.
- As the Mexico GFMD emphasizes on partnership, we take strong exception to the fact that the Government of India did not bother to engage in a dialogue with the migrant workers, trade unions or civil society organizations in formulating its position with respect to the Mexico GFMD. We strongly demand that the Government of India should get out of this unilateral approach and engage meaningfully with migrant workers, trade unions and civil society organizations in evolving its short term and long term policies and perspectives on migration.
- While acknowledging the fact that safe and legal migration is imperative, the government of India should have a human and rights based approach towards instances of irregular migration considering the fact that there exists a demand for a wide spectrum of skills in migrant receiving countries and in most cases irregularity is not a responsibility of the migrant workers. Counselor services should be strengthened.
- The government of India must respect and observe the provisions in the international instruments regarding the rights of migrant workers and ensure through bilateral and multilateral agreements that these are respected in the places of work of the migrants.
- The Government of India must enact a national legislation for the welfare of migrant workers.
- All restrictions on the mobility of women workers should be removed and government of India should not have a paternalistic approach towards the migration of women acknowledging the right of mobility of women on their own volition.

Only by following these steps could the GFMD make a positive and meaningful impact on the real nexus between migration and development.

Thanking you,  
Sincerely

Catholic Bishops Conference of India (CBCI), Central for Research in Rural Industrial Development (CRRID), Centre for Education and Communication (CEC), Dalit Dastan Virodhi Abhiyan (DDVA), Delhi Asangathit Nirman Mazdoor Union (DAMU), Fedina, FIAN India, Kerala Pravasi Sangham, Laya Manav Seva Sansthan, Manitham, Migrant Forum in India (MFI), National Centre for Labour (NCL), National Domestic Workers' Movement (NDWM), Pravasee Malayalee Welfare Association, Pravasilocam, Youth for Unity and Voluntary Action (YUVA)

## Contact Us ...

02.12.2010

To  
Shri C.Rengarajan  
Chairperson  
The Experts group on the Proposed  
National Food Security Bill  
Office of the  
The Honorable Prime Minister,  
Govt.of India,  
South Block  
New Delhi.

Respected Sir,

SUBJECT: Suggestions for the National Food Security Act in the form of a Model for Legal frame Work based on the recommendations of FAO.

In the present period, our government is taking effective steps to respect, protect and fulfill the international obligations of right to food by means of enacting the National Food security Act. While we are obliged to appreciate the efforts of the Government, we are also willing to submit a model frame work for the justifiability of right to food of the poor for the kind consideration of the Hon, ble Government and to the note of the newly appointed expert Committee.

We request the Government to take note of the Brazilian and South African Food security Systems and also the development of a model for food security system by the Countries like:

Argentina,Bolivia,Ecuador,Guatemala,Honuras,Indonesia,Malavi,Mali,Mozambique,Nicaragua,Peru,Uganda,Venezuela(Bolivian Republic of).

FIAN is strongly believe it is possible in India as our present UPA Government under the political leadership of Srimathi Sonia Gandhi and Dr. Manmohan Singh as our Prime Minister

Therefore kindly acknowledge our suggestions in the form of a model for the National Food Security Law in the course of hectic discussions on the subject.

Yours faithfully,

(D.Gurusamy)  
National President  
FIAN India

Copy to:

1. Smt. Sonia Gandhi, Chairperson, National Advisory Council, New Delhi
2. Member Secretaries of the Planning Commission, New Delhi. Attached to Food, Agriculture and Expenditure, Prime Ministers Expert Group, national Food Security Bill.
3. Sri Kausik Basu, Chief Economic Advisor to the Hon'ble Finance Minister, Government of India, New Delhi.
4. Dr. Verappa Moily, Hon'ble Minister for Law and Justice, Government of India, New Delhi.

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