

Bill No. 50 of 2020

THE COMPULSORY DONATION OF SURPLUS FOOD BILL, 2020

By

SHRI FEROZE VARUN GANDHI, M.P.

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to provide for compulsory donation of surplus food packets by super markets, promotion for reduction of food wastage and creation of an institutional mechanism for monitoring and implementing the process and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Compulsory Donation of Surplus Food Act, 2020.
- (2) It extends to the whole of India.
- 5 (3) It shall come into force on such date as the Central Government may, by notification, in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

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

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

(b) "best before" means the date printed on the lable of packed food materials or ingredients by which it may be consumed;

(c) "Office" means the Office of Food Waste Reduction constituted under section 5;

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

(e) "recipient" means any individual, charitable institution, food bank, orphanage and such other institutions under the contract with super markets;

(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 and having an annual turnover of rupees ten crore;

(g) "surplus food" means food packets that are approaching the best-before dates but remain unsold at the super markets; and

(h) "unsafe food" means the food packets whose best-before date is over and are not safe and suitable for consumption.

Donation of surplus food by supermarkets.

3. (1) Every person-in-charge of super market shall *suo moto* sign contract with the nearest recipient within six months of the commencement of this Act to donate surplus food which is consumable and not unsafe food.

(2) No super market shall transport the unsold food to landfills.

(3) If any super market does not donate the surplus food to recipient or donate unsafe food for consumption, such super market shall be liable to be proceeded against and subject to fine under sub-section (4).

(4) Every super market shall be liable to pay a fine of—

(a) rupees one lakh for not donating the surplus food to the recipient; and

(b) rupees fifty thousand for donation of inconsumable or unsafe food.

Disclosure of data on food waste reduction by super markets.

4. (1) Every super market shall submit an annual report containing details of quantities of food reduction and amount of surplus food donated, amount of food wasted and the progress made towards the target set up by the Central Government in such manner as may be prescribed.

(2) The report under sub-section (1) shall contain the details of the contract with the recipient and amount of food donated by the supermarket.

Constitution of an Office of food waste reduction.

5. (1) **The Central Government shall, by notification in the Official Gazette, constitute an Office to be known as the Office for Food Waste Reduction under the Union Ministry of Consumer Affairs, Food and Public Distribution for carrying out the purposes of this Act.**

(2) The Office constituted under sub-section (1) shall consist of a Chairperson and six other members, having experience of not less than ten years in the relevant field, representing the Union Ministries of Consumer Affairs, Food and Public Distribution, Health and Family Welfare, Commerce and Industry, Agriculture and Farmer's Welfare and Social Justice and Empowerment to be nominated by the Central Government in such manner as may be prescribed.

(3) The Chairperson and every member of the office shall hold office for a term of three years from the date on which they assume office and shall be eligible for re-appointment:

Provided that the Chairperson or any member shall not be eligible to hold office for more than two terms.

5 (4) The Chairperson or a member may resign from his office, by tendering his resignation in writing to the Central Government, with a prior notice of not less than six months.

(5) The Salary and allowances payable to, and the other terms and conditions of service of the Chairperson and other members of the Office shall be such as may be prescribed.

6. The Office shall,—

Functions of
the Office.

10 (a) set up targets to reduce food wastage by the year 2030;

(b) set up State and District level monitoring system in coordination with local Governments;

15 **(c) maintain statistics related to food waste and documenting progress towards the national food waste reduction goal set by the Office and submit a annual report to the Central Government to present it to the each Houses of Parliament;**

(d) conduct periodic inspection of the recipient for effective functioning of the Act, in such manner as may be prescribed;

20 **(e) promote research and implement new programmes in food waste reduction, identify and recommend ways to amend existing programmes to better support food waste reduction and identify ineffective regulations or redundancies that hinder food recovery efforts and harm businesses;**

(f) act as a liaison office between the appropriate Government and food industry to help break down barriers to food donation and assist companies in understanding and accessing tax incentives and other supports for donations;

25 **(g) provide support for research, grants, education and other policies that aim to prevent food waste;**

30 **(h) authorize an officer of the appropriate Government, if there is any reason to believe that any provision of this Act has been or is being violated, to enter and search such place and take action against the persons involved in unlawful activities according to the provisions of this Act; and**

(i) take such other action to ensure proper implementation of the provisions of this Act including any breach of the rules made therewith.

35 **7. (1) The Central Government, shall by notification in the Official Gazette, constitute an External Advisory Council representing a diverse array of perspectives from the private sector, non-profit organizations, business and food recovery organizations of a varying sizes to provide inputs to the Central Government in setting up of targets, creating awareness programmes to the private and other organisations about food waste reduction and making rules to implement the targets set.**

Constitution
of External
Advisory
Council.

40 **(2) The External Advisory Council constituted under sub-section (1) shall consist of six members having at least ten years of experience in the relevant field from the organisations engaged in creating awareness programme for reduction in food waste reduction and related areas and a co-ordinator to be appointed by the Central Government in such manner as may be prescribed.**

45 **(3) Every member appointed under sub-section (2) shall hold an office for a period of three years.**

(4) The salary and allowances payable to, and the other terms and conditions of service of the members and the co-ordinator shall be such 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 Office and the External advisory Council, from time to time, for carrying out the purposes of this Act;

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9. (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 by the Central Government 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

In a country like India, where our nutrition and malnourishments levels are high, a step towards food waste reduction is the need of hour. Around sixty-seven million tonnes of food is waste in India every year and a significant share comes from the supply chain of supermarkets, manufacturers etc. India ranks thirty-third among the sixty-seven countries in Food Sustainability Index. It has also been found that the performance is poor in regard to prevent food loss and waste.

Food waste, or unused, edible food, is a global issue. Each year, 1.3 billion metric tons, or one-third of all the food produced, is thrown away, according to the United Nations' Food and Agriculture Organization. Recovering just twenty five percent of that wasted food could feed eight hundred seventy million hungry people—effectively ending world hunger. We need to encourage food waste reduction, encourage individuals, businesses and public bodies to reduce the amount of food they waste and able to give out millions more free meals each year to people struggling to afford to eat.

The Bill, therefore, seeks to make it illegal for supermarkets to throw away edible food. The big shops will no longer be able throw away good quality food approaching its best-before date in bins. Such a step will also reduce their food waste by entering into formal agreements with food redistribution organizations and other needed recipients. It also requires large supermarkets and food manufacturers to disclose levels of food waste in their supply chain.

Hence this Bill.

NEW DELHI;
January 16, 2020.

FEROZE VARUN GANDHI

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the constitution of an Office for Food Waste Reduction under the Union Ministry of Consumer Affairs, Food and Public Distribution for carrying out the purposes of this Act. It also provides for the payment of salary and allowances to the Chairperson and six other members of the office. Clause 6 provides for setting up of State and District level monitoring system in coordination with local Governments, maintaining statistics related to food waste and documenting progress towards the national food waste reduction goal set by the Office, etc. Clause 7 provides for constitution of an External Advisory Council representing a diverse array of perspectives from the private sector, non-profit organisations, business and food recovery organisations of a varying sizes to provide inputs to the Central Government in setting up of targets, creating awareness programs to the private and other organisations about food waste reduction and making rules to implement the targets set. Clause 8 provides for the Central Government to provide adequate funds Office and the External advisory Council from time to time, for carrying out the purposes of this Act. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM OF DELAGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules and regulations will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

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