

AS INTRODUCED IN LOK SABHA

**Bill No. 102 of 2020**

THE REDUCTION OF FOOD WASTAGE AND REDISTRIBUTION  
OF EXCESS FOOD BILL, 2020

By

SHRI SYED IMTIAZ JALEEL, M.P.

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**BILL**

*to provide for a legal framework for reduction of food wastage and redistribution of excess food and for matters connected therewith or incidental thereto.*

WHEREAS food is essential for life and its equitable distribution is critical for the well-being of all sections of the society:

AND WHEREAS despite India ranking second amongst all countries in terms of agricultural production, foodgrains worth rupees two hundred and forty-four crores go waste each day in the country:

AND WHEREAS nearly 19.4 crore people sleep on an empty stomach every day, 4500 children die of malnutrition every day in India and India has been ranked at 102 position out of 117 countries in the Global Hunger Index, 2019;

AND WHEREAS food wastage results in pollution, widespread hunger, diseases arising out of improper disposal of food waste and malnutrition have detrimental consequences for quality of life and the economy;

AND WHEREAS article 47 of the Constitution requires the State to raise the level of nutrition of its people and improve public health;

AND WHEREAS the Hon'ble Supreme Court of India has recognised that the Right to Life enshrined in article 21 of the Constitution includes the Right to Food;

NOW THEREFORE it is essential to provide for a legal frame work for the reduction of food wastage and to ensure redistribution of excess food.

BE it enacted by Parliament in the Seventy-first year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

**1.** (1) This Act may be called the Reduction of Food Wastage and Redistribution of Excess Food Bill, 2020.

(2) It extends to the whole of India.

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(3) It shall come into force on such date, not being later than sixty days from the date of assent of the President, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires:—

(a) "caterer" means any person who provides services of cooking and serving food at any event (including but not limited to weddings, receptions, conferences and birthdays) on payment basis;

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(b) "eatery" means an establishment that serves food in their premises, including but not limited to hotels and restaurants;

(c) "empanelled organisation" means an organisation engaged in collecting extra food from establishments and redistributing it to persons in need, and is enumerated by the municipal body for the purposes of this Act;

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(d) "municipal body" means an institution of local self-Government constituted under article 243Q of the Constitution excluding the Nagar Panchayats;

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(e) "prescribed" means prescribed by rules made under this Act; and

(f) "super market" means any undertaking, whether public or private, operating for profit and carrying out activities relating to storage, distribution and sale of food or food ingredients.

Role of Central  
Government.

**3.** (1) The Central Government shall, in consultation with the associations of restaurateurs, associations of caterers, civil society organisations working in the area of food redistribution and such other stakeholders as it may deem fit, issue regulations for reduction of food wastage in eateries and events and redistribution of excess food by empanelled organisations.

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(2) The regulations under sub-section (1) shall provide for—

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(a) a mechanism for periodic inspections by eateries, caterers and empanelled organisations to ensure that the regulations are being complied with by them;

(b) monetary or other penalties on eateries, caterers and empanelled organisations in case of contravention of the regulations; and

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(c) incentives to eateries, caterers and empanelled organisation for exceptional performance.

5 **(3) The Central Government shall provide adequate financial and technical assistance to each State Government and municipal body so as to enable them to discharge their duties in an efficient manner under this Act.**

4. (1) The State Government may, in consultation with the Central Government keeping in view the context of its food industry and its social, political and economic conditions, make amendments to the regulations issued by the Central Government under sub-section (1) of section 3 for carrying out the purposes of this Act.

Role of State Governments.

10 (2) Every State Government shall, for the purposes of sub-section (1),—

(a) notify the quantity of food that eateries may serve per customer in consultation with the associations of restaurateurs and such other stakeholders as it may deem fit in such manner as may be prescribed;

15 **(b) encourage businesses through regulations to create cyclical manufacturing processes to reduce, reuse and recycle their food waste;**

(c) ensure provision of intellectual, administrative and implementation leadership in relation to food wastage reduction and food redistribution in such manner as may be prescribed;

20 **(d) launch mass awareness campaigns and create capacity building programs in relation to food wastage reduction and food redistribution in such manner as may be prescribed; and**

**(e) provide periodic skill training to all persons involved in the implementation of this Act in such manner as may be prescribed.**

25 **5. (1) The municipal bodies shall enumerate and create a network of empanelled organisations working in the area of food re-distribution for the purpose of collecting extra food from eateries and events and donate it to persons in need in such manner as may be prescribed.**

Role of Municipal Bodies.

(2) The municipal bodies shall, for the purposes of sub-section (1),—

30 (a) formulate operating procedure including logistical support in the form of carriage vehicles to carry out collection of extra food from eateries and events and donate it to the persons in need;

35 **(b) in association with schools, colleges, organisations and businesses in a fair and non-discriminatory manner sensitise and create awareness against food wastage through distribution of pamphlets, organisation of rallies, prabhat pheris, putting up of posters in eateries and by such other method as it may deem appropriate;**

**(c) provide community refrigerators or encourage such other methods as would reduce food wastage and ensure redistribution of extra food; and**

40 (d) formulate operating procedure to carry out collection of food items, which are close to expiry date, from supermarkets to enable their distribution by empanelled organizations to the persons in need.

45 **6. (1) It shall be the responsibility of every eatery, caterer and supermarket to have mandatory institutional arrangement with any one or more of the empanelled organisations for collection and redistribution of extra food served at the eatery or an event serviced by the caterer, respectively in such manner as may be prescribed.**

Role of eateries, supermarkets and caterers.

(2) Every eatery is hereby prohibited from disposing off extra food that has not become stale and to donate such food to empanelled organisation.

(3) Every eatery, supermarket and caterer, as the case may be, shall mandatorily report, on a biannual basis, details of the level of food wastage each day in the eatery per month across supply chain of supermarket and in each event organised by a caterer and the progress they have made in donating extra food or food provisions to empanelled organisations, or municipal body.

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Duties of empanelled organisations.

7. Every empanelled organisation shall collect extra food or food provisions from eateries, supermarkets and caterers and redistribute it to the persons in need in a prompt manner before the food or food provisions become stale on a fair and non-discriminatory basis in such manner as may be prescribed.

Central Government to provide adequate funds.

**8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the empanelled organisation, from time to time, for carrying out the purposes of this Act.**

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Power to remove difficulties.

9. 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 it appears to be necessary or expedient for removing the difficulty:

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Provided that no such order shall be made after the expiry of the period of three years from the date of commencement of this Act.

Act to have overriding effect.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

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Power to make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

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

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## STATEMENT OF OBJECTS AND REASONS

Food is essential for life and health and its equitable distribution is critical for well-being of all sections of the society. Despite India ranking second amongst all countries in terms of agricultural production, foodgrains worth rupees two hundred and forty four crores go waste each day in the country. Nearly 19.4 crore people sleep on an empty stomach every day, while 4500 children die of malnutrition every day in India, and India has been ranked at 102 out of 117 countries in the Global Hunger Index, 2019.

Food wastage results in pollution, widespread hunger, diseases arising out of improper disposal of food waste and malnutrition have detrimental consequences for quality of life and the economy.

Article 47 of the Constitution requires the State to raise the level of nutrition of its people and improve public health. The Hon'ble Supreme Court of India has recognised that the Right to Life enshrined in article 21 of the Constitution includes the right to food. Therefore, it is essential to provide for a legal framework for the reduction of food wastage and to ensure redistribution of excess food.

The Bill, therefore, seeks to:

(i) empower Central Government to issue regulations for reduction of food wastage in eateries and events, redistribution of excess food by empanelled organisations, mechanism for periodic inspections and penalties for contravention of the regulations and incentives for exceptional performance;

(ii) empower State Governments to make amendments to the regulations issued by the Central Government in the context of the conditions of the State including notifying the sizes of food portions that eateries may serve per customer, regulations for businesses to create cyclical manufacturing processes to reduce, reuse, and recycle their food waste, provide intellectual, administrative and implementational leadership, undertake mass awareness campaigns and capacity building programs and to ensure periodic training and upskilling of personnel;

(iii) obligate the municipal bodies to enumerate and create a network of empanelled organisations to collect extra food from eateries and events and donate it to persons in need; formulate operating procedure for collection and redistribution of extra food; provide logistical support in the form of carriage vehicles. etc.; sensitise and create awareness against food wastage, consider setting up other methods to reduce food wastage and redistribution of extra food, to formulate operating procedure to carry out collection of food provisions from supermarkets to enable its distribution by empanelled organisations;

(iv) obligate eateries and caterers to have mandatory institutional arrangement with empanelled organisations for collection and redistribution of extra food, prohibit them from disposing off extra food and donate the same and mandatorily report details of the level of food waste and the progress they have made in donating extra food or food provisions to empanelled organisation; and

(v) enable empanelled organisations to collect extra food or food provisions from eateries, supermarkets and caterers in a prompt manner before the food or food provisions become stale and redistribute the same to persons in need on a fair and non-discriminatory basis.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
February 28, 2020

SYED IMTIAZ JALEEL

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall provide adequate financial and technical assistance to State Governments and municipal bodies to discharge their duties under this Act. Clause 4 provides that the State Governments shall provide intellectual, administrative and implementational leadership, undertake mass awareness campaigns and capacity building programs and conduct periodic training and upskilling of all personnel. Clause 5 provides that municipal bodies shall sensitise and create awareness against food wastage and provision of community refrigerators or such other methods to reduce food wastage and redistribution of extra food. Clause 8 provides that the Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the empanelled organisation, from time to time, for carrying out the purposes of this Act. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one thousand crore per annum would involve from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

## MEMORANDUM OF DELEGATED LEGISLATION

Clause 3 of the Bill empowers the Central Government to make regulations for reduction of food wastage in eateries and events, redistribution of excess food by empanelled organisations, periodic inspections to ensure that the stipulations of the regulations are being complied with, and provide for penalties for violation of the regulations. Clause 4 empowers State Governments to make amendments to the regulations issued by the Central Government, in relation to the context of food industry and social political and economic conditions of the State, notify the sizes of food portions that eateries may serve per customer, and issue regulations for cyclical manufacturing processes to reduce, reuse, and recycle food waste, and turning food waste into compost. Clause 5 empowers municipal bodies to formulate operating procedure to carry out collection of extra food from eateries and events and donate it to persons in need and to carry out collection of food provisions which are close to expiry date from supermarkets and grocery stores to enable its distribution by empanelled organisation. Clause 11 empowers the Central Government to make rules for carrying out the purposes of the Bill. As the regulations, operating procedure and rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

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