

# RGICS



RAJIV GANDHI INSTITUTE FOR CONTEMPORARY STUDIES  
JAWAHAR BHAWAN, DR. RAJENDRA PRASAD ROAD, NEW DELHI-110001

## RGICS ISSUE BRIEF (November 17, 2017)

### India's National Food Security Act: Current Issues and Challenges

**Prepared by Nancy D Cruz**

**Under the Guidance of**

**Ms. Barkha Deva**

## India's National Food Security Act: Current Issues and Challenges

### KEY MESSAGES

- **National Food Security Act not implemented as it should be:** The Centre had claimed that the Act has been implemented in all the States and Union Territories. However several State governments have actually not met key requirements under the legislation, as a result of which the citizens' benefit was kept on the "back-burner" which shows the "pathetic" level of compliance of the provisions, according to the Supreme Court of India<sup>1</sup>.
- **The objective of the Act are at risk:** If the Act is implemented in the current manner it is being rolled out then it will have a very detrimental affect on providing food security and addressing the issue of malnutrition. The recent provision of cash transfers further has left a negative impact on the nutritional outcomes.
- **The reforms under the Act threaten to disrupt food security in India:** The top down imposition in the form of compulsory biometric authentication of all cardholders in the public distribution system (PDS), threatens to disrupt recent progress with PDS reforms. It also deprives millions of people of their food entitlements.
- **Worrying that government is pushing ahead with DBT despite concern raised in Niti Aayog's report:** A study commissioned by Niti Aayog and the Department of Food of the Union Government<sup>3</sup>, revealed that the pilot of DBT in place of subsidized food grains had been a failure in the three UTs, nearly a year after it was launched. It is therefore very worrying that the government wants to push the implementation on a nationwide basis when its own report recommends PDS over cash transfers.
- **Citizens have no recourse if their names have been deleted from Aadhar:** As per the Unique Identification Authority of India it has deactivated close to 81 lakh 'false' Aadhaar numbers till date. However the details of the people who were omitted from the Aadhar database and the reasons for such omission has not been made public by the UIDAI and neither have they been provided any recourse to challenge the same. In case citizens have been erroneously removed from the database they stand to lose access to nutrition promised under NFSA

<sup>1</sup> <http://www.dnaindia.com/india/report-national-food-security-act-not-implemented-as-it-should-be-sc-2509866>

<sup>2</sup> <http://indiacode.nic.in/acts-in-pdf/202013.pdf>

<sup>3</sup> <http://niti.gov.in/writereaddata/files/DBT%20Consolidated%20Narrative%20Report.pdf>

## India's National Food Security Act: Current Issues and Challenges

### PART I. INTRODUCTION

India is home to the largest undernourished population in the world, where over 190 million people go to bed hungry every day and 48 per cent of the children under the age of five years are malnourished. In such a scenario, the PDS is a lifeline for those who are able to access it. As passed by the Parliament, Government has notified the National Food Security Act, 2013 on 10th September, 2013 with the objective to provide for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity. It aims to remove hunger and reduce malnutrition by providing subsidized food grains to two-thirds of the population..

The Provisions of the NFSA include:

- i. Converting welfare benefits to legal entitlements
- ii. Increase in coverage of the targeted public distribution system (TPDS)
- iii. Uniform entitlement of 5 kg of food grains per person
- iv. Reduction in prices of food grains
- v. Identification of eligible households by state governments
- vi. Nutritional support for women and children
- vii. Food security allowance
- viii. Grievance redress mechanism and penalty
- ix. Cost of intra-state transportation and handling of food grains
- x. Reforms of TPDS

However, the current instance of hunger and starvation deaths is a clear case of an insensitive administration of the States to deny benefits to the citizens. Above all, it is a clear reflection of the political priorities of the governments.

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### PART II: KEY ISSUES

#### National Food Security Act not implemented as it should be:

1. **The provisions under the Act** : According to Section 10(1b) of NFSA, State Governments were required to identify eligible households “within such period not exceeding three hundred and sixty-five days from the commencement of the Act.
2. **Implementation of the Act**: However, one of the first setbacks was the delay in implementation due to the inability of state governments to complete the identification process. The delay raises important questions regarding the inability of the states/UTs to deliver food grains to all eligible beneficiaries under the Act within a year of it coming into effect. Recently, the Supreme Court of India pulled up the Centre and the State government for the delay in the implementation of the Act nationwide. The criticism also included the delay in the implementation of the State Food Commission and the setting up of the grievance redressal mechanism.
3. **Impact on the marginalized population**: While the Centre claims that the Act is now implemented nationwide, many states reportedly are yet to implement grievance redressal mechanism and state food commission has not been established as well as appointments have not been made in some states such as Madhya Pradesh, Andhra Pradesh and Haryana<sup>4</sup> as a result of which lakhs of citizens are still at the mercy of ration dealers in the absence of transparency and grievance redress mechanisms

#### The objectives of the Act are at risk:

**What Is the Objective of the Act?**: The National Food Security Act (NFSA) aims to remove hunger and reduce malnutrition by providing subsidized food grains to two-thirds of the population. Section 4 requires the Central Government to provide all pregnant and lactating (until six months after childbirth) mothers a hot meal at their local anganwadi and a cash entitlement of not less than INR 6000.

**Implementation gaps**: When NFSA came into effect on July 5, 2013, the Central Government's Ministry of Women and Child Development (MoWCD) already had a cash-based maternity entitlement programme in place — the 13 Indira Gandhi Matritva Sahyog Yojana (IGMSY). However, unlike the NFSA requirement that mandates the Central Government to provide a universal maternity entitlement of not less than INR 6000 to all pregnant and lactating women, this programme provided only INR 4000 to women in 53 “pilot” districts. However, according to the IGMSY rules on the MoWCD website, maternity entitlements are only provided for the first two live births, which is in contradiction with the provisions of the Act (Falcao and Khanuja 2016).<sup>5</sup> The Maternity Benefits Act by the Modi government only covers women in the organized sector, leaving out more than 90% of the women in the country. Under the scheme, pregnant women and lactating mothers will receive Rs 6,000, Rs 5,000 of which will be given in three installments, provided that certain conditions related to completion of registration of pregnancy and birth, antenatal care and immunization are met.

<sup>4</sup> <http://www.dnaindia.com/india/report-national-food-security-act-not-implemented-as-it-should-be-sc-2509866>

<sup>5</sup> <http://www.epw.in/journal/2016/34/special-articles/realising-universal-maternity-entitlements.html>

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The scheme is also restricted to the first live births. Thus, by analyzing nationally representative data it seems that the Act is unlikely to greatly affect food consumption and malnutrition.

**Poor implementation has serious ramifications:** The State of Food Security and Nutrition Report (UNICEF, 2017) states that 190 million people in India are undernourished.

- i. India was ranked 97 in GHI-2016 but has now slipped to 100th rank: the GHI measures hunger not as food deprivation (or lack of access to food) but in terms of nutrition. So the index has four parameters: undernourishment (insufficient calorie intake, which could be a function of food deprivation), child wasting, and child stunting and child mortality.
- ii. The fourth National Family Health Survey (NFHS-4) shows that while there has been a decline, over NFHS-3, in the percentage of children under five who are stunted, who are underweight and who are anaemic, there has been an increase in the percentage of children who are wasted and severely wasted (wasted means below the appropriate weight for age). Even in the areas where there has been improvement, the levels are still high.
- iii. A 2013 study by Neeraj Kaushal of Columbia University on how consumer price subsidies affect nutrition also pointed to the weak link between the PDS and nutrition outcomes. The study, covering six states where the PDS functioned effectively, found that though the food subsidy put more money in people's hands, it had no effect on nutrition measured by per capita calorie intake, per capita protein intake, and per capita fat intake. It increased the consumption of cereals and sugar but reduced the consumption of cheaper and unsubsidized coarse grains, which are also the source of other essential nutrients.

### **Implementation of the Act threatens to disrupt the objective of providing food security in India:**

**What is the Implementation Process? :** The Delhi High Court in an interim order in October 2015 had stated that Aadhar should be voluntary but the government has rolled out a set of orders that deny people access to multiple things if they don't have an Aadhar card. This effectively forces them to enrol in the Aadhar program. The petition claimed that the mandatory use of Aadhar for PDS stood in violation of a series of orders passed by the apex court holding that no citizen could be denied a service or benefit for not holding an Aadhar card and its use was voluntary. The central government however, informed the Delhi high court that Aadhar was made mandatory for accessing the public distribution system (PDS) to ensure that the real beneficiaries were able to get subsidised food grains.

**What is wrong with the Process? :** While Aadhar-enabled PDS is being touted as being the key to an efficient and fraud-free system, reliance on this can be problematic in critical ways: (i) the system excludes individuals who do not have an Aadhar number; (ii) where a beneficiary has an Aadhar number, the biometrics and internet-dependent delivery system may still not work, for instance, when biometrics are not recognized by the PoS device; or (iii) the machine does not work due to electricity or internet connectivity issues.

**Impact on the marginalized population:** The identification of eligible households involves two kinds of possible errors: (i) inclusion of an ineligible household on the NFSA list ("inclusion errors"), and (ii) exclusion of an eligible household from the NFSA list ("exclusion errors"). While inclusion errors increase the financial burden of the state, exclusion errors can often leave poor families vulnerable to hunger. Since the PDS was introduced to overcome chronic hunger and malnutrition, exclusion errors should be of greater concern. Thus it is difficult to see how implementing Aadhar has been to the "benefit of the poor".

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### **Analysis of DBT scheme implemented as a Pilot Project in Chandigarh, Puducherry and Dadra and Nagar Haveli:**

The Government plans to scrap the PDS system and replace it with the Aadhar Linked DBT System, are based on the Government's belief that the process that was earlier implemented as part of a pilot project has been a success. However, in reality the performance has seen mixed results with majority of the beneficiaries still preferring food over cash. One of the major faults of the project has been the linkage of Aadhar card with the beneficiaries' bank account as it has led to delay in payments and entitlements. This proposed step could further create hurdles for the common man to receive his entitlements on time. Even while the Centre showcases achievements of direct benefit transfer (DBT), NITI Aayog in a report submitted to the government recently stated that the DBT had been more expensive to access and redeem than PDS (Public Distribution System) entitlements<sup>6</sup>:

### **Impact of Aadhar based DBT mechanism:**

- Many families have not received any ration for months as their ration card was cancelled after being struck off the Public Distribution System (PDS) for not linking their ration card with Aadhar.
- Children have been the worst affected as the last few months have witnessed an overall rise of cases related to exclusion errors against the targeted beneficiaries (some that have ended up in death). The recent tragedy of a child's death in Jharkhand is a distressing example of how the most vulnerable families have been deprived of their legal entitlements by the government's insistence on linking food rations to the Aadhar programme. In July, three brothers from a Dalit family in Gokarna, Karnataka, died within two weeks of each other. The *New Indian Express*, which first reported the deaths, said in its report that the brothers died after the family, despite having two ration cards, were denied rations for months. The denial, the report said, was because their ration cards were not linked to their Aadhar numbers. In its apparent zeal to identify ghost beneficiaries through the forced implementation of Aadhar-led biometric identification the state seems to be forgetting the core objective of the Act and thereby denying nutrition to those who need it the most.
- Recently a 50-year-old woman in Uttar Pradesh's Bareilly, Sakina, reportedly died of starvation after her husband, Ishaq Ahmed, was allegedly denied ration because she could not accompany him to provide biometric authentication at the ration shop. The woman, who had reportedly been unwell for five days, was unable to go with him because of her poor health.
- Large numbers of beneficiaries end up not getting the rations due to biometric authentication issues. Recently the government claimed that it has been deleting false Aadhar cards. As per the Unique Identification Authority of India it has deactivated close to 81 lakh Aadhaar numbers till date. However the details of the people who were omitted from the Aadhar database and the reasons for such omission is not available. Deletion from the Aadhar database means exclusion from the benefits and welfare schemes under it and as a result leads to denial of the right to access basic amenities. Since the authority itself has no account of lakhs of people deleted from the database, it is quite possible that the citizens too are not given prior notification. In addition there is no recourse to question these decisions. This should be considered a matter of grave concern, It simply highlights the the lack of accountability in the government's functioning.

<sup>6</sup> [http://webcache.googleusercontent.com/search?q=cache:http://www.newindianexpress.com/nation/2017/oct/10/niti-aayog-report-finds-loopholes-in-public-distribution-system-and-direct-benefit-transfer-1669492.html&gws\\_rd=cr&dcr=0&ei=QJACWoGuKcPtvAT5y6HQCg](http://webcache.googleusercontent.com/search?q=cache:http://www.newindianexpress.com/nation/2017/oct/10/niti-aayog-report-finds-loopholes-in-public-distribution-system-and-direct-benefit-transfer-1669492.html&gws_rd=cr&dcr=0&ei=QJACWoGuKcPtvAT5y6HQCg)

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### PART III: CONCLUSION

The National Food Security Act marked an important first step in the fight to eliminate hunger in India, but much more remains to be done. With nearly 195 million undernourished people, India shares a quarter of the global hunger burden. Nearly 47 million or 4 out of 10 children in India are not meeting their full human potential because of chronic under nutrition or stunting.

Our analysis suggests that the NFSA is unlikely to greatly affect food consumption, and even if it does, and will make marginal improvements in the area of malnutrition. A major reason for this condition is the lack of political will to implement this Act in its true spirit. The Global Hunger Index (GHI) 2017 indicates that growth is necessary but not sufficient to deal with the millions of challenges that the poor face in their day-to-day lives. A major reason for why they continue to suffer is the current implementation of the National Food Security Act 2013 and the key areas of concern include: .

- i. The Act which was to be implemented by July 2014 all over the country is still in the process of being implemented in many states. In most states, identification of beneficiaries has not been completed and even where it is complete, it is yet to be implemented fully.
- ii. The Maternity entitlement programme which is part of NFSA has been notified only recently, that too with lower entitlement than what was enacted. The recent cases of death due to starvation especially children is the result of the overzealous administration which largely concentrated on identifying ghost beneficiaries through the Aadhar-led biometric identification than providing ration to those who need it.
- iii. Similar situation can be identified in other nutrition programmes such as mid-day meal scheme where young children in school have been denied nutritious food in the absence of Aadhar identification.
- iv. Even while the Centre showcases achievements of direct benefit transfer (DBT), NITI Aayog in a report submitted to the government recently stated that the DBT had been more expensive to access and redeem than PDS (Public Distribution System) entitlements
- v. In the Integrated Child Development Scheme (ICDS), pregnant women have been denied benefits legislated by Parliament in the absence of valid biometric identification.

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### **PART IV. BACKGROUND INFORMATION/REFERENCE DOCUMENTS**

- i. <http://www.fao.org/3/a-i4957e.pdf>
- ii. <http://59.160.153.185/library/sites/default/files/NFSA-LWP%2014.pdf>
- iii. <http://dfpd.nic.in/nfsa-act.htm>
- iv. <http://www.thehindu.com/opinion/op-ed/Linking-food-and-nutrition-security/article16439272.ece>
- v. <http://www.thehindubusinessline.com/opinion/cash-transfers-as-an-answer-to-malnutrition/article9859981.ece>
- vi. <http://www.livelaw.in/death-starvation-right-to-food-indian-democracy/>
- vii. <http://www.epw.in/journal/2017/23/web-exclusives/accessing-right-food-delhi.html>
- viii. <http://www.thehindu.com/opinion/editorial/food-for-action-on-food-security-in-india/article19452387.ece>
- ix. <http://www.thehindubusinessline.com/opinion/cash-transfers-as-an-answer-to-malnutrition/article9859981.ece>
- x. <http://www.livemint.com/Opinion/FNWYVUxeXUw8rHbdirTe4H/Hunger-Starvation-and-Aadhaar.html>