

15 August 2009

COMMENTS RECEIVED ON THE DRAFT “RIGHT TO FOOD ACT, 2009” (dated 24 June 2009)*

Comment 1 (K.S. Gopalan)

I read with great interest your recent note to the Right to Food discussion. I take the liberty of sharing our experience. Attached our latest book on NREGS and appreciate your looking at its and providing your valuable ideas in steering our thinking and work.

We work in drought hit areas, hunger is a major issue. In 2002-03, India witnessed high food stocks rotting with the Food Corporation of India while we saw many poor denied food. Policy makers advised issue price reduction to reduce stocks. We sought market deepening and persuaded the govt. to provide fifty kilograms of rice sock every month on credit. Based on income cycles, three repayment options with an in-built savings were offered. The Government provided a hundred thousand tons to implement the Rice Credit Line. It used credit and institutional mechanism of women self help groups and existing PDS infrastructure. The price was above BPL but lesser than market prices. We were overwhelmed to see the enthusiasm and repayment was no problem, as making it work was crucial to the households, especially women. On the other hand the industries and exporters who availed rice at reduced issue price witnessed only their benefiting. The scheme is now catering two million households but with market purchases wherein the problem is of price fluctuations and transparency and supply unreliability, matters that can be easily addressed by govt.

* Compendium of comments received on the draft “Right to Food Act 2009” (dated 24 June 2009), circulated for discussion and prepared by Jean Drèze, Reetika Khera, Harsh Mander, Biraj Patnaik and Dipa Sinha in their private capacity. The draft is available at www.righttofoodindia.org (in the section “Right to Food Act”). Further comments are welcome – please send them to righttofood@gmail.com (secretariat of the right to food campaign).

When the National Food for Work, forerunner to NREGS was taken up, we got the AP Government to implement the “Food Assurance” approach. Here too grain supplies were provided to worker households each month regardless of work progress and adjusted against their food accruals. Each family received fifty kg of rice and eight kg of dal. What started as govt. credit soon led to workers having credit balance and relying on the govt. for giving supplies for many more subsequent months. Addressing a public meeting in Hyderabad Smt Sonia Gandhi said “Keep a watch on the implementation of the programmes to ensure that the target groups are not deprived of the benefits. Eight districts in the state fall under 150 backward districts in the country where the Food Assurance scheme is being implemented” (The Hindu, March 6th 2005).

Apart from the enthusiasm the two schemes triggered among the needy we found that when adequate assured grain is available, aggregate food supplies in the community goes up leading to people not served also accessing and benefiting. No one starved in the village. The two interventions emerged as we recognized that unlike other needs, food consumption cannot be postponed and no one can eat more just because it is available.

Our effort now is to make labor bankable as workers now have a sovereign guarantee of assured employment and wages in NREGS and steer it to tackle hunger and malnutrition. A study by a health group in Bilaspur district found that on NREGS wage day, alcohol consumption and domestic violence shot up very high. In Andhra Pradesh ICDS is now linked to NREGS crèche facility and children get two supplementary nutrition supplies, including in places where ICDS does not exist. It is thus possible to eliminate hunger and soon by linking up existing schemes and entitlements within the right to food framework.

Prof George has brought out a very worthwhile perspective and our experience reiterates its immense value. I urge the Right to Food fraternity to move from debating on pricing (advocated by economists and experts earlier to get rid of food stocks) or legal clauses to aspects of access and centrality to people. With leaders like Jean Dreze and others in the committee, I am sure we will avail this historic opportunity to succeed on the mandate of our fraternity while developing and advising the government on the Food Rights Bill.

Comment 2

Point 1 refers to the importance of “other requirements of good nutrition”, which necessitates the inclusion of fresh foods - fruit and vegetables at subsidised rates. Thought needs to be given to how such provision may be made, apart from bringing the Horticulture Department into the purview of the Act along with other concerned Departments.

Home/school/community/panchayat gardens could be setup and maintained under the NREGA to supply local fresh produce at minimal cost.

Point 5 refers to the universal coverage of the Act with the exception of those excluded because of their wealth. How is this wealth to be defined? One presumes that all APL populations cannot be termed wealthy or excluded from the provisions of the Act.

When referring to the ICDS, the provision of supplementary nutrition for beneficiaries is limited to 300 days per year. In practical terms this means that the beneficiaries are deprived of supplementary nutrition for about 2 months each year. Could the provision not be extended to cover the entire year, i.e. all 365 days, either by keeping the ICDS centre open, all 7 days or providing dry rations for holidays. This would make a decided difference in the case of pregnant women and severely malnourished children, whose daily calorie intake must be ensured.

Please refer to point 5 of the Antyodaya Anna Yojana, i.e. **(5) households where due to old age, lack of physical or mental fitness, social customs, need to care for a disabled, or other reasons, no adult member is available to engage in gainful employment outside the house;** As a minimum amount of money is still required to access even the highly subsidised foodgrain provided under this scheme, how would economic access be ensured in such cases?

Apart from the list of existing food security schemes listed above to be integrated into the Right to Food Act, the close links with the Right to Work Act or NREGA also need to be worked in. The NREGA is currently the prime assurance of food security for the most vulnerable rural populations. The fact that 100 days of paid work is guaranteed under the Act implies the recognition of the seasonality of food distress and lack of wage employment opportunities. As such, it becomes necessary to ensure that there is no conflict of interest between the two Acts and that one is complementary to the other.

Comment 3

The proposed National Food Security Act cannot be a stand-alone activity. It has to be integrated with various other programmes and policy initiatives to ensure that hunger becomes history. To achieve this objective, the food security plan should essentially aim at adopting a five-point approach:

♣**Public policies for zero hunger:** A combination of structural policies aimed at the real causes of hunger and poverty, specific policies to meet the household needs for long-term access to food and nutrition, and local policies based on local needs keeping the concept of sustainable livelihood in focus. For instance, all policies should be aimed at reversing rural-urban migration. The more the migration, more urban centres will be choked and more will be the burden on government support for fighting hunger. Agriculture and rural development remains the best defence against the growing threat of naxalism.

♣**Sustainable livelihoods:** In a country where agriculture is the mainstay of the economy, all efforts must be to strengthen low external input sustainable agricultural practices. There is an urgent need to revitalise the natural resource base, restore groundwater levels, and provide higher incomes to farmers. A monthly take-home income package based on land holdings has to be worked out for farmers. The NREGA has to be integrated with agriculture, and the interest on micro-credit for the poorest of the poor has to be brought down to 4 per cent from the existing 20-48 per cent.

♣**Public distribution system:** There is an urgent need to dismantle the PDS except for the Antyodaya families. The present classification of BPL and APL need to be done away with. The recommendation of the National Commission on Enterprise in Unorganised Sector, which states that 836 million Indian people are able to spend only a paltry sum of less than Rs 20 a day, should be the criteria for a meaningful food-for-all programme. The average ration per family at 25 kg also needs to be revised upwards, and there is a need to expand the food basket by including coarse cereals and pulses.

♣**Foodgrain banks:** The dismantling of the PDS has to be followed by setting up of foodgrain banks at the village and taluka level. Any long-term food security plan cannot remain sustainable unless the poor and hungry become partners in the fight against hunger. There are ample examples of successful models of traditional grain banks (for instance, the famed gola system in Bihar), which need to be replicated through a nationwide programme involving self-help groups and NGOs. We need to draw up programmes and projects that have long-term sustainability and become viable without government support in a couple of years, involving charitable institutions, religious bodies, self help groups, and non-profit organisations to ensure speedy implementation.

♣**International commitments:** Global commitments and neo-liberal economic policies should not be allowed to interfere with the food security plan. The WTO agreements, the Free Trade Agreements (FTAs) and various bilateral trade deals should not be allowed to displace farming communities and play havoc with national food security. For instance, India cannot

compromise agriculture in the ongoing Doha Round of negotiations in WTO and allow cheaper and subsidised imports. Importing food for a country like India is like importing unemployment thereby adding on to hunger.

Comment 4

Non-negotiables for urban areas

- The Act should provide individual entitlements not household entitlements. 35 kgs is totally insufficient for urban poor families.
- The definition of slums needs to be clearly given in the Act. Slums are areas where urban poor live without access to basic facilities such as sewage, adequate water supply, sanitation etc. Unlike the rural poor, given the large second hand and *kabadi* market, the urban poor have access to some consumer durables like cameras, TV sets etc - possessing these can not be used as criteria for exclusion from the BPL category. Also, a lot of *jhuggis*, because of the sheer population density and lack of space are constructed one on top of the other (as floors). These are therefore built of material which can be classified as *pucca* structures. In this context, the exclusion criteria in Schedule V of the draft Act need to be totally modified. The Govt. should draw up a list of all slums in urban areas and update it annually.
- In Schedule VI Part II regarding priority groups for urban areas for the BPL list, the provision that any household which has a member with a regular salaried employment shall be excluded from the BPL list should be deleted, as the salaries received by these employees are clearly inadequate to pull the household out of poverty.
- The PDS public audit system which has been put in place in Delhi, wherein all records of ration shops are available for audit by cardholders every Saturday at the Circle-level office of the Food Department, is worthy of replication in all urban areas. Violation of the public audit provisions should invite penalty and a strong grievance redressal system should be put in place to address the grievances highlighted through the audit.
- All the 'information boards' and other means of disseminating information should be displayed at the Circle-level and District level offices and at each ration shop of the Food Department.
- Transparency provisions of the PDS Control Order 2001 should be included in the Act-

- Information boards at FPSs displaying - List of cardholders, samples of foodgrains, name and address of PIO, name and address of grievance redressal authority, position of stocks, entitlements of different cards.
- A clear time frame needs to be defined for availability of ration at FPSs every month (as defined in the PDS Control Order, 2001). Ration should be made available at the FPS by the 7th of every month. Accountability for timely availability should be clearly fixed on a senior official with penal provisions for violations.
- The Act should include provisions for a Circle-level vigilance committee in which the elected representatives of the area should also be members.
- Roles, powers and functions of all Govt officials involved in the functioning of all these schemes should be clearly laid out and displayed at relevant local government offices and websites.
- The Act should clearly define the time frame within which the Govt. has to provide ration cards, modify the ration card etc., once an application is made.

Comment 5 (Vivek)

I have offered some suggestions for rules relating to PDS in the table 2 below. I have based this on my experience in Tamil Nadu and a few ideas that I picked up in the US. Some of these depart from the original formulation you sent me in the draft. I wanted to put forward these ideas for consultation, but I recognise that they may be too radical to be presented as yet. With this in mind I have presented the original. (refer to his table of ideas for his other comments attached with this folder.)

Comment 6 (Abhay Kumar, 5 July 2009)

Broadly I think, there are 5 things which I am little concerned:

1. Seasonal migration families, what can be done about their entitlements.
2. Grievance redressal - Do not leave on the states to form rules, we all are still fighting for this to happen in NREGA.
3. Can the quota be fixed as per districts and not the states, as the states after getting the central quota of BPL families divides it equally among the districts, and the regional imbalance within states is not taken care.
4. Can food from anganwadis be given to home of children on weekly basis, this can be entered in the families BPLcards. As we see that most anganwadis (old ones especially) are in the upper caste areas and non of the SC children go there.

5. I think Pulses should definitely be part of PDS for all groups. Also we are observing low nutrition status in north karnataka, one of the reasons is people dont eat wheat, they eat jowar and in last 1 year its price has doubled. States to substitute Jowar / Ragi / Bajra instead of wheat and the central govt can give them the subsidy.

Comments on the Food security bill (draft by RFC)

1. Local food grains (example Jowar) also to be given. The centre can give the subsidy component of say for example Wheat to the states to procure and distribute Jowar. This will also help dry land farmers.
2. The entitlement should not be 35 Kgs/family, but at least 10 Kgs/person.
3. Clear guidelines to be framed for people/families which migrate. They should be able to take, some coupons from local shop and then show it at the place where they migrate and get the grains.
4. Grievance redressal – should be time bound, a specified person to be held responsible (do not mention State) and compensation to the person denied rights. Do be defined in the central Act and not left on the States to make (they will never as is NREGS experience).
5. Clear cut rules for financial viability (better to define) of the shops to be spelt out. For example instead of linking to amount sold, example can we fix Rs.8000/month. Also just not priority but specify some % for women SHG's, say 33% shops.
6. Like NREGS, display all data (MIS) on website every month, with number of beneficiaries and all other details.
7. There is no mention of the word 'Quality' of grains supplied. Please do insert in all relevant places.
8. 6-18 years, all children name to be included in the household cards (not just above 12 years).
9. Please mention, that even a APL family on death of the main bread earner can slip into BPL, such families should be given cards, as and when demanded (systems can be specified, like submission of death certificate of the husband,etc).
10. At least in the start of the bill, it should be mentioned some place that ultimate aim is to move towards universalisation of PDS & ICDS.
11. Nutrition rehabilitation centres – should be taluk/block level.
12. In pensions – can we prescribe the age for elderly (better 55 years in rural areas), also for Disabled, can be specify % disability (can we reduce this from present level, ask some disability groups).
13. In Schedule VI – I feel that point (v) should be increased to graduation, as lot of children especially in rural areas pass 10th, 12th and are still agriculture labours and unemployed.

14. Please in the definition all define 'adolescent girls'. Is it 11 years to 18 years?
15. Cost of pulses to be decreased to Rs.10/kg. Just think about?
16. A PDS shop for every 300 households.

Comment 7 (Arun Gupta)

1. One is on Conflicts of Interest: Non negotiable demand should say that " Governments should not enter into any partnerships with the private sector where there is conflicts of interests,(if it is OK Foot note can be given as practiced in the Framework Convention for tobacco Control , Article 5.3)"
2. In the legislation drafts I saw last, on Saturday meeting at Gandhi Bhawan, wanted to raise it but just forgot, is that there is no reason to keep a special clause of Severe acute malnutrition, (it will only allow entry of commercial sector, it should be holistic management of malnutrition and it is a part of that.)

Comment 8 (Abhay Shukla, 20 July 2009)

In the context of the process of drafting the 'Right to Food act' there is a proposal suggesting that 25 Kg. foodgrains may be made available per month only to BPL families. In this context the following points need to be emphasised:

- a. As per ICMR norms, depending on sedentary or heavy work, the daily cereal requirement for an adult male is 460-520 grams and for adult woman is 410-440 grams. If we take a family of five with a couple doing moderate activity, two children (one 1-3 and one 4-6 years old) and one elderly adult or third child then according to ICMR norms the cereal requirement comes to about 50 kg. per month. Hence the norm of 25 kg. per month being proposed is just half of what is actually required! In a far-reaching act like the one being proposed, we should demand that this crucial norm must be adequate.
- b. Besides cereals, there is a critical requirement of pulses (for protein intake) and edible oil (for minimum fat). The daily pulse requirement for a (moderate working) adult male is 50 grams and for a (moderate working) adult woman is 45 grams. For a family of five similar to mentioned above, the pulse requirement would be 6 kg. per month. Similarly the oil requirement would be 3.5 kg. per month. At least these absolutely basic items with adequate norms should be included in the act.
- c. As is well known and has been repeatedly raised, today 70.1% of persons in urban areas and 61.3% persons in rural areas are consuming below the NSS intake norm of 2700 calories (NSS 61st round report), but the Poverty Line identifies only 27.5%

people as 'poor'. Hence continuation of the BPL criterion to define food entitlements is thoroughly unjustified. Based on the current nutritional status and actual levels of intake of the population, food entitlements in the act should definitely not be based on current BPL criteria, rather these entitlements should be of a universal or near universal nature.

References for RDA and RDI

- NNMB Technical Report No: 24, NATIONAL NUTRITION MONITORING BUREAU
Diet & Nutritional Status of Population and Prevalence of Hypertension among Adults
in Rural Areas, NATIONAL INSTITUTE OF NUTRITION, Indian Council of Medical Research, 2006
- Nutritional Intake in India 2004-05, NSS 61st round report, NSSO, 2007
- Gopalan, C., Ramasastry, B.V. Balasubramanyam, S.C. Narasinga Rao, B.S., Deosthale, Y.G. and Panth, K.C. (1990). Nutritive Value of Indian Foods, NIN, ICMR, Hyderabad, India.
- Report of the Expert Group of the Indian Council of Medical Research (1990), Nutrient Requirements and Recommended Dietary Allowances for Indians, ICMR, and New Delhi.

Comment 9 (J.P. Misra, 24 July 2009)

Some General Observations:

· There are a number of Acts already in place which have a bearing on food security. Two of these – the NREGA, 2005 and ST and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 – declare rights or make guarantees. These also assign specific responsibilities to the local self government entities. The other Acts, which have a bearing on food security, were designed to create an enabling institutional / legal framework for the welfare of specific target groups [E.g. Beedi and Cigar workers Act 1966, Building and other construction workers Act, 1996, Dock workers Act 1948, Maternity Benefit Act 1961]. However, perhaps with the exception of NREGA, implementation of these Acts leave much to be desired. In Delhi for example, response to a RTI application revealed that more than Rs 500 crore collected for the welfare of construction workers has remained largely unused! As such, how is a new Act going to ensure that the deteriorating food security situation will improve without a larger rural governance reform ? [Ref: Dr N C Saxena's

article India : Free from Hunger which notes – “The Indian state implements the massive food, livelihood and social security programmes which theoretically support the vulnerable people from even before their birth...” ... “the constraints to reduction in hunger are rooted in bad policies, faulty design, lack of appropriate monitoring and evaluation, poor governance and lack of political will.” Shouldn’t our focus be to seek an Accountability Act to ensure, for example, that all the Central Ministries / Departments adopted a time bound programme for implementing the 73rd and 74th Constitution Amendment Acts ? Why, for example, does Ministry of Rural Development constitute a committee to determine the contours of conducting a fresh BPL census when the subject is clearly assigned to the PRI ? [The ToRs actually don’t even ask the Committee to examine whether this function (of identification and maintenance of BPL list) should be delegated to the PRIs] . Incidentally, the NREGA has trusted the Gram Panchayat with deciding which projects be taken up using the NREG Fund and one can argue that the GP can be trusted to be able to identify their poor.

- The Right to Education Bill takes cognizance of the Commissions for Protection of Child Rights Act 2005 and assigns the Commissioners a specific role. The proposed Act, assuming that we need one, has to take cognizance of all other existing Acts and articulate an institutional framework which will establish a hierarchy among the various agencies dealing with food security related Acts and schemes. The current draft appears to create yet another vertical structure while what we perhaps need is an overarching statutory body having superintending authority over the agencies set up under all existing Acts dealing with food security.

- We are yet to debate the extent to which the Centrally Sponsored Schemes have actually disempowered the PRIs /ULBs in tackling these issues at their own level [Ref: entries 16 (poverty alleviation programme), 25(women and child development), 26 (social welfare) and 28 (PDS) in Eleventh Schedule of the Constitution]. The current draft, unfortunately, assumes status quo while it should actually be articulating a framework which promotes real movement in enabling the PRIs /ULBs to take over these responsibilities more directly.

- Issues like exclusive breastfeeding [unarguably an infant’s entitlement] can not be dealt with through enactment of a law; they need a carefully designed community education and empowerment intervention in partnership with the civil society. Unfortunately, the State initiatives in this regard [e.g. the Mitinin programme in Chhattisgarh] face a threat of being undone on account of other priorities being promoted through Centrally Sponsored schemes like JSY [which provides financial incentives for institutional deliveries rather than for promoting breastfeeding ! [There has been a remarkable improvement in the breastfeeding

indicators in the State –Ref: Giving Public Health a Chance: Some Success stories from Chhattisgarh published by State Health Resource Centre. The data from NFHS-2 and 3 indicate a 55% increase in breastfeeding initiation in the State against a 14 point increase on an all India basis].

- How critical is community education and empowerment is illustrated by the malnutrition data from Tamil Nadu, the State which pioneered the mid-day meal scheme. See for example, Sameet Panda's email dated 14th July which underscores the critically of community led action which goes beyond mere distribution of MDM ration.

- Declaring a right to buy 25 or 35 kg of grain through existing PDS is not an answer either; any enhancement in this entitlement is potentially more profitable proposition for the FPS contractor than being of much help to the BPL unless the family's purchasing power is enhanced. Consider this example: the FPS shop owner gives 15 kg to the BPL family for free and sells the rest making a neat profit because the differential in the prices is just too high ! It may be worth mentioning that neither party is likely to make a complaint – the BPL family because it got something free and the FPS shop owner because he make a clean [though illegal] profit ! How do we eliminate this possibility in the existing system where the FPS is auctioned ?

Some suggestions:

The Central issue, at least in the context of Rural India is this : How to activate and incentivize the PRI to secure food security for its people ? In this regard, I would like group to consider following propositions as forming the core of the Act:

- Transfer the following responsibilities to the GP: Management of FP Shop and all nutrition related schemes
- Establish a GP Food Security Fund consisting of (a) a fixed grant-in-aid (based on whatever normative criteria may be agreed) and (b) a matching grant for every contribution made by the GP members
- Provide dedicated staff at GP, Intermediate and district levels to support design and implementation of nutrition related programmes managers [it is important to include the 'design' part as a necessary element given the variety of options that may be available across the country
- Identify technical assistance (TA) agencies to support the district level nutrition management agencies
- Establish a civil society led campaign to support the GPs to take over their responsibilities.

· Introduce a set of penalties and reward instruments : On penalty side, these may include disqualification for an elected member and removal /dismissal for an official; on reward side, this could include [for those GPs who manage to make a progress measured on a set of indicators], a share of the 13th Finance Commission award for the PRI.

Comment 10 (Mina Swaminathan, 30 July 2009)

1. Day Care:The care of young children below the age of six whose mothers/adult caregivers are unable to provide for the child's basic requirements during the day, (due to work, education, training, illness or other circumstances.) Day care is usually provided by a person or persons other than the child's immediate family, and is typically in a more formal institutional setting or "center." (*Day care centres in India may or may not provide developmental care for the young children in their care. Day care centres intended for the care of school-going children after school hours, old people, disabled and others who cannot be cared for at home by their families are currently on the increase..*)

2. Crèche The same as day-care center, except that crèches were originally intended to cater only to children below six, or specifically to children below three. But now centres catering to school-going children after school hours are also referred to as crèches or day care centres. Creches may be located either at the work place or near the residence of the mother. Creche/day care services and facilities for children in a family setting, referred to as family day care, are increasingly found in urban areas. (*Creches too may or may not provide developmental services for the children in their care*)

I am sending herewith my comments on the Draft Rtf Act (June 24) which was circulated to all of us. This is because I have not received any subsequent draft, nor seen the outcomes of the July 11-12 meeting, and this is all I have to work with. If these points have already been addressed, then it is only a repetition. Kindly excuse me.

I am confining my observations to the issues concerning young children, namely Chapter III, Sections 7,8, and 9, and Chapter V, Sections 15 and 16, as well as to Chapter I Section 2 on Definitions.

Before going through them para-wise, my general observations are as follows:

1. Even between and among these few sections and paragraphs, there are contradictions and lack of clear definitions, leading to confusion and lack of clarity. These need to be sorted out, otherwise our stand is not clear or logical and can easily be countered.
2. I have indicated the required clarifications briefly here. Further details can be found in the documents. I have already sent to you.

I will now take up the points one by one.

I apologise for not doing it on track — its for several reasons, one being that I want to explain the reasons to my friends and colleagues

Chapter III Children’s Right to Food

1. Section 7. (Infant and Young Child Feeding) Para 1. is vague and misleading. It says “all support services required for exclusive breastfeeding,” but then goes on to list only counselling and workplace creches. The most important one—financial support for six months to stay out of the work force, is omitted. Also, crèches are usually appropriate and needed only after the age of six months, especially if the mother is able stay out of the work force for that period. However, there is no harm in mentioning them, since they may be required in certain special circumstances.

Suggestion: Have only the first part of the sentence from “Every mother.... six months” and omit the rest.

2. Section 8. (Children aged 0-6 years) Para 3. on IYCF, suffers from the same weakness as above. The IYCF programme is described in terms of counseling, initiation of breastfeeding and home visits (which is correct as far as the IYCF is concerned, that’s all they envisage) but we cannot leave it at that. Both maternity entitlements and crèches as well as day care figure in the Act later, (Sections 15 and 16) so this is confusing.

Suggestion: Say the IYCF package, including..... (mention the components) shall also be included, along with ME, crèches and day care.

3. Section 8.Para 7 on cooked midday meal, says “the meal shall be offered to all children who attend the anganwadi for preschool and/or day care. “ This is misleading, since at present, aw. do not provide either crèches or day care for any age-group, and the cooked midday meal is offered only to the 3-6 age-group, while the below threes get either the take-home ration, or the morning supplement “ laddu” which is only partially consumed. Suggestion: Since this point is to be taken up later, and can be adequately explained there, it can be omitted here. Simply say” all children who attend

the anganwadi” and leave it at that. Otherwise, it should reflect everything that is found in Section 16, which would be repetitive.

4. Section 8. Para 10 (Minimum Facilities) for anganwadis has three lacuna: a) mention should be made of **child-friendly toilets** as well as b) water for cleaning and hygiene, apart from safe drinking water, since sanitation is an essential part of the right to food, and c)the staffing requirements of two awws and one helper suggested are adequate ONLY if there is no mention of crèche or day care. Suggestion: Since this point also can be tackled appropriately in Section 16, only the references to day care and crèches in para 7.need to be deleted here.
5. Section 9 (School Meals) Para 6 on Minimum Facilities **should also include toilets and water supply**, in addition to safe drinking water (that is, for maintenance of cleanliness and hygiene, with special reference to cleanliness of toilets.)

Chapter V Other Interventions

1. **First, and most important, the definition has to be clarified and placed in the preamble to this chapter and/or in the chapter on definitions. Second, creches in the Act here are defined as being needed only for children below three, while they are often needed and in reality seen more for children aged 3-6. Second, “ day care” is a broader and more inclusive concept because nowadays the term “day-care” is also being used for the care of old people, disabled, chronically ill, mentally ill, and so on, when the family caregivers are away at work, and this tendency is increasing world-wide. The term is also used for “after-school” care of school-going children. Hence we need both terms. Third, creches/day care have to be flexible and responsive to need in terms of both location and duration-that is, they may be either at /near the work-place of the primary caregiver/mother, or at/near the residence of the primary caregiver/mother., according to need and convenience. Similarly, the duration (total number of hours) and the timings may and do vary, according to occupation, season and other factors. Flexibility has to be built into the concept.** Suggestion: Use both terms, and redefine with care, placing them with a brief introduction as preamble to Sections 15 and 16, thus clarifying that both are joint rights of both women and children. The actual definitions can go to the chapter on definitions.
2. Only three models have been suggested and this gives a misleading picture as several more could be thought of. . There should be a general clause indicating that other models

can also be considered, for example, day care /crèches could be run by a) Panchayats and b) women workers' cooperatives.

3. There is no need for the Act to spell out all these models. Once the basic concepts outlined above are spelled out, what is needed is provision of guidelines on requirements and standards applicable to all, for strict adherence to these, for approval for a variety of auspices, and for restrictions on commercial services. There is a better chance of all of these being followed once it becomes an Act, since the monitoring and penalty clauses in the Act will apply here also.
4. Anganwadi-cum-creche. In addition to the three suggestions made, requirements would include a) additional resources for health and medical supplies, sleeping and play equipment, cleanliness and hygiene, which can be calculated on a per-child basis b) One additional worker, so that the work can be shared more equitably and some workers can, if needed, be placed on shifts, which may be required when the hours are very long and/or mothers' have different needs c) Not merely "additional snacks" but food of an appropriate nature would be required as far as under-threes are concerned.
5. Rajeev Gandhi National Crèche Scheme. In addition to the suggestions made for response to demand from mothers and allocation of additional resources, a thorough overhaul of the scheme is needed to bring it in line with the provisions of the Act. This will follow automatically once the guidelines are re framed and the Act is passed.
6. Creches under NREGA – should specify that the financial provision must come from the Dept of Women and Children since the latter is already mandated by the Supreme Court to cater to all children below six in the country. Separate guidelines would be needed since these are temporary crèches and have to be managed by the ICDS as an outreach service similar to "mini-anganwadis."

Comment 11 (Radha Holla)

1. **Food security for 0-6 months.** As this is the most vulnerable age group where food security consists of only one food - breastmilk, services are the key to ensuring that women can breastfeed. Without these bare minimum services, lakhs of women will not be able to provide food security for their children. These essential services include:

- * **Skill counseling during pregnancy**
- * **Nutrition support during pregnancy and lactation**
- * **Practical and skilled support at time of birth for initiating bf**
- * **On-going support during first six months**
 - o **Monthly visit by a skilled worker**

o **ME (child care entitlement of women)**: maternity paid leave for six months or cash benefit in lieu of that for all public and private, organized and unorganized sectors, Crèches at work place; tax benefits for employers, tripartite fund (people, employer and government), etc. some mechanisms for trying this out. THE ONUS FOR ENSURING THIS LIES WITH THE GOVERNMENT

o **No promotion of baby foods for infants at any level** – with public, with professionals and using any media. The commercial sector should be prevented from educating public, health professionals and health workers, etc. in any manner including providing

2. **Preventing Conflict of Interest.** We have seen over the last eight years how companies/contractors, etc. have tried their best to enter into the public food distribution system. We are also seeing how they are trying to influence policy making. Unless the Act makes such efforts by companies and private commercial interests an offence that is justiciable (is that the right word?), the food security system and specially schemes within it will always be vulnerable to being hijacked by them. We feel that, at a minimum, the following points should find place, may be in the transparency section (the first three lines provide justification for including this):

Given the present hype on public-private partnerships and pressures faced by public nutrition programmes such as ICDS, MDM,

Recognising the interference by the food industry in a number of policy areas at the centre and states

Recognising that commercial organizations are by definition profit driven entities and that irreconcilable conflict of interest exist between the interest of the food and related industry and nutrition and public health.

*** The state shall not partner with the commercial food and nutrition sector and vested interests for either policy making or implementation of public health and nutrition programmes**

*** Any official or employee of the of the state or central shall not take any action that could be construed as having conflict of interest such as but not limited to payments, gifts, services monetary or in kind, research funding, etc.**

*** Any interaction with the industry and vested interests on matters related to food or nutrition policy is accountable and transparent. Transparency should be ensured through public hearings, public notice of interaction and disclosure of records.**

*** States shall not provide space for the commercial sector on any government committee, council, panel, or any such body that results in policy making etc. at state, national and international levels**

*** The government should not accept support or endorse the participation of food and nutrition industry and/or vested interest in public education on food and nutrition or any initiative that are directly or indirectly related to food and nutrition policy.**

*** The government will not accept or endorse any offer for assistance or endorse any proposed drafts of the policy by the food and nutrition industry and/or vested interests.**

*** Food industry should not be allowed to use health and nutrition claims on their products**

I personally feel that while it is there in the Supreme Court decision in the context of contractors, and in the IMS with regard to baby food manufacturers, there is a real threat of

*** hot cooked meals being either used to encourage corporations to provide this as part of their CSR**

* HCM being replaced on basis of new "scientific" evidence of the need for specific quantities of micronutrients to prevent malnutrition and the inability of anganwadi workers or school cooks to meet this very specific needs with locally procured foods.

* The IMS Act will not be valid for children above two years; in any case, companies and their vested interest groups like GAIN are trying their level best to change the nutritional requirements of children from 6 months onwards both through domestic lobbying and through international lobbying, to allow commercial products for this age group. It has already happened in countries, where GAIN has succeeded in getting the govt. health cards for children used as spaces to advertise specific brands of complementary foods on grounds of improved nutrition. (China and Bangladesh)

Therefore it is essential that we keep the schemes and the notion of food security free from commercial interests by bringing it within the purview of the Act.

Comment 12 (Vidhya, 10 July 2009)

The Food Security Act, in its present form suffers from serious flaws:

1. It does not really provide food security, even if we assume that the different provisions will be carried faithfully, and without any mismanagement:

PDS:

- i. Presuming an average family would consist of 4 members (atleast), with each member consuming an average of 400 gms a day of cereal, a family would require atleast $1600 \times 30 = 48$ kgs of rice a month.
- ii. There are several families unable to earn even Rs.75/- a month to ensure that they would be able to buy their quota of 25kgs.,
- iii. Apart from cereal, a family would also require lentils, and oil to say the very least, where would these come from?
- iv. BPL Selection: The BPL selection is very highly skewed, where would families without BPL cards go for the rice?
- v. Even presuming a family does get 100 days of employment at the new rates of Rs.100 per day, how would it be able to buy food for the rest of the 365 days?
- vi. Many families migrate, just because they do not get employment under NREGA. Many communities have applied for work, got employment, but never received their due wages. The disillusionment here is huge. They find it easier to trust an unknown Sardar, who advances them a loan, and takes them to Kerala, or Mumbai for work, rather than run after the JE and the VLW in their own blocks. How would the PDS or any other provision cover these families?
- vii. If a government cannot even run the NREGA properly, do you think there would be any efficacy of getting families to register and then passing on their quotas to another state, and ensuring that the migrant workers get their due quotas in another state?

Mid-day Meal and ICDS:

- i. These schemes were never meant to provide any food security, and will never do so. First and foremost, the quotas: calorific, and budgetary are too low.
- ii. Secondly, they do not address the need of more wholesome food, which can be only accessed if a family has a good living income and/or production from its land;
- iii. If they are meant to be supplementary foods, then, where is the food security? 500 calories of supplementary food on an uncertain basis for a pregnant or lactating woman will never address her life-long malnutrition, and so her baby will be born undernourished, and will remain undernourished by the milk she can provide.
- iv. 300 calories for children from BPL families will again be highly inadequate for any proper physical development. The major reason is also that the school going child only has a meal in school, instead of a meal at home, not in addition to a meal at home in the poor families that these schemes are supposed to cater to.

b. Disempowerment:

i. There is no vision in the formulation of the Act to actually empower the poor, or the Panchayats, or any groups in any way. The Act just accepts the present existing mechanisms for implementation, and just seeks to provide a kind of guarantee;

ii. These varied provisions render the groups targeted under this Act completely dependent on the Government structures, and heirarchy without any role envisioned for the Panchayats

iii. This gives huge space for misappropriation, and mismanagement of the Act, with very little of the benefits actually reaching the poor. It would be much wiser if the entire handling of the different schemes could be given to the Panchayats, from identifying the beneficiaries, to procurement of the food, to the disbursement. With mandatory provisions for transparency, this would make the handling much simpler, and accessible to the people.

iv. Surely, the centralised no-options corruption, enforced by the different parties and the concerned Ministers needs to be replaced by a decentralised system, where there are atleast options for a Panchayat to function accountably and transparently if it so wants to.

c. Several anti-poor Acts and policies render such efforts quite meaningless, and only make a mockery of the real need of the people of this country:

i. Sectors like Agriculture, Textiles and handlooms, and SSIs, which provide employment are being systematically neglected by the state and central governments. These are sectors that provide the maximum employment in the country, however, these sectors have shown a continuing slump since 2000, while the industry and mining sectors, which are being promoted to the maximum and have shown the maximum growth rates have actually shown negative employment trends over the last decade;

ii. Neglect of the agriculture sector has forced even middle and large farmers into distress sale of their lands, resulting in increase in small holdings over the years. The hidden victims of this neglect are the agricultural labourers, who have silently borne the brunt of the one-sided economic policies of the government.

iii. In fact more of the workforce is being pushed into the unorganised sector, which suffers from all kinds of insecurities beginning with housing, income and food. Paltry handouts under the 'Food security Act' will not address the huge needs of this sector, which forms 92% of the population of this country;

iv. The most shameful neglect is however that of the textile and handloom sector. India had , and still has I daresay one of the most developed handlooms and textiles industry. However the pitiful neglect of this sector has forced thousands of highly skilled weavers into

unskilled wage labour, and also suicide. Next to agriculture, the textile sector still provides employment for 21% of the workforce. The government is ignoring the highly skilled artisans and weavers and their needs, and instead targeting the garments and apparel sector.

v. The neglect of labour legislations has further worsened the conditions of this sector;

vi. The poor political will behind really ensuring food security for the poor in this country is further indicated by the promotion of SEZs, which are backed by tax, and import duty exemptions, and huge subsidies for infrastructure development. A look at the efforts behind promotion of SEZs, indicates that the government's real intentions are for promotion of big industry, rather than for really addressing the needs of the people in this country.

d. There are options galore:

I am not going to detail all of them: but just flag a few :

i. The NREGA, despite all its short comings, is still a guarantee that can help hugely. It should be increased to 365 days, or atleast 300 days, and also include a subsidy to farmers, so that they can also benefit from it. Afterall, it is they who provide us food. Should they not be entitled to some sensible subsidies?

ii. Land & Agriculture: The 11th plan focuses on addressing exclusion of SC and ST communities. If agriculture for these groups could be improved, and they could be helped to own land, which is hugely underutilised in this country because of the tendency of encouraging large land holdings, if there could be better policies, for land utilisation, then, things would improve dramatically. There is also a critical need to stop state supported acquisition of land, whether it be commons or private land for large business. Small land holder groups who use land much more effectively than large farmers, also need to be supported for reclaiming their lands, much of which are highly degraded, and take up more sound cultivation practices, incorporating agroecology and conservation agriculture principles, specially for rain-fed areas. Experiments in these approaches have been tried and established with much success with farmers in other countries. There should be effort to learn from these experiments and initiate similar efforts in India as well.

iii. Small and medium enterprise have a huge potential in this country. This potential must be exploited by systematic and sustained support from the state. It will make us more competitive, and address the huge overt and hidden unemployment problems. It is not enough to just have some programmes of training. Like facilities for and promotion of industries, there must be systematic training, promotion, and facilitation of such efforts. If enterprises in SEZs can be afforded a tax waiver, similar provisions must be made for SMEs as well. This

sector must be made much more vibrant, and diversified, with a systematic study of the market and also adequate supports at different levels.

Comment 13 (S. Vivek)

Most importantly, I recommend that we put provisions on right to information, contracting, and certain other issues upfront for all schemes rather than dealing with it for each scheme. This has a tactical advantage at least for PDS. For example, if we mention the use of contractors in each scheme (rather than upfront), then contracting will be immediately used in PDS. I am totally convinced of this after reading Jairam Ramesh's scary draft.

Comment 14 (Ujjwal, 9 August 2009)

1. What about Cantonment Boards? In the draft Act they are combined with Urban areas. However I feel that Cantts like Dehu Road, Deolali, Mhow etc. need to be covered as rural habitations at least for the purposes of ICDS. In urban areas ICDS covers kids of slums only. Whereas in rural areas all kids are covered. I feel all kids in cantts should be covered, as these cantts may not be having slums as such, but do have a large population of weaker sections.
2. The responsibility is kept with the Distt Collector and Distt Panchayat head. The district panchayat head needs to be defined. Is it the elected president of the Zilla Parishad or the CEO/DDO of the ZP (IAS officer).
3. THR: The problem with THR or Therapeutic food is that while it is desirable to get it made by SHG/Mahila Mandals, these are foods that require certain processing and packing. This makes it unviable at small village level quantities. Perhaps an SHG/MM may find it viable to prepare and pack for 1000 children which covers 3-4 villages. The Economic order quantity will have to be worked out and work given to SHG/MM accordingly. Today the unviability in the village level is being used as an excuse to scream that SHG/MMs have failed and Taluka level bodies need to be involved. Preparation and packing of THR and/or Therapeutic food is not rocket science. It can very well be done by SHG/MM at a higher scale of operation with a little more investment. The backdoor entry of Contractors disguised as women's bodies can be prevented if the Economic Order quantity is determined. Any women's group willing to prepare at EOQ levels may be given the work provided no one is given orders to supply quantities greater than EOQ.
4. Make a provision of a Mother's committee in every Anganwadi. These should have at least one mother of 0-1 year child, one of a 1-3 year child, one of 3-6 year old child, at least one mother from SC and one from ST communities. The bills of the preparation of food should not be paid unless their inspection report or certificate of satisfaction is attached with the bill.

No member of the SHG/MM or body preparing the food shall be a member of the mother's committee.

5. There may be a budgetary provision made for the training of SHG/MM in preparing good quality hygienic THR and/or Therapeutic food, as also Anganwadi food.
6. There may be a budgetary provision for training of Anganwadi Workers in basic Nutrition as also in Communication Skills and use of simple A/V aids, so that good nutrition practices can disseminate effectively to the population at large.

Comment 15 (Colin Gonsalves)

1. Please consider changing the title to Food Entitlement Act, 2009
2. Consider adding the following general phrases:
 - (i) Noting that the UPA Government has announced that it intends to enact a Right to Food Act within 100 days of coming to power at the center.
 - (ii) And whereas the Right to Food Campaign being a national collective of peoples organizations working on food security issues is anxious that any statute enacted ought to, at the very minimum, protect existing legal entitlements created by the Supreme Court orders passed in PUCL Versus UOI currently pending in the Supreme Court, and preferably go beyond.
 - (iii) And whereas the RTF Campaign understands that a comprehensive RTF Act would require a fundamental realignment of the manner in which society and the state uses its resources today.
 - (iv) Further realizing that what appears possible at this moment is a limited statute that will take the first step towards a more comprehensive approach.
 - (v) And whereas the Right to Food Campaign envisages a food security and sovereignty system in accordance with Article 39 of the Constitution of India where the ownership and control of the material resources of the community are so distributed as best to sub-serve the common good and everyone has a right to an adequate mean of livelihood.
 - (vi) Recalling that Article 47 mandates that the state shall regard the raising of the level of nutrition and the standard of living of its people as among its primary duties.

- (vii) Recalling that in 1996, at the World Food Summit, Government of India affirmed “the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger”.
 - (viii) Recalling the requirement of the Millennium Development Goals to halve poverty during the period 2005-2015.
 - (ix) And whereas government is now of the opinion that it is necessary to consolidate and strengthen the present system of entitlements by, inter-alia, consolidating the Supreme Court orders into a law.
 - (x) Now therefore, as a first step towards the full realization of the Right to Food in all its various dimensions, this Act.
3. Obviously the government will change things around perhaps drastically. I have done it in this way so that members of the RTF Campaign can understand why we are, at this moment, going only for an Entitlements Act rather than a full fledged RTF Act.
 4. The first two sections could be :
 - i) All persons have a fundamental right to be free from hunger and to access to safe and adequate food.
 - ii) It is the duty of the state to encourage food production through sustainable and equitable means and ensure adequate food availability in all locations at all times.
 5. Then insert Chapter II and Chapter III.
 6. In Chapter IV relating to the PDS the percentage of persons entitled to get the BPL card is not clear.
 7. The following clauses may be added in Chapter IV :
 - i) The provisions of this Act with respect to PDS ought to be taken in addition to the provisions of the Essential Commodities Act and the PDS Control Orders made thereunder.

- ii) Add point 9 from the essential demands and any other points there are relevant.
 - iii) It shall be the duty of the state to maintain PDS godowns in every District and Block of this country.
 - iv) Grain Banks: The state shall maintain or ensure maintenance of Grain Banks in Gramsabhas or Gram Panchayat offices so as to ensure that hunger and starvation are eliminated throughout the land.
8. Then insert Chapter V.
 9. Chapter VI provisions are very weak and constitute a fatal flaw. The existing provisions are bureaucratic in the extreme and will sentence the Act to death. Like NREGA redressal will be impossible. With this draft we are moving from a dynamic civil society Commissioner system to an entirely bureaucratic system staffed by government officials. We must think hard as to the alternatives. The mere existence of a provision enabling the imposition of fines without the main provision being clear and strong does not help. The Campaign Secretariat must deal with this immediately otherwise we may be held responsible for suggesting such a grievance redressal mechanism.
 10. The statute with respect to breast feeding and baby foods has, in the statute itself, a provision for a specified NGO (Dr. Arun Gupta's) to monitor and implement the provisions of the Act. We could suggest that the Grievance Redressal Officers should be chosen, in the first instance at least, from the Assistants to the Commissioners in the PUCL case. Thereafter appointments should be done of reputed individuals having a proven and documented record of work, practical and otherwise, on Right to Food issues from the point of view of the poor.
 11. Similarly, the provisions requiring the appointment of the Commissioners to be acceptable to the leader of the opposition may operate against us. The requirement ought to be that the person should have the abovementioned record.
 12. For the Commissioners and the Grievance Redressal Officers to be heard by the Administration the statute should specify that the Central Commissioner will have the status of a Supreme Court Judge and the State Commissioners the status of a High Court Judge.

13. It should also be specifically stated that the orders of the Commissioners and the Grievance Redressal Officers shall be binding on all the officers of the State and on all parties to the proceedings before them.
14. For willful disobedience of an order of the Commissioner or the Grievance Redressal Officer there are no provisions for a jail term. Thus orders may be made including the imposition of fines but if these orders are not obeyed the parties will have no other option but to go to court. Hence it may be a good idea to insert a provision akin to contempt provisions and also to be allowed for strictures to be entered into the record of the officers concerned to be taken into account as adverse entries.
15. The following clause may also be added:

In order to maintain neutrality in substance as well as appearance, such Commissioners and Grievance Redressal Officers shall be appointed who are not politically affiliated with any political party.
16. A provision should be made for applications to be filed against the orders of the Grievance Redressal Officers refusing to allow in part or in full any application made under the RTF Act with respect to any grievance regarding the non-implementation or improper implementation of the provisions of this Act. Also for delay in disposing grievances made. Such applications shall be made to the specified district court in every district.
17. The district courts shall evolve with its own procedure and, following the principles of natural justice, shall dispose off all applications after giving the parties an opportunity of being heard, with utmost expedition giving the highest priority to issues relating to the Right to Food.
18. Two general suggestions.
 - i. Please update the Draft Act as you all feel proper and send it out to the whole Campaign as a Draft Food Entitlements Act for the purpose of discussion and improvement. It is very important that a Draft goes out as quickly as possible and be improved swiftly. The present situation where the Campaign does not have a Draft but only non-negotiable points is most unsatisfactory. The earlier draft prepared provides a good foundation for the

Campaign draft but the Campaign must have its own draft going out soon. It does not need to be perfect and we must clearly indicate that it will be improved on from time to time. We must also fix a time frame. I suggest three days for the Campaign Secretariat to send out the first draft and one week for feedback for the preparation of the second draft, after which further feedback can be taken. It is not necessary that we have to achieve the status of a final draft because, in any case, government will go ahead and consider all kinds of drafts. But it is important that the government get our second draft within as short a time as possible.

- ii. We may consider whether it is a good idea to have leading persons from the Campaign, particularly Jan Sangathan representatives, meet with senior UPA politicians for a consultation after submitting the Campaign draft. This may involve activists from all across the country in the process.

19. We must also move quickly to take an initiative to float the idea of a larger drafting committee to work on the Right to Food Act involving not only the individuals mentioned in my earlier mail but also organizations such as NAPM, Campaign for Survival and Dignity, the Network represented by Ashok Choudhary and other mass organizations interested in getting involved in this process.

Comment 16 (Arun Gupta)

COUNT INFANTS IN THE FOOD SECURITY LAW

President of India, Shrimati Pratibha Devisingh Patil, while delivering her address to the Parliament on 4th June, committed to introduction of new flagship programmes for food security. Further, to improve nutrition situation in India, she said, "...Malnutrition has emerged as a major health challenge needing urgent response. Hence the nutrition delivery programme will be comprehensively revamped to bring it under the watch of panchayat institutions and move to provision of hot cooked meals in anganwadis...". The debate over hot cooked meals for children in government run nutrition programme ICDS seems to be settled. However, the challenge is to revamp the 'nutrition delivery programme' to make inclusive and reach the infants. It is the period when human life is at its most vulnerable. A notable development milestone is that 70% of brain develops during infancy. In a proposed food security law for the nation, the right of infants' to adequate food needs to be viewed within the context of existing human rights principles. In many dialogues and debates about food or nutritional security and human rights, the rights of infants are usually forgotten. It is often presumed that infant feeding is a natural process, in the private domain between the

infant and its mother, an area that rarely needs interventions from outside. Food for infants includes timely initiation of breastfeeding within one hour of birth, exclusive breastfeeding for the first six months, and continued breastfeeding thereafter along with adequate complementary feeding for two years or beyond. Prime Minister of India said it rightly 2 years ago, that to wipe out child malnutrition, India needs to do three additional actions; infants need to be breastfed, good health care and access to safe water supply. These components can make a difference not just between life and death, but also in terms of physical, mental, emotional, and intellectual development.

Achieving universal coverage of exclusive breastfeeding during 0-6 months would be the real challenge in the new revamped nutrition delivery programme. It is meaningful as it can cut under-five child deaths by nearly one-sixth. Ensuring start of breastfeeding within one hour of birth in all mothers could cut newborn deaths by more than one-fifth. This nutrition input could be critical to bring down infant and neonatal mortality rates, which have remained relatively unchanged since past five years. Nearly 1.4 million infants die annually and so much depends on how and what they are fed. Research has overwhelmingly shown time and again that exclusive breastfeeding during first six months cuts down diarrhea disease and lower respiratory tract infections by more than half. The World Health Statistics Report 2009 has highlighted and recognised that 'not exclusive breastfeeding' is a 'risk factor' for infant and young child mortality.

India is faced with several challenges on several fronts, but the most overwhelming challenge, and one that bodes ill for the future of the country, is that almost half the children in the country are malnourished in spite of the awesome economic growth that is taking place. The steepest rise in malnutrition occurs from birth to two years of age. Even a single short episode of diarrhea can plunge the child into malnutrition. In a situation where both potable water and sanitation are at a premium, exclusive breastfeeding during first six months, with its transference of immunity to several diseases from the mother to the child, is the one intervention that is cost effective and sustainable. Unfortunately, in India only 40% babies begin breastfeeding within one hour according to the latest District level health survey 2007-08. And only about 20% are able to practice exclusive breastfeeding till six months. In numbers it means 20 million infants out of 26 million born are not able to secure their right to food during first six months. It is thus critical to first recognize and secondly initiate widespread action to ensure food security for infants.

The current thinking at the policy level must understand the difference of tackling hunger and malnutrition in infants than that of older children. Both need to be tackled on a war footing. While balanced hot cooked meals is a strategy for older children, infant malnutrition can only be tackled by ensuring that women stay in close proximity with their babies for at least six months.

What do women need to provide food security to infants? ALL women need accurate, unbiased information and skilled counseling for good infant feeding practices, maternity

entitlements , support systems at work sites like crèches, and supporting health system. Aggressive promotion of baby food industry must end in health sector or otherwise. This should be a Minimum Essential Programme (MEP) of services in the revamped programme and part of food security law. Maternity benefits means leave for organised sector, and cash benefit for unorganised sector. It should also include food assistance during lactation. It would be ideal if all women could be financially compensated for devoting six months to exclusive breastfeeding. However, this may not be possible, or may not be needed in different situations. While some elements of the package could be provided for all women, other components like cash benefits and nutrition support could be provided only to women of low socioeconomic status.

This action on protection, promotion and support of breastfeeding during first six months of life requires a strategy and an action plan with a budget. On top of this it needs to be coordinated.

In fact, communities need to relieve ALL women who are at work at home during this crucial period of human development. Successive governments have made several commitments in the past to improve infant nutrition and survival, so has the new government also. These commitments now need to be translated from rhetoric into action.

Fulfilling infants' right to adequate food obliges Government of India to acknowledge women's rights to adequate nutrition, as well as their rights to other forms of support to enable them to exclusively breastfeed their infants without endangering either their own health or their economic status. Continued breastfeeding along with adequate complementary feeding fulfils the need for food after six months.

Can we afford not to take such an action? Especially Government of India has already granted six months maternity leave for central government women employees, now is the turn of others to receive similar benefit.

Government of India should keep a budget line for this purpose. A reasonable calculation for maternity benefits, thousand rupees a month for six months for about 67 lakh BPL women each year it should be about 4000 Crores. According more recent estimates it would double approximately to 8000 Crores. Further, for a block level promotion, protection, support and coordination, the Planning commission did an exercise in 2007 to arrive at a gross budgetary expenditure of about

Rs. 300 Crores per annum. Such a provision could be a roadmap to realize infant's food security. India is said to be big economy , doing well, this cannot be left out because lack of resources.

This comes as reminder to the policy and lawmakers to count infants-citizens under 12 months of age, in making of the food security law and in its financial memorandums.

Comment 17 (Devika Singh)

Support for the period 6 months to three years needs stronger articulation, being critical to prevention of malnutrition. You have been able to focus spotlight on 0-6 months, but that headstart can go down the drain unless the period immediately following, is also focussed. I have suggested a few lines.

The only point I feel needs stronger articulation is that creches at work places are essential for ensuring that complementary feeding takes place in a systematic manner. After the period of maternity support is over, the Creche provision requires to be in place for the majority of women who will return to work, particularly in the unorganized sector. Multiple strategies will be required to ensure this. While emphasising the importance of the first six months and breast feeding support, the following period is as crucial and the state must address the issue, provide resources and strengthen the financial support training and monitoring mechanisms for crèches.

Comment 18 (J.P. Dadich)

This is OK to address specific nutrient deficiencies for a limited period of time. On long term, it is essential to find ways to prevent nutritional deficiencies. No country can treat nutrition deficiencies for an indefinite period of time. There is an urgent need to have epidemiological data available to know why nutritional deficiencies develop in our country. Based on these, there is a need to chart out specific interventions to prevent them. History is full of such instances. When it was realized that Scurvy occurs because of deficient intake of Ascorbic Acid, an improved intake of citrus fruits and other sources of Vitamin C prevented occurrence of the disease. Similarly, global consensus on implementing the Global Strategy on Infant and Young Child Feeding will help in preventing the nutritional deficiency of a varied spectrum. The need is to chart out a programme which addresses supporting women and families to achieve appropriate Infant and Young Child Nutrition. All other approaches will remain a stop gap arrangement.