

NATIONAL FOOD SECURITY BILL, 2011

A

Bill

To provide for food and nutritional security, in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices ,

Be it enacted by parliament in the sixty -second year of the Republic of India as follows:

<p>Short title, extent and commencement</p> <p>Definitions</p>	<p>CHAPTER I: PRELIMINARY</p> <p>1. (1) this Act may be called as National Food Security Act, 2011</p> <p>(2) Extends to whole India.</p> <p>(3) Shall come into force on dates notified by the Official Gazette by Central Gov., and different dates appointed for different provisions of the Act</p> <p>2. In this act unless the context otherwise requires—</p> <p>(a) ‘Central Pool’ means the stock of food grains which is –</p> <p>(i) Procured by Central and State Govt. through minimum support price operation.</p> <p>(ii) Maintained for allocation under Targeted Public Distribution System, other Welfare schemes, including calamity relief etc.</p> <p>(b) ‘Cooked meal’ means nutritious cooked and ready to eat meal.</p> <p>(c) ‘Destitute person’ means who lacks resources for dignified living.</p> <p>(d) ‘Disabled’ means a person defined as disabled according to disability act</p>	
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	<p>1995.</p> <p>(e)'Emergency or disaster situation' same as defined in the Disaster Management Act 2005.</p> <p>(f)'Fair price shop' means shop that will distribute commodities according to Essential Commodities Act 1955, to ration card holders.</p> <p>(g) 'food grains' means rice; wheat; nutri-cereals</p> <p>(h)'Food security' means supply of entitled quantity of food grains and cooked meals according to chapter II; III;IV</p> <p>(i) 'Food Security' allowance-amount of money to be paid by concerned State Govt. under section 12,to entitled households.</p> <p>(j)'Homeless person' -Who does not live in a structure, or lives in shelter for homeless.</p> <p>(k)'Local authority' -includes Panchayati Raj Institutions, Municipalities etc.</p> <p>(l)'Minimum support price' -assured price fixed by the Govt. at which food grains are procured by the Central and State Govt.</p> <p>(m) National Commission-National Food Security Commission under section 21;</p> <p>(n) 'Nutri-cereals' -bajra, jowar, ragi etc.</p> <p>(o)'Other welfare schemes' -means the Govt. schemes under which cooked meals are supplied as a part of the schemes</p> <p>(p)'Poverty estimates' -percentage of population living below poverty line.</p> <p>(q)'Priority household' &'General</p>	
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	<p>household’ –households identified under their respective categories under section 14.</p> <p>(r) ‘prescribed’ means prescribed by rules made under this Act</p> <p>(s) ‘ration card’-document issued under an order or authority of the State Govt. for purchasing essential commodities from Fair Price Shop;</p> <p>(t) ‘Rural Area’-any area in a state except those covered by cantonment board,urban local body.</p> <p>(u) ‘Senior citizen’-person defined in the Senior Citizens Act,2007;</p> <p>(v) ‘Social audit’-process in which people collectively monitor and evaluate the planning and implementation of a scheme.</p> <p>(w) ‘State Commission’ means State Food Security under Sec., 19</p> <p>(x) ‘State Government’ in relation to Union Territory(UT): Administrator appointed under Art. 239</p> <p>(y) “Targeted Public Distribution System’ means system of distribution of essential commodities to ration card holders</p> <p>(z) ‘vigilance committee’-committee constituted under Sec. 30 to supervise the implementation of all the schemes under this Act.</p> <p>(aa) words and expressions not expressions not defined in the Essential Commodities Act, 1955 and have meaning assigned to them under that Act.</p>	
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<p>Right to receive food grains at subsidized prices by the person belonging to priority and general households under the Targeted Public Distribution System</p> <p>Nutritional Support to pregnant women and lactating mothers</p> <p>Nutritional support to children</p> <p>Prevention and treatment of child malnutrition</p>	<p>Chapter II:</p> <p>Provision for Food security.</p> <p>3. (1) Every person belonging to priority & general household according to sub section (2) of section 14 ,shall receive by State Govt. under the targeted PDS system the prescribed quantity at the prices specified in schedule</p> <p>(2)Central Govt. may by notification amend or modify the schedule referred to in sub-section(1).</p> <p>4. Every pregnant women and lactating mother through anganwadi will be entitled to free cooked meal during pregnancy and six months after the child's birth.</p> <p>5. Every child up to age of 14 shall have following nutritional entitlements:</p> <p>(1) Children in the age group 0-6 years age shall get appropriate cooked meal ,free of charge, through the local anganwadi or any other prescribed institution.</p> <p>(2)Children in the age group of 6-14 years :one cooked mid day meal ,free of charge, except on school holidays ,in all schools run by local bodies, Govt. and Govt. aided schools, up to class VIII.</p> <p>(3) Every school shall have appropriate facilities for cooking and drinking water.</p> <p>6. The State Govt. through the local anganwadi ,identify children who suffer from malnutrition ,and provide</p>	
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<p>Implementation of Schemes for realization of entitlements</p>	<p>cooked meals.</p> <p>7. Entitlements under section 4,5&6 shall be realised through specific schemes, which will be implemented by the State Govt in accordance with the guidelines ,including for cost sharing between centre and state according to Central Govt.</p>	
<p>Entitlements of Special Groups</p>	<p>Chapter III</p> <p>ENTITLEMENTS OF SPECIAL GROUPS</p> <p>8. (1)Destitute people-All destitute persons shall be entitled to at least one cooked meal everyday free of charge in accordance to scheme prescribed by the Central Govt.</p> <p>(2) Homeless-all homeless and poor ,casual workers& migrant labourers shall be entitled to cooked meals at community kitchens according to schemes prescribed by Central Govt.</p> <p>Provided that the entitlements under sub sections(1) &(2) shall be applicable only after it is notified by respective State Govt.</p> <p>Provided further that every State Govt. shall notify the entitlements under sub sections (1) and(2) within one year from the date of commencement of this Act.</p>	
<p>Emergency and Disaster Affected persons</p>	<p>9. In the case of emergency disaster the State Govt. shall provide free two cooked meals to the affected household or provide them ration free of charge ,for a period up to three months after disaster.</p>	

<p>Investigation</p>	<p>Chapter IV</p> <p>PERSONS LIVING IN STARVATION</p> <p>10.the State Govt. will identify persons, households ,groups living in starvation or conditions akin to starvation</p>	
<p>Immediate Relief from starvation</p>	<p>11.All persons ,households etc identified under section 10 above shall be provided –</p> <p>(1)Free Cooked meals two times a day ,for 6 months from date of identification.</p> <p>(2)any other relief deemed necessary by the State Govt.</p>	
<p>Right to Receive Food Security Allowance in certain cases</p>	<p>Chapter V</p> <p>FOOD SECURITY ALLOWANCE</p> <p>12. In case of failure to supply the entitled persons ,they will be entitled to receive food security allowance from the State Govt. in a manner prescribed by the Central Govt.</p>	
<p>Coverage of Targeted Public Distribution System</p>	<p>Chapter VI</p> <p>IDENTIFICATION OF PRIORITY HOUSEHOLDS AND GENERAL HOUSEHOLDS</p> <p>13. (1)Central Govt. shall determine for each state number of persons belonging to the priority households,based on state-wise poverty ratio ,time to time.</p> <p>(2)Central Govt. shall also</p>	

<p>Guidelines for identification of priority and general households</p>	<p>determine the additional number of persons belonging to the general household ,in such a manner that in each state the combined coverage under the TPDS belonging to priority and general household ,are 75% and 50% of the rural and urban population, respectively.</p> <p>14. (1) the Central Govt. may time to time prescribe the guidelines for identification of priority and general household.</p> <p>(2) Within the state wise number of persons belonging to priority and households under sub section (1)&(2) of section 13; identification of priority and general household shall be done by State Govt. or such agencies as decided by the Central Govt.</p> <p>Provided that no household meeting the exclusion criteria, to be prescribed by the central government ,shall be included either in the priority or the general households.</p>	
<p>Publication and display of list of priority and general households</p>	<p>15. The list of identified priority and general households shall be placed by the State Govt., in the public domain and displayed prominently.</p>	
<p>Review of the number of priority and general households</p>	<p>16. Within state -wise number of persons belonging to priority and general households, determined under sub sections (1) and(2) of section 13 above ,the list of eligible priority and general households shall be updated by the State Govt from</p>	

<p>Women of eighteen years of above to be head of household for purpose of distribution of ration cards</p>	<p>time to time.</p> <p>Chapter VII</p> <p>WOMEN EMPOWERMENT</p> <p>17. (1) The eldest women who is not less than eighteen years of age ,in every priority and general household ,shall be the head of household for l the purpose of distribution of ration cards.</p> <p>(2)If in a household there is no women who is 18 years old but has a female below 18 years of age then immediately after attaining the age of 18 years she will be considered as a head of the household for the purpose of distribution of ration.</p>	
<p>District Grievance Redressal Officer</p>	<p>Chapter VIII</p> <p>GRIEVANCE REDRESSAL MECHANISM</p> <p>18. (1) For expeditious and effective redressal of grievances in matter relating to distribution of entitled food grains and cooked meals under Chapters II, III and IV. A District grievance officer, shall be appointed in each district, to enforce various entitlement under this act and, investigate and redress grievance.</p> <p>(2).The method and terms and condition ,the power etc of this officer will be prescribed by Central Govt.</p> <p>(3).The State Govt. shall bear the</p>	

<p>State Food Security Commission</p>	<p>expenditure of salary and allowances and the functioning of the above.</p> <p>(4) The above officer shall listen to the complaints related to the non distribution of food grains or cooked meal.</p> <p>(5) Any complainant not satisfied by the redressal of the above can approach the state commission constituted under section 19.</p> <p>(6) Every appeal under sub section (5) shall be filed in such manner and within such time as may be prescribed.</p> <p>19. (1) For the monitoring of the implementation every state shall constitute a State Food Security Commission.</p> <p>(2) It shall consist of-</p> <p>(a) a Chairperson</p> <p>(b) a Vice Chairperson(V-C)</p> <p>(c) Five other members</p> <p>Provided at least two women shall be there (either Chairperson; V-C; members). Similarly, one SC/ST member in the Commission</p> <p>(3) The Chairperson ,Vice Chairperson and other members shall be appointed from amongst the persons-</p> <p>(a) A person serving in All India Service or any other civil service of the Union or State or under any civil post having knowledge and experience related to food security.</p> <p>(b) of eminence in public life and wide knowledge and experience in agriculture, human rights ,social</p>	
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	<p>service ,nutrition & health etc.</p> <p>(c)who have a proven record of work related to the improvement of the food and nutrition rights of the poor.</p> <p>(4)The method of appointment; terms and conditions; procedure of meetings; quorum and the powers shall be prescribed by the State Govt.</p> <p>(5)The state commission shall undertake the following functions-</p> <p>(a)Monitor and evaluate the implementation of the Act ,in relation to the state;</p> <p>(b) <i>Suo moto</i> or on the receipt of complaint shall enquire into violations of entitlements provide under Chapter II, III, IV</p> <p>(c)Issue guidelines in accordance with that of National Commission to the State Govt. to implement the act.</p> <p>(d) Advice State Govt,autonomous bodies, NGOs; etc involved in relevant services, for the effective implementation.</p> <p>(e) hear complaints transferred to it by national commission</p> <p>(f)Hear appeals against orders of grievance redressal officer.</p> <p>(g)Prepare annual report which shall be laid down in State Legislature.</p> <p>(6)State commission shall have administrative and technical staff as prescribed by State Govt.</p>	
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<p>National Food Security Commission(NFSC)</p>	<p>(7)Methods of appointment under sub section 6,their salaries etc shall be prescribed by State Govt.</p> <p>20. State Govt. shall meet the expenditure of salaries, allowances etc of Chairperson, Vice Chairperson, members and support staff etc and other expenses required for functioning.</p> <p>21. (1) Central Gov. to constitute NFSM assigned functions</p> <p>(2)Headquarters: Delhi</p> <p>(3)Shall consist of-</p> <ul style="list-style-type: none"> a. Chairperson b. Vice Chairperson(V-C) c. Five other members <p>At least two posts reserved for women members and one each for ST and SC (chairperson/V-C/member) and</p> <p>(4)Eligibility criteria:</p> <ul style="list-style-type: none"> a. Serving All India service/ other civil service of the Union/ civil post under Union with experience in matters of food security and allied fields b. persons of eminence in agri., human rights, social service; mngmt., nutrition and health; public administration c. proven record of work in food and nutrition and the rights of poor <p>(5) The terms and conditions and method of appointment of members; quorum at the meetings</p>	
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	<p>and its powers, as prescribed by the Central Government</p> <p>(6) Functions of the NFSC</p> <ul style="list-style-type: none">a. monitor and evaluate implementation of the Act b. <i>suo moto</i>/receipt of complaint enquire into violations under Chapters II, III, IV c. advise Central Government in synergizing and framing new schemes for entitlements provided under this Act d. recommend the Central and state Govs. to effective implementation and enable persons to fully access schemes e. guidelines for training; capacity building and performance management f. consider reports/recommendations of State Commission. g. hear appeals against orders of State Commission h. prepare annual reports on implementation of this Act <p>(7) Commission to have other admin and technical staff as prescribed by the Central Gov.</p> <p>(8) Methods of appointment; salary; conditions of service of staff under sub. sec.(7) as prescribed by the Central Gov.</p> <p>22. Central Gov. shall meet all expenditure (salary/allowances/members/staff and</p>	
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<p>I</p> <p>Implementation and monitoring of schemes for ensuring food security</p>	<p>Chapter X</p> <p>OBLIGATIONS FOR STATE GOV. FOR FOOD SECURITY</p> <p>25. (1) State Gov. responsible for monitoring and implementation</p> <p>(2) Under TPDS the following duties:</p> <p>a. take delivery of food grains to designated depots; organise intra state allocations of fair price shops; ensure delivery</p> <p>b. ensure actual delivery to the entitled persons</p> <p>(3) for food grain requirements under sec. 4,5,6,8,9 and 11 the responsibility to take delivery of food grains to the designated depots</p> <p>(4) In case of failure to supply, to entitled persons under chap. II; III;IV, shall be responsible for payment of food security allowance under Sec. 12</p> <p>(5) For efficient operations under TPDS:</p> <p>a. create/maintain scientific storage at State/District/Block Level</p> <p>b. strengthen capacities of food and civil supplies corporations</p> <p>c. institutionalise licensing arrangements for Fair Price Shops (FSPs) under PDS</p>	
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<p>Implementation of TPDS</p> <p>Obligations of Local Authority or Municipality or Panchayati Raj Institutions (PRIs) or Urban Local Bodies (ULBs)</p> <p>Disclosure of records of PDS</p> <p>Conduct of social audit</p> <p>Setting up of Vigilance Committees</p>	<p style="text-align: center;">Control Order, 2001</p> <p>Chapter XI</p> <p>OBLIGATIONS OF LOCAL AUTHORITIES</p> <p>26. State Gov. may assign by notification for TPDS to Local authorities (municipalities/panchayats)</p> <p>27. Local bodies to be responsible for discharging duties and responsibilities as may be assigned by notification</p> <p>Chapter XII</p> <p>TRANSPARENCY AND ACCOUNTABILITY</p> <p>28. All TPDS records be placed under public domain</p> <p>29. All PRIs/ULBs authorized by State Gov. to conduct regular social audits</p> <p>30. (1) Set up Vigilance Committees as prescribed under the PDS Control Order, 2001 at the State; District; Block and FPS</p> <p>(2) Vigilance Committee shall perform:</p> <p style="padding-left: 40px;">a. regularly supervise</p> <p style="padding-left: 40px;">b. inform District Grievance Redressal Officer for violations</p>	
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<p>Steps to further advance food and nutritional security</p>	<p>c. inform District Grievance Redressal of any mal practice or misappropriation</p> <p>Chapter XIII</p> <p>PROVISIONS FOR ADVANCING FOOD SECURITY</p> <p>31. Central; State and local Government shall strive to:</p> <p>(1) Revitalise Agri.</p> <p>a. agrarian reforms securing interest of small and marginal farmers</p> <p>b. increase in investments; R&D; extension services</p> <p>c. ensuring remunerative prices; credit; irrigation</p> <p>d. prohibiting unwarranted diversion of land</p> <p>(2) Procurement; Storage and Movement</p> <p>a. incentivize the decentralize procurement</p> <p>b. geographical diversification of operations</p> <p>c. scientific storage</p> <p>d. priority of movements of food grains- sufficient rakes/ expanding railway line</p> <p>(3) Reforms in TPDS in consonance with functional role</p> <p>a. doorstep delivery</p>	
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<p>Other Welfare Schemes</p> <p>Penalties</p>	<ul style="list-style-type: none"> b. computerization to ensure transparent recording of transactions c. leveraging ‘aadhaar’ for unique identification d. full transparency e. preference to public institutions; cooperatives etc. in licensing FPS by women or women’s collectives f. support to local distribution models g. introducing scheme of cash transfer in lieu of entitlements under Chap. II <p>(4) Others: access to</p> <ul style="list-style-type: none"> a. safe and adequate drinking water b. health care c. nutritional health care d. pensions for senior citizens <p>Chapter XIV</p> <p>MISCELLANEOUS</p> <p>32. Provisions do not preclude Central and State Gov. for implementation of other food based welfare schemes</p> <p>33. Any public servant/authority found guilty of failing to comply with the relief recommended by District Grievance Redressal Officer shall be liable to penalty not exceeding five</p>	
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<p>Power of state Governments to make rules</p>	<p>d. fixing state wise no. of persons to priority and general households under Sec. 13</p> <p>e. identification of priority and general households under sub sec. (1) of sec. 14</p> <p>f. methods and terms of appointment of District Grievance Redressal officer</p> <p>g. manner and time time limit for redressal</p> <p>h. methods of appointment and terms and conditions of chairperson</p> <p>i. manner in which Central Gov. provide funds to State Gov.</p> <p>j. any other matter</p> <p>(3)Every rule under this Act shall be laid before each House of Parliament for a period of thirty days comprised of one session or two or more successive sessions</p> <p>38. (1)By Official Gazette make provisions for rules</p> <p>(2)to the genrality of foregoing powers, such rules namely-</p> <p>a. quantities for which scientific storage under TPDS and other welfare schemes</p> <p>b. provide institutionalised licensing arrangements for the FPS</p> <p>c. details of vigilance</p>	
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	any other act of God.	
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SCHEDULE

	Priority Households	General Households
Food Entitlement	Seven Kg. of food grains (rice, wheat or nutria cereals) per person/month	Three Kg. of food grain/ person/month
	Not exceeding 3/2/1/ per Kg.	Not exceeding 50 percent of MSP.
Price		