

## **CRTITICAL ANALYSIS OF NATIONAL FOOD SECURITY ACT, 2013**

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### **1.0) INTRODUCTION**

India is a country having most of its population suffering from problems of hunger, malnutrition etc, even though it has witnessed a steady economic growth in the past decades. The National Food Security Act, 2013 (NFSA, 2013) is a revolutionary step to curb the above problems and to meet the basic needs of this large section of population of our country. Dr. Jean Dreze, Development Economist and Honorary Professor at the Delhi School of Economics who is a firm supporter of the legislation said, ‘The food security bill is an opportunity to address these gaps, and to create a political momentum for further action’. This legislation makes a paradigm shift in addressing the problem of food security, it changes its focus from the current welfare based approach to a rights based approach.

The UPA-II<sup>1</sup> government instituted the National Food Security Ordinance on July 5, 2013 under Article 123<sup>2</sup> of the Constitution of India, to provide the right to receive adequate quantity of food grains at affordable prices to every individual of the country. The said Ordinance became an Act on September 12, 2013 after being passed by the Parliament and received the assent of the President. This law is to benefit 800 million people which is approximately 67% of the population of India.<sup>3</sup>

### **2.0) FEATURES OF THE ACT**

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<sup>1</sup> The United Progressive Alliance (UPA) II is a coalition of centre-left political parties in India formed after the 2004 general election.

<sup>2</sup> Power of President to promulgate Ordinances during recess of Parliament.

<sup>3</sup> Ashish Singh, ‘Critical Assessment of the Food Security Act’, <http://beyondheadlines.in/2013/10/critical-assessment-of-the-food-security-act/>, (visited November 16, 2016)

The salient features of the National Food Security Act, 2013 are as follows:

- The NFSA, 2013 provides food grains, such as wheat, rice and coarse cereals at Rs. 3, 2, 1 respectively. It classifies the priority households and antyodaya households<sup>4</sup>. Under this legislation, the priority households are entitled to receive 5 kg of food grains per person, every month from the government fair priced shops whereas the antyodaya households receive 35 kgs of food grains per month per household. The duty of ascertaining eligible households is upon the states as it may vary from state to state.
- The Central Government would be supervising the food grain allocation and will also provide funds to States in case of insufficient food grain supply. The State Governments are to provide food security allowance to the eligible beneficiaries in case of failure of supply of food grains.
- The eldest woman of the household, 18 years or above would be considered the head of the household for the issue of ration card. This particular provision aims at women empowerment.
- Every pregnant woman and lactating mother is entitled to get free meals during pregnancy till six months after child birth. They are also entitled to maternity benefit of Rs. 6000 in instalments. But, these benefits are not available to women employed in any Central or State Government jobs or Public Sector Unit (PSU) or any other posts which provide similar entitlements.
- Children up to 14 years are to get free meals (as per the existing mid-day meal scheme at schools). Children among the age group of six months to six years should be provided with 'age appropriate' meals at local anganwadi<sup>5</sup>.
- The act directs the State Governments to computerize the process end-to-end to ensure transparency, with the view to strengthen the distribution system and bringing more accountability and facilitate smoother movement of food to different areas according to demand.

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<sup>4</sup> Antyodaya Anna Yojna is a government scheme launched on December 25, 2000.

<sup>5</sup> It was started by the Indian government in 1975 as part of the Integrated Child Development Services program to combat child hunger and malnutrition.

- The State Governments are also to appoint grievance redressal officer at district levels, who shall put in place an internal grievance redressal mechanism, which can include call centres and helplines.

### **3.0) CRITICAL ANALYSIS**

This Act suffers from several contentious issues regarding its field of operation, they are as under:

The NFSA, 2013 only talks about the problem of hunger and ignores the fundamental problem of undernutrition and its elimination, which is equally important. But to eradicate undernutrition, only supplying of food would not suffice. Several measures related to health care, water and sanitation hold equivalent significance. However, Dr. Jean Dreze opines that, though there is inadequacy of the nutritional impact in the NFSA, 2013, this act is a form of social security with its provisions relating to Public Distribution System (PDS).

The United Nations Children's Fund (UNICEF)<sup>6</sup> India, also asserts that the major problem faced by India is malnutrition. In India, there are 61 million children who are chronically undernourished and 8 million children who face severe acute malnutrition.<sup>7</sup> Thus, the act needs to go beyond its present stand on the Right to Food, to also include the Right to Adequate Nutrition.

The ignorance of the need to address the problem of undernutrition, could cause an inter-generational cycle of undernutrition and deprivation<sup>8</sup>. One-third<sup>9</sup> of the children born are undernourished due to the nutrition deprivation during the pre-natal stage, resultant to the poor nutrition conditions made available to the mothers. Thus, nutrition security is as important as the right to food, and therefore it should have been incorporated in the said act.

Farmers' Unions had also opposed the act, citing the reasons that it would lead to nationalisation of agriculture, designating the Government as the biggest buyer, hoarder and seller of food grains. It would also reduce the bargaining capacity of the farmers and, also no support is provided to the small and marginal farmers. It is an undisputed fact that the small and marginal farmers are left

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<sup>6</sup> Instituted to provide humanitarian and developmental assistance to children and mothers in developing countries.

<sup>7</sup> 'Nutrition', <http://unicef.in/Story/1124/Nutrition>, (visited November 17, 2016)

<sup>8</sup> Ravi S. Jha, 'India's food security bill: an inadequate remedy?', <https://www.theguardian.com/global-development-professionals-network/2013/jul/15/india-food-security-bill>, (visited November 17, 2016)

<sup>9</sup> Nutrition', <http://unicef.in/Story/1124/Nutrition>, (visited November 17, 2016)

behind in the growth process. They need public assistance such as infrastructure, environmental guidance, power supply, credit facilities etc. at several levels, which have not found a place in the Act.

Another main concern with the bill when passed was that it didn't specify any timeframe for rolling out of entitlements, which has led to a delayed implementation of the act to its fullest capacity. It continues the targeted PDS, thereby excluding 33% of the population from accessing it as a right, leading to a larger exclusion of the poor in the country as a whole.<sup>10</sup>

Further, the Act permits entry of private contractors and commercial interests in supply of food under the Integrated Child Development Programme Scheme. Also, binding the maternal entitlements to conditions such as the two-child norm discriminates mothers with more children. The Act needs to place the children and mothers on a higher position in terms of beneficiaries to nip off the problem of hunger and malnutrition at the earlier stages.

The fiscal burdens are bound to increase due to the subsidisation of food grains. Also, numerous concerns can be raised regarding the PDS, as the corruption and leakages might increase. It would be highly desirable if states are allowed to reform PDS as per their own and not centralising PDS management.

The Act states that no right to food will be available during the times of war or natural calamities such as droughts, earthquakes, floods etc. States which are highly prone to such natural calamities would be affected. The states of Uttar Pradesh, Jharkhand, Orissa etc. are drought prone areas, but would not be given this right to food when needed the most.

Furthermore, in the 9<sup>th</sup> Ministerial Conference of World Trade Organisation (WTO)<sup>11</sup>, it was decided that India should ensure that stocks acquired under this act shall not distort trade or unfavorably affect the food security of other members of the WTO. Thus, the government cannot increase entitlements of food grains or introduce other food grains and pulses if not originally specified in the Act. This restriction is likely to cause major hindrance in the implementation.

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<sup>10</sup> Ravi S. Jha, 'India's food security bill: an inadequate remedy?', <https://www.theguardian.com/global-development-professionals-network/2013/jul/15/india-food-security-bill>, (visited November 17, 2016)

<sup>11</sup> It is an intergovernmental organization which regulates international trade.

The phased implementation mentioned under the Act means that, it will take a few years to achieve desired levels and results in terms of its implementation.

Lastly, the states have diversified opinions and objections to this bill. Presently, a total of 21 states<sup>12</sup> have implemented the NFSA, 2013, which include States like Punjab, Haryana, Rajasthan, Chhattisgarh, Maharashtra etc. However, many States vehemently opposed the bill initially, like the States of Gujarat and Jammu and Kashmir. But later decided to move forward with the implementation. Thus, this divided stand could also be a probable strain in the complete implementation of the Act.

#### **4.0) CONCLUSION**

*“There are people in the world so hungry, that God cannot appear to them except in the form of bread.”*                    *-Mahatma Gandhi*

The NFSA, 2013 enshrining the vital right to obtain food i.e. right to food, is a good initiative. But it is not a sufficient measure as it lacks in numerable imperative aspects as discussed. The problem of hunger and malnourishment have to be tackled by taking a practical stand by focusing on absolute implementation of the Act in all the States. Effective implementation is dependent on proactiveness of the States which will also encourage harmonious relations and curtail regional disparity between them. Also, ensuring food and nutritional security would lead to physical and cognitive development of the country’s human resource capital.

The NFSA, 2013 if well implemented, will have a substantial and evidential impact in addressing the problems of hunger, malnutrition and poverty.

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<sup>12</sup> ‘21 states to implement National Food Security Act by April 1’,  
<http://timesofindia.indiatimes.com/city/ahmedabad/21-states-to-implement-National-Food-Security-Act-by-April-1/articleshow/51495420.cms>, (visited November 1, 2016)