

Right to Food Act: Essential Demands[□]

(draft, 18 June 2009)

1. The Act should focus not only on assured physical, economic and social access to adequate , nutritious and culturally appropriate food necessary to lead an active and healthy life with dignity, but also on other requirements of good nutrition for all residents of the country.

2. The Act should incorporate and consolidate all entitlements currently existing under Supreme Court orders (Annexure 1) and existing schemes, especially:

- Hot, cooked, nutritious mid-day meals in all government and government-assisted schools.
- Provision of all ICDS services to all children below the age of six years.
- Antyodaya entitlements as a matter of right for “priority groups”.

3. The Act must also create new entitlements for those who are excluded from existing schemes, including out-of-school children and the urban poor.

4. The Act must create an obligation for governments to prevent and address chronic starvation, and reach food pro-actively to persons threatened with starvation.

5. All residents of the country, excepting for categories specially excluded because of their wealth, should be covered by the Public Distribution System, with 35 kgs of cereals per family at Rs 3 per kg. In addition, extra provisions in terms of subsidised oil and pulses should be made for specially vulnerable groups.

6. Women should be regarded as head of the household for all food-related matters, e.g. the distribution of ration cards.

7. Food transfers should not be replaced with cash transfers under any nutrition-related scheme.

* Based on a consultation in Delhi on 18 June 2009, convened by the secretariat of the Right to Food Campaign.

8. The Act should include safeguards against the invasion of corporate interests and private contractors in food policy and nutrition-related schemes, especially where they affect food safety and child nutrition.

9. The Act should include strong in-built, independent institutions for accountability along with grievance redressal provisions including mandatory penalties for any violation of the Act and compensation for those whose entitlements have been denied.

10. The Act should place an obligation on the government to encourage food production and ensure adequate food availability in all locations at all times.

**Existing food-related entitlements under the Supreme Court Orders
(in the case PUCL vs. Union of India and Ors. CWP 196/2001)**

1. Integrated Child Development Scheme:

- There must be an anganwadi centre in every settlement with special priority to SC/ST habitations and urban slums, with a provision of an 'anganwadi on demand' where a settlement has at least 40 children under six but no Anganwadi.
- All ICDS beneficiaries are entitled to supplementary nutrition for 300 days in a year. The supplementary nutrition should meet the following requirements: Each child up to 6 years of age to get 300 calories and 8-10 gms of protein; each adolescent girl, each pregnant woman and each nursing mother to get 500 calories and 20-25 grams of protein; and each malnourished child to get 600 calories and 16-20 grams of protein;
- Contractors should not be used for supply of nutrition in anganwadis.
- The universalisation of the ICDS involves extending all ICDS services (Supplementary nutrition, growth monitoring, nutrition and health education, immunization, referral and pre-school education) to every child under the age of 6, all pregnant women and lactating mothers and all adolescent girls.

2. Mid Day Meal Scheme:

- Every child in every Government and Government assisted Primary Schools is entitled to a cooked mid day meal with a minimum content of 300 calories and 8-12 grams of protein each day of school for a minimum of 200 days.
- In drought-affected areas, children are entitled to mid-day meal even during summer vacations.

3. Targeted Public Distribution System

- All BPL families are entitled to 35kgs of grain per month
- BPL households should be permitted to buy the ration in instalments.
- All ration shops should be open regularly

- 4. Antyodaya Anna Yojana:** The following "priority groups" are entitled to Antyodaya cards: (1) Aged, infirm, disabled, destitute men and women, pregnant and lactating women, destitute women; (2) widows and other single women with no regular support; (3) old persons (aged 60 or above) with no regular support and no assured means of subsistence; (4) households with a disabled adult and assured means of subsistence; (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; and (6) primitive tribes.

- 5. National Old Age Pension Scheme:** Eligible old persons should be paid pensions regularly every month. The current scheme provides pensions for all BPL old people above 65 years of age with a pension of Rs. 400 per month.

- 6. National Maternity Benefit Scheme:** All BPL pregnant women are entitled to a cash benefit of Rs. 500 irrespective of place of birth, age of mother and number of children.

- 7. National Family Benefit Scheme:** BPL families are entitled to be paid Rs 10,000 within four weeks through the local sarpanch when the breadwinner dies.

8. **Accountability to Gram Sabhas:** Gram Sabhas are entitled to conduct a social audit into all Food/Employment schemes and to report all instances of misuse of funds to the respective implementing authorities, who shall on receipt of such complaints, investigate and take appropriate action in accordance with law.
9. **Access to information:** Gram Sabhas are empowered to monitor the implementation of the various schemes and have access to relevant information relating to, inter alia, selection of beneficiaries and the disbursement of benefits.
10. **Schemes not to be discontinued:** The Supreme Court has also given an order that no scheme covered by the orders made by the Court shall be discontinued or restricted in any way without the prior approval of the Court.