

**Open House Discussion on 'Right to Food and Nutrition' held on  
12 April 2019**

An Open House Discussion on "Right to Food and Nutrition" was held on 12 April 2019 in the Commission to review the status of the implementation of the National Food Security Act, 2013, and to discuss the critical issues and shortcomings existing in effective implementation of the important provisions under the Act. The 'Open House Discussion' **was chaired by the NHRC Chairperson, Justice Shri H.L. Dattu, and was attended by Smt. Jyotika Kalra, Member, NHRC, Shri Jaideep Govind, Secretary General, NHRC, Shri Ravikant, Secretary, and Ms. Manisha Sensharma, Economic Advisor, Department of Food and Public Distribution, Ministry of Consumer Affairs and Public Distribution, Dr. Rajesh Kumar, Joint Secretary, Ministry of Women and Child Development, Shri Navendra Singh, Director, M/O Women and Child Development, GOI, Ms. Ankita M. Bundela, Secretary-cum-Commissioner, Food Supplies and Consumer Affairs, Government of NCT Delhi, Shri Shashank, Joint Director, Department of Social Welfare, GNCT of Delhi**, representatives of NGOs and civil society organizations working at the grassroot level and the subject experts such as **Dr. N.C. Saxena, Former Secretary to GOI, Planning Commission, Prof. K.B. Saxena, Council for Social Development**, also attended the programme. NHRC officers, namely, Shri Prabhat Singh, DG(I), Shri Dilip Kumar, Joint Secretary (T & R), and Dr. M.D.S. Tyagi, Joint Director (Research), were also present in the 'Open House Discussion'. The detailed list of participants is **annexed**.

2. Welcoming the participants, **Shri Dilip Kumar, Joint Secretary (T&R), NHRC**, stated that the discussion on the subject of right to food and nutrition was desirable as the last Conference for reviewing the implementation of the National Food Security Act (NFSA), 2013, was held on 27 October 2017. Considering the implications the NFS Act, 2013, holds for addressing the issue of hunger and malnutrition, the 'Open House Discussion' would serve as platform to review the status of implementation of the NFS Act, 2013, to flag the gaps at the policy and implementation level and to formulate recommendations for bridging those gaps.

3. **Shri Jaideep Govind, Secretary General, NHRC**, requested the **Hon'ble Chairperson, NHRC, Justice Shri H.L. Dattu**, to give the inaugural address and set the tone for the open house discussion by highlighting the key issues to be discussed during the open house discussion.

4. **Justice Shri H.L. Dattu, Chairperson, NHRC**, in his inaugural address stated that Article 21 read along with Article 47 of the Constitution makes the State duty bound towards its obligations in effective realization of right to food of people of the country. He also stated that as India is an active member of the United Nations and is also a State Party to the International Covenant on

Economic, Social and Cultural Rights, it all the more casts an obligation on the Government to respect, protect and fulfill the right to food to every citizen of India. He reflected upon the fact that while faster economic growth has been made by India in the recent period, and the per capita income has increased, the nutritional status among children and women of the country has remained a matter of concern. This is evident from the findings of the National Family Health Survey (NFHS-4) and the country being ranked 103 among 119 developing countries on International Food Policy Research Institute's (IFPRI) Global Hunger Index (GHI) in 2018. Highlighting the implementation gaps in National Food Security Act, 2013, he stated that the NFS Act, 2013, suffers from challenges pertaining to the inaccurate identification of households and a leaking delivery system. Adding to this, there is leakage of food grains during transportation to the ration shop and from the ration shop itself into the open market.

5. Speaking in context of the NHRC initiatives in the area of food and nutrition, **Justice Shri H.L. Dattu, Chairperson, NHRC**, apprised the participants that the Commission has been emphasizing on the proper implementation of the National Food Security Act, 2013 and also the flagship schemes namely, the Integrated Child Development Services (ICDS) and the Mid-day Meal Scheme. It has also been requesting its Special Rapporteurs to provide feedback on the status of implementation of these schemes as well as the food security legislation in the States. He further apprised the participants that the open house discussion would focus on the focus on the issues of the inclusion and exclusion errors in the identification of beneficiaries under TPDS, shortfall in storage capacity with FCI against the central pool stock, large leakages of food grains during transportation to and from ration shops into the open market, measures to eliminating malnutrition, anaemia, stunting, wasting, ensuring equitable access to nutritious food by all among others. He concluded by stating that the deliberations during the Open House Discussion would help identification of gaps at the policy and implementation level of the NFS Act, 2013, and to formulate recommendations for bridging those gaps.

6. Beginning by highlighting the key provisions under the NFS Act, 2013, **Shri Ravikant, Secretary, Department of Food and Public Distribution, Ministry of Consumer Affairs and Public Distribution**, apprised the participants that as on March 2019, the NFS Act, 2013, covers 81.34 crore beneficiaries, i.e., about 67% of total population. Around 55 million tons of foodgrains are being distributed annually through a network of 5.34 lakh Fair Price Shops (FPSs). As the entitlement of food grains to beneficiaries under the Public Distribution System (PDS) is being operated under the joint responsibility of the Central and the State Governments, **Shri Ravikant** apprised that the Central Government, through Food Corporation of India (FCI), has the responsibility for procurement, storage, transportation and bulk allocation of food grains to the State Governments. However, the operational responsibility including **(i)** allocation within State, **(ii)** identification of eligible

families, **(iii)** issue of Ration Cards and **(iv)** supervision of the functioning of Fair Price Shops (FPSs, **(v)** setting up of grievance redressal mechanism) etc., rest with the State Governments.

7. As part of the efforts being made to bring reforms in the Public Distribution System and to improve the distribution of foodgrains across the country, **Shri Ravikant** mentioned that the Department of Food and Public Distribution, has undertaken some key initiatives under its 'End-to-End Computerization of PDS Operations' scheme which include, **(i) Digitization of beneficiary database** for correct identification of beneficiaries, removal of bogus cards and better targeting of food subsidies; **(ii) Online allocation of foodgrains** to bring transparency in allocation of food grains, up to the 'Fair Price Shops' level; **(iii) Computerisation of supply chain management** for timely availability of food grains to intended beneficiaries at FPS and checking leakages/diversion; **(iv) Online grievance registration, toll free helpline numbers and transparency portal** to introduce transparency & public accountability in the implementation of TPDS.

8. He then mentioned the activity wise progress under the above mentioned initiatives. Regarding the **(i) digitization of beneficiary database**, **Shri Ravikant** mentioned that complete digitization of ration cards under NFSA in all States/UTs have been done and ration card details are being made available on transparency portal of all States/UTs. As far as **(ii) 'online allocation of food grains'** is concerned, the same has been implemented in 34 States/UTs [except Chandigarh and Puducherry which have adopted Direct Benefit Transfer (DBT) scheme]. Further, in connection with **(iii) 'computerisation of supply chain management'**, **Shri Ravikant apprised** that so far Supply-chain has been computerised in 25 States/UTs. Furthermore, in respect of **(iv) grievance redressal mechanism and transparency portals are concerned**, online Grievance Registration System / Toll-free helpline numbers have been made available in all States/UTs.

9. Adding to above, **Shri Ravikant** also apprised that so far 3.96 lakh FPSs out of total 5.34 lakh FPSs have been automated across the country. Also, as on 31<sup>st</sup> March 2019, 85.37% of the ration cards have been seeded. However, the overall seeding of beneficiaries is 79.41%. He also mentioned that 80 per cent of the identified beneficiaries are being given ration through Aadhaar authenticated ePoS transactions in automated FPSs. He elucidated that there are around 7-8 per cent of the beneficiaries under the PDS which are picking up their ration from the FPSs and the state governments have been directed to physically verify at the ground level while deleting the bogus cards.

10. In order to address the issue of nutritional deficiency, **Shri Ravikant** mentioned that a pilot scheme on 'fortification of rice' and its distribution under public distribution system (PDS) would be launched in 15 States where rice is the staple diet. The scheme on 'fortification of rice' is ready and the state

governments have been requested to prepare the operational guidelines for the fortification of rice, **Shri Ravikant** apprised.

**11. Dr. N.C Saxena, Former Secretary to Government of India, Planning Commission, and Ministry of Rural Development,** highlighted that the total distribution of food grains under the PDS has marginally increased from 51.4 million tons to 55 million tons. Adding to this, under the other various welfare programme, the distribution of food grains is around 3-4 million tons, which is not very encouraging. He suggested that in order to improve the food and nutritional security, there is a need that millets should also be distributed through the public distribution system (PDS). He apprised the participants that as per the 'Evaluation Study of Targeted Public Distribution System in Selected States' done by National Council of Applied Economic Research' (NCAER), large number of exclusion and inclusion errors have been identified in the Public Distribution System. Thus, there is a need that the PDS be evaluated at regular intervals. **Dr. N.C Saxena,** further stressed that the Integrated Child Development Services (ICDS) requires changes at the level of design as well as implementation level. The programme which presently focuses on the pregnant and lactating women and the children between the age group of 3-5 years, should rather shift its focus on pregnancy and children under the age group of three in order to make health and nutrition interventions most effective. He emphasized that the focus on Supplementary Nutrition being provided through AWCs has led to a lot of corruption which is being provided through the AWC. Not only this, there have been discrepancies in the figures and facts provided by the government of India on nutrition indicators and other international organisations like UNICEF.

**12. Prof. K.B. Saxena, Council for Social Development,** highlighted several issues concerning the provision of entitlements under the NFS Act, 2013. He mentioned that not all the poor are being covered under the Socio-economic Caste Census, 2011, which is being used to identify individual beneficiaries for various schemes including National Food Security Act, 2013, and thus may deprive the poor of their entitlements. Since the Central Government has put a per state cap on the number of beneficiaries under the PDS, therefore in States having large number of poor, it is to be ensured that the states cannot keep such a section deprived of food security which is the very basis of the Act. **Prof. Saxena** further stated that the biometric authentication required for the distribution of food grains is not properly functional. Also, the grievance redressal mechanism under the NFS Act, 2013, has not been not very robust. Referring to the large number of exclusion errors, especially in respect of labourers and tribal people, **Prof. Saxena** stressed that ration should be ensured to the extreme vulnerable group especially tribals and the receipt of ration from such groups must be available in the public domain in order to ensure transparency in the PDS system.

**13. Ms. Suman, FIAN,** stated that the issue of the quality of the food grains provided under the PDS System has been largely ignored. Further, the subsidised food grain entitlement per person per month under NFS Act, 2013 should be increased to 7 kg from 5 kg. She stressed that culturally appropriate food should be provided to the poor as presently only rice and wheat is being provided under the Act. She stressed that the numerical ceiling on the Pradhan Mantri Matritva Vandana Yojana, i.e., limiting the maternity entitlements/benefits to only one child should not be there.

**14. Dr. Vandana Prasad, Public Health,** stated that the maternity entitlement for the women in the unorganized sector is a distant dream. She stated that the Pradhan Mantri Matritva Vandana Yojana (PMMVY) is highly deficient in policy and practice. Further, even ICDS has been notoriously deficient in addressing the nutritional needs of the children under the age of three. She mentioned that institutionalization of ICDS is still a problem and therefore community management is required for addressing the problem of malnutrition. Further, the problem of obesity is rising very fast in urban areas and there should a strong regulatory framework for junk food.

**15. Shri Jaideep Govind, Secretary General, NHRC,** requested **Shri Ravikant, Secretary, Department of Food and Public Distribution, M/o Consumer Affairs and Public Distribution,** to respond to the above issues raised by the participants. Addressing the issue of distribution of millets under the NFS Act, 2013, **Shri Ravikant** stated that due to the short shelf life of the millets, their distribution is being done through decentralized procurement scheme, wherein the state decide the quantity of millets required to be distributed and the same is then approved by the Central Government. He apprised that a few States namely, Haryana, Karnataka and Maharashtra are providing millets under the PDS. On the issue of evaluating the PDS System, he stated that there are monitoring institutions performing concurrent evaluation of NFS Act, 2013, on quarterly basis. For instance, National Institute of Rural Development & Panchayati Raj and Xavier Institute of Social Science in Jharkhand are conducting PDS Evaluation in Andhra Pradesh and Jharkhand respectively. On the issue of biometric authentication, **Shri Ravikant** mentioned that the system is not functional only in limited areas. However, there are some states like Andhra Pradesh where 'iris scanner' is being used for authentication while states like Telangana are in process of doing it. Further, there are other authentication systems including fusion finger, best finger detection etc. On the issue of internet connectivity, **Shri Ravikant** agreed that biometric authentication may suffer from poor internet connectivity and sporadic supply of electricity but in 80 per cent of the cases the authentication takes place in first attempt itself. He further stated that the Fair Price Shops have been automated and it is in the state of Bihar that there is only one district where FPSs have been automated. Referring to the numerical ceiling on the number of beneficiaries under the PDS, **Shri Ravikant** stated that it is required as there are issues pertaining to the

availability, procurement and distribution of food grains. He further stated that many states have started doing social audits. On the issue of including those who have been left out under the PDS, Shri Ravikant apprised that 80 per cent of the beneficiaries have been automated while 20 per cent of the beneficiaries are receiving food grains manually.

**16. Dr. Rajesh Kumar, Joint Secretary, Ministry of Women and Child Development, Government of India,** stated that in terms of nutritional indicators, India is better than only Pakistan among the South Asian countries. Acknowledging the fact that country has high levels of maternal and child undernutrition, the Ministry of Women and Child Development is implementing POSHAN Abhiyaan which is being rolled out in three phases during 2017-18 to 2019-20. It targets to reduce stunting, undernutrition, low birth weight each by 2 per cent per annum and anemia (among young children, women and adolescent girls) by 3 per cent per annum. Dr. Rajesh Kumar further apprised that the key components of the Poshan Abhiyaan include **(i)** introducing a very robust convergence mechanism; **(ii)** ICT based Real Time Monitoring system; **(iii)** incentivizing States/UTs for meeting the targets; **(iv)** incentivizing Anganwadi Workers (AWWs) for using IT based tools; **(v)** eliminating registers used by AWWs; **(vi)** introducing measurement of height of children at the Anganwadi Centres (AWCs); **(vi)** Social Audits; **(vi)** setting-up Nutrition Resource Centres, involving masses through Jan Andolan for their participation on nutrition through various activities, among others.

**17. Dr. Rajesh Kumar** also provided a brief overview of the Government's flagship Maternity Benefit Programme, Pradhan Mantri Matritva Vandana Yojana (PMMVY) which was announced on 31st December 2016 and became applicable from 01st January 2017. He mentioned that the scheme envisages providing partial compensation for the wage loss to pregnant women in terms of cash incentives so that the woman can take adequate rest before and after delivery of the first living child. The cash incentive amounting to Rs 5,000 is being paid in three installments i.e. first installment of Rs. 1000/- on early registration of pregnancy at the Anganwadi Centre (AWC), second installment of Rs. 2000/- after six months of pregnancy on receiving at least one ante-natal check-up (ANC) and third installment of Rs. 2000/- after child birth is registered and the child has received the first cycle of BCG, OPV, DPT and Hepatitis-B, or its equivalent/ substitute. He mentioned that the PMMVY-CAS enables tracking the status of each beneficiary under the scheme resulting in expedited, accountable and better grievance redressal. He apprised that the scheme has been launched in all 717 districts and so far out of the total enrolled beneficiaries of 82.2 lakh, 70.64 lakh beneficiaries have been paid cash incentives. Further, of the total payments made to the beneficiaries, 66 per cent are Aadhaar based payments while 34 per cent payments were account based. Also, 2,597 crore of payments have been made under PMMVY while payments of Rs.108 crore is in process.

**18. Shri S.B Shashank, Director, Department of Social Welfare, GNCTD of Delhi,** stated that the UT of Delhi has 10800 AWCs and has 101 'modern anganwadi hub centres' as part of the ongoing reforms in the Integrated Child Development Services (ICDS) programme. These new Centres are spacious and vibrant playschools for children aged 3-6 years. On the issue of the mismatch between the enrolled children and registered children under ICDS, he apprised that the module has come out and the mapping has been done. Further, in order to monitor the status of nutrition, he apprised that the smart phones have been procured; however, procurement of weighing devices is in process.

**19. Ms. Razia Ismail, India Alliance for Child Rights,** raised the issue that if the person has no fixed address, could she has access to ICDS. Secondly if the women is pregnant and under the age of 18 years, whether that pregnancy could be registered under the PMMVY scheme for attaining the entitlements.

**20. Dr. Jyoti Sharma, Indian Institute of Public Health,** stated that the issue of coverage for the homeless children under the ICDS is challenging. Further, under the ICDS, there is a need to provide more nutritious food to the pregnant women. To this, **Dr. Rajesh Kumar** responded that any child coming from anywhere, whether enrolled or not under the ICDS is entitled to receive supplementary nutrition through AWCs.

**21. Shri Sanny Bhai, Lok Manch,** highlighted the deficiencies in the delivery of food grains to the beneficiaries under the PDS. He stated that the Aadhaar Based Biometric Authentication was introduced in PDS to reduce corruption. However, the issue of quantity fraud is still rampant in many States. Ration dealers give less ration than the amount beneficiaries are entitled to. Further, many beneficiaries are the MGREGA workers who have to let go off their one day wage in order to collect ration from the FPSs. He further stated that in many districts the Fair Price Shops remain closed.

**22. Shri Saibal Baroi, Director-Advocacy, CARE India,** stated that the context has to be that the largest section of the people should not be excluded under the PDS. Shri Sanjeet Sharma, **Annamrita Foundation,** raised the issue of inferior quality of rice and wheat provided by the Food Corporation of India (FCI). He stated that their Foundation has stopped buying food grains from the FCI godowns because of the bad quality and instead prefer buying it from the private shop owners. To this, **Shri Ravikant, Secretary, Department of Food and Public Distribution, Ministry of Consumer Affairs and Public Distribution,** offered him to pay visit to his office and he would sent his personnel to inspect the concerned FCI godown for the quality of food grains meant for distribution to ration shops.

**13. After intensive deliberations on the subject of 'right to food and nutrition', the following recommendations emerged:**

- I. **Distribution of millets through the PDS:** Public Distribution System being the single largest mechanism to reach the most vulnerable population, there should be a mechanism in place for distribution of millets under the Public Distribution System to address the issue of nutritional security.
- II. **ICDS to shift its focus on children under three:** The ICDS programme targets children mostly after the age of three, when malnutrition has already set in. It does not focus on the critical age group of children under three years. It is suggested the ICDS should focus on the children under the age of three so that health and nutrition interventions could be most effective.
- III. **Ensuring food security to extreme vulnerable population especially the tribals:** Ration should be ensured to the extreme vulnerable group especially the tribals/ adivasis and the receipt of ration by such groups must be available in the public domain in order to ensure transparency in the PDS system.
- IV. **Providing culturally appropriate food to the poor under the PDS:** There is a need that culturally appropriate food which will satisfy the nutritional and dietary needs of individuals may be provided under the PDS.
- V. **Maternity Entitlements under NFS Act 2013:** Maternity entitlements under NFSA must be provided to all pregnant and lactating women, without any conditionalities.

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**List of participants**

1. Shri Ravikant  
Secretary  
Department of Food and Public Distribution  
M/O Consumer Affairs and Public Distribution
2. Ms. Manisha Sensarma  
Economic Advisor, M/O Consumer Affairs and Public Distribution
3. Dr. Rajesh Kumar  
Joint Secretary, Ministry of Women and Child Development, Government of India
4. Shri Navendra Singh  
Director, M/O Women and Child Development, GOI
5. Ms. Ankita M. Bundela  
Secretary-cum-Commissioner  
Head of Department, Food Supplies & Consumer Affairs Dept, Department of Food, Supplies and Consumer Affairs
6. Shri S.C. Vats  
Joint Director, Department of Social Welfare, GNCT of Delhi
7. Dr. N.C. Saxena  
Former Secretary to GOI, Planning Commission
8. Prof. K.B. Saxena  
Council for Social Development
9. Ms. Razia Ismail  
India Alliance for Child Rights
10. Dr. Shankar Choudhary  
CSO Coalition on Ending Child Marriage
11. Dr. Vandana Prasad  
Public Health Resource Network
12. Dr. Jyoti Sharma  
Indian Institute of Public Health, PHFI
13. Shri Sanjeet Sharma  
Annamrita Foundation

14. Shri Saibal Baroi  
Director- Advocacy, CARE India
15. Ms. Garima Mohan  
The Akshaya Patra Foundation
16. Shri Vijay Sharma  
The Akshaya Patra Foundation
17. Koninika Ray  
Right to Food Campaign
18. Shri Sanny Bhai  
Lok Manch
19. Ms. Ruby Mary Kujur  
Lok Manch
20. Advocate Joy K  
Lok Manch
21. Ms. Suman  
FIAN
22. Ms. Vandana Singh  
India Food Banking Network