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National Human Rights Commission
JD(R) Unit, PRP&P Division

Dated: 11 July 2017

A meeting of the Core Advisory Group on Right to Food was held on 6 June 2017 in the premises of the Commission under the Chairmanship of Shri S.C. Sinha, Member, NHRC.

The minutes of the meeting are enclosed.

Yours sincerely,



(J.S Kochher)
Joint Secretary (T&R)

To:-

1. Shri Pradeep Kumar Pradhan, State Convener, Right to Food Campaign, Odisha, c/o D-27, Maitree Vihar, Post -Rail Vihar, Bhubaneswar - 751023, Odisha.
2. Dr. Rosina Nasir, Assistant Professor, Jawaharlal Nehru University, Centre for Study of Discrimination & Exclusion, School of Social Sciences, New Delhi.
3. Ms. Suman, Vice President, FIAN, c/o, 6/3, 3rd Floor, Jungpura - B, New Delhi - 110014.
4. Dr. S.M. Jharwal, Chancellor, Indira Gandhi National Tribal University, Amarkantak, c/o, Flat No. 501, Block CIC, Golf Link Residency, Sector 18-B, Pocket 1, DDA HIG Flats, Dwarka - 110075.
5. Shri Harsh Mander, Centre for Equity Studies, 105/6 - A, Adchini, Aurobindo Marg, New Delhi - 110 0Prof. Ravi Shrivstava, Centre for Study of Regional Development,

School of Social Sciences, Jawaharlal Nehru University, New Mehrauli Road, Near Munirka, New Delhi – 110067.

6. Prof. Ravi Shrivastava, Centre for Study of Regional Development, School of Social Sciences, JNU, New Mehrauli Road, Near Munirka, New Delhi-110067

7. Shri Himanshu, Associate Professor, Centre for Economic Studies and Planning, School of Social Sciences, Jawaharlal Nehru University, New Mehrauli Road, Near Munirka, New Delhi – 110067.

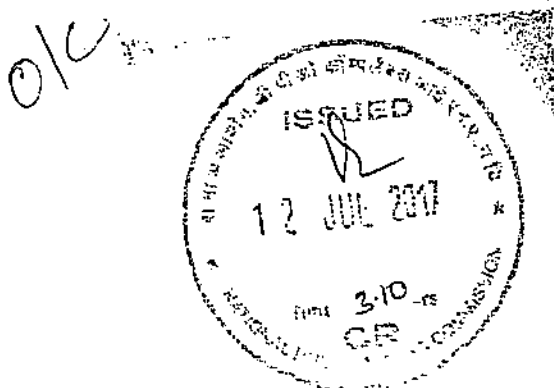
8. Dr. Kirit S. Parikh, Former Member-Planning Commission, Chairman, Integrated Research & Action for Development, C- 50, Chota Singh Block, Khelgaon, New Delhi -- 110049.

9. Dr. N.C. Saxena, Former Member – National Advisory Council, Supreme Court Commissioner, Office of the Supreme Court Commissioners, B-102, First Floor, Sarvodaya Enclave, New Delhi – 110017.

10. Dr. K.P. Prabhakaran Nair, Former Professor, National Science Foundation, The Royal Society, Belgium and Senior Fellow, Alexander von Humboldt Foundation, The Federal Republic of Germany, Kerala.

11. Thiru Pradeep Yadav, Principal Secretary, Department of Civil Supplies and Consumer Protection and Price Control, Government of Tamil Nadu, Secretariat, Chennai-600009.

12. Shri Bharat Kumar Dubey, Special Secretary, Department of Food and Consumer, Government of Bihar, Old Secretariat, PO-Sachivalaya, Patna -800015.



Minutes of Meeting of Core Advisory Group on Right to Food held on 6 June
2017

The meeting of Core Advisory Group on Right to Food was held in the Commission on 6 June 2017 at 10.30 a.m to discuss the implementation of the National Food Security Act, 2013 (NFSA,2013):- The meeting was chaired by Hon'ble Member, Shri S.C. Sinha, NHRC and was attended by Shri J.S. Kochher, Joint Secretary (T&R), NHRC. The list of participants who attended the meeting is at Annex-I.

2. Shri S.C. Sinha extended warm welcome to all the participants and apprised the participants about the purpose of the meeting which is to discuss the implementation of the Act in States and good practices adopted. He then invited the official from Chhattisgarh to share the experience of the State which has a very good Public Distribution System which could serve as a model for other states.

A. Implementation of NFSA in Chhattisgarh

3. Shri S.C. Sinha initiated the discussion by requesting Ms. Richa Sharma, Secretary, Department of Food, Civil Supplies and Consumer Protection, Government of Chhattisgarh to share experience about the implementation of National Food Security Act (NFSA) 2013 in line with the successful functioning of Public Distribution System in the State. He requested Ms. Sharma that her presentation should touch upon the following issues:

- Whether in the process of identifying priority household, exclusions are taking place and whether linking of PDS to the ADHAR has led to the denial of entitlements to very large number of people?
- What are the alternative measures that have been taken to ensure delivery of ration when there is connectivity issue or if the e-POS machine fails to work?

- How the migrant labourers from the neighbouring States in Chhattisgarh are being covered under Public Distribution System and how is the state is taking care of their entitlements?

4. Shri Sinha further asked the other state representatives that they could narrate shortcomings/defects that have come into their notice after two years of implementation of NFSA so that Ms. Richa Sharma may be requested for suggestion if similar problem existed in Chhattisgarh and how it was dealt with.

5. Ms. Suman, Vice President of FIAN highlighted the issue that most of the migrant workers including domestic workers, rikshaw pullers, slum dwellers etc do not have residential proof in order to have access to the public distribution system. She enquired from Ms. Sharma about the measures that have been taken up by the Government of Chhattisgarh for their entitlement under NFSA.

6. Dr. Kirit S. Parikh, Former Member Planning Commission stressed upon the fact that more than 50 per cent of the population below poverty line is not covered under the Public Distribution System. He stated that AADHAR does not help in identifying the priority households and the Central Government is using the Socio Economic Caste Census (SECC) data to identify such households. Being a member of the Committee on how the SECC data could be used to identify the beneficiaries, the Committee had suggested some mechanisms through which exclusion could be minimized. He enquired from Ms. Sharma that how Chhattisgarh is using SECC data to minimize exclusion.

7. Dr. S.M. Jharwal, Chancellor, Indira Gandhi Nation Tribal University stated that there have been instances when in some cases the food grains are not given to the beneficiary and the same is substituted by cash transfer. He

enquired from Ms. Sharma in what situations the state of Chhattisgarh is following the practice of cash transfer and how effectively it has been done.

8. Ms. Sharma spoke at length on the following issue raised during the discussion:

▪ ***Issue of Exclusion of beneficiaries by linking AADHAR to the PDS***

9. While addressing to the issue of exclusion that has taken place by linking ADHAR to the PDS, Ms. Sharma responded by quoting a study by National Council of Applied Economic Research (NCAER) which stated that the exclusion errors in the state of Chhattisgarh are very low that is 2 per cent but inclusion errors are very high which is more than 20 per cent. She stated that NFSA provides subsidized food grains for 78 per cent of the population which is equivalent to 2 crores but there are far more people who are eligible for the subsidized food grains. Therefore, the state is spending from its own resources to increase its coverage from 78 per cent to 83 per cent which is above NFSA allowed coverage.

10. On the issue of linking AADHAR with PDS, Ms. Sharma stated that AADHAR has never been used for determining the eligibility for accessing ration under NFSA in the State but it serves as a database to identify any duplication. She mentioned that there are 2.12 crores persons in ration card database and the state has managed to authenticate the details of 1.64 crores beneficiaries.

11. Shri Sinha enquired from Ms. Sharma about the identification used for distributing the food grains under PDS. Ms. Sharma responded to the query by stating that the state is making authenticated sale and the authentication of the beneficiary is not solely based on the AADHAR. There is a provision of issuing ration to the person by taking his photograph on the tablet, in case

authentication of AADHAR fails. Therefore, AADHAR is not resulting in exclusion of entitlement and neither has been made mandatory for issue of ration.

▪ ***Issue of cash transfer to the beneficiary when food grains are not provided***

12. Ms. Sharma while responding to the issue raised by Dr. Jharwal on denial of ration to the beneficiary and the same being substituted by cash transfer, she apprised the meeting that Chhattisgarh is a Decentralized Procurement (DCP) State that procures paddy from farmers at Minimum Support Price (MSP). This paddy is taken to mills to produce rice which is stocked for the period of one year till the next kharif season. Therefore, Chhattisgarh is not dependent on Food Corporation of India (FCI) to bring in rice from any other state to deliver it to Chhattisgarh, The fact cannot be denied that the aforementioned process could result in delay but ensured that the State is self sufficient in food grain availability. She apprised that the entire requirement of food grains for NFSA is met by Chhattisgarh from its own procurement.

13. Shri Sinha enquired whether pulses or oil being given to the beneficiaries under NFSA in the state. Ms. Sharma responded that there is no provision of oil but the state provides two kilos of Chana (pulses) to the people living in the tribal or scheduled areas of Chhattisgarh.

▪ ***Issue on use of SECC data to identify beneficiary***

14. While addressing queries related to SECC data, Ms. Sharma stated that though SECC data provides for identifying the eligible beneficiaries and strengthens a person's claim for ration card but the State could not solely rely or make mandatory appearance of the name of the person in the SECC list to determine the persons eligibility for subsidized food grains. Therefore, if a person is homeless and landless, and if his name doesn't appear in the SECC list, the ration is still issued to him by issuing ration card. She also apprised that the SECC

list is being currently used for the Pradhan Manatri UjjwalaYojana and it has been found that there are many exclusions in the list. Ms. Sharma further stated that the state of Chhattisgarh determine eligibility of the persons to be covered under the PDS on the basis of criteria ranging from, if the head of the family is widow, head of the family has terminal illness, persons who are disabled, bonded labour or belong to vulnerable sections of the society. Ms Sharma also informed that the state of Chhattisgarh has further subsidized NFSA 2013 which gives 5 kg food grains per unit per priority, the state gives 7 kg per unit per priority. Therefore, a family of 9 members with priority card would get $9 \times 7 \text{ Kg} = 63 \text{ Kg}$ food grains. Therefore the access, affordability and availability of the food grains have been ensured by the state of Chhattisgarh.

- ***Issue of Connectivity***

15. Ms. Sharma apprised the meeting that only one third of the twelve thousand Fair Price Shops (FPSs) in the districts have connectivity issues. Therefore, the State has provision for offline sale of ration on the tablet. Later however, the owner of the Fair Price Shops uploads the data when the connectivity is restored.

16. Shri Kochher enquired from Ms. Sharma on the number of ration cards registered in the database of the state government. Ms. Sharma stated that there are 58.28 lakh registered cards with 2 crores 10 lakh units in the cards. She further stated that NFSA provides subsidized food grains of 1.15 lakh metric tones per month at the Central Issue Price of Rs 3/kg. But the quantity of the food grains is not sufficient to provide entitlement to all eligible beneficiaris and to bridge this gap, the State government has taken initiatives like Mukhya Mantri Khadya Yojana under which it provides for 65 metric tons of subsidized foodgrains from its own budget.

- **Issue of migrant workers**

17. While addressing migrant's issue, Ms. Sharma stated that the Central Government is trying to create national portability under which the persons working other than their native place will be allowed to carry their entitlements to the State in which they work but this would take time. Ms. Sharma apprised the participants that the Government of Chhattisgarh has provision that if any beneficiary agrees to AADHAR authentication, s/he is allowed to take ration from any FPS. In addition to this, the State has a scheme under which if the migrant worker manages to declare himself landless agricultural labour then, the ration card is issued to him from the Gram Panchayat. She also added that any family member can take ration if the person in whose name the card has been issued goes to some other state/place of work. The State also has Dal Bhat Kendras where they provide dal rice for ₹ 5 to ten to fifteen thousand people across the State. However, she stated that there is no data available on how many migrant labourers are working in the state of Chhattisgarh.

18. Shri S.C. Sinha suggested Ms. Sharma to conduct a survey on the number of migrants labourers working in places such as brick kiln and other major sites of construction in the State of Chhattisgarh. He also asked her to share the Rules and provisions which have been made in Chhattisgarh for issuing ration to the migrant population/workers/labourer.

- **Constitution of Different Committees under NFSA**

19. Shri Sinha stated that the NFSA 2013 provides for constitution of Vigilance Committees and whether these have been set up by the State of Chhattisgarh. Ms. Sharma mentioned that the NFSA Act calls for the constitution of the Vigilance Committee and accordingly, such Committees at Fair Price Shop level has been set up in Chhattisgarh. In addition to this, the State has constituted

State Food Committee and has also appointed District Grievance Redressal Officers (GRO) who are independent officers working outside the system responsible for delivery of entitlements. She further stated that there is existence of transparency mechanisms where people register themselves which enable them to find out when the ration laden trucks reach FPSs. Thus these individuals have the right to be present at the time of unloading of ration as well as distribution of ration at FPSs.

- ***Linkage between successful implementation of the NFSA 2013 and incentive to grow paddy among farmers***

20. Shri Parikh highlighted the fact that when NFSA was considered, there was concern that its successful implementation would reduce the incentive among the farmers to produce rice. He inquired from Ms. Sharma whether the paddy cultivation has gone down in the state of Chhattisgarh after the successful implementation of NFSA 2013.

21. Ms. Sharma reiterated that Chhattisgarh is a DCP state. The State has arrangements to procure rice from each village through its 2000 centres running across the State. This has enabled the State to transfer income to 30 lakhs farmers of the State from whom paddy is procured.

22. Ms. Suman suggested that the State of Chhattisgarh should also consider procuring millet which has nutritional value. Ms. Sharma stated that the State procures maize at MSP, but it is not delivered through PDS.

- ***Issue of Transparency***

23. Shri Pradip Kumar Pradhan enquired about the transparency portal in Chhattisgarh.

24. Ms. Sharma informed that the State of Chhattisgarh has Jan Bhagidari Portal which provides all information regarding the FPSs, names of all individual

card holders, sales from FPSs to per person per month. In addition to above, the State has also set up call centres where the beneficiary could register complaint against any FPS. Further, all records can be provided to the public on the basis of Right to Information. Therefore, the system of audit exists in the NFSA-2013.

25. Shri S.C. Sinha enquired whether the State of Chhattisgarh has social audit system in place. Ms. Sharma stated that the State has social audit system in the form that Gram Sabha has been authorized to conduct audit.

▪ **Coverage of PDS in Conflict Zone Areas**

26. Shri Sinha inquired whether all households have been covered under the PDS. In response to the query, Ms. Sharma stated that 94 per cent of the FPSs are operating within their own Panchayat while 6 per cent of the FPS are operational in the nearby Panchayat or in the Central Para Military Camps. But there is a provision by State that if the persons belonging to these areas do not wish to collect ration every month, the State allows them to carry ration for three months at one go. She cited an instance of Abujmarh region of Chhattisgarh that has primitive population of 30,000 people and people have to travel long distance to get their ration as it is a completely naxal affected area. The FPS has been attached to the nearest Panchayat but the distance is still more than 10 kms.

B. Implementation of NFSA in Delhi

27. Shri S. C Sinha requested Shri K.R. Meena, Secretary-cum-Commissioner, Food Supplies Department, Government of NCT of Delhi to give his presentation and requested him to focus on covering migrant population, dwellers of Yamuna Pusta as well as street dwellers under PDS and whether the State has system of social audit in place.

28. Shri K.R.Meena, stated that there are 19.5 lakhs ration cards which cover 72.78 per cent of the beneficiaries in the State. There are 2,252 FPSs in 9 districts of Delhi and the total ration of 3.75 crore Kg is distributed through FPSs. He stated that since Delhi is a non-producing State, so the entire ration comes from FCI. The ration moves from FCI godowns from 15th to 30th of every month and the same is managed through PDS Supply Chain Management.

29. As far as AADHAR seeding is concerned, Shri Meena stated the government has completed seeding of 99.9 per cent, thus almost all the beneficiaries have been covered and now only around 2000 ration cards are to be AADHAR seeded. This exercise would be completed within one month.

30. For exclusion related issues, the State has prepared guidelines where people with annual income of less than Rs one lakh are entitled to be enrolled as beneficiary for subsidized food grains. Further, if a person possesses property or having two wheelers and four wheelers they are not entitled to any kind of benefits. He apprised the meeting that the State designated some areas in Delhi as F2G locations which include unauthorized colonies, jhuggies, rag pickers, transgender etc.for entitlement of ration cards under NFSA 2013.

31. Shri S.C. Sinha enquired regarding the basis on which Government provides subsidized food grains to the people. Shri Meena stated that the ration is provided to those having ration cards and in case, people do not have ration cards they have to apply for ration cards. He also informed that Delhi has 14 e-POS machines but are in the process of procuring more for all FPS. Shri Jharwal enquired about how the Food Supplies Department ensures the quality of food grain as many FPSs sell low quality food grain. Shri Meena informed that a sample of the food grain is displayed in the fair price shop and one can check if they are provided with same quality of food grain.

32. Shri S.C.Sinha suggested Shri Meena to launch a special campaign and visit the areas to bring under the coverage of NFSA 2013 all the people who are eligible to receive subsidized food grains but have no ration cards. He stressed that unless this happens, the purpose of NFSA 2013 is defeated. Shri Meena responded that the Government would be conducting a comprehensive verification and identification of duplication of AADHAR as well as take fresh applications to include the rightful beneficiaries. He added that the State has also designated District Grievance Redressal Officer (DGRO) and Sub- Divisional Magistrate (SDM) for addressing grievance related to distribution of AADHAR Cards.

33. Ms. Richa Sharma was of the view that creation of a parallel grievance redressal mechanism for every entitlement is problematic. She stated that NFSA allows for internal grievance redressal mechanism in the form of call centres, registration of online complaints or in writing to the collector. In case the grievances are not addressed then the complainant goes to DGRO.

34. Shri S.C. Sinha stated that implementation of social legislation gets very less priority as SDM has other important administrative assignments. He suggested that there should be creation of one more post of SDM in each district to exclusively address the issues arising out of various social legislations.

C. Implementation of NFSA in Odisha

35. Shri Pradip Kumar Pradhan, State Convenor, Right to Food Campaign, Odisha in his presentation on the implementation of NFSA 2013 in the State stated 3.26 crore population has been covered under NFSA. He stated that grievance redressal mechanism is non-existent. However, State Food Commission has been constituted. He further stated that in Odisha Vigilance Committee is quite functional and end to end computerization has been done.

e-POS machines have also been given to the FPSs. However, tribal areas in the state face problems of delay in delivery of food grains.

▪ **Implementation of NFSA 2013 in Bihar**

36. Lastly, a presentation was made by Shri Prashant Yadav, Project Manager, Food & Consumer Protection Department, Government of Bihar on implementation of NFSA and Public Distribution system in Bihar. He apprised the meeting that under NFSA the State receives monthly allotment of 4.57 lakhs metric tons of food grains which is being distributed among 8.57 crore eligible beneficiaries. Also, against the total monthly allocation of 4.57 lakh metric tons of food grains the average lifting percentage is approx 99 % and distribution is about 90%. He also stated that the State has constituted Vigilance Committees at block and district level. It has also designated the DGRO for redressing complaints. The State has also established State Food Commission for monitoring and review of implementation of this NFSA 2013.

37. Shri Yadav mentioned that all vehicles used for transporting food grains have been equipped with GPS and load cell devices. GPS devices update the location of vehicles which is monitored against the geo fence which has been setup for all FCI, State Food Commission (SFC), Targetted Public Distribution System (TPDS) and Custom Milled Rice (CMR) Godowns along with FPS dealers. Whenever there is any deviation from the path, the GPS device issues alerts in form of SMSs which are sent to designated administrative officers for investigation whereas load cell devise monitors the deviation in loading and unloading of vehicles. If a vehicle is getting unloaded in an unauthorized location, it will be alerted via SMSs to concerned administrative officers.

38. Shri S.C. Sinha requested Shri Prashant Yadav to prepare a note citing five instances when load cell devise installed in vehicle carrying food grains has

been able to detect deviation of load. The note should also elaborate upon the actions taken to address the issue and the results obtained thereafter..

39. After intensive discussion the following was decided in the meeting:

- A. Ms. Richa Sharma, Secretary, Department of Food and Civil Supplies, Government of Chhattisgarh to send a copy of Rules for distribution of food grains in case the biometric authentication fails as well as for issuing ration to the migrant population/workers/labourer.
- B. Ms. Richa Sharma to also provide a note on how PDS is operating in conflict zones and how the State has been tackling the problem.
- C. It was suggested that all the State representatives to carry out survey, form teams and identify individuals who are eligible under NFSA 2013 and try to bring them under the coverage of NFSA 2013.
- D. Shri Prashant Yadav will prepare a note on 'Load Cell Based Vehicle Tracking System' by citing five instances wherein load cell devise installed in vehicle carrying food grains has been able to detect deviation of load. The note should also elaborate upon the actions taken to address the issue and the results obtained thereafter.

The meeting ended with a vote of thanks to the Chair.

List of Participant

Member of Core Advisory on Right to Food and other invitees

1. Shri K. R. Meena
Secretary-cum-Commissioner
Department of Food Supplies & Consumer
Government of NCT of Delhi
2. Ms Richa Sharma
Secretary,
Department of Food and Civil Supplies,
Government of Chhattisgarh
3. Shri Bharat Kumar Dubey
Special Secretary
Department of Food & Consumer
Government of Bihar
4. Shri Prashant Yadav
Project Manager & Representative
Government of Bihar
5. Dr. Kirit S. Parikh
Former Member-Planning Commission,
Chairman, Integrated Research & Action for Development,
New Delhi
6. Dr. S.M. Jharwal
Chancellor,
Indira Gandhi National Tribal University,
Amarkantak, Dwarka
7. Ms. Suman
Vice President
FIAN, New Delhi
8. Shri Pradip Kumar Pradhan
State Convener
Right to Food Campaign
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9. Shri Raj Narayan Yadav
District Supply Officer, G.B. Nagar
Greater Noida, Uttar Pradesh

NHRC

10. Shri S.C. Sinha
Member

11. Shri J.S. Kochher
Joint Secretary (T&R)