

**Bill No. 132 of 2011**

THE NATIONAL FOOD SECURITY BILL, 2011

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(2) **“central pool” means the stock of foodgrains which is,—**

(i) procured by the Central Government and the State Governments through minimum support price operations;

(ii) maintained for allocations under the Targeted Public Distribution System, other welfare schemes, including calamity relief and such other schemes; 5

(iii) **kept as reserved for schemes referred to in sub-clause (ii);**

(3) “destitute person” means men, women or children who have no resources, means and support required for food and nutrition enabling their survival, to the extent that makes them vulnerable to live with or die of starvation;

(4) “disaster” shall have the same meaning as assigned to it in clause (d) of section 2 of the Disaster Management Act, 2005; 10  
53 of 2005.

(5) “fair price shop” 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 Targeted Public Distribution System; 10 of 1955.

(6) “foodgrains” means rice, wheat or coarse grains or any combination thereof; 15

(7) “food security” means the supply of the entitled quantity of foodgrains and meal specified under Chapters II, III and IV;

(8) “food security allowance” means the amount of money to be paid by the concerned State Government to the entitled persons under section 13;

(9) “homeless persons” means persons who do not have homes and live as such on the roadside, pavements, or in such other places, or in the open, including persons living in shelters for homeless or beggars or such other homes; 20

(10) “local authority” includes Panchayat, municipality, district board, cantonment board, town planning authority and in the States of Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura where Panchayats do not exist, the village council or committee or any other body, by whatever name called, which is authorised under the Constitution or any law for the time being in force for self-governance or any other authority or body vested with the control and management of civic services, within a specified local area; 25

(11) “meal” means hot cooked meal or ready to eat meal or take home ration, as may be prescribed by the Central Government; 30

(12) “minimum support price” means the assured price announced by the Central Government at which foodgrains are procured from farmers by the Central Government and the State Governments and their agencies, for the central pool;

(13) “National Commission” means the National Food Commission constituted under section 26; 35

(14) “notification” means a notification issued under this Act and published in the Official Gazette;

(15) “other welfare schemes” means such Government schemes, in addition to the Targeted Public Distribution System, under which foodgrains or meals are supplied as part of the schemes; 40

(16) “person with disability” means a person defined as such in clause (t) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995; 1 of 1996.

(17) “priority households” and “general households” mean households identified as such under section 15; 45

(18) “prescribed” means prescribed by rules made under this Act;

(19) "ration card" means a document issued under an order or authority of the State Government for the purchase of essential commodities from the fair price shops under the Targeted Public Distribution System;

5 (20) "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;

(21) "Schedule" means a Schedule appended to this Act;

56 of 2007. (22) "senior citizen" means a person defined as such under clause (h) of section 2 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007;

10 (23) "social audit" means the process in which people collectively monitor and evaluate the planning and implementation of a programme or scheme;

(24) "starvation" means prolonged involuntary deprivation of food that threatens survival of the person;

15 (25) "State Commission" means the State Food Commission constituted under section 22;

(26) "State Government", in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution;

(27) "Targeted Public Distribution System" means the system for distribution of essential commodities to the ration card holders through fair price shops;

20 (28) "Vigilance Committee" means a committee constituted under section 37 to supervise the implementation of all schemes under this Act;

10 of 1955. (29) the words and expressions not defined here but defined in the Essential Commodities Act, 1955, or any other relevant Act shall have the meaning respectively assigned to them in those Acts.

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## CHAPTER II

### PROVISIONS FOR FOOD SECURITY

30 **3. (1) Every person belonging to priority households and general households, identified under sub-section (2) of section 15, shall be entitled to receive every month from the State Government, under the Targeted Public Distribution System, seven kilograms of foodgrains per person per month for priority households and not less than three kilograms of foodgrains per person per month for general households, at subsidised prices specified in Schedule I.**

(2) **The entitlements referred to in sub-section (1) at subsidised prices shall extend up to seventy-five per cent. of the rural population and up to fifty per cent. of the urban population:**

35 **Provided that not less than forty-six per cent. of the rural and twenty-eight per cent. of the urban population shall be designated as priority households.**

(3) On and from the date of commencement of this Act, the entitlements and the coverage referred to in sub-sections (1) and (2), shall be implemented:

40 Provided that the entitlements of persons belonging to general households shall be linked to such reforms in the Public Distribution System and from such date as may be prescribed by the Central Government.

45 (4) Subject to sub-section (1), the State Government may provide wheat flour in lieu of the entitled quantity of foodgrains, to the persons belonging to priority households and general households, in accordance with such guidelines as may be notified by the Central Government.

Right to receive foodgrains at subsidised prices by persons belonging to priority households and general households under Targeted Public Distribution System.

Nutritional support to pregnant women and lactating mothers.

**4. Every pregnant woman and lactating mother shall be entitled to—**

(a) meal, free of charge, during pregnancy and six months after the child birth, through the local *anganwadi*, so as to meet the nutritional standards specified in Schedule II; and

(b) maternity benefit of rupees one thousand per month for a period of six months in accordance with a scheme, including cost sharing, payable in such instalments as may be prescribed by the Central Government: 5

Provided that all pregnant women and lactating mothers in regular employment with the Central Government or State Governments or Public Sector Undertakings or those who are in receipt of similar benefits under any law for the time being in force shall not be entitled to benefits specified in clauses (a) and (b). 10

Nutritional support to children.

**5. (1) Every child up to the age of fourteen years shall have the following entitlements for his nutritional needs, namely:—**

(a) in the case of children in the age group of six months to six years, age appropriate meal, free of charge, through the local *anganwadi* so as to meet the nutritional standards specified in Schedule II: 15

Provided that for children below the age of six months, exclusive breast feeding shall be promoted;

(b) in the case of children in the age group of six to fourteen years, one mid-day meal, free of charge, everyday, except on school holidays, in all schools run by local bodies, Government and Government aided schools, up to class VIII, so as to meet the nutritional standards specified in Schedule II. 20

(2) Every school, referred to in clause (b) of sub-section (1), and *anganwadi* shall have facilities for cooking meals, drinking water and sanitation:

Provided that in urban areas facilities of centralised kitchens for cooking meals may be used, wherever required, as per the guidelines issued by the Central Government. 25

Prevention and management of child malnutrition.

**6. The State Government shall, through the local *anganwadi*, identify and provide meals, free of charge, to children who suffer from malnutrition, so as to meet the nutritional standards specified in Schedule II.**

Implementation of schemes for realisation of entitlements.

7. The State Governments shall implement schemes covering entitlements under sections 4, 5 and section 6 in accordance with the guidelines, including cost sharing, between the Central Government and the State Governments in such manner as may be prescribed by the Central Government. 30

CHAPTER III

ENTITLEMENTS OF SPECIAL GROUPS 35

Entitlements of special groups.

**8. The special groups consisting of all destitute persons or homeless persons shall have the following entitlements, namely:—**

(a) all destitute persons shall be entitled to at least one meal every day, free of charge, in accordance with such scheme, including cost sharing, as may be prescribed by the Central Government; 40

(b) all homeless persons shall be entitled to affordable meals at community kitchens, in accordance with such scheme, including cost sharing, as may be prescribed by the Central Government;

(c) the entitlements under clauses (a) and (b) shall be applicable only after it is notified by the respective State Governments: 45

**Provided that persons in receipt of similar benefits under any other scheme of Central Government or State Government shall not be entitled to benefits under clauses (a) and (b);**

5 (d) every State Government shall notify the entitlements under clauses (a) and (b) within one year from the date of commencement of this Act;

(e) the migrants and their families shall be able to claim their entitlements under this Act, at the place where they currently reside.

9. The State Government shall, if it is of the opinion that an emergency or disaster situation exists, provide to affected households, two meals, free of charge, for a period up to three months from the date of disaster in accordance with such scheme including cost sharing as may be prescribed by the Central Government.

Emergency and disaster affected persons.

#### CHAPTER IV

##### PERSONS LIVING IN STARVATION

10. The State Government shall identify persons, households, groups, or communities, if any, living in starvation or conditions akin to starvation.

Identification of persons living in starvation, if any.

11. All persons, households, groups or communities, identified under section 10, shall be provided the following, namely:—

Immediate relief from starvation.

20 (a) meals, two times a day, free of charge, in accordance with a scheme, including cost sharing, as may be prescribed by the Central Government, for six months from the date of identification;

(b) any other relief considered necessary by the State Government.

12. Every State Government shall prepare and notify guidelines for prevention, identification and relief to cases of starvation.

Protocol for prevention of starvation.

#### CHAPTER V

##### FOOD SECURITY ALLOWANCE

25 13. In case of non-supply of the entitled quantities of foodgrains or meals to entitled persons under Chapters II, III and IV, such persons shall be entitled to receive such food security allowance from the concerned State Government to be paid to each person, within such time and manner as may be prescribed by the Central Government.

Right to receive food security allowance in certain cases.

#### 30 CHAPTER VI

##### IDENTIFICATION OF PRIORITY HOUSEHOLDS AND GENERAL HOUSEHOLDS

35 14. (1) At the all India level, the percentage coverage of overall rural and urban population under the priority and general households, for the purposes of providing subsidised foodgrains under the Targeted Public Distribution System, shall be to the extent specified in sub-section (2) of section 3.

Coverage of population under Targeted Public Distribution System.

(2) Subject to sub-section (1), the Statewise distribution shall, from time to time, be determined by the Central Government.

40 15. (1) The Central Government may, from time to time, prescribe the guidelines for identification of priority households, general households and exclusion criteria, for the purposes of their entitlement under this Act, and notify such guidelines in the Official Gazette.

Guidelines for identification of priority households and general households.

(2) Within the State-wise number of persons belonging to the priority households and general households, determined under sub-sections (1) and (2) of section 14, identification of priority households and general households shall be done by the State Governments or

such other agency as may be decided by the Central Government, in accordance with the guidelines referred to in sub-section (1):

**Provided that no household falling under the exclusion criteria, to be prescribed by the Central Government, shall be included either in the priority households or general households.**

Publication and display of list of priority households and general households.

**16. The list of the identified priority households and general households shall be placed by the State Governments in the public domain and displayed prominently.**

Review of number of priority households and general households.

**17. Within the State-wise number of persons belonging to priority households and general households, determined under sub-sections (1) and (2) of section 14, the list of the eligible priority households and general households shall be updated by the State Governments in such manner as may be prescribed by the Central Government.**

## CHAPTER VII

### REFORMS IN TARGETED PUBLIC DISTRIBUTION SYSTEM

Reforms in Targeted Public Distribution System.

**18. (1) The Central and State Governments shall endeavour to progressively undertake necessary reforms in the Targeted Public Distribution System in consonance with the role envisaged for them in this Act.**

(2) The reforms shall, *inter alia*, include—

(a) doorstep delivery of foodgrains to the Targeted Public Distribution System outlets;

(b) application of information and communication technology tools including end-to-end computerisation in order to ensure transparent recording of transactions at all levels, and to prevent diversion;

(c) leveraging “aadhaar” for unique identification, with biometric information of entitled beneficiaries for proper targeting of benefits under this Act;

(d) full transparency of records;

(e) preference to public institutions or public bodies such as Panchayats, self help groups, co-operatives, in licensing of fair price shops and management of fair price shops by women or their collectives;

(f) diversification of commodities distributed under the Public Distribution System over a period of time;

(g) support to local public distribution models and grains banks;

(h) introducing schemes, such as, cash transfer, food coupons, or other schemes, to the targeted beneficiaries in lieu of their foodgrain entitlements specified in Chapter II, in such area and manner as may be prescribed by the Central Government.

## CHAPTER VIII

### WOMEN EMPOWERMENT

Women of eighteen years of age or above to be head of household for purpose of issue of ration cards.

**19. (1) The eldest woman who is not less than eighteen years of age, in every priority household and general household, shall be head of the household for the purpose of issue of ration cards.**

(2) Where a household at any time does not have a woman or a woman of eighteen years of age or above, but has a female member below the age of eighteen years, then, the eldest male member of the household shall be the head of the household for the purpose of

issue of ration card and the female member, on attaining the age of eighteen years, shall become the head of the household for such ration cards in place of such male member.

## CHAPTER IX

### GRIEVANCE REDRESSAL MECHANISM

5           **20. The Central Government and the State Governments shall put in place an internal grievance redressal mechanism which may include call centres, help lines, designation of nodal officers, or such other mechanism as may be prescribed by the respective Governments.**

Internal  
grievance  
redressal  
mechanism.

10           **21. (1) For expeditious and effective redressal of grievances of the aggrieved persons in matters relating to distribution of entitled foodgrains or meals under Chapters II, III and IV, a District Grievance Redressal Officer, with requisite staff, shall be appointed by the State Government for each District, to enforce these entitlements and investigate and redress grievances.**

District  
Grievance  
Redressal  
Officer.

15           **(2) The qualifications for appointment as District Grievance Redressal Officer and its powers shall be such as may be prescribed by the Central Government.**

**(3) The method and terms and conditions of appointment of the District Grievance Redressal Officer shall be such as may be prescribed by the State Government.**

20           **(4) The State Government shall provide for the salary and allowances of the District Grievance Redressal Officer and other staff appointed under sub-section (1), and such other expenditure as may be considered necessary for their proper functioning.**

**(5) The officer referred to in sub-section (1) shall hear complaints regarding non-distribution of entitled foodgrains or meals, and matters relating thereto, and take necessary action for their redressal in such manner and within such time as may be prescribed by the Central Government.**

25           **(6) Any complainant or the officer or authority against whom any order has been passed by officer referred to in sub-section (1), who is not satisfied with the redressal of grievance may file an appeal against such order before the State Commission.**

**(7) Every appeal under sub-section (6) shall be filed in such manner and within such time as may be prescribed by the Central Government.**

30           **22. (1) Every State Government shall constitute a State Food Commission for the purpose of monitoring and review of implementation of this Act.**

State Food  
Commission.

**(2) The State Commission shall consist of —**

**(a) a Chairperson;**

**(b) five other Members; and**

35           **(c) a Member-Secretary:**

**Provided that there shall be at least two women, whether Chairperson, Member or Member-Secretary:**

40           **Provided further that there shall be one person belonging to the Scheduled Castes and one person belonging to the Scheduled Tribes, whether Chairperson, Member or Member-Secretary.**

**(3) The Chairperson, other Members and Member-Secretary shall be appointed from amongst persons—**

45           **(a) who are or have been member of the All India Services or any other civil services of the Union or State or holding a civil post under the Union or State having knowledge and experience in matters relating to food security, policy making and administration in the field of agriculture, civil supplies, nutrition, health or any allied field;**

(b) of eminence in public life with wide knowledge and experience in agriculture, law, human rights, social service, management, nutrition, health, food policy or public administration; or

(c) who have a proven record of work relating to the improvement of the food and nutrition rights of the poor. 5

(4) The Chairperson and every other Member shall hold office for a term not exceeding five years from the date on which he enters upon his office and shall be eligible for reappointment:

Provided that no person shall hold office as the Chairperson or other Member after he has attained the age of sixty-five years. 10

(5) The method of appointment and other terms and conditions subject to which the Chairperson, other Members and Member-Secretary of the State Commission may be appointed, and time, place and procedure of meetings of the State Commission (including the quorum at such meetings) and its powers, shall be such as may be prescribed by the State Government. 15

(6) The State Commission shall undertake the following functions, namely:—

(a) monitor and evaluate the implementation of the Act, in relation to the State;

(b) either *suo motu* or on receipt of complaint inquire into violations of entitlements provided under Chapters II, III and IV;

(c) issue guidelines to the State Government in consonance with the guidelines of the National Commission in implementation of this Act; 20

(d) give advice to the State Government, their agencies, autonomous bodies as well as non-governmental organisations involved in delivery of relevant services, for the effective implementation of food and nutrition related schemes, to enable individuals to fully access their entitlements specified in this Act; 25

(e) hear appeals against orders of the District Grievance Redressal Officer;

(f) hear complaints transferred to it by the National Commission; and

(g) prepare annual reports which shall be laid before the State Legislature by the State Government.

(7) The State Government shall make available to the State Commission, such administrative and technical staff, as it may consider necessary for proper functioning of the State Commission. 30

(8) The method of appointment of the staff under sub-section (7), their salaries, allowances and conditions of service shall be such, as may be prescribed by the State Government. 35

(9) The State Government may remove from office the Chairperson or any Member who—

(a) is, or at any time has been, adjudged as an insolvent; or

(b) has become physically or mentally incapable of acting as a member; or

(c) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or 40

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(e) has so abused his position as to render his continuation in office detrimental to the public interest. 45

(10) **No such Chairperson or Member shall be removed under clause (d) or clause (e) of sub-section (9) unless he has been given a reasonable opportunity of being heard in the matter.**

5 **23. The State Government shall provide for salary and allowances of Chairperson, other Members, Member-Secretary, support staff, and other administrative expenses required for proper functioning of the State Commission.**

Salary and allowances of Chairperson, Member, Member-Secretary and other staff of State Commission.

**24.** Notwithstanding anything contained in sub-section (1) of section 22, two or more States may have a joint State Food Commission for the purposes of this Act with the approval of the Central Government.

Joint State Food Commission.

10 **25.** The provisions of section 27 shall apply to the State Food Commission and shall have effect subject to the modification that reference to the National Commission shall be construed as reference to the State Commission.

Application of certain provisions of National Food Commission to State Food Commission.

**26. (1) The Central Government shall constitute a body known as the National Food Commission to perform the functions assigned to it under this Act.**

National Food Commission.

15 (2) The headquarters of the National Commission shall be located in the National Capital Region.

(3) The National Commission shall consist of —

- (a) a Chairperson;
- (b) five other Members; and
- 20 (c) a Member-Secretary:

Provided that there shall be at least two women, whether Chairperson, Member or Member-Secretary:

25 Provided further that there shall be one person belonging to the Scheduled Castes and one person belonging to the Scheduled Tribes whether Chairperson, Member or Member-Secretary.

(4) The Chairperson, other Members and Member-Secretary shall be appointed from amongst persons—

30 (a) who are or have been a member of All India Services or Indian Legal Service or any other civil services of the Union or holding a civil post under the Union having knowledge and experience in matters relating to food security, policy making and administration in the field of agriculture, civil supplies, nutrition, health or any allied field;

35 (b) of eminence in public life with wide knowledge and experience in agriculture, law, human rights, social service, management, nutrition, health, food policy or public administration; or

(c) who have a proven record of work relating to the improvement of the food and nutrition rights of the poor.

40 (5) The Chairperson and every other Member shall hold office for a term not exceeding five years from the date on which he enters upon his office and shall be eligible for reappointment:

Provided that no person shall hold office as the Chairperson or other Member after he has attained the age of sixty-five years.

(6) The method of appointment and other terms and conditions subject to which the Chairperson, other Members and Member-Secretary of the National Commission may be appointed, and time, place and procedure of meetings of the National Commission (including the quorum at such meetings) and its powers, shall be such as may be prescribed by the Central Government. 5

(7) The National Commission shall undertake the following functions, namely:—

(a) monitor and evaluate the implementation of this Act and schemes made thereunder; 10

(b) either *suo motu* or on receipt of complaint inquire into violations of entitlements provided under Chapters II, III and IV;

(c) advise the Central Government in synergising existing schemes and framing new schemes for the entitlements provided under this Act;

(d) recommend to the Central Government and the State Governments, steps for the effective implementation of food and nutrition related schemes, to enable persons to fully access their entitlements specified in this Act; 15

(e) issue requisite guidelines for training, capacity building and performance management of all persons charged with the duty of implementation of the schemes;

(f) consider the reports and recommendations of the State Commissions for inclusion in its annual report; 20

(g) hear appeals against the orders of the State Commission;

(h) prepare annual reports on implementation of this Act, which shall be laid before each House of Parliament by the Central Government.

(8) The Central Government shall make available to the National Commission such other administrative and technical staff, as it may consider necessary for proper functioning of the National Commission. 25

(9) The method of appointment of the staff under sub-section (8), their salaries, allowances and conditions of service shall be such as may be prescribed by the Central Government. 30

(10) The Central Government may remove from office the Chairperson or any Member who—

(a) is, or at any time has been, adjudged as an insolvent; or

(b) has become physically or mentally incapable of acting as a member; or

(c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or 35

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(e) has so abused his position as to render his continuation in office detrimental to the public interest. 40

(11) No such Chairperson or Member shall be removed under clause (d) or clause (e) of sub-section (10) unless he has been given a reasonable opportunity of being heard in the matter.

Powers relating to inquiries.

27. (1) The National Commission shall, while inquiring into any matter referred to in clause (b) of sub-section (7) of section 26, have all the powers of a civil court while trying a suit 45

5 of 1908. under the Code of Civil Procedure, 1908, and, in particular, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

5 (b) discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office; and

(e) issuing commissions for the examination of witnesses or documents.

(2) The National Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.  
2 of 1974.

**28. The Central Government shall provide for the salary and allowances of Chairperson, other Members and Member-Secretary and support staff and other administrative expenses, required for proper functioning of the National Commission.**

Salary and allowances of Chairperson, Member, Member-Secretary and other staff of National Commission.

**29.** No act or proceeding of the State Commission or the National Commission, as the case may be, shall be invalid merely by reason of—

Vacancies, etc., not to invalidate proceedings of State Commission or National Commission.

(a) any vacancy in, or any defect in the constitution of, the State Commission or, as the case may be, the National Commission; or

20 (b) any defect in the appointment of a person acting as a member of the State Commission or, as the case may be, the National Commission; or

(c) any irregularity in the procedure of the State Commission or, as the case may be, the National Commission not affecting the merits of the case.

CHAPTER X

25 OBLIGATIONS OF CENTRAL GOVERNMENT FOR FOOD SECURITY

**30. (1)** The Central Government shall, for ensuring the regular supply of foodgrains to persons belonging to priority households and general households, allocate from the central pool the required quantity of foodgrains to the State Governments under the Targeted Public Distribution System, as per the entitlements under section 3 and at prices specified in Schedule I.  
30

Central Government to allocate required quantity of foodgrains from central pool to State Governments.

(2) The Central Government shall allocate foodgrains in accordance with the number of persons belonging to the priority households and general households identified in each State under section 15.

35 (3) The allocation of foodgrains under sub-section (2) shall be revised annually, in the prescribed manner, based on the actual or estimated population, as the case may be.

**(4) The Central Government shall provide foodgrains in respect of entitlements under sections 4, 5, 6, 8, 9 and section 11, to the State Governments, at prices specified for the persons belonging to priority households in Schedule I.**

**(5) Without prejudice to sub-section (1), the Central Government shall,—**

40 (a) procure foodgrains for the central pool through its own agencies and the State Governments and their agencies;

(b) allocate foodgrains to the States;

(c) provide for transportation of foodgrains, as per allocation, to the depots designated by the Central Government in each State; and

(d) **create and maintain required modern and scientific storage facilities at various levels.**

Provision for funds by Central Government to State Government in certain cases.

**31. In case of short supply of foodgrains from the central pool to a State, the Central Government shall provide funds to the extent of short supply to the State Government for meeting obligations under Chapters II, III and IV in such manner as may be prescribed by the Central Government.**

5

CHAPTER XI

10

OBLIGATIONS OF STATE GOVERNMENT FOR FOOD SECURITY

Implementation and monitoring of schemes for ensuring food security.

**32. (1)** The State Government shall be responsible for implementation and monitoring of the schemes of various Ministries and Departments of the Central Government in accordance with guidelines issued by the Central Government for each scheme, and their own schemes, for ensuring food security to the targeted beneficiaries in their State.

15

**(2) Under the Targeted Public Distribution System, it shall be the duty of the State Government to—**

(a) **take delivery of foodgrains from the designated depots of the Central Government in the State, at the prices specified in Schedule I, organise intra-State allocations for delivery of the allocated foodgrains through their authorised agencies at the door-step of each fair price shop; and**

20

(b) **ensure actual delivery or supply of the foodgrains to the entitled persons at the prices specified in Schedule I.**

**(3) For foodgrain requirements in respect of entitlements under sections 4, 5, 6, 8, 9 and section 11, it shall be the responsibility of the State Government to take delivery of foodgrains from the designated depots of the Central Government in the State, at the prices specified in Schedule I for persons belonging to priority households and ensure actual delivery of entitled benefits, as specified in the sections aforesaid.**

25

**(4)** The State Government shall prepare and notify guidelines for prevention, identification and relief to cases of starvation as referred to in section 12.

30

**(5)** In case of non-supply of the entitled quantities of foodgrains or meals to entitled persons under Chapters II, III and IV, the State Government shall be responsible for payment of food security allowance specified in section 13.

**(6) For efficient operations of the Targeted Public Distribution System, every State Government shall,—**

35

(a) **create and maintain scientific storage facilities at the State, District and Block levels, being sufficient to accommodate foodgrains required under the Targeted Public Distribution System and other food based welfare schemes;**

(b) **suitably strengthen capacities of their Food and Civil Supplies Corporations and other designated agencies;**

40

(c) **establish institutionalised licensing arrangements for fair price shops in accordance with the relevant provisions of the Public Distribution System (Control) Order, 2001 made under the Essential Commodities Act, 1955, as amended from time to time.**

10 of 1955.

## CHAPTER XII

## OBLIGATIONS OF LOCAL AUTHORITIES

33. (1) The local authorities shall be responsible for the proper implementation of this Act in their respective areas.

Implement-  
ation of  
Targeted  
Public  
Distribution  
System.

5 (2) Without prejudice to sub-section (1), the State Government may assign, by notification, additional responsibilities for implementation of the Targeted Public Distribution System to the local authority.

34. In implementing different schemes of the Ministries and Departments of the Central Government and the State Governments, prepared to implement provisions of this Act, the local authority shall be responsible for discharging such duties and responsibilities as may be assigned to them, by notification, by the respective State Governments.

Obligations of  
local  
authority.

## CHAPTER XIII

## TRANSPARENCY AND ACCOUNTABILITY

35. All Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to the public, in such manner as may be prescribed by the State Government.

Disclosure of  
records of  
Targeted  
Public  
Distribution  
System.

36. (1) Every local authority, or any other authority or body, as may be authorised by the State Government, shall conduct or cause to be conducted, periodic social audits on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes, and cause to publicise its findings and take necessary action, in such manner as may be prescribed by the State Government.

Conduct of  
social audit.

(2) The Central Government may, if it considers necessary, conduct or cause to be conducted social audit through independent agencies having experience in conduct of such audits.

37. (1) For ensuring transparency and proper functioning of the Targeted Public Distribution System and accountability of the functionaries in such system, every State Government shall set up Vigilance Committees as specified in the Public Distribution System (Control) Order, 2001, made under the Essential Commodities Act, 1955, as amended from time to time, at the State, District, Block and fair price shop levels consisting of such persons, as may be prescribed by the State Government giving due representation to the local authorities, the Scheduled Castes, the Scheduled Tribes, women and destitute persons or persons with disability.

Setting up of  
Vigilance  
Committees.

(2) The Vigilance Committees shall perform the following functions, namely:—

(a) regularly supervise the implementation of all schemes under this Act;

35 (b) inform the District Grievance Redressal Officer, in writing, of any violation of the provisions of this Act; and

(c) inform the District Grievance Redressal Officer, in writing, of any malpractice or misappropriation of funds found by it.

## CHAPTER XIV

## PROVISIONS FOR ADVANCING FOOD SECURITY

38. The Central Government and the State Governments shall, while implementing the provisions of this Act and the schemes for meeting specified entitlements, give special focus to the needs of the vulnerable groups especially in remote areas and other areas which are difficult to access, hilly and tribal areas for ensuring their food security.

Food security  
for people  
living in  
remote, hilly  
and tribal  
areas.

39. The Central Government, the State Governments and local authorities shall, for the purpose of advancing food and nutritional security, strive to progressively realise the objectives specified in Schedule III.

Steps to  
further  
advance food  
and  
nutritional  
security.

## CHAPTER XV

## MISCELLANEOUS

Other welfare schemes.	<b>40. The provisions of this Act shall not preclude the Central Government or the State Governments from continuing or formulating other food based welfare schemes.</b>	
Penalties.	<b>41.</b> Any public servant or authority found guilty, by the State Commission or the National Commission at the time of deciding any complaint or appeal, of failing to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or wilfully ignoring such recommendation, shall be liable to penalty not exceeding five thousand rupees:	5
	Provided that the public servant or the public authority, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed.	10
Power to adjudicate.	<b>42.</b> (1) For the purpose of adjudging penalty under section 41, the State Commission or the National Commission, as the case may be, shall authorise any of its member to be an adjudicating officer for holding an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty.	15
	(2) While holding an inquiry the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, he is satisfied that the person has failed to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or wilfully ignored such recommendation, he may impose such penalty as he thinks fit in accordance with the provisions of section 41.	20
Power to delegate by Central Government and State Government.	<b>43.</b> (1) The Central Government may, by notification, direct that the powers exercisable by it (except the power to make rules), in such circumstances and subject to such conditions and limitations, be exercisable also by the State Government or an officer subordinate to the Central Government or the State Government as it may specify in the notification.	25
	(2) The State Government may, by notification, direct that the powers exercisable by it (except the power to make rules), in such circumstances and subject to such conditions and limitations, be exercisable also by an officer subordinate to it as it may specify in the notification.	30
Act to have overriding effect.	<b>44.</b> 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.	
Power to amend Schedules.	<b>45.</b> (1) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend Schedule I or Schedule II or Schedule III and thereupon Schedule I or Schedule II or Schedule III, as the case may be, shall be deemed to have been amended accordingly.	35
	(2) A copy of every notification issued under sub-section (1), shall be laid before each House of Parliament as soon as may be after it is issued.	40
Power of Central Government to give directions.	<b>46.</b> The Central Government may, from time to time, give such directions, as it may consider necessary, to the State Governments for the effective implementation of the provisions of this Act and the State Governments shall comply with such directions.	
Power of Central Government to make rules.	<b>47.</b> (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.	45
	(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—	
	(a) reforms in the Public Distribution System and the date from which entitlement	

of general population shall be linked to such reforms under sub-section (3) of section 3;

(b) guidelines for providing wheat flour in lieu of entitled quantity of foodgrains under sub-section (4) of section 3;

5 (c) scheme including cost sharing for providing maternity benefit to pregnant women and lactating mothers under clause (b) of section 4;

(d) schemes covering entitlements under sections 4, 5 and section 6 including cost sharing under section 7;

10 (e) scheme including cost sharing for destitute and homeless persons under section 8;

(f) scheme including cost sharing for emergency and disaster affected persons under section 9;

(g) scheme including cost sharing for persons living in starvation under clause (a) of section 11;

15 (h) amount, time and manner of payment of food security allowance to entitled individuals under section 13;

(i) guidelines for identification of priority and general households, including exclusion criteria for the purpose of their entitlement under sub-section (1) of section 15;

20 (j) manner in which the list of priority households and general households shall be updated under section 17;

(k) internal grievance redressal mechanism under section 20;

(l) qualifications for appointment as District Grievance Redressal Officer and its powers under sub-section (2) of section 21;

25 (m) manner and time-limit for hearing complaints by the District Grievance Redressal Officer and the filing of appeals under sub-sections (5) and (7) of section 21;

30 (n) method of appointment and the terms and conditions of appointment of Chairperson, other Members and Member-Secretary of the National Commission, its powers, and procedure of meetings of the Commission, under sub-section (6) of section 26;

(o) method of appointment of staff of the National Commission, their salary, allowances and conditions of service under sub-section (9) of section 26;

(p) manner in which funds shall be provided by the Central Government to the State Governments in case of short supply of foodgrains, under section 31;

35 (q) schemes or programmes of the Central Government or the State Governments for utilisation of institutional mechanism under section 51;

(r) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the Central Government by rules.

40 (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, 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 in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect  
45 only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of State Government to make rules.

**48.** (1) 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.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) internal grievance redressal mechanism under section 20;

(b) method and terms and conditions of appointment of the District Grievance Redressal Officer under sub-section (3) of section 21;

(c) method of appointment and the terms and conditions of appointment of Chairperson, other Members and Member-Secretary of the State Commission, procedure for meetings of the Commission and its powers, under sub-section (5) of section 22;

(d) method of appointment of staff of the State Commission, their salaries, allowances and conditions of service under sub-section (8) of section 22;

(e) manner in which the Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to public under section 35;

(f) manner in which the social audit on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes shall be conducted under section 36;

(g) details of constitution of Vigilance Committees under sub-section (1) of section 37;

(h) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the State Government by rules.

(3) Every rule, notification and guidelines made or issued by the State Government under this Act shall, as soon as may be after it is made or issued, 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.

Transitory provisions for schemes, guidelines, etc.

**49.** The schemes, guidelines, orders and food standard, existing on the date of commencement of this Act, shall continue to be in force and operate till such schemes, guidelines, orders and food standard are specified under this Act or the rules made thereunder:

Provided that anything done or any action taken under the said schemes, guidelines, orders and food standard shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or by any action taken under this Act.

Power to remove difficulties.

**50.** (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:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

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

Utilisation of institutional mechanism for other purposes.

**51.** The services of authorities to be appointed or constituted under sections 21, 22 and section 26 may be utilised in the implementation of other schemes or programmes of the Central Government or the State Governments, as may be prescribed by the Central Government.

**52.** The Central Government, or as the case may be the State Government, shall not be liable for any claim by persons belonging to the priority households or general households or other groups entitled under this Act for loss, damage, or compensation; whatsoever, arising out of failure of supply of foodgrains or meals when such failure of supply is due, either directly or indirectly, to *force majeure* conditions, such as, war, flood, drought, fire, cyclone, earthquake or any act of God.

Force  
majeure.

SCHEDULE I

[See sections 3(1), 30(1), (4) and 32(2), (3)]

SUBSIDISED PRICES UNDER TARGETED PUBLIC DISTRIBUTION SYSTEM

Subsidised Price for Priority Households	Subsidised Price for General Households
1	2
Not exceeding rupees 3 per kg for rice, rupees 2 per kg for wheat and rupee 1 per kg for coarse grains.	Not exceeding 50 per cent. of the minimum support price for wheat and coarse grains, and not exceeding 50 per cent. of derived minimum support price for rice.

## SCHEDULE II

[See sections 4(a), 5(I) and 6]

### NUTRITIONAL STANDARDS

*Nutritional standards:* The nutritional standards for children in the age group of 6 months to 3 years, age group of 3 to 6 years and pregnant and lactating women required to be met by providing 'Take Home Rations'<sup>1</sup> or nutritious hot cooked meal or ready to eat meal in accordance with the Integrated Child Development Services Scheme and nutritional standards for children in lower and upper primary classes under the Mid Day Meal Scheme are as follows:

Serial number	Category	Type of meal <sup>2</sup>	Calories (Kcal)	Protein (g)
1	2	3	4	5
1.	Children (6 months to 3 years)	Take Home Ration	500	12-15
2.	Children (3 to 6 years)	Morning Snack and Hot Cooked Meal	500	12-15
3.	Children (6 months to 6 years) who are malnourished	Take Home Ration	800	20-25
4.	Lower primary classes	Hot Cooked Meal	450	12
5.	Upper primary classes	Hot Cooked Meal	700	20
6.	Pregnant and Lactating mothers	Take Home Ration	600	18-20

*Note: 1.—Energy Dense Food fortified with micronutrients as per 50 per cent. of Recommended Dietary Allowance.*

*Note: 2.—Meals shall be prepared in accordance with the prevailing Food Laws.*

*NB: Nutritional standards are notified to provide balance diet and nutritious foods in terms of the calorie counts, protein value and micronutrients specified.*

### SCHEDULE III

(See section 39)

#### PROVISIONS FOR ADVANCING FOOD SECURITY

- (1) Revitalisation of Agriculture —
- (a) agrarian reforms through measures for securing interests of small and marginal farmers; 5
  - (b) increase in investments in agriculture, including research and development, extension services, micro and minor irrigation and power to increase productivity and production;
  - (c) ensuring remunerative prices, credit, irrigation, power, crop insurance, etc.; 10
  - (d) prohibiting unwarranted diversion of land and water from food production.
- (2) Procurement, Storage and Movement related interventions—
- (a) incentivising decentralised procurement including procurement of coarse grains;
  - (b) geographical diversification of procurement operations;
  - (c) augmentation of adequate decentralised modern and scientific storage; 15
  - (d) giving top priority to movement of foodgrains and providing sufficient number of rakes for this purpose, including expanding the line capacity of railways to facilitate foodgrain movement from surplus to consuming regions.
- (3) Others: Access to—
- (a) safe and adequate drinking water and sanitation; 20
  - (b) health care;
  - (c) nutritional, health and education support to adolescent girls;
  - (d) adequate pensions for senior citizens, persons with disability and single women.

## STATEMENT OF OBJECTS AND REASONS

Article 47 of the Constitution, *inter alia*, provides that the State shall regard raising the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties. The Universal Declaration of Human Rights and International Covenant on Economic, Social and Cultural Rights, to which India is a signatory, also cast responsibilities on all State parties to recognise the right of everyone to adequate food. Eradicating extreme poverty and hunger is one of the goals under the Millennium Development Goals of the United Nations.

2. In pursuance of the constitutional obligations and obligations under the international conventions, providing food security has been focus of the Government's planning and policy. Food security means availability of sufficient foodgrains to meet the domestic demand as well as access, at the individual level, to adequate quantities of food at affordable prices. Attainment of self-sufficiency in foodgrains production at the national level has been one of the major achievements of the country. In order to address the issue of food security at the household level, the Government is implementing Targeted Public Distribution System under which subsidised foodgrains is provided to the Below Poverty Line, including Antyodaya Anna Yojana, and above poverty line households. While the Below Poverty Line households under the Targeted Public Distribution System receive thirty-five kilograms foodgrains per family per month, the allocation to Above Poverty Line households depends upon availability of foodgrains in the Central pool. Allocations for other food based welfare schemes for women and children, natural disasters, etc., are also being made at subsidised rates.

3. Ensuring food security of the people, however, continues to be a challenge. The nutritional status of the population, and especially of women and children, also needs to be improved to enhance the quality of human resource of the country. The proposed legislation marks a paradigm shift in addressing the problem of food security—from the current welfare approach to a right based approach. Besides expanding coverage of the Targeted Public Distribution System, the proposed legislation would confer legal rights on eligible beneficiaries to receive entitled quantities of foodgrains at highly subsidised prices. It will also confer legal rights on women and children and other Special Groups such as destitute, homeless, disaster and emergency affected persons and persons living in starvation, to receive meal free of charge or at affordable price, as the case may be.

4. In view of the preceding paragraphs, it is proposed to enact a new legislation, namely, the National Food Security Bill, 2011, to—

(a) 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;

(b) entitle every person belonging to priority households and general households, to receive every month from the State Government, under the Targeted Public Distribution System, seven kilograms of foodgrains per person per month for priority households and not less than three kilograms of foodgrains per person per month for general households, at subsidised prices specified in Schedule I to the proposed legislation and the said entitlements at subsidised prices shall extend up to seventy-five per cent. of the rural population and up to fifty per cent. of the urban population with not less than forty-six per cent. of the rural and twenty-eight per cent. of the urban population be designated as priority households;

(c) entitle every pregnant woman and lactating mother to meal, free of charge, during pregnancy and six months after child birth, through the local anganwadi, so as to meet the nutritional standards specified in Schedule II; and to provide to such women maternity benefit of rupees one thousand per month for a period of six months in accordance with a

scheme, including cost sharing, payable in such instalments as may be prescribed by the Central Government;

(d) entitle every child up to the age of fourteen years—(i) age appropriate meal, free of charge, through the local anganwadi so as to meet the nutritional standards specified in Schedule II in the case of children in the age group of six months to six years; and (ii) one mid day meal, free of charge, everyday, except on school holidays, in all schools run by local bodies, Government and Government aided schools, up to class VIII, so as to meet the nutritional standards specified in Schedule II in the case of children in the age group of six to fourteen years;

(e) require the State Government to identify and provide meals through the local anganwadi, free of charge, to children who suffer from malnutrition, so as to meet the nutritional standards specified in Schedule II; and implement schemes covering entitlements of women and children in accordance with the guidelines, including cost sharing, between the Central Government and the State Governments in such manner as may be prescribed by the Central Government;

(f) entitle in case of destitute persons at least one meal every day, free of charge, in accordance with such scheme, including cost sharing as may be prescribed by the Central Government; and in case of homeless persons of affordable meals at community kitchens, in accordance with such scheme, including cost sharing as may be prescribed by the Central Government;

(g) require the State Government, if it is of the opinion that an emergency or disaster situation exists, to provide the affected households, two meals, free of charge, for a period up to three months from the date of disaster in accordance with such scheme including cost sharing as may be prescribed by the Central Government;

(h) require the State Government to identify persons, households, groups, or communities, if any, living in starvation or conditions akin to starvation and provide to all such persons, meals, two times a day, free of charge, in accordance with a scheme, including cost sharing, as may be prescribed by the Central Government, for six months from the date of such identification; and any other relief considered necessary by the State Government;

(i) entitle the eligible persons under Chapters II, III and IV of the proposed legislation, to receive such food security allowance from the concerned State Government to be paid to each person, in case of non-supply of the entitled quantities of foodgrains or meals, within the time and manner prescribed by the Central Government;

(j) provide subsidised foodgrains under the Targeted Public Distribution System to specified percentage of rural and urban population under the priority and general households, at the all India level and empower the Central Government to determine the State-wise distribution, from time to time;

(k) enable the Central Government to prescribe the guidelines for identification of priority, general households and exclusion criteria, for the purposes of their entitlement under the proposed legislation;

(l) make provision for the identification of priority households and general households to be done by the State Governments or such other agency as may be decided by the Central Government, in accordance with the guidelines made by the Central Government;

(m) progressively undertake necessary reforms by the Central and State Governments in the Targeted Public Distribution System in consonance with the role envisaged for them in the proposed legislation;

(n) treat the eldest woman who is not less than eighteen years of age, in every priority household and general household, to be head of the household for the purpose of issue of ration cards;

(o) impose obligation upon the Central Government and the State Governments to put in place an internal grievance redressal mechanism which may include call centres, help lines, designation of nodal officers, or such other mechanism as may be prescribed by the respective Governments; and for expeditious and effective redressal of grievances of the aggrieved persons in matters relating to distribution of entitled foodgrains or meals under Chapters II, III and IV of the proposed legislation, a District Grievance Redressal Officer, with requisite staff, to be appointed by the State Government for each District, to enforce these entitlements and investigate and redress grievances;

(p) make provision for State Food Commission to be constituted by every State Government for the purpose of monitoring and review of implementation of the proposed legislation and the National Food Commission to be constituted by the Central Government to perform the functions assigned to it under the proposed legislation;

(q) impose obligation upon the Central Government to ensure regular supply of foodgrains for persons belonging to priority households and general households and allocate the required quantity of foodgrains to the State Governments under the Targeted Public Distribution System from the central pool as per the entitlements and at prices specified in Schedule I to the proposed legislation;

(r) make provision for implementation and monitoring by the State Government of the schemes of various Ministries and Departments of the Central Government in accordance with guidelines issued by the Central Government for each scheme, and their own schemes, for ensuring food security to the targeted beneficiaries in their State; and make the local authorities responsible, for the proper implementation of the proposed legislation in their respective areas;

(s) conduct or cause to be conducted by every local authority, or any other authority or body, as may be authorised by the State Government, periodic social audits on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes, and cause to publicise its findings and take necessary action, in such manner as may be prescribed by the State Government;

(t) impose penalty upon any public servant or authority found guilty, by the State Commission or the National Commission at the time of deciding any complaint or appeal, of failing to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or wilfully ignoring such recommendation, not exceeding five thousand rupees after proper consideration and giving an opportunity of being heard.

5. The notes on clauses explain in detail the various provisions contained in the Bill.

6. The Bill seeks to achieve the above objectives.

NEW DELHI  
The 19th December, 2011.

K. V. THOMAS

*Notes on clauses*

*Clause 1.*—This clause provides for short title, extent and commencement.

*Clause 2.*—This clause provides for definitions of certain expressions used in the proposed legislation which, *inter alia*, include the expressions 'angwanwadi', 'central pool', 'destitute person', 'disaster', 'fair price shop', 'foodgrains', 'food security', 'food security allowance', 'homeless persons', 'local authority', 'meal', 'minimum support price', 'other welfare schemes', 'person with disability', 'priority households', 'general households', 'ration card', 'rural area', 'senior citizen', 'social audit', 'starvation', 'Targeted Public Distribution System', and 'vigilance committee', etc.

*Clause 3.*—This clause provides for right to receive foodgrains at subsidised prices by persons belonging to priority households and general households under the Targeted Public Distribution System. It provides that every person belonging to priority households and general households, clause shall be entitled to receive every month from the State Government, under the Targeted Public Distribution System, seven kilograms of foodgrains per person per month for priority households and not less than three kilograms of foodgrains per person per month for general households, at prices specified in Schedule I. It further provides that the entitlements shall extend up to seventy-five per cent., of the rural population, with not less than forty-six per cent., as priority households and up to fifty per cent. of the urban population, with not less than twenty-eight per cent. as priority households. It also provides that the entitlements shall be implemented with effect from the date of commencement of this Act provided that entitlements of persons belonging to general households shall be linked to such reforms in the Public Distribution System from such dates as may be prescribed by the Central Government. It also provides that the State Government may provide wheat flour in lieu of the entitled quantity of foodgrains, in accordance with the guidelines notified by the Central Government.

*Clause 4.*—This clause provides for nutritional support to pregnant women and lactating mothers. It provides that every pregnant woman and lactating mother shall be entitled to meal free of charge during pregnancy and six months after the child birth and maternity benefit of rupees one thousand per month for a period of six months.

*Clause 5.*—This clause provides for nutritional support to children. It provides that children below fourteen years of age, shall be entitled, to (i) age appropriate meal free of charge for children in the age group of six months to six years (ii) for children in age group of six years to fourteen years, one mid day meal, free of charge, everyday except school holidays in all schools run by local bodies, Government and Government- aided schools. Nutritional norms for meals to be provided have been specified in Schedule II.

*Clause 6.*—This clause provides for prevention and management of child malnutrition. It lays down that State Government shall identify children suffering from malnutrition and provide them meal, free of charge, to meet nutritional standards specified in Schedule II.

*Clause 7.*— This clause provides for implementation of schemes for realisation of entitlements. It provides that schemes for meeting entitlements of pregnant women and lactating mothers and children shall be implemented by the State Government in accordance with guidelines, including cost sharing, prescribed by the Central Government.

*Clause 8.*— This clause provides for entitlements of special groups. It provides that all destitute persons will be entitled to at least one meal every day free of charge and all homeless persons will be entitled to affordable meals, in accordance with schemes, including cost sharing, to be prescribed by the Central Government. It further provides that the migrants and their families shall be able to claim their entitlements from wherever they reside.

*Clause 9.*—This clause makes provision for emergency and disaster-affected persons. It provides that the State Government shall in an emergency and disaster situation provide two meals to the affected households, free of charge, for a period upto three months, in accordance with such scheme, including cost sharing, as may be prescribed by the Central Government.

*Clause 10.*—This clause provides for identification of persons living in starvation, if any. It lays down the responsibility on the State Government to identify persons, households, groups or communities, if any, living in starvation or conditions akin to starvation.

*Clause 11.*—This clause provides for immediate relief from starvation. It provides that all persons, households, groups or communities, identified under clause 10, shall be entitled to—(a) meals, two times a day, free of charge, in accordance with a scheme, including cost sharing, as may be prescribed by the Central Government, for six months from the date of identification; and (b) any other relief considered necessary by the State Government.

*Clause 12.*—This clause provides for protocol for prevention of starvation. It lays down the responsibility of State Governments to prepare and notify guidelines for prevention, identification and relief to cases of starvation.

*Clause 13.*—This clause provides for right to receive food security allowance in certain cases. It provides that in case of non-supply of entitled foodgrains or meals, the entitled persons shall be entitled to receive food security allowance from the State Government, within such time and manner as may be prescribed by the Central Government.

*Clause 14.*—This clause provides for coverage of population under Targeted Public Distribution System. It provides that at all India level, the percentage coverage of overall rural and urban population under the priority and general households, for the purposes of providing subsidised foodgrains under the Targeted Public Distribution System, shall be to the extent specified in sub-clause (2) of clause 3 and the state-wise distribution shall be determined by the Central Government.

*Clause 15.*—This clause provides for guidelines for identification of priority households and general households. It provides that the Central Government may prescribe guidelines for identification of priority and general households, and within the State-wise number of persons belonging to priority and general households determined under clause 14, the identification of priority households and general households shall be done by the State Governments or such other agency as may be decided by the Central Government.

*Clause 16.*—This clause provides for publication and display of list of priority households and general households. It requires the State Governments to place the list of priority and general households in public domain and display it prominently.

*Clause 17.*—This clause provides for review of number of priority households and general households. It provides that within the State-wise number of persons belonging to priority and general households determined under sub-clauses (1) and (2) of clause 14, the list of the eligible priority and general households shall be updated by the State Government in such manner as may be prescribed by the Central Government.

*Clause 18.*—This clause provides for reforms in the Targeted Public Distribution System. It provides that the Central Government and the State Government shall endeavour to progressively undertake necessary reforms in the Targeted Public Distribution System in consonance with the role envisaged for them in the proposed legislation.

*Clause 19.*—This clause provides for women of eighteen years of age or above to be head of household for purpose of issue of ration cards. It provides that for the purpose of issue of ration card eldest woman in the households who is eighteen years of age or above shall be the head of the household.

It further provides that where a household at any time does not have a woman or a woman of eighteen years of age or above, but has a female member below the age of eighteen years, then, the eldest male member of the household shall be the head of the household for

the purpose of issue of ration card and the female member, on attaining the age of eighteen years, shall become the head of the household for such ration cards in place of such male member.

*Clause 20.*—This clause provides for internal grievances redressal mechanism. It provides that the Central Government and the State Governments shall put in place an internal grievance redressal mechanism which may include call centres, help lines, designation of nodal officers, or such other mechanism as may be prescribed.

*Clause 21.*—This clause provides for District Grievance Redressal Officer. It provides that for redressal of grievances in matters relating to delivery of entitlements under Chapters II, III and IV of the proposed legislation, a District Grievance Redressal Officer shall be appointed by the State Government for each District. It further provides that the qualification and powers of the District Grievance Redressal Officer shall be such as may be prescribed by the Central Government and the method and terms and conditions of appointment shall be such as may be prescribed by the State Government.

It further provides that the District Grievance Redressal Officer shall hear complaints regarding non-distribution of entitled foodgrains or meals, and matters relating thereto, and take necessary action for their redressal in such manner and within such time as may be prescribed by the Central Government and any complainant or the officer or authority against whom any order has been passed by such officer, who is not satisfied with the redressal of grievance may file an appeal against such order before the State Commission.

*Clause 22.*—This clause provides for State Food Commission. It provides that every State Government shall constitute a State Food Commission for the purpose of monitoring and review of implementation of the proposed legislation.

It further provides that the State Commission shall consist of a Chairperson; five other Members; and a Member Secretary out of whom there shall be at least two women, and there shall be one person belonging to the Scheduled Castes and one person belonging to the Scheduled Tribes, whether Chairperson, Member or Member Secretary.

It also provides that the Chairperson, other Members and Member Secretary shall be appointed from amongst persons—(a) who are or have been member of the All India Services or any other civil services of the Union or State or holding a civil post under the Union or State having knowledge and experience in matters relating to food security, policy making and administration in the field of agriculture, civil supplies, nutrition, health or any allied field; (b) of eminence in public life with wide knowledge and experience in agriculture, law, human rights, social service, management, nutrition, health, food policy or public administration; or (c) who have a proven record of work relating to the improvement of the food and nutrition rights of the poor.

It also provides that the term of the Chairperson and every other Member shall be not exceeding five years from the date on which he enters upon his office and shall be eligible for reappointment and no person shall hold office as the Chairperson or other Member after he has attained the age of sixty-five years.

It also provides that the method of appointment and other terms and conditions of the Chairperson, other Members and Member Secretary of the State Commission and time, place and procedure of meetings of the State Commission (including the quorum at such meetings) and its powers, shall be such as may be prescribed by the State Government.

It also specifies the functions to be undertaken by the State Commission which, *inter alia*, include to—monitor and evaluate the implementation of the proposed legislation, in relation to the State; either *suo motu* or on receipt of complaint inquire into violations of entitlements provided under Chapters II, III and IV; issue guidelines to the State Government in consonance with the guidelines of the National Commission in implementation of the proposed legislation; give advice to the State Government, their agencies, autonomous bodies as well as non-governmental organisations involved in delivery of relevant services,

for the effective implementation of food and nutrition related schemes, to enable individuals to fully access their entitlements specified in the proposed legislation; hear appeals against orders of the District Grievance Redressal Officer; hear complaints transferred to it by the National Commission; and prepare annual reports which shall be laid before the State Legislature by the State Government.

It also provides that the State Government shall make available to the State Commission, such administrative and technical staff, as it may consider necessary for proper functioning of the State Commission. The method of appointment of staff, their salaries, allowances and conditions of service shall be such, as may be prescribed by the State Government.

It also makes provision for removal of the Chairperson and other Members of the State Commission and specifies the grounds, on which they may be removed.

*Clause 23.*—This clause provides for salary and allowances of Chairperson, Members, Member Secretary and other staff of State Commission. It provides that the State Government shall provide for salary and allowances of the Chairperson, other Members, Member Secretary, support staff, and other administrative expenses required for proper functioning of the State Commission.

*Clause 24.*—This clause provides for joint State Food Commission. It provides that two or more States may have joint State Food Commission with the approval of the Central Government.

*Clause 25.*—This clause makes provision for application of certain provisions of National Food Commission to State Food Commission. It provides that the provisions of clause 27 (relating to powers relating to inquiries) shall apply to the State Food Commissions.

*Clause 26.*— This clause provides for the National Food Commission. It provides that Central Government shall constitute the National Food Commission to perform the functions assigned to it under the proposed legislation, with its headquarter in the National Capital Region. It further provides that the National Commission shall consist of a Chairperson; five other Members; and a Member Secretary provided that there shall be at least two women, one person belonging to the Scheduled Castes and one person belonging to the Scheduled Tribes whether Chairperson, Member or Member Secretary.

It also provides that the Chairperson, other Members and Member Secretary shall be appointed from amongst persons—(a) who are or have been a member of All India Services or Indian Legal Service or any other civil services of the Union or holding a civil post under the Union having knowledge and experience in matters relating to food security, policy making and administration in the field of agriculture, civil supplies, nutrition, health or any allied field; (b) of eminence in public life with wide knowledge and experience in agriculture, law, human rights, social service, management, nutrition, health, food policy or public administration; or (c) who have a proven record of work relating to the improvement of the food and nutrition rights of the poor. The term of office of the Chairperson and every other Member shall not exceed five years from the date on which he enters upon his office and shall be eligible for reappointment and no person shall hold office as the Chairperson or other Member after he has attained the age of sixty-five years.

It also provides that the method of appointment and other terms and conditions of the Chairperson, other Members and Member Secretary of the National Commission and time, place and procedure of meetings of the National Commission (including the quorum at such meetings) and its powers, shall be prescribed by the Central Government.

It also specifies the functions to be undertaken by the National Commission which, *inter alia*, include—monitor and evaluate the implementation of this Act and schemes made thereunder; either *suo motu* or on receipt of complaint inquire into violations of entitlements provided under Chapters II, III and IV; advise the Central Government in synergising existing schemes and framing new schemes for the entitlements provided under the proposed legislation; recommend to the Central Government and the State Governments, steps for the

effective implementation of food and nutrition related schemes, to enable persons to fully access their entitlements specified in the proposed legislation; issue requisite guidelines for training, capacity building and performance management of all persons charged with the duty of implementation of the schemes; consider the reports and recommendations of the State Commissions for inclusion in its annual report; hear appeals against the orders of the State Commission; and prepare annual reports on implementation of this Act, which shall be laid before each House of Parliament by the Central Government.

It also provides that the Central Government shall make available to the National Commission such other administrative and technical staff, as it may consider necessary for proper functioning of the National Commission, the method of appointment to which and their salaries, allowances and conditions of service shall be prescribed by the Central Government.

It also makes provision for the removal of the Chairperson and other Members of the National Commission and time and specifies the ground on which they may be removed.

*Clause 27.*—This clause provides for powers of the National Commission relating to enquiries. It provides that the National Commission shall, while inquiring into any matter, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908, and, in particular, in respect of the matters of summoning and enforcing the attendance of any person and examining him on oath; discovery and production of any document; receiving evidence on affidavits; requisitioning any public record or copy thereof from any court or office; and issuing commissions for the examination of witnesses or documents.

It further provides that the National Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.

*Clause 28.*—This clause provides for salary and allowances of Chairperson, Member, Member Secretary and other staff of National Commission. It provides that the Central Government shall provide for salary and allowances of Chairperson, other Members, Member Secretary, support staff, and other administrative expenses required for proper functioning of the National Commission.

*Clause 29.*—This clause provides that vacancies in or any defect in the constitution of the State Commission or National Commission or any defect in the appointment of a person acting as a Member of the State Commission or National Commission or any irregularity in the procedure of the State Commission or National Commission shall not invalidate proceedings of the State Commission or National Commission.

*Clause 30.*—This clause lays down the responsibilities of the Central Government to allocate required quantity of foodgrains from central pool to State Governments. It provides that the Central Government shall, for ensuring the regular supply of foodgrains to persons belonging to priority households and general households, allocate from the central pool the required quantity of foodgrains to the State Governments under the Targeted Public Distribution System, as per the entitlements under clause 3 and at prices specified in Schedule I.

It further provides that the Central Government shall allocate foodgrains in accordance with the number of persons belonging to the priority households and general households identified in each State under clause 15 and the said allocation of foodgrains shall be revised annually, in the prescribed manner, based on the actual or estimated population.

It also provides that, the Central Government shall, procure foodgrains for the central pool through its own agencies and the State Governments and their agencies; allocate foodgrains to the States; provide for transportation of foodgrains, as per allocation, to the depots designated by the Central Government in each State; and create and maintain required modern and scientific storage facilities at various levels.

*Clause 31.*—This clause makes provisions for funds by Central Government to State Governments in certain cases. It provides that in case of short supply of foodgrains from the Central pool to a State, Central Government shall provide funds to the extent of short supply.

*Clause 32.*—This clause provides for implementation and monitoring of schemes for ensuring food security. It provides that the State Governments shall be responsible for implementation and monitoring of the schemes of various Ministries and Departments of the Central Government in accordance with the guidelines issued by the Central Government for each scheme, and their own schemes, for ensuring food security to the targeted beneficiaries in their State.

It further provides that under the Targeted Public Distribution System, it shall be the duty of the State Governments to—(a) take delivery of foodgrains from the designated depots of the Central Government in the State, at the prices specified in Schedule I, organise intra—State allocations for delivery of the allocated foodgrains through their authorised agencies at the door-step of each fair price shop; and (b) ensure actual delivery or supply of the foodgrains to the entitled persons at the prices specified in Schedule I.

It also provides that for foodgrain requirements in respect of entitlements under clauses 4, 5, 6, 8, 9 and clause 11, it shall be the responsibility of the State Government to take delivery of foodgrains from the designated depots of the Central Government in the State, at the prices specified in Schedule I for persons belonging to priority households and ensure actual delivery of entitled benefits, as specified in the clauses aforesaid.

It also provides that the State Governments shall prepare and notify guidelines for prevention, identification and relief to cases of starvation as referred to in clause 12 and in case of non-supply of the entitled quantities of foodgrains or meals to entitled persons under Chapters II, III and IV, the State Government shall be responsible for payment of food security allowance specified in clause 13.

It also provides that for efficient operations of the Targeted Public Distribution System, every State Government shall,—(a) create and maintain scientific storage facilities at the State, District and Block levels, being sufficient to accommodate foodgrains required under the Targeted Public Distribution System and other food based welfare schemes; (b) suitably strengthen capacities of their Food and Civil Supplies Corporations and other designated agencies; and (c) establish institutionalised licensing arrangements for fair price shops in accordance with the relevant provisions of the Public Distribution System (Control) Order, 2001 as amended from time to time.

*Clause 33.*—This clause provides for implementation of Targeted Public Distribution System. It provides that the local authorities shall be responsible for proper implementation of the proposed legislation in their respective areas and the State Governments may assign additional responsibilities to local authorities in implementation of Targeted Public Distribution System.

*Clause 34.*—This clause provides for obligations of local authority. It provides that in implementing different schemes of the Ministries and Departments of the Central Government and the State Governments, the local authority shall be responsible for discharging such duties and responsibilities as may be assigned to them by notification, by the respective State Governments.

*Clause 35.*—This clause makes provision for disclosure of records of Targeted Public Distribution System. It provides that all Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to the public.

*Clause 36.*—This clause provides for conduct of social audit. It provides that social audit on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes, shall be conducted by local authority, or any other authority or body, as may be authorised by the State Governments. It further provides that the Central Government may, if it considers necessary, also conduct or cause to be conducted social audit through independent agencies.

*Clause 37.*—This clause provides for setting up of vigilance Committees by the State Government at various levels for ensuring transparency and proper functioning of the Targeted Public Distribution System and accountability of functionaries in such system. It also specifies the functions of Vigilance Committees.

*Clause 38.*—This clause provides that the Central Government and the State Governments shall, while implementing the provisions of this Bill and the schemes for meeting specified entitlements, give special focus to the needs of the vulnerable groups especially in remote areas and other areas which are difficult to access, hilly and tribal areas for ensuring their food security.

*Clause 39.*—This clause provides for steps to further advance food and nutritional security. It provides that for the purpose of advancing food and nutritional security, the Central and State Governments shall strive to progressively realise certain objectives mentioned in Schedule III.

*Clause 40.*—This clause provides for other welfare schemes. It provides that provisions of the proposed legislation shall not preclude Central or State Governments from continuing or formulating other food based schemes.

*Clause 41.*—This clause relates to penalty. It provides that any public servant or authority found guilty, by the State Commission or the National Commission at the time of deciding any complaint or appeal, of failing to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or wilfully ignoring such recommendation, shall be liable to penalty not exceeding five thousand rupees.

It further provides that the public servant or the public authority, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed.

*Clause 42.*—This clause provides for power to adjudicate. It provides that for the purpose of adjudging under clause 40, the State Commission or the National Commission, as the case may be, shall authorise any of its member to be an adjudicating officer for holding an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty.

It further provides that while holding an inquiry, the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, he is satisfied that the person has failed to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or wilfully ignoring such recommendation, he may impose such penalty as he thinks fit in accordance with the provisions of clause 40.

*Clause 43.*—This clause provides for power to delegate by Central Government and State Governments. It empowers the Central Government to delegate its power (except the power to make rules) to the State Governments or an officer subordinate to the Central Government or State Governments. It also empowers the State Governments to delegate its power (except power to make rules) to an officer subordinate to it.

*Clause 44.*— This clause gives overriding effect to provisions of the proposed legislation or the schemes made thereunder notwithstanding anything inconsistent contained in any other law.

*Clause 45.*— This clause seeks to empower the Central Government to amend Schedule I or Schedule II or Schedule III if that Government is satisfied that it is necessary or expedient so to do.

*Clause 46.*—This clause seeks to empower the Central Government to give directions to State Governments for effective implementation of the provisions of the proposed legislation.

*Clause 47.*—This clause empowers the Central Government to make rules to carry out the provisions of the proposed legislation. It provides that the Central Government may, by notification, and subject to the condition of previous publication, make rules to carry out the provisions of the proposed legislation. It further specifies the matters in respect of which such rules may be made. It also provides that rules made by the Central Government shall be laid before each House of Parliament as soon as they are made.

*Clause 48.*—This clause empowers State Governments to make rules to carry out the provisions of the proposed legislation. It provides that 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 the proposed legislation. It further specifies the matters in respect of which such rules may be made. It also provides that rules, notifications and guidelines issued by the State Government shall be laid before the Legislature of the State as soon as they are made.

*Clause 49.*—This clause provides for transitory provisions for schemes, guidelines, etc. It provides that the schemes, guidelines, orders and food standards existing on the date of commencement of the proposed legislation shall continue to be in force till these are specified under the proposed legislation or rules made thereunder.

*Clause 50.*—This clause provides for power to remove difficulties. It provides that 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. It further provides that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

*Clause 51.*—This clause provides for utilisation of institutional mechanism for other purposes. It provides that the services of authorities to be appointed or constituted under clauses 21, 22 and clause 26 may be utilised in the implementation of other schemes or programmes of the Central Government or the State Governments, as may be prescribed by the Central Government.

*Clause 52.*— This clause provides for *Force Majeure*. It provides that the Central Government, or as the case may be the State Governments, shall not be liable for any claim by persons belonging to the priority households or general households or other groups entitled under this Act for loss, damage, or compensation; whatsoever, arising out of failure of supply of foodgrains or meals when such failure of supply is due, either directly or indirectly, to *Force Majeure* conditions, such as, war, flood, drought, fire, cyclone, earthquake or any act of God.

Schedule I.—This Schedule specifies the subsidised prices at which foodgrains will be provided to priority and general households under Targeted Public Distribution System.

Schedule II.—This Schedule specifies the nutritional standards for meals to be provided under the proposed legislation to children and pregnant women and lactating mothers.

Schedule III.—This Schedule lists the objectives to be progressively realised by the Central Government, State Governments and local authorities for advancing food security.

## FINANCIAL MEMORANDUM

Item (iii) of sub-clause 2 of clause 2 provides that, the "central pool" shall consist of foodgrains kept as reserves for the schemes to be implemented for providing food security. At the rate of buffer carrying cost for 2011-12 and current buffer norms, the annual estimated carrying cost of a stock of five million tons of foodgrains will be about Rupees two thousand and sixty one crore, which will be borne by Central Government as recurring expenditure. This requirement may not cause any additional financial obligation as buffer stocks are already being maintained by the GOI for its ongoing Targeted Public Distribution System.

2. Sub-clause (1) of clause 3 provides that every person belonging to priority households and general households, shall be entitled to receive every month from the State Government, under the Targeted Public Distribution System, seven kilograms of foodgrains per person per month for priority households and not less than three kilograms of foodgrains per person per month for general households, at subsidised prices specified in Schedule I. Sub-clause (2) thereof provides that the entitlements at subsidised prices shall extend upto seventy five per cent. of the rural population and upto fifty per cent. of the urban population, provided, not less than forty-six per cent. of the rural and twenty-eight per cent. of the urban population shall be designated as priority households. The difference between the economic cost of the foodgrains and the prices specified in Schedule I, in respect of the proposed coverage and entitlement will be borne by the Central Government as food subsidy. At the above proposed coverage and entitlement, the economic cost for the year 2011-12 and the prices of foodgrains specified in Schedule, I, the total annual expenditure on food subsidy under TPDS is estimated at about Rupees seventy nine thousand eight hundred crore. The estimate of food subsidy is however dependent, among other things, upon economic cost, central issue price of foodgrains, number of beneficiaries covered and quantities of foodgrains allocated and lifted, and therefore subject to change with changes in any or all of the variable affecting food subsidy.

3. Sub-clause (a) of clause 4, clauses 5 and 6 provide for nutritional support to pregnant and lactating women and children below the age of fourteen. These benefits are currently being delivered through the Integrated Child Development Services and Mid Day Meal scheme, and these will continue to be implemented as per prescribed norms, including norms for cost sharing between Central and State Governments.

4. Sub-clause (b) of clause 4 provides that every pregnant woman and lactating mother shall be entitled to maternity benefit of rupees one thousand per month for a period of six months in accordance with a scheme, including cost sharing, as may be prescribed by the Central Government. Assuming a coverage of about 2.25 crore pregnant and lactating women, the expenditure for Central Government and States together would be around Rupees thirteen thousand five hundred crores. The actual annual expenditure will depend on the number of identified entitled beneficiaries and those actually availing the benefit. The expenditure will be shared between the Central and State Governments in accordance with a scheme to be prescribed by the Central Government.

5. Clause 8, 9 and clause 11 provide for supply of meals, free of cost or at affordable prices to destitute and homeless persons, emergency and disaster affected persons, and persons living in starvation. Expenditure to be incurred on supply of meals to these groups will be of a recurring nature and will depend upon number of persons identified, and will be shared between the Central and the State Governments, in accordance with schemes to be prescribed by the Central Government.

6. Clause 10 provides that the State Governments shall identify persons, households, groups, or communities, living in starvation or conditions akin to starvation, for which the expenditure shall be borne by State Governments.

7. Clause 13 provides that in case of non-supply of the entitled quantities of foodgrains or meal to entitled persons under Chapters II, III and IV of the proposed legislation, such persons shall be entitled to receive food security allowance from the concerned State Government, which shall be responsible for making payment of such food security allowance within such time and manner as may be prescribed by the Central Government. The State Government shall bear all expenses on food security allowance, which will be of a recurring nature.

8. Clause 15 provides that identification of priority households and general households shall be done by the State Governments or such other agency as may be decided by the Central Government, in accordance with the guidelines for identification prescribed by the Central Government. Cost of survey for identification of households will be borne by the Central Government and the State Governments in accordance with the guidelines referred to above.

9. Clause 16 provides that the list of the identified priority households and general households shall be placed by the State Governments in the public domain and displayed prominently, for which expenditure will be borne by State Government.

10. Sub-clause (1) of clause 18 provides that the Central and the State Governments shall endeavour to progressively undertake reforms in Targeted Public Distribution System.

11. Clause 20 provides that the Central Government and the State Governments shall put in place an internal grievance redressal mechanism which may include call centres, help lines, designation of nodal officers, or such other mechanism as may be prescribed by the respective Governments. Cost of setting up internal grievance redressal mechanism will be borne by respective Governments.

12. Clause 21 provides that for expeditious and effective redressal of grievances of the aggrieved persons in matters relating to distribution of entitled foodgrains or meals under Chapters II, III, and IV of the proposed legislation, a District Grievance Redressal Officer, with requisite staff, shall be appointed by the State Government for each District, to enforce these entitlements and investigate and redress grievances. The expenditure towards salary and allowances of District Grievance Redressal Officer and other staff, and such other expenditure as may be considered necessary for their proper functioning, which will be of recurring nature will be borne by State Governments.

13. Clause 22 provides that every State Government shall constitute a State Food Commission for the purpose of monitoring and review of implementation of the proposed legislation. Clause 23 provides that the State Government shall provide for salary and allowances of Chairperson, other Members, Member Secretary, support staff, and other administrative expenses required for proper functioning of the State Commission. Expenditure on State Food Commission will differ from State to State and will be of recurring nature.

14. Sub-clause (1) of clause 26 provides that the Central Government shall constitute a body known as the National Food Commission to perform the functions assigned to it under the proposed legislation. Clause 28 provides that the Central Government shall provide for the salary and allowances of Chairperson, other Members and Member Secretary and support staff and other administrative expenses, required for proper functioning of the National Commission. The annual expenditure for this would be known after constitution of the Commission and will be of recurring nature.

15. Sub-clause (4) of clause 30 provides that the Central Government shall provide foodgrains in respect of entitlements under clauses 4, 5, 6, 8, 9 and 11, to the State Governments, at prices specified for the persons belonging to priority households in Schedule I. The difference between the economic cost of foodgrains and the prices specified in Scheduled I, in respect of above schemes will be borne by the Central Government as food subsidy and will be of recurring nature. The estimated expenditure is however dependent upon economic cost, central issue price of foodgrains, number of beneficiaries covered and quantities of

foodgrains allocated and lifted, and therefore subject to change with changes in any or all of the variables.

16. Item (d) of sub-clause (5) of clause 30 provides that the Central Government shall create and maintain required modern and scientific storage facilities at various level, the expenditure on which will be of a non-recurring nature and be borne by the Central Government.

17. Clause 31 provides that in case of short supply of foodgrains from the central pool to a State, the Central Government shall provide funds to the extent of short supply to the State Government for meeting obligations under Chapters II, III and IV in such manner as may be prescribed by the Central Government.

18. Sub-clauses (2) of clause 32 provides that under the Targeted Public Distribution System, it shall be the duty of the State Government to take delivery of foodgrains from the designated depots of the Central Government in the State, at the prices specified in the Schedule I; organise intra-State allocations for delivery of the allocated foodgrains through their authorised agencies at the door-step of each fair price shop; and ensure actual delivery or supply of the foodgrains to the entitled persons at the prices specified in Schedule I. The cost of storage, transport and handling of foodgrains till it is finally delivered to the beneficiary will be borne by State Governments.

19. Item (a) of sub-clause (6) of clause 32 provides that the State Government shall create and maintain scientific storage facilities at the State, District, and Block levels, being sufficient to accommodate foodgrains required under the Targeted Public Distribution System and other food based welfare schemes. Expenditure on creation and maintenance of storage facilities will be of a non-recurring nature and will be borne by State Governments.

20. Sub-clause (2) of clause 33 and clause 34 provide that State Governments may, by notification, assign additional responsibilities to local authorities in implementing Targeted Public Distribution System or other schemes of Central or State Government prepared to implement provisions of the proposed legislation . Expenditure on strengthening of local authorities, required if any, will be borne by the State Governments.

21. Sub-clause (1) of clause 36 provides that every local authority, or any other authority or body, as may be authorised by the State Government, shall conduct or cause to be conducted, periodic social audits on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes, and cause to publicise its findings and take necessary action, in such manner as may be prescribed by the State Government. Expenditure on such social audits will be borne by the State Governments. Sub-clause (2) thereof provides that the Central Government may, if it considers necessary, conduct or cause to be conducted social audit through independent agencies having experience in conduct of such audits, expenditure for which will be borne by the Central Government.

22. Clause 37 provides for setting up of Vigilance Committees at various levels by the State Government for ensuring transparency and proper function of the Targeted Public Distribution System. Expenditure on Vigilance Committees will be borne by State Governments and will be of a recurring nature.

23. Clause 38 provides that the Central Government, the State Governments and local authorities shall, for the purpose of advancing food and nutritional security, strive to progressively realise the objectives specified in Schedule III. Necessary efforts for realising these objectives will be required to be taken by both the Central and the State Governments in their respective areas and they will also be expected to bear the corresponding expenditure.

24. Clause 39 provides that the provisions of the proposed legislation shall not preclude the Central Government or the State Governments from continuing or formulating other food based welfare scheme. Expenditure for such schemes will be borne by respective Governments, in accordance with provisions of schemes.

25. The Central Government will bear the expenditure in relation to implementation of the proposed legislation in so far as the Union territories are concerned.

26. Apart from the estimates given above, the expenditure which will be involved in implementing the proposed legislation will also include expenditure to be met out of budgets of other Ministries or Departments in order to operationalise the provisions of the proposed legislation, besides strengthening of the organisational structure for proper implementation. It is not practicable to make an estimate of such recurring and non-recurring expenditure at this stage.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 46 of the Bill empowers the Central Government to make, by notification in the Official Gazette, and subject to the condition of previous publication, rules for carrying out the provisions of the proposed legislation. Sub-clause (2) specifies the matters in respect of which such rules may be made. These matters, *inter alia*, include matters: (a) reforms in the Public Distribution System and the date from which entitlement of general population will be linked to such reforms under sub-clause (3) of clause 3; (b) guidelines for providing wheat flour in lieu of entitled quantity of foodgrains under sub-clause (4) of clause 3; (c) scheme including cost sharing for providing maternity benefit to pregnant women and lactating mothers under sub-clause (b) of clause 4; (d) schemes covering entitlements under clause 4, 5 and 6 including cost sharing under clause 7; (e) scheme including cost sharing for destitute and homeless persons under clause 8; (f) scheme including cost sharing for emergency and disaster affected persons under clause 9; (g) scheme including cost sharing for persons living in starvation under sub-clause (a) of clause 11; (h) the amount, time and manner of payment of food security allowance to entitled persons under clause 13; (i) guidelines for identification of priority and general households, including exclusion criteria for the purpose of their entitlement under sub-clause (1) of clause 15; (j) manner in which the list of priority and general households shall be updated under clause 17; (k) internal grievance redressal mechanism under clause 20; (l) qualifications for appointment as District Grievance Redressal Officer and its powers under sub-clause (2) of clause 21; (m) manner and time limit for hearing complaints by the District Grievance Redressal Officer and the filing of appeals under sub-clause (5) and (7) of clause 21; (n) method of appointment and the terms and conditions of appointment of Chairperson, other Members and Member Secretary of the National Commission, its powers, and procedure of meetings of the Commission, under sub-clause (6) of clause 26; (o) method of appointment of staff of the National Commission, their salary, allowances and conditions of service under sub-clause (9) of clause 26; (p) the manner in which funds shall be provided by the Central Government to the State Governments in case of short supply of foodgrains, under clause 31; (q) schemes or programmes of the Central government or the State Governments for utilisation of institutional mechanism under clause 50; (r) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the Central Government by rules.

2. The rules made by the Central Government are required to be laid, as soon as they are made, before each House of Parliament.

3. Clause 47 of the Bill empowers the State Government to make, by notification in the Official Gazette, and subject to the condition of previous publication and consistent with this Act and the rules made by the Central Government, rules for carrying out the provisions of the proposed legislation. Sub clause (2) specifies the matters in respect of which such rules may be made. These matters, *inter alia*, include: (a) internal grievance redressal mechanism under clause 20; (b) method and terms and conditions of appointment of the District Grievance Redressal Officer under sub-clause (3) of clause 21; (c) method of appointment and the terms and conditions of appointment of Chairperson, other Members and Member Secretary of the State Commission, procedure for meetings of the Commission and its powers, under sub-clause (5) of clause 22; (d) method of appointment of staff of the State Commission, their salaries, allowances and conditions of service under sub-clause (8) of clause 22; (e) manner in which the Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to public under clause 35; (f) manner in which the social audit on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes shall be conducted under clause 36; (g) details of constitution of vigilance committees under sub-clause (1) of clause 37; (h) any

other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the State Government by rules.

4. The rules made by the State Government are required to be laid, as soon as may be after it is made, before the State Legislature.

5. The matters in respect of which rules may be made are generally matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative powers is, therefore, of a normal character.

LOK SABHA

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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 and for matters connected therewith or incidental thereto.

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*(Shri K.V. Thomas, Minister for Consumer Affairs, Food and Public Distribution.)*