

AS INTRODUCED IN LOK SABHA

Bill No. 48 of 2019

THE TRIBAL CHILDREN AND LACTATING WOMEN IN
JHARKHAND AND OTHER STATES (REMOVAL OF
HUNGER, MALNUTRITION AND PREVENTION OF
STARVATION DEATHS) BILL, 2019

By

SHRI NISHIKANT DUBEY, M.P.

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BILL

to provide for the removal of hunger and malnutrition and for the prevention of starvation deaths of tribal children including adolescent and young girls and pregnant and lactating women in tribal areas of the country particularly in the State of Jharkhand through a nodal agency at the National and State levels, by formulating a National policy for the purpose and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tribal Children and Lactating Women in Jharkhand and other States (Removal of Hunger, Malnutrition and Prevention of Starvation Deaths) Act, 2019.

Short title and
commencement.

5 (2) It shall come into force with immediate effect.

Definitions.

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

(a) "adolescent girl" means a female human being who has attained puberty and is below the age of eighteen years;

(b) "appropriate Government" means in the case of a State, the Government of that State and in other cases the Central Government;

(c) "girl child" means a female human being who is below the age of twelve years;

(d) "Nodal Agency" means the Nodal Agency constituted under section 4 for the purposes of this Act;

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

National
Policy for the
removal of
hunger,
malnutrition
and prevention
of starvation
deaths of tribal
children and
lactating
mothers.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government shall, as soon as may be, but not later than one year of the commencement of this Act, formulate and publish in the Official Gazette, a National Policy for the overall protection and removal of hunger, malnutrition and prevention of starvation deaths of tribal children and pregnant and lactating tribal women particularly in the tribal areas of Jharkhand State and shall take appropriate measures for the uniform implementation of such Policy.

(2) In particular and without prejudice to the generality of the provisions contained in sub-section (1), the National Policy may include provision for,—

(a) conducting surveys, from time to time of the tribal children, pregnant women and lactating mothers in the tribal areas of Jharkhand State and other parts of the country who are malnourished, anaemic and underweight and maintaining district-wise data thereof in such manner and with such particulars as may be prescribed;

(b) conducting periodic medical examination of every child including girl child and adolescent girls, pregnant as well as lactating mothers covered under this Act and for taking such remedial measures as may be recommended by dieticians and medical authorities;

(c) making it mandatory for the appropriate Government to ensure as well as provide at least two healthy meals per day, milk, seasonal fruits, folic acid and multi-vitamin tablets to every malnourished or anaemic and underweight children, girl child, pregnant and lactating women covered under this Act;

(d) providing medical care to the children and women covered under this Act and providing sanitary napkins and proper dresses to adolescent and grown up girls covered under this Act by the appropriate Government in such manner as may be prescribed.

Constitution of
a Nodal
Agency.

4. (1) The Central Government shall, by notification in the Official Gazette, constitute a Nodal Agency consisting of a Chairperson, such number of members representing various fields, such number of officers and staff as may be prescribed, for the purpose of this Act.

(2) The salary and allowances payable to and other terms and conditions of service of the Chairperson, members, officers and staff of the Nodal Agency and procedure to be followed by the Nodal Agency in discharging its functions shall be such as may be prescribed.

(3) The Nodal Agency shall,—

(a) classify tribal areas in each State as high, medium or low burden area with regard to malnutrition, anaemia, hunger, starvation deaths and such other issues as may be prescribed;

(b) identify malnutrition, anaemia, hunger eradication targets and suggest measures to overcome the problem of malnutrition, anaemia, hunger cases in tribal areas of every State in a time bound manner; and

(c) recommend to the Central Government and State Governments having tribal areas within their territorial jurisdiction with regard to the implementation of this Act and framing of rules and regulations as it may consider necessary.

5 **5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds, from time to time, to the States and Union territories for carrying out the purposes of this Act.**

Central Government to provide requisite funds.

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

Act to have overriding effect.

7. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force dealing with the subject matter of this Act.

Act to supplement other laws.

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

Power to make rules.

(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.

STATEMENT OF OBJECTS AND REASONS

Our vast Nation, the second most populous in the globe after China has, unfortunately, the highest number of malnourished and anaemic children including girl child, adolescent girls, women including pregnant and lactating mothers. The problem is more acute in the tribal areas of our country.

In Jharkhand alone, every monsoon over 40,000 children slip into malnutrition in tribal dominated Santhal Pargana. Due to persistent hunger, anaemia amongst the girl child, adolescent girls, pregnant women and lactating mothers is prevalent not only in Santhal Pargana but also in almost all the tribal areas of the country. Starvation deaths, though generally denied by the Government authorities, are also reported from time to time not only in tribal areas of Jharkhand but also from other States too.

On record there are at least 15 schemes to augment the nutrition of children and mothers in Santhal Pargana but on ground, due to lack of funds for these schemes, the road out of hunger is paved with failures. The Union Ministry of Women and Child Development implements Integrated Child Development Services (ICDS) Scheme to control malnourishment through Anganwadis but it hardly reaches in tribal areas.

Hence, it is high time to pay more and concerted attention for the removal of hunger, malnutrition, anaemia amongst the children, girl child including adolescent girls, pregnant and lactating women in tribal areas of Jharkhand and other parts of the country so as to prevent starvation deaths in such areas.

Hence this Bill.

NEW DELHI;
June 4, 2019.

NISHIKANT DUBEY

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for constitution of a Nodal Agency to identify areas affected with malnutrition, anaemia, hunger, starvation deaths and suggest measures to overcome the problems in tribal areas.

Clause 5 of the Bill makes it mandatory for the Central Government to provide requisite funds for carrying out the purposes of this Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is not possible to quantify the expenditure at this stage but it is estimated that a sum of rupees one lakh crore will involve as recurring expenditure per annum.

A non-recurring expenditure of rupees fifty crore may also involve for creating assets for implementation of the provisions of this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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(Shri Nishikant Dubey, M.P.)