

Right to Food: Essential Demands

Preamble

All people residing in this country have a fundamental right to be free from hunger and malnutrition. This requires, on the one hand, sufficient availability of food, which in turn calls for strengthening of sustainable agricultural production systems, with special focus on the small rain fed farmer. It requires that land and water must never be forcibly diverted away from food production for cash crops or industrial use. It also requires effective systems of minimum support prices, price stabilisation, effective grain movement and storage, as well as strict regulation of speculation and trade.

Ensuring the right to food requires, on the other hand, economic access for people, involving for instance adequate employment and wage levels, the protection of existing livelihoods, and equitable rights over land, water and forests. It also requires social access, meaning that barriers of gender, caste, disability, stigma, age etc must all be overcome.

While it is the responsibility of governments to ensure that such conditions exist, the realization of the right to food also requires a system of direct food entitlements through public provision. We demand that this should be enshrined in a Food Entitlements Act, going beyond the limited National Food Security Act proposed by the UPA Government.

Food Entitlements Act: Essential Demands

1. The Act must hold the government accountable to ensure that no man, woman or child sleeps hungry or is malnourished.
2. The Act must place an obligation on the government to encourage food production through sustainable and equitable means, and ensure adequate food availability in all locations at all times.
3. The Act must 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".
4. The Act must not abridge but only expand other entitlements such as old age pensions, maternity entitlements and work entitlements under NREGA.
5. The Act must also create new entitlements for those who are excluded from existing schemes, including out-of-school children, the elderly and the infirm in need of daily care, migrant workers and their families, bonded labour families, the homeless, and the urban poor.
6. The right to food of children in the age group of 0-6 months must be ensured through services to the mother, including support at birth; skilled counselling especially to promote breast feeding; maternity entitlements; and crèche facilities at the work place.
7. The Act must create an obligation for governments to prevent and address chronic starvation, and reach food proactively to persons threatened with starvation.
8. The Act must create provisions for governments to deal adequately with natural and human-made disasters and internal displacement, including by doubling all food entitlements for a period of at least one year in affected areas; and removing upper limits to person days of employment in NREGA.
9. All residents of the country, excepting possibly for categories specially excluded because of their wealth, must be covered by the Public Distribution System, with at least 35 kgs of cereals per household (or 7 kgs per person) per month at Rs. 3/kg for rice and Rs. 2/kg for wheat. Coarse grains should be made available through the PDS at subsidised rates, wherever people prefer these. In addition, extra provisions of subsidised oil and pulses should be made.

10. Women must be regarded as head of the household for all food-related matters such as the distribution of ration cards.
11. The Act must seek to eliminate all social discrimination in food-related matters, including discrimination against Scheduled Castes, Scheduled Tribes, Most Backward Classes and minorities.
12. Cash transfers must not replace food transfers under any nutrition-related scheme.
13. The Act must 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. In particular no GM food and hazardous or useless additives must be allowed in public nutrition programmes. Governments must not enter into any partnerships with the private sector where there is a conflict of interests.
14. The Act must include strong, in-built independent institutions for accountability along with time-bound, grievance redressal provisions (including provisions for criminal prosecution), mandatory penalties for any violation of the Act and compensation for those whose entitlements have been denied. In particular, the Gram Sabha must have effective powers for grievance redressal and monitoring of food-related schemes.
15. All programmes of food entitlements must have strong in-built transparency mechanisms, and mandatory requirements of social audit.
16. Within the existing PDS system, the Act must provide for mandatory reforms such as de-privatisation of PDS shops, preferably to women's groups, with sufficient capital and commissions for new owners; direct door step delivery of food items to the PDS shop; and computerisation, along with other measures for transparency.
17. The Act must specify that no laws or policy shall be passed that adversely impact the enabling environment for the right to food.

**Annexure 1: Summary of existing entitlements under 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.