

NLIU मंथन

Discuss, Debate and Deliberate

Summary of Discussion held on 27th July, 2013 in Academic Block- I

“Food Security Bill 2011: Need, Significance and Drawback”

The topic was divided into the following four sub-heads for the sake of discussion: Need of the bill, Targeted beneficiaries of the Bill, Grievance redressal mechanism under the Bill, and Implementation of the Bill.

The discussion began with the question - whether there is a need to introduce the NFSB and should it be made a legal right? The forum was divided on the issue. It was pointed out in the discussion that the bill has been brought mainly to fulfil the obligation of the Indian government under Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, the DPSP and the Supreme Court judgement in *Chameli Singh v. State of UP*¹ in which *right to life* guaranteed *right to food*. Moreover, additional data was also provided to support the need of such bill² and it was substantiated by the theory of Poverty Trap.

But the fact that the NFSB would cause the exchequers a whopping 1.8% of the GDP over the next three years,³ and it cannot be sustained given the current fiscal deficit, diluted the previous contention. Moreover, making it a legal right will bind the government to procure/import food grains in any economic scenario, good or bad, leading to inflation. Also, the bill will not be able to fulfil the nutritional requirements with the food grain which will be provided under the bill.

The discussion thereafter proceeded with the problem attached to classification of the beneficiary into three categories,⁴ i.e. it may lead to large exclusion and exclusion errors during these classifications. Although universalization was suggested as a solution to the problem, it was countered with points like: the benefits may extend to people not in dire need of government support and would defeat the very object of the Bill. Moreover, the inclusion of larger number of people under the Bill would result in reduced food grain share for every person. Thus it was agreed that universalization cannot be adopted and following recommendation were made:-

1. A clear definition and method for identification of priority, general household and others be provided.⁵
2. The word “*atleast*” should be deleted because it makes mandatory to classify *atleast* 46% of the rural and 28% of the urban population as priority household and thus in cases may force the government to give benefits to the non-target population.
3. The definitions of terms like destitute, persons suffering from starvation etc. should be made clear.

¹ (1996) 2 SCC 549.

² Report of the Expert Committee on National Food Security Bill.

³ http://www.moneylife.in/article/national-food-security-bill-expected-to-shave-off-18-of-gdp-saysnomura_/33583.html (accessed on July 27, 2013)

⁴ Priority Household, General Household and Others.

⁵ Classification under the Chattisgarh Food Security Act can be referred.

The discussion then proceeded with deliberation over the grievance redressal and monitoring mechanism. Although the Bill provided a three tier grievance redressal mechanism, it failed to take the following points into consideration:-

1. The targeted group would benefit more if the redressal mechanism started at the *panchayat* level, making it easier to approach.
2. The mechanism of appeals may lead to injustice keeping in mind the limited resources available with the targeted group and his inability to follow the appeals.

Then, moving on to the implementation part of the Bill, it was pointed out that with the present storage and procurement capacity of 42.5 million tonnes, the government would fail to fulfil its obligations under the Bill.⁶ Also, appreciating the federal character of our country, it was suggested that the present Bill should not be imposed *in toto* upon the states. In fact, it was suggested that the broad guidelines should be given out by the Centre and the State government should be given the discretion to adapt the bill as per its socio-economic requirements. But it should also be ensured that the State government submits a status report over the implementation of the Act.

Following other suggestions were also made during the discussion:-

1. The Centre and State governments should undertake effective reforms of the present Public Distribution System, especially the large level of leakage should be checked.
2. Social Audit should be made compulsory.
3. Online information database of the target population be created to facilitate transparency.

Thus, the discussion concluded with choice of topic for next discussion-“Autonomy of CBI”

⁶ The government will require procuring and storing 68.78 and 73.98 million tonnes in the 2 phases.