

# **RIGHT TO FOOD CAMPAIGN**

Minutes of the

## **NATIONAL CONSULTATION ON RIGHT TO FOOD ACT**

**GANDHI PEACE FOUNDATION**

**11<sup>th</sup> July 2009**

*Presided by Annie Raja, Arundhati Dhuru and Arun Gupta*

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### **I MORNING SESSION 10.00 am**

#### **Anuradha Talwar**

- She gave a short introduction by mentioning about the SC case and the Right to Food Act.

#### **Colin Gonsalves**

- The Right to Food Campaign is a broad area. The Right to Food Act which we are talking about is a small part of it, but an extensive area. We have to see what the government is interested in doing. There are two views
- A narrow view, where there is a view that the government would want to bring an act only on PDS.
- There is a second view also, that the government may want to include everything like mid day meal, ICDS etc.
  - We are doubtful that there will be a fundamental change. There can be a situation where the Government may not want to rely on us.
  - Therefore, we have to be careful as to how we go about it. If there is a united movement in the country, with the participation of different kinds of organisations and groups like GM groups, farmer organisations, seeds group etc, we can take this further just like we did in NREGA.

#### **Biraj Patnaik**

- The need to come up with a Right to food act is not new. Article 21 of our Constitution talks about Right to livelihood, where food is included in this. There have been earlier attempts to come up with this act, in states like Andhra Pradesh and Chhattisgarh.

- Representatives of the RTFC went and met various political parties during the Manifesto making process on the idea of the RTF Act. Some political parties were already thinking in terms of populist schemes such as two rupee rice / three rupee rice. But the Congress party came out with an Act on the RTF.
- We have a total of 9 schemes in the SC case. If we combine all the schemes together, the government is spending about 1 lakh crores in all these schemes. These schemes are entitlements. The minimum understanding we all have is to make the schemes strong, with the help of an act.
- The Act has been included in the 100 day agenda. A Concept note by the GOI to all the Food Secretaries of the state has not been well received by the state govt. The central government team pressed that there should be restrictions on State Governments to give own subsidies and own BPL apart from central quota. Since Food is a concurrent list subject this is essentially unjustified demand.
- The 10<sup>th</sup> June draft of GOI is a minimalist draft, where there is a focus on the BPL category. The government wants to reduce the BPL from the 10.5 Crores actual BPL Families (the central quota is 6.5 crore BPL households, the rest is made up by State Governments) to 4.5 crores.
- There is now another draft by the GOI, where all the ministries were called by the government; all the departments are working on this. We do not know what the draft which the Finance minister has mentioned is.
- The draft at present here is a working draft. After these discussions, a draft has been prepared by Jean, Reetika, Harsh, Biraj and Dipa in their own personal capacities. Harsh has put forth the non negotiable demands to the UPA Chairperson. We should come up with a consensus draft which will be a campaign draft keeping in mind the winter session.

### **Jean Dreze**

- There is a need to increase our bargaining power, with some discussion on this for the campaign of this act.
- There is a need to decide on a common minimum demands or non negotiables for our campaign.

### **Harsh Mander**

- With this act, there is a hope that we would make a step towards equality and justice. The expectation is not that generation of injustices can be solved by this Act. But it will give the poor and the marginalized power to get some control over their lives and livelihoods.
- On the RTF Act there has not been as much discussion yet like the prolonged discussions and draft making process during the RTI Act and the NREGA. But still there is a possibility of building on in the future from whatever Act comes in the short time that we have before us.
- There is a need to decide the limits as well as well as the focus of this act with so many groups and organisations.

- The focus of the Act should be to ensure that all citizens get this right. Its about a pledge by the government that there no child, woman or man should go to bed hungry. In Brazil this was the key issue taken up by their President Lula, as a pledge as to who are the Brazilians who eat and who are the Brazilians who do not eat. While discussing the various aspects and perspectives on RTF, let this central focus not get lost out. It should be a law about those who are most denied food, the destitute the starving. This should be our ethos central, ethical and political resolve.

**Arundhati Dhuru presented** the Essential Demands in both Hindi as well as English.

**Arun Gupta** read out the names of the organizations that have come for the consultation, more than 70 organizations have registered.

## **OPEN DISCUSSION**

### **Chennaiah, APVVU**

- We need to include provisions for food during emergency situation like droughts, atrocities.
- Keeping in mind that bonded labour system still exists, we need to have some special provisions for them, for instance one or two years of assured free food.
- There should be provisions for Migrant Labourers.
- We need to include groups like most backward communities, esp. the artisan and traditional communities apart from the SC/ST/Minorities.
- Need to see how we can protect the sources of livelihood like land, water, forest.

### **Rakesh Tikayat, Bharatiya Kisan Union**

- We should put a note on how the existing schemes are faring in the villages and how in the future they will reach the villages.

### **Madhuri, Jagrit Adivasi Dalit Sanghathan**

- The Right to Food is broader than the entitlements that we are discussing. The proposed Act should therefore not be called *Right to Food Act*. We do not need to stay restricted to the ambit of the Schemes which we have to naturally stay restricted to during a legal struggle process. We need to go beyond the limitations of particular schemes as well
- We also need to think in terms of the political development in the wake of SEZ, export of food grains, GM foods.

- The existing schemes have a lot of problem, so how we could improve on that.
- Grievance redressal mechanism needs to be very strong. Provision of criminal prosecution should be there. Justiciability factor is very important.
- We also need to see how is 35 kg grain demand per household is determined. Pulses should be included and not just grain
- The definition of vulnerable has to be clear
- Protection of land, forests, water, farmers, labourers etc should be our main focus. We should not be limited to the Act, but how we can talk about our right to land. Since, grain and food is a political issue.

### **Devika Singh, Mobile Crèches**

- Food security for 0 to 6 year old children needs to be there, since children can not reach till food. There is a need to be proactive in this. We should demand for complimentary feeding in ISDS scheme and trained crèche workers.
- We need to discuss in depth about the grievance redressal mechanism.

### **Sachin Jain, RTF Bhopal**

- When we talk about nutrition and nutritious food, fortification of food has become a cause of grave concern. Chemicals in food are not acceptable, and should be part of the essential demands.
- GM food issue needs to be addressed. We need to take care that GM food is not used to satisfy the food supply needs.
- There is a shift of individual entitlements to family entitlements; this is again a cause of concern. We need to make our stand clear on this.

## **II POST TEA SESSION 11.30am**

### **Ginny**

1. Where there are registered women's groups and they so desire and apply for ration shops, they should be allocated ration shops. But they should not be forced to do so.
2. Elderly and other destitute people should be allowed to take one meal of hot cooked food from the AWCs. Widows for instance should be allowed along with their children, whether or not they are below or above six.
3. The practice of keeping a stock of grain at the GP Office should be part of the Act e.g.: in rural Rajasthan there is a practice of keeping one *bori* of grain for whoever might need it.
4. Natural farming should be linked to the RTF legislation. Quality of food should be nutritious and edible.
5. The penalty for those who adulterate food should be increased and the enforcement made stricter.

6. The commission for the PDS dealers should be increased so that the honest dealers do not make losses and have an incentive to be honest.

### **Ganga Bhai, Chattisgarh.**

- We should also emphasize on production aspects, especially protecting farmer's land from corporate.
- We need to be clear about the source of the food which will be used in the provisions of this Act.

### **Abhay, Karnataka**

- Bring clarity to migration related provisions
- Grievance Redressal Mechanism needs to be worked out and strengthened
- Should also provide local food items. State governments could take responsibility for the same with the central government handing over the apportioned subsidy amount e.g.: people may consume local grains other than rice and wheat.
- Quality of grains should also be part of the Act
- Define adolescent girls related provisions properly, as well as the identification criteria
- MIS should be displayed locally and also be on the web for greater transparency as provided for in NREGA

### **RTF West Bengal**

- Provisions should be applicable also to the homeless
- Since there are no legal entitlements for homeless, we should add homeless persons in point 8 of "essential demands".

### **Devinder Sharma**

- We are bringing something that's not very different from the government PDS which has so many flaws
- We are perhaps being too much in a hurry and merely making token changes in what the government plans to do anyway and are leaving out broader areas of the right to food.
- This targets those under the Starvation line, but we need to look at an Act for hunger line and for nutrition line.

### **Mira Shiva, JSA**

- We need to look at Malnutrition and its impacts
- We need to look specifically at Chemicals in food and its impacts
- Wholesome food versus micronutrients needs to be analyzed

- Food Crisis and its impacts
- India-EU Free Trade Agreement: something we need to stop as it will lead to hunger for generations.
- Who will define what food is, who will produce it and who will distribute it: these are all our concerns

### **Preeti Daruka**

- Its an Act that targets symptoms and not the underlying causes of hunger
- Universality principle should be applied
- Problems of those without physical address: they do not get ration cards whereas they need it the most. How do we provide for them in our Act?

### **Pramod Kumar Singh, RTF Campaign, Bihar**

- Pension should be 500 rupees per month and it should come entirely from the central government
- Low procurement in some (esp. poor states). E.g. In Bihar 40 lakh MT required per year but only 5 lakh MT procured from Bihar. Local procurement is the best option and should be ensured in our Act.
- BPL should include landless and unemployed.

### **Rajkishore Mishra, Orissa**

1. There is no provision for displaced people, esp. for people affected by naxal movements,
2. Culturally appropriate grains must be provided
3. Mobile Provisions for migrant labors.

### **Vimla, NFIW**

- We must build a very powerful campaign to be able to push our demands
- We must bring in Land Reforms as part of the Act
- We must have universal PDS
- So far our whole exercise is focusing on improving and plugging holes in existing schemes

### **George, Save the Children**

- National Campaign for ensuring breastfeeding should be a provision in the Act.
- Crèches must be available for agricultural workers
- Access to food for children, especially girl children

### **Dr.Uday Singh Pratap-National Law School**

- Individual should be the basis for entitlements and not the family
- There must be more defined demands for Migrant Workers
- Entitlements should be put forth clearly
- Lets not be minimalistic like the govt. and assume resource constraints
- We need to be clear about how we define these excluded categories? On income criteria? We are aware of the shortcomings of the BPL classification....What do we do about that?

### **Ashok Khandelwal, Advisor, Rajasthan**

We can have a draft Act only on the basis of practical situation and plausible expectations.

- Can we add in the preamble that the current state of food insecurity is due to the current approach to economy?
- Can we ask for individual entitlements?
- In point 11, add 'criminal penalties'
- In point 12, not merely responsibility to **encourage** production but to **ensure** production through...
- Local procurement and stocks should be made part of demand
- In point 13, not only about new laws, but Government should also examine the existing laws and policies that violate the right to food act
- There is a need to also include Minimum Wages as one of the components of the Act, as even now 87% of workers are not getting the minimum wages. Also look at other Acts like Land Acquisition Act and refer to them in our Act.
- We can understand the purpose of the present government by looking at the tenants of the present budget: 12 hours working hours, labour benefits in factories will be removed, contractual process will be promoted.

### **Satva, Orissa**

- Food stocks should be with Panchayat and not only at higher levels
- Protections to farmers as our diversified cropping patterns are getting destroyed, creating a lot of distress amongst people.
  
- Com modification of people's need is the main focus of present capitalist thinking
- Government is not giving the right support prices to the farmers, but the corporate has taken the grain and sold it for further higher prices. This is the agricultural policy of our country.

### **Prabhakar, Concern**

- Ensure role of Gram Sabha and Gram Panchayat in deciding the list of persons in the BPL List.
- How to ensure that poor are able to obtain certificates of landlessness and caste category?
- There are forest dwellers who are not even in the BPL Survey. Their issue needs to be taken up
- Issue of Ghost Cards e.g.: places where BPL cards are more than the number of poor people.
- Poorest states are spending less money compared to richer states.... case of Orissa vis-à-vis Rajasthan

### **Manas, Action Aid**

- Though the concerns raised here are important and we agree with it, we might end up burdening this act with too many things. Instead we should call this 'food entitlements Act' and work for other acts which encapsulates what we understand as RTF.
- State governments should retain autonomy for making their own provisions
- We are stuck to the pricing of Rs.2 and 3 for wheat and rice, whereas there is no justification for this differential.
- Case of Orissa: anyone getting pension does not get AAY there. We should ensure that getting entitlements under non food provisions should not used to exclude people from food entitlements.
- Link the minimum food prices wages to food prices.

### **Salluram, Jaipur**

- Different types of cards are problematic
- Grain Go downs needed at Block Level
- women should get priority for being PDS dealers

## **III POST LUNCH 2.30pm**

### **OPEN DISCUSSIONS CONTINUES**

### **Soumen Roy, NCL**

- It should be seen as a food right.
- Many factories have shut down, and workers have lost their job. We need to have food security provisions for them.
- Just having a BPL card does not serve the purpose. Since there are so many who do not have identity cards at all.

### Ravi Kumar, Hyderabad

- It is important to note that the UPA govt is proposing a food security act. There is a lot of difference between a food security act and right to food act.
- It should not be merely a food security act, but right to food act.
- Special provisions should be there for dalits and tribal communities.
- The present RTF draft bill is incomplete. No act is comprehensive in our country except SC/ST POA Act. We can take the help of this Act to provide preventive, corrective and punitive provisions
- In a couple of day time, we could give more concrete suggestions to this draft act.
- There is a need to have a consultation in the South to ensure greater participation from the activists / NGOs working in the South

### Shyamlal, Astha

- There are migrant workers, on both seasonal as well as a daily basis, provisions for them should be there.
- Most schemes are for BPL while the BPL survey is deeply flawed. It should be universal.
- We need to think how land, water security, for people and their livelihood can be ensured and these resources should remain with the people.
- We also need to think how grain productivity can be increased, and it should be made a part of the act.
- The grievance redressal mechanism needs to be much stronger,
- Local level grievance redressal system.
- Penalties as well as time bound system, punitive action.

### Umi Daniel

- We need to realise the context of this act. Hunger and right to feed oneself is important. Should not call this Right to Food Act as it would be a misnomer for provisions that are essentially about food entitlement schemes.
- Since 2001 RTFC, we have only spoken about food entitlements. Only focussing on entitlements would be good.
- Point no. 12 in the essential demand, we need to be expanding that. We need not just adequate but also **adequate and nutritious food**.
- Sustainable and equitable food production.

### Laxman, HRLN

- Point no 2 in essential demand, need to mention who will make the food. Recruitment of cook and helpers should be from SC/ST groups.
- Point no. 6 in essential demand, who will define as vulnerable groups?

- If we could add kerosene with grains.
- Under point on provision of subsidized pulses and oil, we should also add kerosene. Also clarity on what should be the price of such supplies, e.g. for pulses
- Existing schemes are only for schemes, will our demands be only limited to them?
- There has been good performance by some states like AP, Chhattisgarh. Can those states give some special provisions?

### Anup Srivastava

- At present, FAO Declaration has certain standards to be maintained in food security status. We should read this and analyse this and add in our act.
- All our discussion is on symptoms and not on the root cause.
- We should critically look at the welfare aspect of this act.
- It should be an universal act, and not just BPL Category.
- There is no need for the word dignity.
- All food essential schemes should be there.

### Katayani Jayraj, CIVIC Bangalore

- Essential demand point no. 4, children from 0 to 3 year old are malnourished. So we should change it from 0 to 3 and not 0 to 6 year old. Provisions have to be made for this group to be supported at home through support to the mother.
- Point no. 6 in essential demand, exclusion category will perpetuate the targeting system. Should remove the phrase of exclusion on wealthy.
- Not 35 kilos per HH per month but 2400 calories and per individual rather than per households.
- It should be not just nutrition, but **balanced**.
- CIVIC has submitted a joint memorandum to the Wadhwa Committee. The point of Vigilance Committees to ensure it to function.

### Kavitha Kuruganti, Anti GM Alliance

- RTFC needs to go to the next level. There is a need to address fundamental aspects, and not just schemes or food entitlements.
- There are alternatives on the ground to ensure that local food security can be compatible with local production storage and distribution systems and it would be a mistake to totally shut our eyes to them. There are organisations which have worked and shown how to manage storage, production in PDS.
- There needs to marriage between the programmatic solutions in the ground level which address bargaining power as well as address sustainable production systems.
- We should run into this in haste. 100 days are difficult for the GOI to come up with an Act.

### Phalguni, Gujarat

- Atta/flour Fortification in Gujarat. Issue of wheat and not flour/atta.
- Women should be given cards, also women who are thrown out of their houses, since they have no proof.

### **Rajesh Krishnan, Greenpeace India**

- Food production not handled well in the documents by RTFC.
- We have to convert this into an opportunity.
- In the last year budget, 1 lakh crore rupees for fertiliser subsidy by GOI. Interesting to note that in similar the GOI is spending on these schemes.

### **E.P. Menon, India Development Foundation**

- Plan of Action-Within 1 yr, can we find out how many children and women are going without food in Delhi slums with the help of a survey.
- All slum dwellers all over India, given what they need for subsistence and be rehabilitated in their villages. 5 acres of land should be given free to every family that wants to relocate from urban slums to agricultural livelihoods.

### **Ravi Bhatia**

- Definition of poverty should be included. Acc to Utsa Patnaik, rural poverty is 74 %; GOI says it is 27%. How can there be so much difference.
- Point no. 12: we need to be more careful.

### **Gurminder, UNICEF-Bihar**

- There is a need for other act. Things will happen when there is an act, even if the implementation level is poor.

### **Prashant Bhushan**

- Some people have criticized that focus is being moved away from the larger issues of agriculture and livelihoods to the narrower issue of food entitlements.
- It is not that we are not focussing on this. We need to talk about food entitlements; it is not that we are undermining the larger issues.
- RTFC also should know that food entitlements are a small issue in this right to food act, but one which is very important.
- Even if we have very good policies and acts on the other issues there would be need to have an act on entitlements. So these are not contradictory objectives but complementary objectives.

### **Arvind Kejriwal, Parivartan**

- When we talk about food security, it comes across for those people who are deprived need some security.
- The current policies by the government looks like everyone will be a part of BPL category.
- Futures Trading has led to a situation where speculation is done and leading to a situation where even the less poor can not afford a balanced diet
- Localized systems must be supported through united food security support to Gram Sabhas. Gram Sabha should need to come up with their own schemes on their own.
- Everyone needs nutrition.
- Commodity market is run by the government itself.
- There is a political opportunity, and we should take advantage of that.
- It is very important for us to put down the main points on paper. Need for us to sit together for 3-4 days.

### **Nikhil Dev, MKSS**

- We should not understand this issue as either/or.
- During NREGA, there were discussions. The act has made a difference, it is not a right to work, and it is a much smaller, only 100 days.
- Right to food act may not be the ideal, we should not juxtapose right to food and food entitlements act.
- There should be two tracks, one where we take a collective responsibility, should make groups. Come up with a broad based charter, should have minimum food entitlements.
- On the other hand, we have to see what is happening at the government level. And we need to be careful.
- Provisions for small children and old people are very important.
- A process can be set up today. We all come together on issues of food.
- We should be ready with our comments, since the bill which is at present with the GOI, is to be put up on the website by the Finance Minister.
- There should be an option where all NREGA workers should be allowed to claim part of their wages in the form of subsidized grain

### **Aruna Roy, MKSS**

- There should be different strategies to tackle hunger and malnutrition. And right to food act should be linked with all.
- We need to see how much of a space do we have in the political set up? Need to have a consensus between all the groups. We should take a decision on this today.
- We are trying to link a lot of things. The process should be decided as well.
- Seva, Sanghursh, and Nirman are different kinds of work but should also be bound together by common political understanding. But none of the three activities should damage the prospects of the other three.

- In this kind of work, the scope for revolution is less. But there is a need to balance the two, revolution as well as drafting.
- We should take maximum opportunity out of this.

### **Colin Gonsalves**

- RTF case has been plugging holes for a long time since the past few years. We have struggled and fought for this SC schemes.
- RTF case is very important. Because of this, we have a minimum standard. We have exhausted in terms of entitlements now.
- Over the last seven eight years we have played a key role in ensuring that the government is not able to roll back any pro-poor provisions
- It would be sad if an act comes up now that takes away from the gains we have made. We have to ensure that this does not happen.
- We need to make a fundamental change in the rtf campaign, we have done what we can do with entitlements, now we need to look at issues that are making people poor i.e. the fundamental issues of creation of hunger and poverty need to be looked at.

### **Kavitha Kuruganthy, Anti GM Alliance**

- Not allow the government to call it the Right to Food Act
- Not call our draft the RTF Act
- Initiate work on the broader issues

### **Ginny Srivastava**

We should not go into the fundamentals and leave the ongoing struggle for entitlements as we have a strong responsibility towards the latter.

### **Arundhati**

The entitlements fight is not over; in fact there is scope for a lot more.

### **Abhav, Karnataka**

- There is no component of what we can call a right in the draft Act, if a person is not given food, then what is the compensation?
- Make the entitlement individual rather than family based.

### **Representative from FTA campaign**

- Look at the impact of Free Trade Agreements on food security and include that in the Act.

### **Jean Dreze**

- This is not a Right to Food Act, but a Food Entitlements Act. But that would concede too much. So we could call it Food Entitlements component of a Right to Food Act
- A RTF Act is clearly different from a Food Entitlements Act
- Call this “RTF act: essential demands relating to entitlements” and have a larger position on other issues, which will supplement on the structural causes of hunger.

### **Madhuri, Jagrit Adivasi Dalit Sanghathan**

- Why can't we think of a new scheme? Why can't we create a new PDS?
- We need to do this entitlements bit, but meanwhile also demonstrate that we mean a lot more when it comes to RTF
- I am not saying that we add all issues to this act, but we need to look at this in a new light and. this will not jeopardize the existing process.

### **Amrish ji**

The food procured to take care of the country's food security should be taken care of by our farmers: this should be included in our Act

### **Manas:**

As long as our act is not detrimental to the interests of our country we should go ahead with it. Even if it's incomplete according to some of us, we need to first ensure whether or not it's harmful to interests of any community.

## **Session on Resolution**

### **Proposed Resolution:**

We resolve that the right to food campaign will set up a platform to bring to the public domain all the issues related to the right to food and nutrition that affect people and their food production system as well as their basic food entitlements.

We will form group/groups to draft a citizen's charter on land use and natural resources, self reliance of agriculture, food production and food and nutrition related issues, trade, agricultural and economic issues which will form the basis of struggle for the right to food campaign and be the guiding principle of this campaign.

The campaign will call upon the government to make their current food security act public, and engage in public debate, discussion and consultation. The campaign will put pressure on the government to ensure that the process of drafting and passage of this legislation is transparent, open, and consultative and people centric.

### **Response to resolution**

Suggestions for inclusion: food, trade, economic and grain policy, attack on livelihoods and traditional diversified systems, self reliance of agriculture. Ensuring sustainable and traditional practices. Demanding transparency in all issues related to food and not just for the Act.

### **Agreements**

- Jean, Harsh, Colin and Anuradha will finalize the essential demands in reference to the discussion held today
- It was decided to meet in early September for the next consultation, and after having state level consultations.
- Non negotiable should go public and we should not wait for the government draft
- Who will make the second draft?

### **Discussion on the Drafting process:**

- Anuradha suggested that the people who have expertise should draft a campaign position on issues other than entitlements. Also, Anuradha emphasized that this should not be a disjoint process e.g.: wherever the draft Act and essential demands which is focusing on entitlement goes, the campaign position on these other issues should go with it.
- Manas: let the groups work on a draft on Acts on bigger issues of food security especially those who feel that there is some danger from focusing narrowly on the essential demands on entitlements.
- Colin: take the existing draft as a starting point and go beyond on the basis of the criticisms we heard today.
- Ashok: start the drafting process, where one part has to do with food entitlements and the other with other issues.