

## DRAFT NATIONAL FOOD SECURITY BILL, 2010

Whereas the Government has several schemes for augmenting agricultural production and ensuring adequate availability of food for different segments, a **Bill** to provide a statutory framework to entitle families living below the poverty line to certain minimum quantities of locally produced and culturally specific foodgrains per month through targeted public distribution system. The Bill to also provide a framework to integrate locally produced and culturally specific food grains, including millets (as and where traditionally grown and consumed) into other Gol Other Welfare schemes (OWS) like mid-day meals, Integrated Child Development Scheme and such as mentioned in Schedule I of this Act, relevant to every state.

Provided that at no point the the distribution of grains will include those produced through modern technologies (including genetic engineering).

Be it enacted by Parliament in the 60<sup>th</sup> year of the Republic of India, as follows:-

### CHAPTER I

#### P<sub>RELIMINARY</sub>

1. (1) This Act may be called the National Food Security Act, 2010.
- (2) It extends to the whole of India.

Provided that the Central Government may, by notification in the Official Gazette, temporarily exclude all or any part of the territory of India from the operation of all or any of the provisions of this Act for reasons and in the manner as may be provided for under the Rules to be framed under section 21 of the Act.

- (3) It shall come into force from such date as the Central Government by notification in the Official Gazette may appoint.

#### D<sub>EFINITIONS</sub>

2. In this Act, unless the context otherwise requires,---

(a) **“Allocation Norms”** mean the quantity of foodgrains to be allocated by Central Government to States under Targeted Public Distribution System (TPDS) and other Gol schemes (as mentioned in Schedule I) based on the provisions under section 3 and section 4(2) of the Act.

(b) **“Below Poverty Line (BPL) Families”** refer to the families identified as living below the poverty line notified from time to time by the Central Government.

(c) **Grain Banks means Central Pool means** the stocks of foodgrains procured by Central and State Governments in the “Central Pool” through minimum support price operations, domestic procurement and imports, and maintained for allocations under TPDS, OWS, calamity relief, etc and kept as reserves. **It also includes, any locally available grain stocks as initiated through government and non-governmental efforts.**

(d) **“Central Food Security Fund”** refers to the Fund to be set up by the Central Government to be utilized to compensate States as provided in section 6 (2) of the Act.

(e) **“Fair Price Shops (FPS)”** means a shop, which has been licensed to distribute essential commodities by an order issued under section 3 of the Essential Commodities Act, 1955, to the ration card holders under the Public Distribution System.

(f) **“Food grains”** means locally produced Rice, Wheat and Nutri Coarse grains like millets.

(g) **“Food Security”** refers to the provision of the minimum quantity of foodgrains as prescribed under section 3 of the Act.

(h) **“Food Security Allowance”** means the amount of money to be paid by the concerned State Government to identified BPL families who could not be supplied entitled quantity of foodgrains under the provisions of this Act

(i) **“Government”** means the Central Government or the State Government as the case may be.

(j) **“Indian citizens”** refer to resident Indian citizens.

(k) **“Local Authority”** refers to any of the Panchayati Raj Institutions or tribal councils in rural areas and Urban Local Bodies in urban areas.

(l) **“Other Welfare Schemes (OWS)”** – refers to Government schemes (apart from TPDS) where foodgrains are also supplied as part of the scheme, as mentioned in the list with Schedule I.

(m) **“Poverty estimates”** mean the percentage of population living below the poverty line at national and State levels as fixed by the Central Government from time to time.

(n) **“Public Distribution System (PDS)”** means the system for distribution of essential commodities to the ration cardholders through the fair price shops.

(o) **“Ration Card”** means a document issued under an order or authority of the State Government for the purchase of essential commodities under the Public Distribution System from the Fair Price Shop.

(p) “**Rules**” mean the rules notified by the Central Government and State Governments to facilitate compliance with the provisions of this Act.

(q) “**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.

(r) “**Social Audit**” means informed collective evaluation by citizens of the actions or decisions taken by any public servant or institution.

(s) “**State**” means a State or Union Territory of the Indian Union. The terms State Government and UT Administration are to be construed accordingly.

(t) “**State Food Security Allowance Fund**” means the dedicated fund to be set up by each State Government for expeditious payment of food security allowance to identified BPL families who could not be supplied entitled foodgrains under the provisions of this Act.

(u) “**Targeted Public Distribution System (TPDS)** ” means the system of supply of essential commodities to the BPL ration cardholders through the fair price shops

(v) “**Vigilance Committee**” refers to a Committee of Government functionaries and representatives of local stake-holders constituted to oversee working of fair price shops under TPDS.

## CHAPTER II

### PROVIDING FOOD SECURITY

#### 3. Assured Food Security to BPL families

Every identified BPL family within the number fixed under section 4(2) of the Act will be entitled to receive every month from the Government 25 kg of locally produced and culturally relevant foodgrains such as millets, rice and / or wheat at subsidized issue prices fixed from time to time in a manner as may be provided under the Rules.

Provided that fifty percent of the grains available through fair price shops shall include nutri cereals (millets) like jowar, bajra, ragi and other locally available minor millet varieties.

Provided that the Government may make additional allocations of foodgrains depending upon availability and at such prices as may be prescribed.

#### 4. Targeted Public Distribution System

(1) For ensuring supply of **millet**s, wheat and/or rice to identified BPL families as per their entitlement under section 3 of this Act, the Central Government shall allocate required quantity of **millet**s, wheat and/or rice from the central pool to State Governments under Targeted Public Distribution System (TPDS) for distribution to identified BPL families through the network of Fair Price Shops (FPS). **However, where local grain banks are already functional through governmental or non-governmental efforts, it shall be the endeavour of the State Government to include these for procurement into TPDS.** For this purpose, TPDS will be implemented jointly by Central and State Governments, **with participation with local farming communities** as provided under Chapter III.

(2) Guidelines for identification of BPL families would be issued by the Central Government **after a open and transparent process on the criteria of determining the BPL estimates.** The Central Government shall fix the number of the identified BPL families for each State for coverage under the Targeted Public Distribution System and OWS on the basis of poverty estimates notified by the Planning Commission of India and relevant census data of Registrar General of India taken as reference for the purpose from time to time.

(3) However, if a particular State Government is to extend its support of this kind to certain additional families in the State over and above that provided under section 3 , it may do so but only by separate identification of such additional families and with its own budgetary resources. While doing this, that State Government shall not be competent to reduce the scale of distribution of **millet**s, wheat and/or rice or food security allowance payable in lieu thereof to each identified BPL family as provided by the Government of India under the TPDS. **The state shall also endeavour to seek inputs from non-governmental organisations working with rural and urban communities on seed conservation and ecological agriculture.**

(4) Within the numerical ceiling fixed by the Central Government as per section 4(2), identification of eligible BPL families shall be done by the concerned State Governments through Gram Sabhas and Urban Local Bodies. Women shall be considered as the head of the household for the purpose of distribution of BPL Cards, unless there is no adult woman in the household. The list of BPL families shall be placed in the public domain and shall be displayed prominently in such manner as may be prescribed under the rules. The number of identified BPL families shall be reviewed through periodical surveys and the BPL lists shall also be subject to updating, in such manner as may be prescribed in the Rules.

(5) The State Governments may further assign, by notification, specific responsibilities for implementation of TPDS to the Panchayati Raj Institutions and Urban Local Bodies.

(6) The Central Government and State Governments shall take necessary steps within their respective areas of responsibility to ensure accountability and transparency in the PDS. All PDS-related records are to be placed in the public domain and open to public scrutiny.

**(7) Where applicable, the State Government shall also endeavour to seek inputs from existing working models which present an alternate to the existing TPDS as operated by GoI. These necessarily need to be ones which are based on principles of local production, distribution and consumption.**

**(8) Where the local production is not adequate to meet the local food demands, the State Government shall endeavour to enhance the amount of land area under agriculture integrated with principles of biodiverse and ecological farming. In the meanwhile, the procurement of deficit grains (millet, wheat and/or rice) from the nearest possible location.**

## **5. Other Welfare Schemes**

In addition to implementation of TPDS, Government may determine and implement Other Welfare Schemes to further enhance food security to the identified BPL families. **A list of these schemes is mentioned in Schedule I of this Act. These schemes will essentially integrated the supply of nutri grains (millets) including jowar, bajra, ragi and many other locally available minor millets.**

## **CHAPTER III**

### **IMPLEMENTATION AND MONITORING AUTHORITIES, THEIR RESPONSIBILITIES**

## **6. Responsibilities of Central Government**

(1) The Central Government shall be responsible for i) procurement of **millets**, wheat and rice for the central pool through its own central agencies and State Governments and their agencies, **including the locally identified grain banks** ii) allocation of **millets**, wheat and rice to the States; iii) minimising the transportation of **millets**, wheat and rice as per allocation to the State level designated depots/**locally identified grain banks**;

(2) The Central Government shall allocate **millets**, wheat and rice in accordance with the accepted number of families for each State. The Central Government, in an event of inability to deliver the required allocation for any State, shall compensate by funds to the State equivalent to the shortfall. A dedicated Central Food Security Fund will be set up for this purpose. **However, it shall be the endeavour of the central and state governments to encourage the setting up of local grain banks at village levels to fill the gap of demand of the grains available in the site closest to the TPDS operational area.**

## **7. Responsibilities of State Governments**

(1) The State Governments shall be responsible for implementation and monitoring of schemes of various Ministries of Government of India as well as their own schemes for ensuring food security to the citizens in their respective States. **For this the State Government may identify independent commissioners including representatives of farmer's organisations, NGOs so effective monitoring of the TPDS and OWS implementation.**

(2) Under the TPDS, it shall be the responsibility of the State Governments to identify, without inclusion or exclusion errors, eligible BPL families as per the number fixed by the Central Government as provided under clause 4 (2), review such status of each identified family at periodic intervals as may be prescribed in the Rules, take delivery of foodgrains from the Government of India, organize intra-state allocations up to the level of fair price shops, deliver the allocated **locally produced** foodgrains through their dedicated agencies at door-step to each fair price shop and ensure actual delivery/supply of the foodgrains to identified BPL families.

(3) For efficient operations of TPDS, each State Government shall create and maintain required scientific storage facilities at the district and block/taluka level, which should be able to accommodate allocations of foodgrains under TPDS of such quantities and for such periods as may be prescribed under the Rules. **The State Government shall make endeavours to recognise locally existing grain banks as storage facilities which can regularly supply food grains to fair price shops and other OWS operations.**

(4) For the purposes of section 7 (3), State Governments shall suitably strengthen capacities of their Food & Civil Supplies Corporations/other designated agencies, **including farmer's groups and NGOs manage locally existing grain banks based on principles of local production, consumption and distribution.**

(5) The State Governments shall establish institutionalized licensing arrangements for fair price shops as per provisions made in the Rules framed hereinafter. **In this regard, the State Governments shall ensure that 50% of the grains supplied by the fair price shops includes millet grains other than rice and wheat.**

(6) Each authorized fair price shop licensee shall be free to sell or trade in additional essential commodities/articles other than the TPDS commodities.

(7) To make TPDS operations transparent and efficient, State Governments shall introduce use of information and communication technologies in all TPDS transactions.

(8) The concerned State Government shall also be responsible for making payment of food security allowance to identified BPL families in case of failure to supply in any month the entitled quantities of foodgrains to such families. Each State/Union Territory shall set up a dedicated Food Security Allowance Fund for the purpose.

## **8. Responsibilities of local authorities**

For implementing different schemes of Central Ministries and State Governments formulated to implement provisions of this Act, the local authorities i.e. Panchayati Raj Institutions in rural areas and Urban local bodies in urban areas will be responsible for discharging such duties/responsibilities as may be assigned by notification to them by the concerned State Governments.

#### **9. Disbursement of food security allowance**

The concerned State Governments shall make payment of food security allowance to the identified BPL families as provided under section 7(8) in such manner as may be prescribed in the Rules.

#### **10. Vigilance Committees**

For ensuring transparency in functioning of TPDS and accountability of the functionaries, every State Government shall set up a Vigilance Committee for each fair price shop. Composition of the Vigilance Committee will be as provided under the Rules. The Vigilance Committees shall issue in the format prescribed under the Rules, monthly certification of confirmation of delivery of allocated foodgrains to the FPS and their subsequent distribution to identified BPL families as per their entitlement.

#### **11. Redressal of grievances**

For expeditious and effective redressal of grievances of identified BPL families with regard to distribution of entitled foodgrains under TPDS as provided under this Act, each State Government shall set up effective institutional mechanisms at the taluka / tehsil / block level and an appellate mechanism at the District level as may be prescribed under the Rules.

#### **12. Social audit**

Periodic social audits of functioning of fair prices shops/TPDS and OWS shall be conducted and reports of such social audit shall be placed in the public domain as prescribed in the Rules.

### **CHAPTER IV**

#### **E**STABLISHMENT OF FOOD SECURITY FUND AND FOOD SECURITY ALLOWANCE FUNDS

#### **13. Central Food Security Fund**

The Central Government shall set up, by notification, a Central Food Security Fund for payment of compensation to State Governments in the event of failure of

the Central Government to make available the required quantity of foodgrains to State Governments in respect of BPL families as provided in section 3 of the Act.

#### **14. State Food Security Allowance Fund**

Each State Government shall set up, by notification, a dedicated State Food Security Allowance Fund for expeditious payment of food security allowance to identified BPL families.

#### **15. Maintenance and Audit of accounts**

(1) The accounts of the Central Food Security Fund shall be maintained in such form and in such manner as may be prescribed by the Central Government.

(2) The accounts of the Central Food Security Fund shall be audited by the Comptroller & Auditor-General of India.

(3) The accounts of the State Food Security Allowance Fund shall be maintained in such form and in such manner as may be prescribed by the State Government.

(4) The Central Government may, in consultation with the Comptroller and Auditor General of India, prescribe appropriate arrangements for audits of the State Food Security Allowance Fund.

### **CHAPTER V**

#### **MISCELLANEOUS**

#### **16. Penalties for non-compliance**

Subject to the provisions of section 20, whosoever contravenes the provisions of this Act shall be liable for penalties as provided under Section 7 of the Essential Commodities Act, 1955. Notwithstanding anything contained in any Act for the time being in force, offences relating to PDS shall be cognizable.

#### **17. Power to delegate**

(1) The Central Government may, by notification, direct that the powers exercisable by it (excluding the power to make rules) may, in such circumstances and subject to such conditions and limitations, be exercisable also by the State Government or such officer subordinate to the Central Government or the State Government as it may specify in such notification.

(2) The State Government may, by notification, direct that the powers exercisable by it (excluding the power to make rules) may, in such circumstances and subject to such conditions and limitations, be exercisable also by such officer subordinate to it as it may specify in such notification.

#### **18. Power of Central Government to give directions**

The Central Government may give such directions, as it may consider necessary, to the State Governments for the effective implementation of the provisions of this Act. It shall be mandatory for the State Governments to comply with such directions.

#### **19. Act to have overriding effect**

The provisions of this Act or the Schemes made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law.

#### **20. Protection of action taken in good faith**

No suit, prosecution or other legal proceedings shall lie against any person who is, or who is deemed to be, a public servant within the meaning of section 21 of the Indian Penal Code in respect of anything which is in good faith done or intended to be done under this Act or Rules or Schemes made thereunder.

#### **21. Power of Central Government to make rules**

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

(2) 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, (while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; provided, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule).

#### **22. Power of State Government to make rules**

(1) The State Governments 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 provisions of this Act.

(2) 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.

**23. Power to remove difficulties**

(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.