

Food Entitlements Act, 2009

(Draft, 12th September 2009)

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Preliminary Note of the Right to Food Campaign

- (i) Noting that the UPA Government has announced that it intends to enact a Right to Food Act.
- (ii) And whereas the Right to Food Campaign is anxious that any statute enacted ought to, at the very minimum, protect existing legal entitlements created by the Supreme Court orders passed in PUCL Versus UOI currently pending in the Supreme Court, and preferably go beyond.
- (iii) Whereas the Right to Food Campaign envisages a food security and sovereignty system in accordance with Article 39 of the Constitution of India where the ownership and control of the material resources of the community are so distributed as best to sub-serve the common good and everyone has a right to an adequate mean of livelihood.
- (iv) And whereas the RTF Campaign understands that a comprehensive RTF Act would require a fundamental realignment of the manner in which society and the state uses its resources today.
- (v) Recognizing that there is a considered view within the country to the effect that the WTO system of laws, agreements and practices and particularly the Agreement on Agriculture could fundamentally undermine food security and sovereignty in the country.
- (vi) Further realizing that what appears possible at this moment is a limited statute that will take the first step towards a more comprehensive approach.
- (vii) Stressing however, that the Right to Food Campaign is committed towards the immediate drafting of a Right to Food Act, 2009 in collaboration with other organisations and networks having expertise in the issue.
- (viii) Now therefore, as a first step towards the full realization of the Right to Food in all its various dimensions, this Act.

Food Entitlements Act, 2009

(Draft)

An Act to ensure dignified economic and social access to adequate food and other requirements of good nutrition for all residents of the country, at all times, in pursuance of their fundamental right to be free from hunger, malnutrition and other deprivations associated with the lack of food.

Preamble

WHEREAS the Right to Food envisages a food security and sovereignty system in accordance with Article 39 of the Constitution of India where the ownership and control of the material resources of the community are so distributed as best to subserve the common good and everyone has a right to an adequate mean of livelihood;

AND WHEREAS, Article 21 of the Constitution of India guarantees a fundamental right to life and personal liberty and includes the right to food;

AND WHEREAS, Article 39 (a) of the Constitution of India obliges the State to direct its policy towards ensuring that the citizens, men and women, equally, have the right to an adequate means of livelihood;

RECALLING that Article 47 mandates that the state shall regard the raising of the level of nutrition and the standard of living of its people as among its primary duties;

AND WHEREAS, Article 25 of the Universal Declaration of Human Rights (1949) recognizes the right of everyone to adequate food;

AND WHEREAS, Article 11 of the International Covenant on Economic, Social and Cultural Rights (1966) and the General Comment 12 of the Committee on Economic, Social and Cultural Rights further elaborate the responsibilities of all State Parties to recognize the right of everyone to be free from hunger;

AND WHEREAS further responsibilities in this regard, particularly with reference to children and women, derive from the Convention of the Rights of the Child (Articles 27.1 and 27.3) and the Convention on the Elimination of All Forms of Discrimination against Women (Article 12);

RECALLING that in 1996, at the World Food Summit, Government of India affirmed “the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger”;

AND WHEREAS government is now of the opinion that it is necessary to consolidate, strengthen and expand the present system of entitlements

BE it enacted by Parliament in the Fifty Ninth Year of the Republic of India as follows:

Statement of Objects and Reasons

The Supreme Court of India in Chameli Singh Vs State of UP (1996) 2 SCC 549 has held that the fundamental right to life under article 21 of the Constitution necessarily incorporates the right to food. In PUCL vs. Union of India and others (Writ Petition Civil 196 of 2001), the Supreme Court has further held that the state's obligations in this regard include ensuring "that the poor and the destitute and the weaker sections of the society do not suffer from hunger and starvation". It is therefore imperative to create and enforce legal entitlements and obligations to ensure that every person is assured physical, economic and social access to adequate food with dignity as is necessary to lead an active and healthy life. It is also imperative that no man, woman or child sleeps hungry or is malnourished.

Chapter I: Preliminary

1. Short Title, Extent and Commencement

This Act shall be called the Food Entitlements Act 2009 and it shall extend to the whole of India except for the State of Jammu and Kashmir.

It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions

1. In this Act, unless the context otherwise requires:

- a) "**Adult**" means a person who has completed eighteen years of age.
- b) "**Anganwadi**" means a child care centre set up under the Integrated Child Development Services (ICDS).
- c) "**At 2009-10 prices**" means enhanced in nominal (rupee) terms in accordance with the Consumer Price Index, to ensure that there is no loss of real purchasing power relative to what could have been purchased in 2009-10 with the stated number of rupees;
- d) "**Bonded labourer**" means a person, adult or child, who is working in lieu of an advance or loan taken, is not free to work elsewhere or is receiving less than minimum wages.

- e) “**Crèche**” means a public child care facility for children below the age of 6 years, with appropriate facilities and a trained care-giver.
- f) “**Disabled person**” means a person defined as disabled under the Persons with Disabilities Act 1995.
- g) “**Elderly person**” generally means a person aged 55 years or above and in the case of Scheduled Tribes means a person aged 50 and above.
- h) “**Emergencies and Disaster situations**” include any natural or human-made emergency including floods, droughts, famines, cyclones, earthquakes, tsunami, fires, epidemics, abandonment by management of industry, communal or caste violence, internal conflict etc.
- i) “**Fair Price Shop**” means an outlet through which Public Distribution System (PDS) commodities are delivered to households.
- j) “**Food**” means any non-hazardous substance of good quality that can be eaten or drunk with dignity and provides nourishment, and excludes useless additives and foods made from genetically modified organisms.
- k) “**Food Entitlements Census**” means the Census to be conducted under Section 12 for the purpose of distributing Food Entitlement Cards and Antyodaya Cards.
- l) “**Health centre**” means any public facility set up for the purpose of providing health care, including Community Health Centres, Primary Health Centres, Primary Health Sub-Centres, etc.
- m) “**Household**” means a nuclear family consisting of an adult woman, her spouse if any, and their biological or adopted minor children; and in case there are no adult women in the household, then an adult male and his biological or adopted minor children;
- n) “**Household head**” means the person acknowledged as taking the main responsibility for the survival and nutritional well being of the household members; for the purpose of this Act this shall generally be a woman.
- o) “**Hunger**” means the denial of safe and adequate food to ensure an active and healthy life and means a food intake of less than 50 kg of cereal, 8 kg of pulses and 4 kg of oil for a family of 5 with moderately active adults or 2700 calories per person per day
- p) “**Mini-Anganwadi**” means a child care centre set up under the Integrated Child Development Services in small habitations, as an extension of the network of full-fledged Anganwadis, and providing all ICDS services but possibly with a single Anganwadi worker and rudimentary infrastructure.
- q) “**Notification**” means a notification published in the Official Gazette.
- r) “**Nutrition norms**” means scientific norms for intake of calories, proteins and other nutrients, including the norms given in Schedules II and III for mid-day meals under various nutrition-related schemes.

- s) **“Nutrition Rehabilitation Centre”** means a centre in a hospital, Primary Health Centre or similar health facility that provides care and treatment by trained staff for the rehabilitation of malnourished children.
- t) **“Nutrition-related schemes”** means any scheme involved in the implementation of this Act, including those listed in Schedule I.
- u) **“Prescribed”** means prescribed by Rules made under this Act.
- v) **“Private contractor”** means any profit-oriented private entrepreneur, private enterprise or private corporation involved in the delivery of commodities or services to the public sector.
- w) **“Public Distribution System”** (PDS) means the state-sponsored and state-financed system of distribution of essential commodities at subsidized prices through a network of “Fair Price Shops” or PDS outlets.
- x) **“Records”** means records as defined in the Right to Information Act 2005.
- y) **“Referral services”** means assistance to approach a public health facility, including a written recommendation for examination or treatment.
- z) **“Right to food”** means assured physical, economic and social access to adequate, locally grown and culturally appropriate, diverse, safe, affordable and nutritious food and other requirements of good nutrition for all residents of the country, at all times, necessary to lead an active and health life with dignity.
- aa) **“Rural area”** means any area in a State except those areas covered by any urban local body or a Cantonment Board established or constituted under any law for the time being in force.
- bb) **“Severe acute malnutrition”** means malnutrition defined as severe acute based on World Health Organization (WHO) norms.
- cc) **“Single woman”** means a woman, who is widowed, divorced, separated or deserted, or is unmarried and aged above 35 years. (Note :- This definition , especially age criterion, is being discussed)
- dd) **“Social Audit”** means informed collective evaluation by citizens of the actions or decisions taken by any public servant or government institution.
- ee) **“Slums”** are informal urban settlements, mostly on government land, which are unplanned, with poor quality of housing and underserved with public services. These may be authorised (or recognised by government), or unauthorised (or unrecognised by government).
- ff) **“Starvation”** means hunger prolonged to the extent that it threatens survival or leads to morbidity
- gg) **“Take-home rations”** means food that can be taken and prepared or eaten at home, and stored in room temperature for at least two weeks.

hh)“**Therapeutic Food**” means food designed for specific, usually nutritional, therapeutic purposes including, inter alia, the treatment of severe acute malnutrition in children.

Chapter II: Availability of and Access to Food

- (i) All persons have a fundamental right to be free from hunger and to have access to safe and adequate food.
- (ii) It is the duty of the state to encourage food production through sustainable and equitable means and ensure adequate food availability at affordable prices in all locations at all times.
- (iii) It shall be the duty of the state to support and expand local and indigenous food production in the country and prevent the forcible diversion and acquisition of agricultural lands, water and forests for non-agricultural purposes.
- (iv) It shall be the duty of the State to protect the existing livelihood rights, and the traditional and indigenous knowledge systems of local communities (including but not restricted to, fishers, artisans and forest dwellers), particularly with respect to intrusive commercial and corporate interests.
- (v) It shall be the duty of the state to support and assist farming communities so that indigenous agricultural production may thrive in the country. The state shall promote food sovereignty and place community centred and pro-people processes at the heart of its food production and distribution programmes in order to ensure food security for all.
- (vi) The state shall develop and implement a policy to progressively reduce the use of chemical pesticides and chemicals in agriculture, and to move towards the expansion of organic agriculture.
- (vii) The state shall adopt policies to incentivise the production of coarse food grains.
- (viii) The state shall immediately introduce a moratorium on the import, production and use of genetically modified organisms in food.
- (ix) It shall be the obligation of the state to in a timely fashion declare the minimum support price two months prior to the sowing season and to procure adequate quantities of agricultural produce from the farmer community at such minimum support prices as will ensure a living wage for farmers and agricultural labourers. In so doing the state will give adequate attention to decentralized procurement of millets, coarse grain, bajra, makki, ragi, jawar, pulses and oil seeds.
- (x) The state shall not export staple food grains until malnutrition is overcome in the country.

- (xi) The state shall not permit the importation of food save by public institutions on a temporary basis in a situation of grave emergency and shall maintain the right to impose quantitative restrictions on food.
- (xii) The state shall not permit any agreement or arrangement international or otherwise to displace or adversely affect farming communities in India. In particular no Free Trade Agreement shall be entered into by the state if the agreement will have the effect of allowing transnational's to capture seed, agro-chemicals, food and agricultural markets or weakens the goal of national self sufficiency in food security or increases vulnerability to volatility of global prices and volumes of trade, rising costs of farm inputs, threatens bio-diversity and resilience of local farming systems or threatens nutritious and healthy food.
- (xiii) The state shall take urgent steps to eliminate speculation, hoarding and future commodity trading and excess profiteering in trade in food.
- (xiv) The state shall introduce substantial incentives for the conversion of lands to food production.
- (xv) Under no circumstances shall the state introduce food coupons or cash transfers in the food programmes.
- (xvi) Contract farming and other existing measures that promote agri-businesses to the detriment of the small and medium farmers shall be phased out.
- (xvii) It shall be the duty of the state to protect the rights of the farmers to freely grow exchange and preserve traditional varieties of seeds without any impediment legal or otherwise and to prevent the patenting of seeds.
- (xviii) The state shall prevent bio piracy and stealing of traditional knowledge having particular regard to the attempts to patent basmati rice and neem.
- (xix) It shall be the duty of the state to reverse the decline in state credit to the agricultural sector and particularly to ensure that small and medium farmers get increased amounts of credit at favourable rates together with subsidized technological and other inputs so as to ensure the long term viability of the food producing agricultural sector in the country.

Note: - Many of the sections in Chapter 2 are still being debated, especially sections on food production systems and trade.

Chapter III: Eliminating Destitution and Vulnerability

3. Antyodaya Programme for Vulnerable Groups

1. **Antyodaya Cards:** The groups and classes of persons listed in Schedule VI being the most vulnerable in terms of food security shall be entitled to a minimum of the benefits specified in Section 2 below and shall be provided Antyodaya Cards by the Gram Panchayats or any other body recognized by

law of local self governance after scrutiny and ratification by the Gram Sabhas in writing in the rural areas and by the State Government in the urban areas.

2. **Entitlements of Antyodaya Card Holders:** Households holding an Antyodaya Card shall be entitled to the following support:

- a. All Antodaya cardholders shall be entitled to a monthly quota of at least 50 kgs of food grains per family at a price not exceeding Rs 1/kg under the Public Distribution System (PDS). Coarse grains shall be made available through the PDS at subsidised rates, wherever people prefer these, such that the total of all food grains, including coarse grains provided is at least 50 kgs per month.
- b. In addition each family with an Antodaya shall be provided with 8 kgs of pulses per month at the rate of Rs.10 per kg for pulses and 4 kgs of cooking oil per month at the rate of Rs.17 per kg for cooking oil.
- c. For all families with more than five members, a monthly quota of 14 kgs per adult and 7 kgs per child shall be provided for every person over and above five members in the family.
- d. In the case of elderly persons, single women and disabled persons from these households in rural areas, a cooked mid-day meal to be provided at a community kitchen, or, failing that, permission to eat a cooked mid-day meal at the local Anganwadi or school.
- e. Admission of school-age children in government-run residential schools (in both rural and urban areas), on demand
- f. Double quota of food for all children below 6 years, pregnant and nursing women and adolescent girls under ICDS, around the year, to prevent them from slipping into severe malnutrition (**Note: Some persons have suggested that doubling of quota for all children is not necessary**).
- g. Double quota of maternity entitlements for pregnant and nursing women
- h. Social security pensions from the Union of India of at least Rs 1300 per month (at 2009-10 prices) for all elderly, widowed or disabled members of these households, under Section 14, to be delivered latest by the 7th day of each month. The pension shall be revised twice a year based on the CPI.
- i. Employment under the National Rural Employment Guarantee Act (NREGA), without any restriction on the number of days of work.
- j. Supply of one quintal of cereal a month free for 6 months from the date of identification, or until all other measures listed above are in place, which ever is the later date.

4. Migrant workers

1. Appropriate measures will be devised to ensure that all migrant workers within the country and their families are able to access all their entitlements under this Act, irrespective of their location.

5. Urban Destitution

1. **Right to Food in Urban Areas:** The following special measures shall be taken to protect the right to food of urban poor people:
 - a. Opening of community kitchens providing nutritious hot cooked food at reasonable prices in all cities with a population of 100,000 and above, and also wherever demanded by 50 or more persons at any location, within one month of receiving such an application.
 - b. At the time of the Food Entitlements Census to be conducted under Section 12, a special house-to-house drive will be undertaken to ensure that all priority groups (including among the homeless and slum residents) listed in Schedule VI have an Antyodaya Card.
 - c. Admission in government-run residential schools of all urban street and working children without responsible adult protection.
 - d. All families living in slums shall be provided with a Food Entitlement Card or an AAY card and receive their entitlements accordingly.

6. Starvation Deaths

1. **Obligation to respond:** In the event of a complaint or report of starvation death from any source (whether through a written application, verbal complaint, media report, or related communications), it is the duty of the District Collector and the District Panchayat head, and in the urban areas the Food Commissioner, to expeditiously institute an investigation into the conditions of chronic and acute food denials in the affected family and community. Without awaiting the findings of the field investigations to establish starvation deaths, once it is established prima facie that there exist conditions of vulnerability to starvation for a dispossessed community or household, to it is the duty of the District Collector and the District Panchayat head to expeditiously provide immediate, medium and long-term relief to the concerned community or household, and to ensure the effective functioning of all nutrition-related schemes in the area, as per the protocol in Schedule IX.
2. **Social audits:** There must also be a careful official as well as well-publicised affected people's social audit of why they could not access their food entitlements from the nutrition-related schemes relevant for them.

7. Emergencies and Disaster Situations

1. **Emergency Antyodaya Cards:** Households involuntarily displaced, persons seriously affected by natural disasters, droughts, floods and famines and communal or caste violence or an internal conflict or any other natural or

human-made emergency or disaster situation will be entitled to provisional Antyodaya Cards (with the same benefits as other Antyodaya Card holders), valid for a period of one year.

2. **Doubled entitlements:** These households shall also be entitled to doubled entitlements under all nutrition-related schemes for a period of one year.
3. **Conflict situations:** The Government shall ensure that entitlements that are guaranteed under this Act and all schemes that ensure the same are continued in conflict situations.

(Note: This section is being worked on.)

Chapter IV: Children's Right to Food

8. Infant and Young Child Feeding

1. **Breastfeeding support:** Every mother shall be provided with all support services required for exclusive breastfeeding up to six months, including:
 - a. Skill counselling during pregnancy
 - b. Practical and skilled support at time of birth for initiating breastfeeding
 - c. On-going support during first six months through maternity entitlements (as under Section 15) and
 - d. Monthly visits by a skilled worker during the first six months after delivery.
2. **No promotion of baby foods:** Promotion of baby foods or infant milk substitutes, using any kind of media, gifts and other incentives such as sponsorship, seminars and workshops for health personnel, distribution of child health cards or other material related to infant and young child health using manufacturer's logo, name, etc., by public or private companies, shall not be allowed at any level either with the public or with professionals.

The provisions of this Act shall be in addition to the Infant Milk Substitutes (IMS) Act, 2003. In the case of any conflict the latter Act shall prevail.
3. **Take-home rations:** All pregnant and nursing women and all children in the age group of 6 months to 3 years shall be provided weekly take-home rations that can be locally prepared and meet the minimum nutrition norms specified in Schedule II, with adequate animal proteins (milk, eggs, meat, fish) as well as fats, fruit and vegetables. The take-home rations shall be provided for at least 300 days in a year. The financial allocations for these take-home rations shall be the same as those applying to mid-day meals in schools under Section 9, including the implicit value of the food grain component. No private contractors shall be used for the supply of take-home rations. In the event that the family is unable to collect the ration, it will be delivered to the home of the infant/young child.

9. Children Aged 0-6 Years

1. **Universalization of ICDS:** All children in the age group of 0-6 years shall be entitled to basic nutrition, health and pre-school education services under the Integrated Child Development Services (ICDS).
2. **Basic services:** These basic services shall include all child development services available under ICDS as of 1 April 2009, namely: (1) supplementary nutrition; (2) immunization; (2) health check-ups; (4) referral services; (5) growth monitoring and promotion; (6) pre-school education.
3. **IYCF as an additional service:** These basic services shall also include “infant and young child feeding” (IYCF) counselling as an additional ICDS service, with a separate budget head. This shall include skilled counselling and support for initiating breastfeeding within the first hour of birth, continued counselling and support in the form of home visits for maintaining exclusive breastfeeding for six months, and counselling and support for continuing breastfeeding for two years or more, along with adequate and appropriate complementary feeding.
4. **Anganwadis for all:** For the purpose of providing ICDS services, a full-fledged Anganwadi shall be made available in every habitation of at least 300 persons. There shall be no ceiling on the number of children to be enrolled in a particular Anganwadi, and no eligibility criterion other than age.
5. **Tiny or scattered habitations:** In habitations of less than 300 persons, ICDS services shall be provided through extension services or mini-Anganwadis, linked with the nearest Anganwadi.
6. **Anganwadis on demand:** Rural communities and slum dwellers shall be entitled to an “Anganwadi on demand” (not later than three months from the date of demand) in cases where a settlement has at least 40 children under the age of six years but no Anganwadi.
7. **Cooked mid-day meal:** It shall be the duty of all Anganwadis to provide a hot, cooked, nutritious mid-day meal to children who attend the Anganwadi every day of the year, except during holidays (and in any case for at least 300 days). The financial allocations for this mid-day meal shall be the same as those applying to mid-day meals in schools under Section 9, including the implicit value of the food grain component.
8. **No private contractors:** The mid-day meal under ICDS shall be cooked on the Anganwadi premises, using local foods, without the involvement of any private contractor.
9. **Inclusion:** Special provisions shall be made for the inclusion of marginalized children in ICDS, including disabled children, street children, and children of migrant families.
10. **Minimum Facilities:** Each Anganwadi shall have the following minimum facilities:
 - a. At least two Anganwadi workers and one Anganwadi helper.
 - b. Its own, independent pacca building.
 - c. Weighing scales required for different age groups.

- d. A medical kit with basic drugs (including ORS and IFA tablets/syrup).
- e. A kitchen with adequate ventilation, utensils, storage facilities, etc. (When the Anganwadi and primary school are close to each other, they may share a common kitchen shed.)
- f. Child-friendly toilets
- g. Safe drinking water as well as adequate water for cleaning
- h. Plates in sufficient quantity for all children.
- i. Toys and teaching material for pre-school education.

11. Identification and treatment of acute malnutrition:

- a. Anganwadi workers under ICDS will be imparted suitable training to identify children with growth faltering, including those who are severe acute malnourished (SAM), and referring them for further treatment and nutrition education. In the event of any complaint or other alert of the possibility of a child suffering from severe malnutrition in the Gram Panchayat, it shall be the duty of the Anganwadi worker to investigate the situation and refer the mother and child to a nutrition rehabilitation centre if required.
- b. Nutrition Rehabilitation Centres (NRCs) shall be set up in every District within one year and in every Primary Health Centre within five years of this Act coming into force.
- c. All children with growth faltering referred to NRCs shall be entitled to free treatment at the nearest NRC, for as long as may be required to restore them to good health. During this period, the mother of the concerned child shall also be entitled to free board and lodging at or near the same NRC
- d. Any therapeutic food that is provided for the treatment of SAM shall be domestically produced with a special effort being made to procure the food locally, without the involvement of private contractors.

10. School Meals

- 1. **Cooked mid-day meals:** It shall be the duty of all government and government-aided schools to provide a hot, cooked, nutritious mid-day meal to children up to Class 10 every day of the year, except during school holidays (and in any case for at least 200 days).
- 2. **Droughts and disasters:** At times of drought or natural or human-made disasters, mid-day meals shall also be provided during school holidays.
- 3. **Weekly menu:** The mid-day meal shall have a different menu on each day of the week. The weekly menu shall be prominently painted on the walls of the school, along with a functional Helpline number.
- 4. **Nutrition norms:** The nutrition content of the mid-day meal should be such as to meet the minimum nutrition norms (calories, proteins etc.) specified in Schedule III.

5. **No private contractors:** In rural areas, the mid-day meal shall be cooked on the school premises, using local foods. Private contractors shall not be allowed to supply the meal.
6. **Minimum facilities:** For the purpose of effective and hygienic provision of the mid-day meal, every government or government-aided primary school (or school with a primary section) in rural areas shall have the following minimum facilities:
 - a. A kitchen shed with adequate ventilation, utensils, storage facilities, etc.
 - b. At least one cook and helper, earning the minimum wage applicable to NREGA workers.
 - c. Toilets
 - d. Safe drinking water as well as adequate water for cleaning.
 - e. Plates in sufficient quantity for all children.
7. **Social equity:** Mid-day meal cooks and helpers shall be women from the local community. Preference shall be given to single women and SC/ST women in the appointment of cooks and helpers; in such a way that at least half of them are from these disadvantaged groups.
8. **Financial allocations:** The financial allocation for mid-day meals shall be no less than Rs 5 per child day at 2009-10 prices, in addition to the grain quota of 100 grams per child per day, cost of infrastructure, implements, equipments, salaries and miscellaneous expenses.

11. School Health Services

1. **Mandatory health check-ups:** All school-going children in government and government-aided schools shall be entitled to a health check-up at least thrice a year. Health check-ups shall include all items listed in Schedule IV. Further, free treatment shall be provided to these children for the ailments listed in Schedule IV.
2. **Implementation:** School health services shall be arranged by the nearest Primary Health Centre (PHC), under the general supervision of the district's Chief Medical Officer.
3. **Private schools:** All recognised private schools shall organise the same health services at their own cost.

Chapter V: Public Distribution System

12. PDS Entitlements

1. **Food Entitlements Cards:** Every household and those covered by the AAY Scheme, shall be entitled to and provided a Food Entitlements Card (FEC)

2. **Entitlements of Food Entitlements Card Holders:** All FEC holders shall be entitled to the following support:

- a. A monthly quota of at least 50 kgs of food grains per family at a price not exceeding Rs 3/kg for rice and Rs 2/kg for wheat, under the Public Distribution System (PDS). Coarse grains shall be made available through the PDS at subsidised rates, wherever people prefer these, such that the total of all food grains, including coarse grains provided is at least 50 kgs per month.
- b. In addition each family with an FEC shall be provided with 8 kgs of pulses per month at the rate of Rs.20 per kg for pulses and 4 kgs of cooking oil per month at the rate of Rs.35 per kg for cooking oil.
- c. For all families with more than five members, a monthly quota of 14 kgs per adult and 7 kgs per child shall be provided for every person over and above five members in the family.
- d. Every family shall be entitled tolitres of kerosene per person at Rs Per litre every month.

(Note: Some persons felt that there should be an excluded category: “save those excluded under Schedule V (3).” The discussion on the excluded categories is not conclusive.)

(Note: Some persons felt that 50 kg was excessive and impracticable and that the Campaign should stick to 35 kg. They said that with the provision of subsidised food through the PDS, farmers would be inclined to get their food through the PDS rather than grow their own food.)

3. **Food Entitlements Census:** For the purpose of distributing Food Entitlements Cards, a Food Entitlements Census shall be conducted every five years throughout the country. The Food Entitlements Census shall be based on transparent and verifiable criteria, using a simple method that lends itself to public participation and verification, in accordance with the basic principles laid out in Schedule V. The first census shall be commenced immediately on the passing of this Act and shall be completed within one year.

4. **Nuclear-family approach:** Each nuclear family shall be treated as a separate household for the purpose of conducting the Food Entitlements Census and issuing Food Entitlements and AAY cards.

5. **Women as household heads:** Women shall be considered as the head of the household for the purpose of distribution of Food Entitlements Cards and Antyodaya Cards, unless there is no adult woman in the household.

6. **Display of Exclusion and AAY list:** In rural areas the Exclusion and AAY list of Food Entitlements households shall be painted prominently on the walls of the Panchayat Bhawan (or similar public building) within 30 days of the Food Entitlements Census being completed. In urban areas, it shall be posted on

notice boards at the head offices of Urban Local Bodies. All such lists will also be posted on the internet.

7. **Transparency of records:** All PDS-related records are in the public domain and open for public scrutiny on demand under Section 22.
8. **Essential Commodities Act:** The provisions of this Act with respect to PDS shall be taken in addition to the provisions of the Essential Commodities Act and the PDS Control Orders made there under. For the purposes of the implementation of the Essential Commodities Act and the PDS Control Orders any reference to Below Poverty Line (BPL) shall be taken as reference to the Food Entitlements and AAY lists.
9. **Decentralised Procurement:** It shall be the duty of the state to ensure decentralised procurement, storage and distribution of food grains. It shall, therefore, to the maximum extent possible, procure food grains, pulses and oil seeds from all parts of the country; maintain PDS godowns for storage in every District and Block of this country; distribute food grains, pulses and oil seeds within the district and within the state; avoid long distance transportation of food grains.
10. **Grain Banks:** The state shall maintain or ensure maintenance of Grain Banks in Gramsabhas or Gram Panchayat offices so as to ensure the provision of free grain to persons in dire need.

13. Preparedness of the Public Distribution System

1. **FPS management:** All State Governments shall transfer the management of all Fair Price Shops to government and semi-government bodies, including Gram Panchayats, so as to enhance their public accountability.
2. **Viability of FPS:** The Central Government and State Governments shall take necessary steps, including those outlined in Schedule VIII, to make the operations of the Fair Price Shop financially viable.
3. **Doorstep delivery of food grains to FPS:** It shall be the responsibility of the State Governments to undertake doorstep delivery of the food grains to all Fair Price Shops. This will be done by public bodies such as the State Food and Civil Supplies Corporations or Department of Food and Civil Supplies. All private contractors and other private agencies that are performing this function will be disallowed from doing so within one year of this Act coming into force.
4. **Transparency and accountability of the PDS:** Within one year of the Act coming into force, the Central Government and State Governments shall take necessary steps, including those outlined in Schedule VIII, to ensure accountability and transparency in the PDS.
5. **Social audit:** A social audit of each FPS will be conducted by the Gram Sabha (in rural areas) and Mohalla Sabha (in urban areas) once a year, and

the renewal of the license of the FPS for the next year will be conditional on the approval of the Gram Sabha / Mohalla Sabha.

6. **PDS-related offences to be made cognisable and nonbailable.:** Notwithstanding anything contained in any Act for the time being in force, offences relating to PDS shall be cognizable and non-bailable.

Chapter V (A): Fisher's Rights:

Note: This section is still being worked on.

Chapter VI: Other Interventions

14. Pension-Based Social Assistance

1. **Pension entitlements:** In rural areas, the following persons shall be entitled to an individual pension of at least Rs 1300 per month (at Rs 2009-10 prices), without prejudice to any other benefits or entitlements they may have under this Act, provided that they belong to a household that possesses a Food Entitlements Card or an Antyodaya Card:
 - a. Widows, Separated, Divorced and Abandoned women
 - b. Elderly persons,
 - c. Disabled persons.
2. **Gram Panchayat Certification:** Eligibility to a pension, in terms of these criteria, shall be certified by the Gram Panchayat, after being duly verified and recommended by the Gram Sabha.
3. **Timely disbursal:** Pensions shall be disbursed regularly every month, by the 7th day of each month, through Post Offices or bank accounts of the recipients.

15. Maternity Entitlements

1. **Maternity benefits:** Maternity benefits of at least Rs 1,000 per month (at 2009-10 prices) for six months, from the 7th month of pregnancy, shall be extended to all pregnant women for care during pregnancy under the National Maternity Benefits Scheme (NMBS). Women working in the organised sector shall be entitled to at least six months paid leave for delivery.
2. **Gradual universalization:** The coverage of this Scheme shall be gradually expanded, within one year of this Act coming into force to universal coverage of all pregnant women with a Food Entitlements Card.
3. **Unconditional benefits:** No conditionalities shall be attached to maternity benefits under NMBS. In particular, the benefits shall apply irrespective of the place of birth, age of mother or number of children.

4. **Timely disbursal:** Maternity benefits shall be disbursed regularly every month, by the 7th day of each month, through Post Offices or bank accounts of the recipients.

16. Crèches

1. **Crèches for working women:** Crèches shall be made available for children under six years of age through the following schemes:
 - a. Anganwadi-cum-crèches under ICDS: Crèche services shall be provided under ICDS in a phased manner, beginning with 10% of all Anganwadis within two years of this Act coming into force. There shall be a further provision for 'Anganwadi-cum-crèche on demand', where there is such a demand from at least 20 mothers of children under three years in a habitation. The Anganwadi-cum-crèches shall have the following minimum facilities, in addition to those listed in Section 8 for all Anganwadis:
 - i. An additional room for children under three years of age.
 - ii. Additional wages for the two Anganwadi workers and Anganwadi helper for working full-time in the crèche.
 - iii. An age-appropriate and nutritious morning snack and an evening snack for children less than three years, over and above the mid-day meal.
 - iv. Additional resources for health and medical supplies, sleeping and play equipment, cleanliness and hygiene. children and skilled care.
 - b. Other models of provision of crèche services through panchayats and/or women workers' cooperatives may also be worked out where there is a need for flexibility to suit the needs of working mothers.

17. Micronutrient Supplementation

1. The state shall ensure that any micro-nutrient supplementation/fortification in any of the food programmes is through the production and procurement of suitable local foods with the help of self-help groups, Mahila Mandals, LAMPS etc. Whenever local foods are not available supplementation shall be sought for in the domestic market.
2. Introduction of any micronutrient supplementation or fortified products in any of the schemes under this Act shall be allowed only after acquiring permission from the National Food and Nutrition Commission set up under this Act. In any case, corporate intervention in this area shall not be permitted.

18. Nutrition Education

1. **School-based education:** "Nutrition and health education" shall be included as a compulsory subject in the school curriculum, at the secondary level.

2. **Nutrition counselling under ICDS:** Anganwadi workers shall provide home-based Nutrition and Health Education (NHE) services. Each household with a pregnant woman, nursing woman or child under three years of age shall be visited by an Anganwadi worker at least once in three months for the purpose of providing nutrition and health counselling.
3. **Monthly “health and nutrition day”:** In each Anganwadi, a pre-fixed day of the month shall be reserved for specific activities such as distribution of take-home rations to pregnant and nursing women, immunization sessions, NHE sessions, weighing of children under three years, identification of malnourished children, and so on.
4. The Anganwadi worker will organise at least 4 demonstrations of cooking energy dense appropriate foods for infants and young children, one every three months, in collaboration with women’s groups and SHGs where they exist, as part of nutrition education.

Chapter VII: Grievance Redressal

This section is being worked upon

19. Offences

1. Any wilful breach of any provision of this Act shall be deemed to be a criminal offence and be punished with imprisonment that may extend up to 3 years and a fine of up to Rs. 1 lac.

Note: The specific offences section-wise are being worked out.

2. All offences shall be cognizable and non-bailable.

20. Powers of the Gram Sabha

1. The Gram Sabhas shall have the power to monitor the implementation of the provisions of this Act and, in cases of breaches of the provisions hereof to recommend the imposition of fines in accordance with the provisions of this Act. The Gram Sabha shall also have the power to institute criminal proceedings for offences committed under the provisions of this Act against any person or body corporate.

21. Criminal proceedings

1. Any person or non-governmental organization aggrieved by the breach of any of the provisions of this Act shall have the right to institute criminal proceedings in accordance with the provisions of this Act.

2. The Grievance Redressal Officers and all public servants and other persons committing offences under this Act are liable to be prosecuted and can claim no immunity whatsoever.
3. Grievance redressal procedures are not required to be exhausted before instituting criminal proceedings.

22. Grievance Redressal Officers

1. The state shall appoint Grievance Redressal Officers at the Block and District level to entertain all grievances made with respect to the non implementation of the provisions of this Act. Such officers may be appointed from government or otherwise but in all cases such officers shall have, as a pre-requisite for appointment, a proven and documented record of work on issues relating to food security.

23. Commissioners

1. The state Governments shall appoint a Commissioner or Commissioners to implement *suo moto* or otherwise the provisions of this Act and to hear appeals against the orders of the Grievance Redressal Officers in the state.
2. The Central Government shall appoint a Commissioner or Commissioners to implement *suo moto* or otherwise the provisions of this Act and to hear appeals against the orders of the State Commissioners.
3. The Commissioner(s) may be appointed from Government or otherwise, however, in all cases such Commissioners shall have, as a pre-requisite for appointment, a proven and documented record of work on issues relating to food security.
4. The Central Commissioner(s) shall have the status of a Supreme Court Judge and the State Commissioner(s) shall have the status of a High Court Judge.

24. Civil Proceedings

1. Any person aggrieved including any NGO working on the issue of food security has the right to approach the appropriate High Court, district court or Gram Nyayalaya having jurisdiction for the enforcement of the provisions of this Act and such a district court shall have the power to make such orders of a civil nature in addition to entertaining criminal prosecutions under the provisions of this Act.
2. The Commissioners, the Grievance Redressal Officers and all public servants and other persons committing breaches under this Act are liable to be proceeded against under this section and can claim no immunity whatsoever.
3. Grievance redressal procedures are not required to be exhausted before instituting civil proceedings.

25. Grievance Redressal Procedure

1. **Disposal of complaints:** Any complaint of violation of this Act shall be disposed of by the Block or District Grievance Redressal Officer within 15 working days. This shall include imposing penalties on the responsible functionaries.
2. **Fines:** Anyone who contravenes the provisions of this Act shall be liable to an immediate fine of up Rs 1,000 (at 2009-10 prices), without prejudice to any other possible legal proceedings. In the case where a fine is imposed on the same person, for a similar infraction, for the second or third time, it may go up to Rs 5,000 and Rs 20,000 (at 2009-10 prices), respectively. Government functionaries who are guilty of a third contravention shall be suspended and face departmental action.
3. **Process:** In the event where there is prima facie evidence of any contravention of the Act, it shall be the duty of the Block or District Grievance Redressal Officer to send a show-cause notice to the concerned parties. In the event where the Block or District Grievance Redressal Officer does not receive a satisfactory response within 7 days working days, it shall be his/her duty to impose such a fine.
4. **Gram Sabha recommendations:** In cases where the Gram Sabha recommends, in a formal resolution adopted with proper quorum, that a fine is to be imposed under Section 25 on any person involved in implementing food-related schemes in the concerned Gram Panchayat, it shall be duty of the District Grievance Redressal Officer to impose this fine within 15 days, unless he or she is able to provide grounds against it in writing to the satisfaction of the Food and Nutrition Commissioner.
5. **Failure to fine:** In the event where the District Grievance Redressal Officer fails to impose a fine as spelt out in the preceding paragraphs, he/she shall be liable to a fine of up to Rs 20,000. This fine shall be imposed by the Commissioner, along with a written note explaining the circumstances and reasons for imposing such a fine.
6. **Salary deductions:** In the case of government employees, fines shall be deducted from salaries and mentioned in their service records.
7. **Compensation:** In the event where evidence is found that any person has been deprived of his/her rights under this Act during the current financial year, he/she shall be entitled to compensation of up to three times the cash equivalent of the entitlements that have been denied. Such compensation will be paid within two weeks of the disposal of the complaint
8. **Help lines:** Each District shall set up a special, toll-free Helpline to help people to secure their entitlements under this Act. A summary record of each call shall be posted within 24 hours on the internet. A summary of “action taken” shall be posted within 15 working days.
9. **Grievance Redressal Rules:** Within six months and one year of this Act coming into force, respectively, the Central and State Governments shall make Rules to give effect to robust grievance redressal mechanisms in

conformity with this Act, including timely disposal of complaints, imposition of fines, and payment of compensation.

26. National Food and Nutrition Commission

1. **Facilities:** The Central Government and the State Governments shall provide the National Commissioners, the State Commissioners and the Grievance Redressal Officers with such staff, infrastructure, and financial resources as is necessary for the efficient performance of their functions under this Act.
2. **Evaluation:** The Central and State Commissioners shall have the power to undertake evaluations of nutrition-related schemes and for that purpose collect or cause to be collected statistics pertaining to the implementation of these schemes.
3. **Annual Report:** The Central and State Commissioners shall prepare a comprehensive Annual Report on the implementation of this Act, to be placed before Parliament at the end of each financial year and also to be placed in the public domain, including web posting.
4. **Individual Reports:** Each Central and State Commissioner shall also prepare a brief annual report at the end of each financial year, spelling out his or her contribution to the Commission's work over the year. These individual reports shall be placed before Parliament as well as in the public domain.
5. **Powers of enquiry:** The Central and State Commissioners, while enquiring into any matter, has all powers of the Civil Court trying a suit under the Code of Civil Procedures, 1908 and in particular, with respect to the following matters:
 - a. Summoning and enforcing the attendance of any person from any part of India and examining them on oath.
 - b. Requiring the discovery and production of any documents.
 - c. Receiving evidence on Affidavits.
 - d. Requisitioning of any Public Record or copy thereof from any Court of Office.
 - e. Issuing commissions for the examination of witnesses or documents.
 - f. Forwarding cases to Magistrates who have jurisdiction to try the same.
6. **Powers of action:** The Central and State Commissioners have the powers to take the following actions:
 - a. To make recommendations to concerned Government for initiation of proceedings for prosecution or other suitable action on finding any violation of the right to food and provisions of law during the course of an inquiry.
 - b. To approach the Supreme Court, the High Court, or the District Courts for appropriate reliefs and orders and for the prosecution of offenders.

- c. To recommend to concerned Government or authority for grant of such interim relief to the victim or the members of his/her family as considered necessary.
 - d. To make binding directions to governments at all levels, for administrative ways to better advance the objectives and various provisions of this Act.
 - e. To impose penalties on public servants, in accordance with Section 25, for failures to comply with the obligations and duties under this Act.
7. **Starvation deaths:** The Commission shall also investigate, or cause to investigate, cases of alleged starvation deaths, and give binding instructions for relief, rehabilitation, fixing accountability for, and prevention of such deaths.

Chapter VIII: Nutrition Monitoring and Transparency

27. Nutrition Monitoring

1. **National Survey:** A National Nutrition and Health Survey (NNHS) shall be conducted at least once every three years for the purpose of generating reliable and consistent data on the nutrition and health status of the Indian population.
2. **Scope:** The sample size of the NNHS shall be sufficient to generate accurate estimates of basic nutrition and health indicators at the district level, including standard anthropometric indicators (such as weight-for-age, weight-for-height and height-for-age) and standard demographic indicators (such as infant mortality).
3. **Dissemination:** The main findings of each NNHS shall be published within 6 months of the completion of the survey. The unit-record data shall be in the public domain and made available in convenient form, including CDs and the internet, within a year.

28. Transparency Safeguards

1. **Transparency principle:** All documents pertaining to nutrition-related schemes shall be in the public domain and available on demand. Copies of such documents shall not be refused under any circumstances. They shall be provided within 7 days, subject to the same fees as would apply under the Right to Information Act 2005.
2. **Suo moto disclosure:** The National Commissioner(s) shall compile a minimum list of essential documents that are to be pro-actively disclosed (under Section 4 of the Right to Information Act 2005) for each nutrition-related scheme. These documents shall be made available for public scrutiny in convenient form, including extensive internet postings and dedicated websites.

3. **Gram Panchayats:** In each Gram Panchayat, basic information on nutrition-related schemes (including eligibility criteria, basic entitlements and lists of beneficiaries) shall be prominently posted on a board at the Panchayat Bhawan, or painted on the walls. In urban areas, the same shall be done at the head offices and borough or ward offices of Urban Local Bodies.
4. **Information boards:** Scheme-specific “information boards” (with eligibility criteria, basic entitlements, and related information) shall also be maintained at the following sites in each Gram Panchayat: (1) all primary and upper-primary schools; (2) all Anganwadis; (3) all Fair Price Shops; (4) all health centres; (5) any other premises where nutrition-related schemes are being implemented.
5. **Social audits:** A social audit of nutrition-related schemes shall be conducted every year in each Gram Panchayat, under the auspices of the Gram Sabha, convened specially for this purpose. The Gram Panchayat shall provide the Gram Sabha with all relevant documents for this purpose. The task of conducting social audits shall not be out-sourced to any private agent or institution.

Chapter IX: Duties of Respective Governments

29. Duties of Central Government

1. **National Guidelines:** Within six months of this Act coming into force, the Central Government shall notify National Guidelines for the nutrition-related schemes listed in Schedule I, consistent with all the provisions of this Act and entitlements created under it. These National Guidelines shall be made available to the public in convenient form, including translations in all major national languages, publication in print, and posting on the internet.
2. **Necessary approval:** The notification of National Guidelines shall be contingent on approval by the National Food and Nutrition Commission. The National Commission shall review the respective National Guidelines within a month of their being made available by the Central Government. If any modifications are required, they shall be communicated in writing within that period and acted on within another month by the Central Government.
3. **Revision of Guidelines:** The National Guidelines may be revised from time to time by the Central Government, subject to the approval of the National Food and Nutrition Commission.
4. **Expenses of the National Commission:** The Central Government shall cover the expenses of the National Food and Nutrition Commission and make available to it all required facilities.

5. **Funding of nutrition-related schemes:** The Central and States Governments shall contribute to the costs of nutrition-related schemes in accordance with the shares that applied on 1 April, 2009.
6. **Administrative expenses:** For each nutrition-related scheme, a provision of at least 6 per cent shall be made for administrative expenses, including an allocation of 0.5 per cent for transparency measures such as information boards, social audits, awareness campaigns, Monitoring and Information Systems, etc. The administrative expenses will be borne by the Central Government.

30. Promoting food production:

1. The Central and State Governments have the obligation to encourage food production of cereals, pulses and oilseeds, including of small farmers and ensure adequate food availability in all locations at all times.

31. Prevention of commercial interference

1. The Central and State Governments shall take strict measures to contain the influence of corporate and commercial interests hostile to the right to food on food policy and nutrition-related schemes, especially where they affect food safety and child nutrition. These measures shall include, but shall not be limited to the following:
 - a. Banning and preventing the promotion of baby foods for infants at any level – with the public, with professionals or using any media.
 - b. Banning and preventing commercial promotions targeted at public health professionals and health workers.
 - c. Refraining from any partnership with the commercial food sector for either design or implementation of nutrition-related schemes.
 - d. Preventing government officials and employees from taking any action that could be construed as involving a conflict of interest in so far as it might be hostile to the right to food, such as (but not limited to) accepting payments, gifts, services monetary or in kind, research funding, etc., from the commercial food sector.
 - e. Ensuring that any interaction with the commercial food sector on matters of food policy or nutrition-related schemes is accountable and transparent. Transparency should be ensured through public hearings, public notice of interaction and disclosure of records.
 - f. Refraining from providing space to the commercial food sector on any government committee, council, panel, or other policy-making body.
 - g. Refraining from accepting support or endorsing the participation of the commercial food sector in public education on food and nutrition.
 - h. Preventing the commercial food sector from using health and nutrition claims on their products.

32. Duties of State Governments

1. **Implementation of nutrition-related schemes:** The State Governments shall implement all nutrition-related schemes listed in Schedule I in accordance with the National Guidelines.
2. **Grievance Redressal Mechanisms:** The State Governments shall put in place and activate procedures in accordance with the provisions of this Act, for timely and effective redressal of grievances.
3. **Monitoring and Information Systems:** The State Governments shall put in place and regularly maintain Monitoring and Information Systems (MIS) for each of the nutrition-related schemes listed in Schedule I.
4. **Transparency:** The State Governments shall implement and enforce all the transparency safeguards that are mandatory under this Act.
5. **Job Charts:** Within three months of the relevant National Guidelines being notified, the State Governments shall appoint and prepare “Job Charts” for all functionaries involved in the implementation of nutrition-related schemes, spelling out their duties, so that these duties are clear and accountability may be fixed in the event of any irregularities.
6. **Starvation Deaths:** The State Governments shall take all necessary measures to prevent starvation and to provide timely relief and rehabilitation in accordance with the provisions of this Act in the event of alleged starvation deaths.

33. Duties of Local Bodies

1. To monitor at appropriate levels that all individuals receive their full entitlements in a timely manner.
2. To ensure that all relevant local level functionaries are aware of and perform their duties under this Act.
3. To ensure that all relevant local level functionaries are aware of the provisions of the Act and have copies available of the Act and the rules in the local language.
4. To publicise the provisions of the Act to the general public.

34. Overriding Clause

1. The provisions of this Act shall prevail over any other law, policy, agreement and international treaty, convention or agreement. This Act shall be in addition to the provisions of the Essential Commodities Act, 1955 and the Infant Milk Substitutes Act, 2003.

35. Power to Make Rules

1. The Central Government may, by notification, and subject to the condition of previous publication, make rules to carry out the provisions of this Act.

2. The State Government may, by notification, and subject to the condition of previous publication, and consistent with this Act and the rules made by the Central Government, make rules to carry out the provisions of this Act.
3. Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament.
4. Every rule or Scheme made by the State Government under this Act shall, as soon as may be after it is made, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

Schedule I: List of Nutrition-Related Schemes

1. Integrated Child Development Services.
2. Mid-Day Meal Scheme.
3. Public Distribution System.
4. Antyodaya.
5. National Maternity Benefit Scheme/Janani Suraksha Yojana.
6. National Social Assistance Programme, including Indira Gandhi National Old Age Pension Scheme, Indira Gandhi National Widow Pension Scheme and Indira Gandhi National Disability Pension Scheme.
7. National Family Benefit Scheme.
8. Rajiv Gandhi National Crèche Scheme.
9. Any other scheme that may be involved in delivering the entitlements defined under this Act.
10. Any other scheme that may be notified by the Central Government in consultation with State Governments, for the purpose of implementing the provisions of this Act.

Schedule II: Minimum Nutrition Norms for ICDS

The following minimum nutrition norms shall apply to take-home rations for children in the age group of 6-72 months as well as for pregnant and nursing women:

Category	Calories (K Cal)	Protein (g)
Children (6-72 months)	500	12 -1 5
Children (6 - 72 months) who are severely underweight	800	20 - 25
Pregnant or nursing women	600	18 - 20

Schedule III: Minimum Nutrition Norms for Mid-Day Meals in Schools

The following minimum nutrition norms shall apply to mid-day meals in primary and upper-primary schools (or sections, as the case may be):

- (i) Primary schools/sections (per child per day):
 - 450 calories (including 100 grams of food grain)
 - 12 grams of protein
- (ii) Upper-primary schools/sections (per child per day):
 - 700 calories (including 150 grams of food grain)
 - 20 grams of protein.

Schedule IV: Minimum School Health Services

1. School health services shall include the following minimum measures:
 - a. Deworming;
 - b. Dental check-ups;
 - c. Eye check-ups;
 - d. Anaemia control;
 - e. Height and weight monitoring;
 - f. Screening for communicable diseases;
 - g. Adolescent health;
 - h. Rheumatic heart disease prevention;
 - i. Congenital heart disease detection.

2. School health services shall also include immediate free treatment (including free medication) for all minor ailments as well as for the following:
 - a. Tuberculosis.
 - b. Need for spectacles.
 - c. Need for operative and other treatment.

Schedule V: Basic Principles of the Food Entitlements Census

1. **Food Entitlements Census:** A Food Entitlements Census shall be conducted by State Governments at intervals of not more than five years, based on a simple, transparent and verifiable method that lends itself to public participation and verification. This Census shall be used to prepare the “Food Entitlements List” of households entitled to Food Entitlements Cards and Antyodaya Cards.
2. **Food Entitlements Cards:** Within two months of the Food Entitlements Census being completed, Food Entitlements Cards and Antyodaya Cards (with photographs) shall be distributed to all households, free of charge, based on the Food Entitlements List. The cost of issuing Food Entitlements Cards, including the cost of photographs, shall be borne by the State Government.
3. **Exclusion criteria:** In the event where any of the following exclusion criteria applies, the concerned household shall be automatically denied a BPL Card or Antyodaya Card, irrespective of any other criteria:
 - a) Any household member is a regular employee of the government, drawing a monthly salary.
 - b) Any household member earns a regular salary of at least Rs 5,000 per month in rural areas and Rs.7500 per month in urban areas at 2009-10 prices.
 - c) The household owns a car, truck or any other 4 wheeled motorised transport.
 - d) The household owns a multi-storied pucca house.
 - e) The household has double the land of the district average of the agricultural land per agricultural household if partially or wholly irrigated (3 times if completely un-irrigated).
 - f) The household owns any of the following consumer durables: refrigerator; air conditioner; washing machine; personal computer.
 - g) The household has at least one running deep bore-well or mechanized farm equipment, such as tractor, power tiller, diesel run thresher, harvester, etc.

Schedule VI: Priority Groups for Antyodaya Cards

1. The following “priority groups” shall be entitled to an Antyodaya Card as a matter of right, irrespective of other eligibility criteria:
 - a) 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;
 - b) Households headed by an elderly person;
 - c) Households with persons who suffer from debilitating and stigmatized ailments, including HIV/ AIDS, tuberculosis and leprosy;
 - d) Households with a disabled adult;
 - e) Households headed by widows or other single women;
 - f) Households headed by a child;
 - g) Households that depend (wholly or partly) on alms for survival;
 - h) Households with a bonded labourer or released bonded labourer;
 - i) Households of Primitive Tribal Groups;
 - j) Households of Denotified Tribes;
 - k) Urban homeless households including unprotected street children;
 - l) Any other household that is deemed by the Gram Sabha to be vulnerable to hunger.
2. Provided that if the concerned household meets any of the “exclusion criteria” listed in Schedule V, it shall be excluded from the Antyodaya list.
3. Further provided that it shall not be open for the state to deny any of the priority groups and Antyodaya card on the ground that a state or central calculated quota has been exhausted.
4. Elderly persons, single women and their dependent children, disabled adults and their dependent children shall be treated as Antyodaya families even when they share the same roof and hearth with other family members.

Schedule VII: Essential Measures Related to the PDS

1. Making Fair Price Shops Viable

1. **FPS commodities:** It shall be the responsibility of the respective State Governments to issue a notification to increase the range of items for mass consumption being stocked at the Fair Price Shops.
2. **Working capital:** The Central Government shall provide working capital at zero interest rate and a long-term basis to the public bodies that are managing the Fair Price Shops.
3. **Storage:** State Governments shall make arrangements to enable the Fair Price Shops store and disburse the food grains in a public building.
4. **Commissions and transportation charges:** The Fair Price Shops shall be made economically viable by setting appropriate commissions and inflation-indexing them so that they are enhanced on an annual basis. Transportation charges will also be rationalised and linked to increases in diesel prices on an annual basis.
5. **Timely Availability:** A clear time frame shall be defined for the availability of rations at the ration shop every month/week.

2. Increasing Transparency and Accountability

1. **Advances:** The FPS manager shall deposit an advance directly in the bank account of the State Food Corporation (SFC) /Food Corporation of India (FCI).
2. **Record of transactions:** The SFC/FCI shall record the account and transaction details including details of the date and the quantum of the amounts transacted with every FPS manager electronically, and posts these on the web.
3. **Release order:** The SFC/FCI shall issue an electronic release order within one day of the amount being cleared. On the same day, the SFC/FCI shall also issue a manual release order, since computer facilities may not be available to all FPS managers.
4. **Bogus Cards:** As part of the first Food Entitlement Census to be conducted under Section 12, the State Government shall identify and eliminate all bogus ration cards.
5. **Photographs:** It shall be the responsibility of the authority issuing the FPS license to ensure that the heads of households with a ration card are photographed, and their details along with their photographs should be made available in the public domain for scrutiny.
6. **Biometrics:** Within two years of the National Unique ID Cards being issued, all ration cards should be linked to the Unique ID Card and this should be biometrically enabled.

7. **Web display of PDS lists:** State Governments shall put the details of all Food Entitlements Card and Antyodaya Card holders on their websites within six months of this Act coming into force.
8. **Physical display:** In addition, State Governments shall ensure that the Food Entitlements Card and Antyodaya lists are displayed prominently at all Fair Price shops, Panchayat offices, Block offices and District Magistrate's offices. Information boards shall also make available samples of food grains, information on position of stocks, name and address of PIO and grievance redressal authority and entitlements of different cards.
9. **Truck tracking:** Real-time information on the movement of trucks with the quantities of food grains despatched to the Fair Price Shop shall be put in the public domain, including the internet, so that consumers can track the movement of the trucks.
10. **Tripartite meetings:** It shall be the responsibility of the State Government to convene quarterly meetings of each FPS manager with representatives of the respective local bodies (Nagarpalika or Gram Panchayat) and consumers, which should be attended by a representative of the State Government, to discuss any issues that consumers may have. An Action Taken Report on these issues shall be prepared by the State government and published on the internet for public scrutiny.

One day of the week shall be declared as Social Audit Day. All records of ration shops shall be made available for audit by card holders at the Block/circle office on this day. Grievances identified during this audit shall invite penalties and other action under the Act.
11. **Vigilance Committees:** State Governments shall ensure, within a year of this Act coming into force, that Vigilance Committees are set up and activated at the level of every Fair Price Shop. Every Vigilance Committee will have at least one third of members who are Antyodaya Card holders, and another third who are BPL Card holders. In addition, at least one third of the members will be from SC/ST categories and half of the members will be women.
12. **Action Taken Reports:** The Vigilance Committees will meet quarterly and report irregularities, if any, to the District Food and Civil Supplies Officer. The District Food and Civil Supplies Officer will take appropriate action and submit an Action Taken Report to the Collector within a fortnight of having received a complaint.

Schedule VIII: Protocol for Responding to Starvation Deaths

The National Human Right Commission (NHRC) has established some important and humane principles related to public policy responses to starvation. First of these is that death is not necessary as evidence of starvation. Post mortem inquiries do not serve much purpose in the process of preventing starvation deaths and assuring the right to food. Instead, they hurt and humiliate the families and communities that have lost members, and infringe on their right to dignity. Whether or not death is involved, long-term unaddressed malnutrition and endemic prolonged phases of hunger must be recognised as situations of starvation, and it is the duty of the state to prevent deaths of persons who are living with starvation. Second, starvation is rarely an isolated instance, but reflects instead prolonged denials of adequate nutrition to households, communities, or social categories. Such people are usually very impoverished and dispossessed or destitute.

Protocol for state interventions in starvation situations

1. In the event of complaints of starvation, through application or verbal, made in the media, by affected people or activists or any other source, the local revenue official must inform the District Collector immediately, who in turn will inform not just the local officials, but also the District Panchayat head and Panchayat functionaries at various levels.
2. An enquiry should be instituted which does not focus on whether there was a starvation death, but on whether the family, as well as in that location the local community (such as Musahars) and the social (such as single women) and class (such as landless workers) categories that he or she belongs, live in conditions of prolonged deprivation of adequate food with dignity, or in continuous uncertainty about the availability of food, or dependence on charity or debt bondage for food. On receiving reports of people living or dying of starvation, the overall field situation in the family and community may be analysed, by a process described sometimes as verbal autopsy.
3. Verbal autopsy may be conducted in two phases. In phase one; discussions are held with the family of the victim and some neighbourhood families. These neighbourhood families participate in the discussion only after consultation with the affected family. During discussions, the victim's family may be asked questions about the food and livelihood conditions and deprivations of the individual and the household, access to food and work, periods of hunger, and so on. The idea is not only to probe death and its causes but also understand the poverty and destitution faced by the people. Attempt shall also be made to understand the root cause of poverty such as livelihood crisis, heavy debt, crop failures etc. In the second phase of verbal autopsy, discussions can be carried out with the other members of the tribe, caste, class, gender or age group to which the affected people belong. During these discussions,

questions are posed about the food and livelihood conditions and deprivations of the communities, their access to food and work, and periods of hunger. Broader questions regarding nutrition-related schemes may also be asked, such as (i) is there an operational Anganwadi in the village, (ii) is the local government school providing mid-day meals to the children, (iii) does the Fair Price Shop provide food grains in the right quantity and on time, (iv) how many elderly persons in the village obtain social security benefits or pensions from the state, and so on. At the same time, the people should be provided enough space to reveal situations on their own. They should not be crowded out by questions from the investigator. It may also be worth asking if any change has occurred in their way of living over the years. In other words, have the government policies brought about a change in the way of living of the people?

4. Once it is established that people of a dispossessed community, class or social category live with starvation as defined earlier, it is the duty of the state to urgently provide relief to them as well as to correct the failure of nutrition-related schemes to prevent, mitigate and reverse the underlying situation of chronic food deprivation.
5. If a certain region has been diagnosed as suffering from intense hunger, the state should put in place systems of relief - immediate, short term and long term. The first immediate relief must be for the affected family itself that has suffered the loss of persons for reasons associated with prolonged food deprivation. Some of the measures that may be relevant include: a) ensuring immediate availability of one quintal of grain a month, free of charge, for at least one year to the family; b) identifying, in consultation with the survivors in the family, the reasons for livelihoods denial, collapse or insecurities and assisting them to build a secure livelihood through measures like land allotment; c) distribution of Antyodaya Cards and safeguarding of the corresponding entitlements under Section 3 of this Act.
6. The next stage of intervention would be for the community, class or social category to which the family of the affected person belongs. This must begin with publicising and opening NREGA works for all those who seek it, within a week of the receipt of the information. All the reliefs listed above in the context of the directly affected family should also be systematically extended to the families who are immediately vulnerable to fall into the same situation.
7. These short term measures may include strengthening (i) primary health care institutions, services and access to these, (ii) social security benefits, (iii) emergency feeding centres for people who are starving, (iv) wage employment programmes, (v) poverty alleviation programmes and (vi) implementation of land reforms legislations. However, there is no fixed set of steps that need to be taken; they may vary from region to region, group to group, keeping in mind the requirements of the area. More importantly, the

measures should be prioritized in adherence to severity and requirement of the area.

8. The District Collector needs to also fix accountability for lapses and neglect that occurred at any level to prevent and redress on time conditions of persisting denials of the right to food of the affected populations.
9. In the medium run, food and livelihood schemes need to be adapted and expanded to reach the affected families more effectively.
10. In the long run, the situations leading to the creation and perpetuation of conditions of poverty and hunger need to be identified and a programme drawn up and implemented.