

AS INTRODUCED IN THE RAJYA SABHA
ON 18TH DECEMBER, 2009

Bill No. XLV of 2009

THE PREVENTION OF HUNGER AND MALNUTRITION AND RIGHT
TO FOOD BILL, 2009

A

BILL

to provide for measures to prevent and eradicate hunger and malnutrition from the country and provide the citizens the right to food and for matters connected therewith or incidental thereto.

Whereas millions of people in India suffer due to food scarcity and malnutrition despite surplus food and stocks;

AND Whereas hundreds of people particularly children in the country die each day due to hunger and malnutrition related causes;

AND Whereas the National Family Health Survey 2006 shows that the child under nutrition rate in India is forty-six per cent which is double that of sub-Saharan Africa;

AND Whereas in the Global Hunger Index (2008) India ranks sixty-sixth among the eighty-eight countries surveyed by the International Food Policy Research Institute, women and children are the worst sufferers;

AND Whereas the recently rise in the prices of food has further made the people's access to food difficult.

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

Short title,
extent and
commencement.

1. (1) This Act may be called the Prevention of Hunger and Malnutrition and Right to Food Act, 2009.

(2) It extends to the whole of India.

(3) It shall come into force at once.

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) "adequate food" means minimum food and nutrition required for active and healthy life and includes potable water;

(c) "chronic food insecurity" means continuous and on going lack of access to adequate food to meet dietary needs for an active and healthy life style;

(d) "below poverty line" means criteria notified by the Central Government for targeting the people eligible for welfare schemes of the Government;

(e) "extreme poverty" means people living with half of the income notified by Central Government for below poverty line;

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

(g) "State" means the Central Government, the State Governments and the local self Governments.

Right to
adequate food.

3. (1) Every citizen in the country shall have the right to adequate food.

(2) The State shall, within a period of five years from the date of commencement of the Act ensure that every citizen in the country has access to adequate food in such quality and manner as may be prescribed.

(3) The State shall ensure that no citizen in its territorial jurisdiction goes without food even for a day and no one lives in chronic food insecurity.

(4) For the purposes of sub-section (1) of section 3, the Central Government shall, in consultation with the Government of States, prepare a comprehensive food security strategy *inter-alia* involving experts, Non-governments Organisations, cooperatives and community based organizations to address the nutrition and food security at the individual and community level.

(5) The Central Government shall, by notification in the Official Gazette announce one or more schemes to give effect to the provisions of section 3.

(6) Without prejudice to the generality of the aforesaid provisions, the people living in extreme poverty shall first be covered under the right to food followed by the people living below poverty line.

(7) The appropriate Government shall, by a special survey, prepare separate data of the families living in extreme poverty and those living below poverty line and assess the need of each household on individual basis.

(8) The appropriate Government shall provide adequate food to the people living in extreme poverty free of cost and to the people living below poverty line at such rate and quantity, as may be prescribed:

Provided that while providing adequate food to the below poverty line families, it shall be ensured that the total expenditure on food for a below poverty line family shall not be more than thirty per cent of the family or individual income.

- 4. The Central Government shall, by notification in the Official Gazette, constitute a committee of experts to determine about the nutritional needs of individual in different areas and occupation depending upon their daily requirement in such manner, as may be prescribed.** Committee of experts to determine nutritional needs.
- 5. (1) The Central Government shall, in consultation with Government of each State, appoint a Monitoring Committee in each state and Union Territory to oversee the implementation of the Act and give its periodic report in such manner, as may be prescribed.** Monitoring Committee to oversee the implementation.
- (2) The composition and the terms and conditions of the Committee shall be such, as may be prescribed by the Central Government.**
- (3) Without prejudice to the generality of sub-section (2) of section 5, the Committee shall have in its composition at least five members of Parliament representing the State, who shall be chosen by rotation in such manner, as may be prescribed and also shall have adequate representation of the respected and eminent persons of the State or Union Territory for which the committee is constituted:**
- Provided that the States and Union Territories represented by less than five members of Parliament shall have in the Committee's Composition the same number of members of Parliament which represent them in Parliament.**
- 6. The appropriate Government shall make all efforts to stimulate rural economy particularly, agriculture and non-agriculture based activities to increase production and generate employment for the citizens living in rural areas.** Appropriate Government to stimulate rural economy.
- 7. The Central Government shall give wide publicity through print and electronic media to the provisions of the Act, rules and various schemes launched under it.** Wide publicity to the schemes under the Act.
- 8. (1) The Central Government shall, in such manner and at such time, as may be prescribed prepare an Annual report giving full account of the activities carried out under the Act particularly the implementation of the national strategy and lay it before each House of Parliament.** Annual report.
- (2) For the purpose of sub-section (1) of section 8, the Government of all States shall give all the required inputs within such period, as may be required to submit the annual report in time.**
- 9. The Central Government shall, by due appropriation made by Parliament in this regard, provide funds for the purposes of this Act.** Central Government to provide funds.
- 10. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such orders or give such directions, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of the difficulty:** Power to remove difficulty.
- 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.**
- 11. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force.** Overriding effect of this Act and savings.
- 12. (1) The Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.** Power to make rules.
- (2) Every order and 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 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

There is persistent hunger and malnutrition in many parts of the country contrary to the fact that many a time we have food surplus and stocks. Adverse impact on agriculture and rising food prices are the main reasons for food insecurity in the country. Often, we come across disturbing media reports of starvation death, hunger and malnutrition killing thousands of persons in the country particularly the children. In Madhya Pradesh, Chhattisgarh, Jharkhand and Andhra Pradesh the incidence of child deaths and low weight babies due to malnutrition are very high. Article 21 of the Constitution provides to the citizen of this country right to life. The Right to Food is one of the basic and social rights linked to article 21 without which the political democracy is incomplete. There are shocking results of the National Family Health Survey 2006 showing that child nutrition rate in India is 46% which is double the figures of sub-Saharan Africa, which is economically poorer than India. In the Global Hunger Index 2008, we rank sixty sixth among the eighty-eight and countries come below Sudan, Nigeria and Cameroon.

We are the seventh largest nation in terms of geographical area in the world and have a large fertile land. Therefore, we are strong enough to achieve food security for our citizen. All that is required to be done to achieve it is to have an equitable and sustainable food distribution system along with increase in agriculture activities and enhancing the purchasing power of the citizens to buy food. Certain programmes of the Central Government is inscribed in the National Rural Employment Guarantee Act are already in place to enhance the purchasing power of the citizens. Identifying the right beneficiaries and ensuring that the benefits reach the target group are the two major challenges in giving right to food.

Though only handful countries have achieved total food security and a few of them have enacted legislations. South Africa is one of them. The time has come now to put in place a comprehensive right to food legislation that can check the malnutrition we cannot afford to allow to hunger continue to haunt the country.

Hence this Bill.

MABEL REBELLO

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that there shall be right to food to each citizen of the country. Clause 4 provides that there shall be an expert Committee to determine the nutritional needs. Clause 5 provides for constitution of the Monitoring Committee. Clause 6 talks about stimulating the rural economy and clause 9 says that the Central Government shall provide funds for the purposes of this Act. Though it is very difficult to estimate but it is expected that the legislation may initially require two thousand crore from the Consolidated Fund of India. A non-recurring expenditure to the tune of rupees ten crore may also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of a normal character.

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(Ms. Mabel Rebello, M.P.)