

Bill No. LV of 2018

THE COMPULSORY FOOD WASTE REDUCTION
BILL, 2018

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to constitute a Committee for Food Waste Reduction which shall publish a Food Waste Reduction Strategy for the purposes of reducing food wastage and making it mandatory for supermarkets and food manufacturers to donate food and beverage products and for matters connected therewith or incidental thereto.

WHEREAS under article 47 of the Constitution of India it is the duty of the State to raise the level of nutrition and the standard of living and to improve public health.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Compulsory Food Waste Reduction Act, 2018.

5 (2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

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

10 (a) "Committee" means the Committee for Food Waste Reduction constituted under section 3;

Short title,
extent and
commencement.

Definitions.

(b) "food manufacturer" means a person engaged in the business of manufacturing any article of food for sale and includes any person who obtains such article from another person and packs and labels it for sale or only labels it for such purposes;

(c) "food redistribution organization" means a company registered under Section 8 of the Companies Act, 2013 and whose primary function is the redistribution of food and beverage products to vulnerable people; 5

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

(e) "supermarkets" means any premises where goods are sold, either by retail or wholesale, and includes an office, a store room, godown, warehouse or workhouse or work place for distribution or packaging or repackaging of finished goods is carried out, and where at least thirty per cent. of the products sold are food and beverage products, and which has an annual revenue of at least one hundred crore rupees. 10

(f) "unsold in-date food" means food and beverage products, which have a shelf life of at least one month, and which are seven days away from their date of expiration.

CHAPTER II 15

COMMITTEE FOR FOOD WASTE REDUCTION

Constitution of a Committee for Food waste Reduction.

3. The Central Government shall, by notification in the Official Gazette, constitute a "Committee for Food Waste Reduction", within six months of this Act coming into force.

Composition of the Committee.

4. (1) The Committee shall consist of:—

(a) a Chairperson to be appointed by the Central Government from amongst persons who shall:— 20

(i) have a thorough understanding and expertise of food waste management policies in India; and

(ii) be a scholar of repute with advanced publications in the field of food waste management and such related fields; 25

(b) six, who shall be appointed by the central government, out of whom:—

(i) two members shall have prior experience of working closely with food manufacturers and a thorough understanding of their functioning in relation to food waste management;

(ii) two members who shall have prior experience of working closely with supermarkets and a thorough understanding of their functioning in relation to food waste management; and 30

(iii) two members, who shall have a prior experience of working closely with food redistribution organizations and thorough understanding of their functioning in relation to food waste management. 35

Terms of office and conditions of service of Chairperson and Members.

5. (1) The Chairperson and every member of the Committee shall hold office for a term of two 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 allowed to hold office after two terms. 40

(2) Notwithstanding anything contained in sub-section 1, the Chairperson or a member may give up their position, by giving in writing to the Central Government, a notice of not less than six months.

(3) The salary and allowances payable to, and the other terms and conditions of service of the Chairperson and other members shall be such as may be prescribed by the Central Government.

CHAPTER III

5 FUNCTIONS OF THE COMMITTEE FOR FOOD WASTE REDUCTION

6. (1) The Committee for Food Waste Reduction shall publish a "Food Waste Reduction Strategy", within six months of its establishment. Function of the Committee.

(2) The Committee shall, in the Food Waste Reduction Strategy under section 3, after appropriate consultation:—

10 (a) set a target to halve food wastage in India by 2025;

(b) require supermarkets and food manufacturers to:—

(i) reduce their food waste across their supply chains by thirty per cent by 2025, from a 2016 baseline;

15 (ii) make proposals for achieving a reduction of food waste by fifty percent by 2030, from a 2016 baseline; and

(iii) enter into formal agreements with one or more food redistribution organizations within three months for the purpose of donating unsold in-date food to such organizations;

20 (c) make a list of key indicators by which the objectives under clauses (a) and (b) will be measured; and

(d) include incentive for individuals, public sector bodies and private sector corporations to encourage the observance of food waste reduction.

7. The Committee shall, in discharging their duties under section 6, consult relevant bodies and organizations, including, but not limited to:— Consultation by the Committee.

25 (a) supermarkets;

(b) food manufacturers;

(c) food redistribution organizations.

8. (1) The Committee shall also conduct periodic inspections, within such times as may be prescribed by the Central Government, of food manufacturers, supermarkets and food redistribution organizations to ensure their compliance with the provisions of this Act. Inspections by the Committee.

(2) If, during the course of the inspection, the Committee finds that the food manufacturer, supermarket or a food redistribution organization has not complied with any of the provisions of this Act, it shall take such action as may be prescribed by the Central Government.

35 CHAPTER IV

DISCLOSURE OF LEVELS OF FOOD WASTE

9. The supermarkets and food manufacturers shall be required to —

40 (a) New liver submit a report to the Committee, within such times as prescribed by the Central Government, containing details of the level of food waste across their supply chains and the progress they have made in achieving the targets set under section 6; and Disclosure of levels of food waste.

(b) disclose details of their formal agreements with food redistribution organizations in the reports, including, but not limited to:—

45 (i) the number of food redistribution organizations they have entered into formal agreements with;

(ii) the amount of food that has been donated to food redistribution organizations;

(iii) the frequency with which the donations are made; and

(iv) the number of people that have benefitted from the aforementioned donations. 5

(2) The Committee shall submit the reports received under sub-section (1) to the Central Government, who shall cause all such reports to be laid before both House of Parliament.

CHAPTER V

MISCELLANEOUS 10

Annual Report.

10. (1) The Central Government shall during every financial year, prepare, in such form and at such time as may be prescribed, an annual report titled "Food Waste Reduction Strategy Report; and the annual report shall be laid before each House of Parliament.

(2) The report shall include, among other things:—

(a) the steps that have been taken by the Committee to achieve the targets set under section 6; 15

(b) an assessment of whether the Committee shall achieve the targets set under section 6, and, if not, the steps the Central Government has taken, or plans to take, in this regard.

Central Government to provide adequate funds to the Committee.

11. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Committee from time to time, for carrying out the purposes of this Act. 20

Power to make Rule.

12. (1) Subject to the other provisions of this Act, the Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) Every rule made under this section shall, as soon as may be after it is made, be laid before each House of Parliament. 25

Power to remove difficulty.

13. (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. 30

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

Act not in derogation of any other law.

14. The provisions of this Act or the rules made there under shall be in addition and not in derogation of any other legislation, rules, order or instructions which provides for reduction of food waste, donation to food redistribution organisations or any act which gives effect to Article 47 of the Constitution of India and all connected matters. 35

STATEMENT OF OBJECTS AND REASONS

Under article 47 of the Constitution of India, it is the duty of the State to raise the level of nutrition and the standard of living and to improve public health. The article says that the State shall regard the raising of the level of nutrition and the standard of living of its' people and the improvement of public health as among its primary duties.

Despite this provision, it is extremely disturbing to note that India is ranked 103 out of 119 countries in the recently released Global Hunger Index 2018, with hunger levels in the country being characterized as serious. The report further states that at least one in five children in India are wasted, which means they have extremely low weight for their height, reflecting acute under-nutrition. According to the World Economic Forum, India is one of the most undernourished countries in the world, with around one-third of the world's children who are undernourished children live in India. Overall, around 190.7 million people are undernourished in India, which represents 14.5% of the Indian population.

Even after such a dire and serious situation,. the United Nations estimated that nearly 40% of the food produced in India is either wasted or lost. Food wastage is happening at every level, from harvesting to consumption. The aim of this bill is to reduce wastage after food and beverage items have been processed and packaged. By committing the Government to reduce food wastage by 30 per cent by 2025 and enlisting the support of food manufacturers, supermarkets and food redistribution organizations for achieving this objective, it is expected that the levels of malnourishment and food wastage in India will reduce drastically.

Hence, this Bill.

DR. VIKAS MAHATME

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Committee for Food Waste Reduction. Clause 5 provides for composition of the Committee. Clause 6 provides for the payment of salary and allowances to the Chairperson and six other members of the Committee. Clause 8 provides for the Committee to conduct periodic inspections of food manufacturers, supermarkets and food redistribution organizations. Clause 11 provides that the Central Government shall grant Funds to the Committee. The Bill, therefore, if enacted is likely to involve expenditure out of the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees fifty crore would be involved per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Clause 5 empowers the Central Government to make regulations for salary and allowances payable and other terms and conditions of the Chairperson and other members of the Committee. Clause 8 empowers the Central Government to make appropriate penalties to be imposed on food manufacturers, supermarkets or food redistribution organizations. As the rules and regulations will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

RAJYA SABHA

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(Dr. Vikas Mahatme, M.P.)