LEGAL LANDSCAPE OF FOOD SECURITY IN INDIA WITH SPECIAL REFERENCE TO CHILDREN: SCOPE ISSUES AND CHALLENGES

Centre for Child and the Law (CCL), NLSIU
Indian Council of Social Science Research (ICSSR)
Legal Landscape of Food Security and Nutrition in India with Special Reference to Children

Scope, Issues and Challenges
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Research Team
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<tr>
<td>AAY</td>
<td>Antyodaya Anna Yojana</td>
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<td>ABBA</td>
<td>Aadhar Based Biometric Authentication</td>
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<tr>
<td>APL</td>
<td>Above Poverty Line</td>
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<tr>
<td>AWC</td>
<td>Anganwadi Centre</td>
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<tr>
<td>BJD</td>
<td>Biju Janata Dalal</td>
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<tr>
<td>BJP</td>
<td>Bharatiya Janata Party</td>
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<td>BPL</td>
<td>Below Poverty Line</td>
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<td>CEDAW</td>
<td>Convention on Elimination of Discrimination against Women</td>
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<td>CESCR</td>
<td>Committee on Economic, Social and Cultural Rights</td>
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<td>CSO</td>
<td>Civil Society Organization</td>
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<tr>
<td>DGRO</td>
<td>District Grievance Redressal Officer</td>
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<td>FAO</td>
<td>Food and Agricultural Organisation</td>
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<td>FSA</td>
<td>Food Security Allowance</td>
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<td>FSSAI</td>
<td>Food Safety and Standards Authority of India</td>
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<td>GHI</td>
<td>Global Hunger Index</td>
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<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
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<td>ICDS</td>
<td>Integrated Child Development Scheme</td>
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<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
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<td>ICN</td>
<td>International Conference on Nutrition</td>
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<td>IFA</td>
<td>Iron and Folic Acid</td>
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<td>IMR</td>
<td>Infant Mortality Rate</td>
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<td>INC</td>
<td>Indian National Congress</td>
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<td>JSY</td>
<td>Janani Suraksha Yojana</td>
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<td>MBS</td>
<td>Maternity Benefit Scheme</td>
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<td>MDMS</td>
<td>Mid day meal Scheme</td>
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<td>MHRD</td>
<td>Ministry of Human Resources and Development</td>
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<td>MMR</td>
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<td>MWCD</td>
<td>Ministry of Women and Child Development</td>
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<td>NFSA</td>
<td>National Food Security Act</td>
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<td>NFHS</td>
<td>National Family Health Survey</td>
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<td>Non-governmental organisation</td>
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<td>NIN</td>
<td>National Institute of Nutrition</td>
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<td>NNP</td>
<td>National Nutrition Policy</td>
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<td>NSS</td>
<td>National Sample Survey</td>
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<td>Participation, Accountability, Non-discrimination, Transparency, Human Dignity, Empowerment and Rule of Law</td>
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<td>PMMVMY</td>
<td>Pradhan Mantri Matru Vandana Yojana</td>
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<td>Public Distribution System</td>
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<td>Primary Health Centre</td>
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<td>POS</td>
<td>Point of Sale</td>
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<td>School Management Committee</td>
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<td>SNP</td>
<td>Supplementary Nutrition Programme</td>
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<td>State Steering-cum-Monitoring Committee</td>
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Introduction

High levels of hunger and malnutrition in India have remained matters of concern for policy makers and development practitioners. The fact that self-sufficiency in food production has failed to translated into food and nutrition security has been intriguing and triggered many debates in policy circles. Initiative to have a central law ensuring food security for all is premised on the recognition that despite availability of ample food disparities concerning food access and availability exist and many vulnerable groups including children continue to be at the receiving end.

There were a lot of expectations from the legal framework when it was being envisaged and National Food Security Bill was being discussed. The study legal landscape of Food Security in India is an attempt to capture the present and potential contribution of the National Food Security Act 2013 in meeting those expectations and achieving the objective of ensuring food and nutrition security for all. It also delves into the approach of the law to investigate if the NFSA is based on a rights based framework that is internationally accepted (propounded by the Food and Agriculture Organisation (FAO).

The report is divided into four main sections.

Chapter 1, “Introduction and Background to the Study” provides an insight into the legal and policy framework associated with food and nutrition security in India. It also touches upon the theoretical construct, the PANTHER principles, that forms the basis of analysis. The international normative framework that governs food and nutrition security is highlighted in this chapter.

Chapter 2 discusses the methodology adopted to execute the study. It covers important elements such as the sampling design, observational design, statistical design and operational design.

Chapter 3 forms the core part of this report. It includes a detailed analysis of the structural, process and outcome indicators that have been identified for the purpose of this study. Information gathered through several sources, both primary and secondary, are subjected to a detailed data analysis framework. The findings and analysis are organised as per the components of right to food.

Last chapter primarily focuses on the conclusions and recommendations drawn from the study.

The study conducted with support of Indian Council of Social Science Research (ICSSR), New Delhi. Although utmost care has been taken in collecting, collating and analysing the data, researchers take responsibility if there are any omissions.
CHAPTER I
THEORETICAL BACKGROUND TO THE STUDY

The first chapter of this report provides a detailed insight into legal and policy landscape associated with food and nutrition security in India. The theoretical construct and international normative framework that form the core of this study is explained in detail. All relevant articles, reports and studies that were referred to in the process of gathering information on the implementation of the National Food Security Act, 2013 and other associated aspects have been discussed. The chapter provides insight into the statement of the problem, research objectives and questions. The scope of the study is also mentioned. The chapter concludes with ethical concerns and considerations that were undertaken as part of this project.

Chapter outline

- Introduction and background to the study
- Theoretical construct
- International Normative Framework
- Survey of Literature
- Statement of problem
- Research objectives and research questions
- Rationale and Scope of study
- Ethical Considerations
- Limitations and challenges faced during the Study

Children’s right to food is highly contingent on the household level food security, which is determined by a range of factors. This study sought to understand the role of law in addressing food insecurities in India with a focus on children by examining the legal framework on food security and nutrition in comparison with international normative framework on food security and its constituents. The research also sought to analyze the status of implementation of legal framework and understand its relevance and effectiveness in addressing food insecurities within India. Existence of a nutrition policy and a central law, along with largest welfare schemes on nutrition, as juxtaposed to the appalling state of food security and malnourishment level among children, required a deeper inquiry into the issue. Using primarily qualitative methods, the research attempted at feeding into understanding the gaps as regards provisions and the implementation issues and challenges that obstruct India’s progress on account of prevalent hunger and malnutrition. This research also examines the efficacy of the legal framework on food security viz a viz conceptual understanding of food as a right.

1.2 Theoretical construct: Food Security and Right to Food

According to Food and Agriculture Organisation (FAO), Food security exists when all people, at all times, have physical, economic and social access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life.
Access, Availability, Adequacy, Stability and Utilisation of food are the major components of right to food. All these conditions are to be met for ensuring that people are food secure. Availability connotes that food should be available in all times for people and this takes us to the issues of production of ample food within a country and supply of food, food stocks and net availability of food grains and other food items. Secondly, availability of sufficient quantity of food may not ensure access to such food for all. At national level this may be related to the balance in export and import of food commodities so that people of the country can access the food that is available through production. However, even more important is the need to ensure household level food security, which is determined by access to productive resources, purchasing power, access to employment opportunities and provisions to be made through welfare schemes in case of vulnerable groups. Social barriers based on caste and gender may also obstruct peoples’ access to food and these factors are also taken into account while ensure access to food.

Adequacy of food encompasses many aspects of food – it means that food should be adequate in quantity, quality as well as nutritionally. Not only food should be safe and nutritious, it should be culturally acceptable too.

Food diversity and utilization are related to the needs of the body and its capacity to absorb various nutrients in the food. ‘Sufficient energy and nutrient intake by individuals is the result of good care and feeding practices, food preparation, diversity of the diet and intra-household distribution of food. Combined with good biological utilization of food consumed, this determines the nutritional status of individuals”. This entails access to safe drinking water, sanitation, immunisation for children and ensuring the micronutrient availability as well.

Similarly, stability of food refers to continuous supply of food without gaps owing to any factor – decrease in production, unemployment or even non-functioning of welfare scheme. Change in climatic conditions, financial crises, conflicts and rise in the prices of food commodities could be the possible reasons for such instability. ‘Sustainability’ goes one step beyond to include more dimensions to it. It pertains to the ability of communities and people to have control over the kind of food they eat and ensure its regular supply too. Any superimposed mechanism to make food available that is not grounded in the specific socio economic and even climatic conditions may not be sustainable for a long time. Related to these are also food preferences of people by region, religion or cultural identities. For food security objectives to be realized, all dimensions must be fulfilled simultaneously. All these conditions are to be met to ensure that people are food secure.
Human rights principles that are based on Participation, Accountability, Non-discrimination, Transparency, Human Dignity, Empowerment and Rule of Law, lend the status and character of a human right to food security. Through the human rights based approach to food security, the right to food puts the people at the centre of development, so that they are recognized as right holders and not as mere beneficiaries. The right to food is an empowering tool based on the seven human rights principles also known as ‘PANTHER’: Participation, Accountability, Non-discrimination, Transparency, Human dignity, Empowerment and the Rule of law. These principles basically capture the approach through which the state provides for ensuring rights for people. Application of PANTHER in the evolution of interventions, mechanisms and procedures towards ensuring food security for all, results in fulfillment of right to food.

The ultimate objective of applying the rights based framework and using right to food as a tool is to empower people and reach out to the most vulnerable people in their quest to mitigate hunger. It stresses upon the obligation of the state to take such measures that enable them to increase their purchasing power, and access food themselves too. In that sense food security can also be defined as human right to feed oneself. State has the obligations to respect, protect and fulfill the right to food. It is the responsibility of the state to ensure that any of its actions do not deprive people from their food security and no other private entity violates them. Similarly, promotion obligation of the state requires State to put welfare mechanism in place for those who cannot grow and earn food. As regards the legal framework, the right to food framework also necessitates the availability of administrative, quasi-judicial and judicial mechanism in place to redress the grievances. Law is used a tool to operationalize such mechanisms.

The rights framework provides an overall theoretical construct for the analysis of food security situation and the corresponding legal framework of food security and the rationale for using rights framework is to use coherent framework within which issue of hunger and food security can be looked at from the point of view of governance too. In order to fill the gap between the policies and their effectiveness strengthening of relevant public institutions and coordination mechanisms with regard to implementation is critical. Rights based approach to food security integrates such elements and also ensures participation of civil society organizations, human rights commissions, parliamentarians and government sectors, besides those dealing with agriculture, in the entire process, and provides further justification for investment in hunger reduction. In addition, the right to adequate food provides a legal framework, the concept of rights and obligations, and the relevant mechanisms needed to achieve accountability and to promote the rule of law.

The present research work is geared towards subjecting the existing legal framework on food security – including the policies, laws and schemes – to the normative framework that has been recognized by international law and has been integrated by many countries in their respective domestic laws.

1.3 International Legal Framework

The discourse on human right to food is quite evolved internationally. The right to food and food security for people have been widely recognized under many international instruments which have also been ratified and endorsed by countries across the globe. This section outlines the relevant provisions of certain conventions to which most countries are signatories as well as non-binding instruments that stipulate guidelines and standards relevant to the right to food. The right of every individual to food, as a basic necessity in life can be traced to Article 25 of the Universal Declaration.
of Human Rights (UDHR), which is considered as having the force of customary international law. It states:

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

The UDHR not only upheld everyone’s right to an adequate standard of living which included food, clothing and housing but also made special reference to the right to special care for mothers and children. The drafting of the UDHR was influenced by United States President Roosevelt’s address on the “four freedoms” which included the “freedom from want”. The Declaration set out a “common standard of achievement” and urged States to “promote respect for... rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance”. It was followed by the International Covenant on Civil and Political Rights, 1966 (ICCPR) and the International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR) that sought to impose binding obligations on States and create mechanisms for enforcing the rights contained in the UDHR.

The ICESCR, which has been ratified by India, enjoins State Parties to “…take step to the maximum of its available resources, with a view to achieving progressively the full realization of the rights” under the Convention. It also requires State Parties to ensure that the rights under the Convention are exercised by all without any discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 11(1) of the ICESCR recognizes “…the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.” Article 11(2) recognizes the “fundamental right of everyone to be free from hunger” and requires State Parties to take measures needed to improve methods of production, conservation and distribution of food by using technical and scientific knowledge, disseminating knowledge of the principles of nutrition, and developing efficient agrarian systems and to ensure an equitable distribution of world food supplies in relation to need.

Explaining the significance of the right to food, the Committee on Economic, Social and Cultural Rights (CESCR) stated that this right is “indismissibly linked to the inherent dignity of the human being and is indispensable for the fulfillment of other human rights”. The Committee also stressed on the link between this right and the promotion of social justice and the need for policies at the domestic and international level for eradication of poverty. The General Comment 12 issued by the Committee outlined the normative content of the right to food and cautioned against a narrow interpretation of the right to mean “a minimum package of calories, proteins and other specific nutrients”. According to the CESCR, the right to adequate food implies:

The availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; The accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights.

Consequently, State Parties are under an obligation to ensure availability of and accessibility to minimum essential food which is sufficient, nutritionally adequate and safe, to ensure [...] freedom
from hunger”. The committee suggested the formulation of a “framework law” that sets out the purpose, targets, timeframes, as well as the means for achieving targets, institutional mechanisms, monitoring mechanisms, and recourse procedures.

According to General Comment 12 issued by the CESCR the right to adequate food, like any other human right, imposes three types or levels of obligations on States parties: the obligations to respect, to protect and to fulfill. In turn, the obligation to fulfill incorporates both an obligation to facilitate and an obligation to provide. The obligation to respect existing access to adequate food requires State parties not to take any measures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfill (facilitate) means the State must proactively engage in activities intended to strengthen people’s access to and utilization of resources and means to ensure their livelihood, including food security. Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfill (provide) that right directly. This obligation also applies for persons who are victims of natural or other disasters.

Originally three levels of obligations were proposed: to respect, protect and assist/fulfill. The intermediate level of “to facilitate” has been proposed as a Committee category, but the Committee decided to maintain the three levels of obligation.

Article 12(2) requires State Parties to take specific steps to improve the health of their citizens, including reducing infant mortality and improving child health, improving environmental and workplace health, preventing, controlling and treating epidemic diseases, and creating conditions to ensure equal and timely access to medical services for all. These are considered to be "illustrative, non-exhaustive examples", rather than a complete statement of parties' obligations.

Under the Convention on the Elimination of All Forms of Discrimination against Women, 1979(CEDAW), the rights of the mother have been protected, thus indirectly ensuring the health of the baby as well. According to Article 12(2), State Parties must provide appropriate services to women during and after pregnancy and this should include adequate nutrition during pregnancy and lactation.

The United Nations Convention on the Rights of the Child, 1989 (UNCRC) is premised on the understanding that children require special safeguards and legal protection in order to enjoy human rights. It requires State parties to prevent malnutrition in children and to provide children with other health facilities too. In order to develop the full potential of children, as per the Convention, their civil, political, social, cultural and economic rights should be safeguarded and fulfilled. Article 24 of the UNCRC recognises “…the right of the child to the enjoyment of the highest attainable standard of health” and expressly enjoins the State to combat disease and malnutrition through the provision of adequate nutritious foods, among other things. The right of a child to a standard of living adequate for physical, mental, spiritual, moral and social development is recognised under Article 27(1). In order to implement this right, States Parties are required to take appropriate measures within their means to support parents and to provide material assistance and support programmes, particularly with regard to nutrition. The Convention also stipulates safeguards for children deprived of their family environment or who cannot be allowed to remain in that environment in their best interest and entitles them to special protection and assistance from the State.
In 2004, in its concluding observations on India’s Periodic Report, the Committee on the Rights of the Child recommended that India “reinforce its efforts in developing effective policies and programmes to improve the health situation of children”. Additionally it urged the State to combat malnutrition and promote healthy nutrition habits, including breastfeeding.

The Universal Declaration on the Eradication of Hunger and Malnutrition, 1974 adopted by the World Food Conference and endorsed by the General Assembly in 1974 described the food crisis afflicting peoples of the developing countries as an increasing imbalance that is “…not only fraught with grave social and economic implications, but also acutely jeopardizes the most fundamental principles and values associated with the right to life and human dignity enshrined in the Universal Declaration of Human Rights”. The Declaration also recognised that every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties. A link between food security and human rights was established but was yet to be developed.

In 2000, the erstwhile UN Commission on Human Rights created the mandate of a Special Rapporteur on the right to food. In 2007, the mandate was endorsed and extended by the Human Rights Council. The Special Rapporteur monitors the implementation of the right to food, undertakes country visits, and reports to the Human Rights Council and General Assembly. Building on GC 12, the Special Rapporteur has focused especially on further clarifying the contents of the right to food and giving meaning to the government obligations with respect to this right. According to the Special Rapporteur, the right to food is:

“The right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensure a physical and mental, individual and collective, fulfilling and dignified life free of fear.”

In his report to the Human Rights Council in December 2011, the Special Rapporteur highlighted the problem of micronutrient deficiency or “hidden hunger” and termed it a violation of the rights under Articles 6(2) and 24(2) of the UNCRC. He recommended measures to be adopted by the State in view of its obligations to respect, protect and fulfil the right to adequate food. A key recommendation was the adoption of “a national strategy for the realization of the right to adequate food which integrates the objective of guaranteeing the right to adequate diets for all and sets specific targets and time frames for action”.

Despite the availability of international law provisions, the Food and Agriculture Organisation (FAO) recognised the fact that it is important for the individual countries to respond to the alarming state of affairs concerning food insecurities. In 2004, the FAO Council adopted the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (the Right to Food Guidelines). The Guidelines recommend actions to be undertaken at the national level in order to build an enabling environment for people to feed themselves with dignity, and to establish appropriate safety nets for those who are unable to do so. The Guidelines invite States to apply them in developing their legislation, strategies, policies and programmes aimed at the realization of the right to food at the domestic level.

There are a number of ways by individual countries have made attempts to lend legal recognition to right to food. While some have incorporated specific provision in the constitution, such as South Africa, in some others the right to food is read into other provisions that have bearing on standard
of living, nutrition or right to life. There are countries that have adopted either specific or framework law on right to food. India joined the club of countries having a specific law on food security in 2013 with the National Food Security Act coming into being. These legislative frameworks have been critical tools in ensuring food security with immense potential to curb violations and also facilitate enabling environment.

There have also been several programmes that have aimed at eliminating hunger and malnutrition among children. Noon meal programmes and special nutrition programmes in many countries have reached out to children through institutions such as schools and early childhood care centres. In India, Mid Day Meals Programme and Integrated Child Development Services are the two major schemes that are considered as key intervention in this regard. Some elements of these schemes have been recognized as legal entitlements through NFSA 2013.

1.4 Survey of Literature

Establishing a framework law on right to food is significant for achieving sustainable long-term food security and also for holding governments accountable when they fail to comply with their obligations. It ensures that right to food is at the centre of national developmental strategies and further strengthens countries’ negotiations on trade and investment (Schutter 2010). Sen (1981) in his seminal book Poverty and Famines has already drawn our attention to the fact that food and nutritional insecurity are not necessarily attributable to a lack of available food, but the crucial aspect of improving the accessibility of vulnerable groups to available food. A national legal framework on right to food recognizing the principles of participation, accountability, non-discrimination, transparency, human dignity, empowerment, and the rule of law (PANTHER) goes a long way in realizing each of the basic components of ‘right to food’- availability, accessibility, adequacy and sustainability. While the NFSA framework incorporates some of these components, an in depth analysis of NFSA is required to understand better the efficacy of these provisions and its limitations. The enactment of the National Food Security Act, 2013, and thereby the “Right to Food” is indeed a significant step forward in India’s battle against undernutrition and food insecurity. However, the Act is marred by several shortcomings, which makes it hardly a conceptual novelty. The implementation of the provisions of the Act has remained a challenge and there are some major concerns associated with the Act.

Identification of eligible households

A group of researchers have recently begun looking at the implementation of the Act. Drèze et al. (2015) from their study on the Public Distribution System (PDS) in Bihar found that the PDS reforms in the State and the implementation of NFSA present an encouraging picture in contrast to the general record of corruption and mis-governance in the State. Identification of priority households under NFSA in the state was found to be more logical, transparent and reliable with its linking to Socio Economic Caste Census (SECC) data. People’s awareness of their entitlements, regularity in distribution of PDS rations and the quality of ration have improved along with the reduction in the leakages in PDS. In another study conducted by Drèze and Khera in six of the poorer states of India, to understand the progress in implementation of PDS after the enactment of NFSA, it was found that PDS reforms have led to improved food security for larger number of people (Shaw 2016).

One of the most daunting tasks associated with the implementation of the NFSA is the identification of eligible households and beneficiaries in order to comply with the provision of
ensuring up to 75% and 50% coverage in rural and urban areas, respectively. This corresponds to an average of up to 63% coverage across the country. Prior to the enactment of the Act, eligible households were identified on the basis of poverty estimates and population projections formulated by expert committees formed over the years. Sharma and Suresh, 2015 argue that the new criteria for eligibility, as stated in the NFSA might result in upsetting the already existing entitlements available by virtue of judicial decisions and schemes of central and state governments. This is primarily due to the fact that the Act selectively recognizes only four schemes- Public Distribution System, Integrated Child Development Scheme (ICDS), Mid Day Meal Scheme (MDMS) and Maternity Benefit Scheme (MBS), for achieving food security.

Another important concern in this regard is the “universality” of the entitlements stated in the Act. The current provisions in the Act mandate “universal” coverage of eligible households, covering 50% of households in the urban areas and 75% of households in the rural areas. While it must be noted that the Act stretches itself to accommodate a larger proportion of beneficiaries, as compared to those who were covered under the BPL/APL category, the “universality” aspect of the “Right” is misleading. As mentioned by authors Rajesh Kumar Rai, Sandhya Kumar, Madhushree Sekher, Bill Pritchard, Anu Rammohan in their paper, the “right to food” mentioned in the Act is contrasting to the actual intent of the Act, and it leads to exclusion of households. Given the fact that the coverage of eligible households is not “universal” in the actual sense, it is imperative that an eligibility criterion is devised in order to identify households clearly defined. The need for legally binding eligibility criteria is further highlighted in Jean Dreze, Reetika Khera, Jessica Pudussery’s paper “Bihar on the Move”, 2015. The paper also goes on to describe the need to devise a manner using will eligible households will be approached for the purpose of disbursing the services and benefits that they are eligible for. Lack of well-defined and legally binding eligibility criteria is a major flaw of the Act (Dreze et al. 2015) and the shortcuts often used by the States might result in severely affecting the beneficiaries’ access to their entitlements. Prafulla Das (2016) had documented the large scale irregularities in the issuance of ration cards under NFSA in the State of Odisha, where better off families loyal to the ruling party found place in the list of priority households and those genuinely eligible were left out.

Also, the Act does not address the concern about the Antyodaya Anna Yojana (AAY) lists that already exists and that there is not clarity on the whether the existing lists can be revisited or not. The onus of implementation of both these aspects fall on the States. The absence of a legally binding eligibility criteria defeats the very purpose of the “Right” in itself and is regarded as a major flaw in the Act.

While the absence of eligibility criteria is one side of the problem, another side is the source from which data of households will be examined in order to identify them as eligible or not. Initially, it was decided that the SECC will be utilized for this purpose. Basic inclusion and exclusion indicators were to be drawn by the States and applied to the SECC by the States in order to identify the eligible households. However, due to the delay in publishing the SECC data by the Government, the States were left with the responsibility of devising their own indicators to identify eligible households. As argued by (Kiruba Sankar Varadharajan, Tinku Thomas, and Anura Kurpad 2013) given this scenario, it is likely that inclusion and exclusion errors will continue to persist post the enactment of the NFSA.

Even under the framework of Below Poverty Line (BPL) - Above Poverty Line (APL) which existed prior to NFSA, large scale exclusion-inclusion errors were a major setback leading to leakages in the
system that ultimately affected the food security of beneficiaries. Kishore et al. (2015) in their preliminary analysis of 68th round of the National Sample Survey (NSS) data on consumption found that in 2011-12, more than half of all households in the poorest three consumption classes did not have Antyodaya or BPL cards when nearly 16 percent of the richest households did. Given the fact that there has not been any perceptible reduction in proportion of population that is undernourished in the country, even as the annual cost of India’s food subsidy has grown more than 25-fold over the past two decades, it remains an open question whether providing subsidized cereal to two-thirds of the population is the right policy response (Kishore et al). Vulnerable groups, such as low-income urban migrants with little social support at the place of migration, will continue to be excluded, unless special schemes are devised.

Reduction in entitlements and cereal centric approach

Under the existing provisions of the Act, priority households are entitled to 35kg of food grains. In terms of quantity of the entitlements per family, not much has changed for AAY families, as they continue to receive the same quantity, as was under the Targeted Public Distribution System (TPDS) earlier. According to the norms prescribed by the Indian Council of Medical Research (ICMR), an adult requires 14kgs of food grains per month and children need 7kgs. However, the Act provides for reduced entitlements to 5kg per person per month. There is no serious explanation or evidence justifying the allotment of 5kg food grains per person per household (Rajesh Kumar Rai, Sandhya Kumar, Madhushree Sekher, Bill Pritchard, Anu Rammohan, May 2014).

The provision of 5 kg food grains under the PDS is hardly enough cannot be construed as sufficient to eradicate hunger and malnutrition. The Act does little to highlight the importance of nutritional security as against food security. In terms of nutritional value of food grains being provided to such families there is an absence of entitlements to pulses and oil in the PDS (Amitendu Palit, September 2013). Nearly one third of rural Indians are at the risk of dietary protein deficiency and cereals are not a good source of quality proteins. The excessive focus on provision of cereals defeats the purpose and importance of dietary diversity that is crucial to tackling the problem of malnutrition. Kiruba Sankar Varadharajan, Tinku Thomas, and Anura Kurpad, 2014 in their paper suggest that the existing provisions must be supplemented with milk, eggs, or pulses in order to ensure that protein quality in the diet will improve to acceptable levels.

The fact that the Act extensively focuses on a cereal-centric approach is a matter of concern and if it is the only weapon in our arsenal, it is unlikely to reduce child undernutrition (Sonalde Desai and Reeve Vanneman, 2015). Efforts must be made to re-instate the importance of dietary diversity, and thereby adopt measures to implement the same. The importance of dietary diversity is also reflected in the paper by Sudha Narayan, 2015, where she talks about the fact that nutrition is an essential component of food security and that it is imperative that food security is ensured not just in terms of quantitatively meeting the demand but also in terms of the quality of food that is being provided.

Further, the text of the NFSA claims to adopt a ‘life-cycle approach’ to food and nutrition security for India, through food subsidies and interventions at different stages from birth through adulthood and old age. NFSA however tends to be focused only on the Public Distribution System even while it attempts to take a ‘life cycle approach’ to food security (Khera 2016; Sharma and Suresh 2016). This aspect is highlighted in Rajesh Kumar Rai, Sandhya Kumar, Madhushree Sekher, Bill Pritchard, Anu Rammohan, 27 May 2014), who argue that there are very few guidelines that have been put forth with respect to following the nuanced life-cycle approach, thus raising questions about the ultimate
effectiveness of the Act. There is a need for re-examination of what a life-cycle approach to food and nutrition security in the Indian context requires and proposes a multi-pronged approach to address it. Khera (2016) points out that the limited interventions available through ICDS, MDMS, MBS and PDS are still pertinent to tackling undernutrition issues. Studies on ICDS and MDMS indicate that benefits given to children under these schemes vary from one state to another- from the actual entitlements to the enforcement mechanisms (Khera, 2013). While challenges of accountability, food safety, accessibility (Khera, 2015), infrastructure and capacity building (Chaudasama et al. 2015); managerial and malnourishment invariably occupy the forefront (Khera, 2006) concerns of human dignity, empowerment and rule of law are not showcased. An appraisal of the schemes, in light of their role within the NFSA as contributors to food security, against the parameters developed in the paper would add to the food security discourse.

**Poor convergence framework**

A long term challenge associated with the implementation of the Act is that there is a compelling need to create/enhance the synergy between departments such as health, education, sanitation and agriculture. A coherent framework is a must in order to address the inter-sectoral nature of the problem of malnutrition. Sinha and Nehra (2015) identify NFSA as a step in right direction towards addressing the complex problem of under-nutrition, which by itself calls for multidimensional efforts. However, they emphasize that alongside the improvement of direct food consumption through existing provisions, it is equally important to focus on prevention of infections by improving access to healthcare, clean drinking water and sanitation for ensuring that children do not fall into the vicious cycle of malnutrition and illness. The Act falls short of recognizing the importance of pulses, milk fruits, edible oil etc. in everyday diet. Vulnerable groups like adolescent girls and old aged persons who were hitherto protected under various central and state schemes fall outside the purview of the legislation. Entitlements for these crucial sections and aspects such as agricultural production are in fact shifted to Schedule III and can be progressively realized by the State. Also, Likhi, 2014 argues that we must identify local convergences between the centrally sponsored programmes such as the Mid Day Meal Scheme (MDMS), the Total Sanitation Campaign (TSC), the National Rural Health Mission (NRHM) and the Integrated Child Development Scheme (ICDS) in order to make the necessary impact.

**Leakages in the PDS**

Khera (2016) identifies three other major misconceptions regarding NFSA. These include concerns on NFSA’s effectiveness in combating undernourishment, its efficacy in meeting the food grain requirement, and also the feasibility of continuing a PDS that is reputed to be leaky. A major concern that has been raised regarding the implementation of the NFSA is that scaling up of the programme will only lead to an increase in leakages of grains. (Amitendu Palit, 2013). The PDS system is already operational but around half of the food grain is lost to leakages and gets sold in the open market for a higher price. It is estimated that 35 to 40 % of fresh produce in India is lost because neither wholesale nor retail outlets have cold storage, even though the Food Corporation of India maintains a minimum level of buffer stock. An independent evaluation of the PDS by the Planning Commission of India reported that due to leakages and diversion of food grains, only 42 % of subsidized food grains reached the target group. Stringent monitoring measures must be adopted in order to ensure that the grains are effectively distributed at the last mile distribution points/fair price shops in all the States.
Fiscal implications

Critical appraisal of the academic writings on the NFSA, written both prior to and post the enactment of the legislation shows that the focus of the scholars, to a great extent, has centered on the implementation costs of the legislation. A section of scholars view the enactment of NFSA as a burden on the government.

Narayan (2015) states that the fundamental critique leveled at the NFSA is the implied large presence of the State in grain markets in the country and the costs involved in procurement, storage and distribution as part of what is widely seen as a flawed mechanism, the PDS. The paper reiterated the immediate need to revisit operational aspects of food procurement and distribution for a more cost effective and nimble system.

Bhalla (2013) argue that implementation of the Act will cost over Rs. 3 lakh crore annually, while Gulati et al. (2012) calculates this to be around 2.3 lakh crore a year. On the other hand, scholars and activists who have been part of the Right to Food Campaign for the enactment of the legislation, highlight that the arguments against NFSA are often placed on inflated accounts of its implementation costs. Sinha (2015) asserts that the estimates put forward are mostly based on untenable assumptions and incorrect facts and the data that is being used is not fully transparent. Kotwal et al. (2013) highlight the errors in Bhalla’s estimates wherein the average consumption of PDS grain of entire population instead of PDS beneficiaries was taken into account. Whereas Sinha (2015), exposing the limitation of Gulati’s argument of the need for increasing food grain production by 25 million tonnes to meet NFSA needs, maintained that enhancing agricultural production should be seen as a goal in itself, regardless of whether or not we have a national food security programme. Significantly, Sinha brought forth the point that such arguments lamenting the passage of the legislation undermine it and diverts attention from its provisions.

Serious limitations of the Act, such as its complete oversight of agriculture production, research and development, leverage to State and Central Governments for introducing certain TPDS reform measures like cash-transfer, and Aadhar-linking without in-depth analysis of its implications etc. call for deeper scrutiny of NFSA against the ‘rights’ based framework of food security. Very few studies have been conducted in this regard. Studying the economic and environmental impact of National Food Security Act, Sengupta and Mukhopadyay (2016) had underlined the need for the country to gear up in term of food productivity in order to meet its obligations under NFSA. They observed that even when NFSA would enhance the growth of economy, the impact of NFSA on environment and land is not favourable. Again, in a review of the performance of the existing food grain procurement and distribution system in the country, Kishore et al. found that this increase in food subsidies in the country is not supported by concomitant increase in public sector spending on agricultural research and development. Khera (2016) however dispels the fears of NFSA being anti-farmer by showing that neither overall requirement nor share of public procurement in total production would change with the enactment of NFSA. She further points out that enactment of NFSA actually gives more choice to farmers as he/she can now chose to sell the crops to Food Corporation of India or a private trader. Also the provision for millets and maize in NFSA actually opens scope for diversification of cropping patterns.

It is in view of this gap in the literature, that it is proposed to analyze NFSA, the world’s largest and most ambitious food safety net program (Kishore et al. 2016) against the backdrop of internationally accepted right to food framework. There are few examples one can glean from outside the country. Researchers point out that Brazil’s Zero Hunger Programme informed by PANTHER principles has
made considerable improvements in nutritional status of vulnerable groups alongside empowering them and impacting the economic development in the rural areas. Schutter (2010) highlights developing a legal framework is a cornerstone in the countries’ path towards a rights-based approach to their food security. However, NFSA leans unfavorably towards ‘food distribution’ to selected beneficiaries, whereas right to food goes much beyond this. It is in this background that the proposed study assumes significance.

1.5 Statement of Problem

It is despite the presence of a National Nutrition Policy (NNP), 1993 and central law (NFSA 2013), India continues to have serious levels of widespread hunger forcing it to be ranked a lowly 103 among 119 countries for which the Global Hunger Index (GHI) was calculated in 2018. India was ranked 83 in 2000 and 102 in 2008 with GHI scores of 38.2 and 36 respectively. Although, this implies that, while hunger levels in India have diminished somewhat the improvement has been outstripped by several other countries. Hence India’s ranking is worse today than it was 15 years ago. In fact, Bangladesh was ranked 84 with a score of 38.5 in 2000, just below India. But in 2016, it has improved beyond India with a GHI score of 27.1 and a rank of 90 to India’s 97.

Although India runs two of the world’s biggest children's nutrition programmes, the ICDS for children under 6 years and the mid-day meal programme for school going children up to the age of 14 years, malnutrition continues to haunt India.

Endemic poverty, unemployment, lack of sanitation and safe drinking water, and lack of effective healthcare are main factors for the sorry state. Compared with previous years, marked improvement has taken place in child stunting and under-5 mortality rates but the proportion of undernourished people has declined only marginally from 17% in 2000 to the current 15%. The share of wasted children has inched down similarly.

Addressing the issue of widespread food insecurities through a legal framework is a complex exercise given the multidimensionality and inter-sectoral nature of the factors that determine it. While it was only with the National Food Security Act of 2013 that a specific legislation came into being, legal framework that has implications on food security should also encompass a broader range of policy, legal and programmatic instruments in the areas of agriculture, health, nutrition, labour conditions, maternity entitlements and many more. Vast range of such instruments, however, either remains incoherent or inconsistent or do not converge with each other, which is critical in the pursuit of ensuring food security for all. Laws such as NFSA, 2013 that have been formulated in attempts to remedy these issues remain myopic and to a large extent isolated from macro-economic policies in other influencing sectors. Especially, the factors that determine food security and nutrition for children remain at the periphery of any discussions on legal framework for food security.

A holistic approach to ensure food security is missing despite the Central legislation’s aim to ensure food and nutritional security in a human life cycle approach. Food security of vulnerable groups such as children is overlooked, although they remain one of the crucial beneficiaries under the Act. Children’s right to food and nutritional security is a direct outcome of the household level food security and any vulnerability to livelihoods at family level affects children the most. This is also the case with the delegated legislation under NFSA wherein, no specific provisions have been included in the central or state rules. Mapping exercise conducted by CCL NLSIU has also pointed towards a lopsided approach towards Targeted Public Distribution System and trivialization of ICDS, MDMS and NMBS.
Through the proposed research study it is planned to examine the legal framework pertaining to food security in its entirety and its effectiveness to respond to food insecurity situation in India. It further aims to identify the factors that contribute to realization of right to food from a policy perspective.

1.6 Research Objectives and Research Questions

The research objectives of this study are mentioned hereunder:

- To assess the legal framework pertaining to food security in India in the light of the existing normative framework on food security
- To identify the gaps and areas of improvement, if any, in the legal framework towards right to food for all
- To suggest recommendations for improvements in the legal framework in order to adhere to the rights based framework on food security

The research questions are mentioned hereunder:

- Is the legal framework pertaining to right to food in India in compliance with the normative framework on right to food?
- Which aspects of right to food, recognized by the legal framework in India are being operationalized and getting implemented?
- How adequate and effective is the present legal framework pertaining to food security in India?
- What is the status of implementation of policies, laws and programmatic interventions pertaining to food security in the country?
- What are the best practices adopted in various states for ensuring food security? Whether these are relevant for addressing food insecurities within India?
- What are the challenges and issues that confront the present legal regime in reducing food insecurities and facilitating food security for all?

1.7 Rationale and Scope of the Study

The NFSA, 2013 is a landmark legislation that was enacted in 2013. While nearly four years of have passed since its introduction, the burden of food insecurity and malnutrition continues to plague many sections of society, especially children and women. The National Family Health Survey-4 (NFHS) 2015-16 puts forth the country’s notoriety in the indicators associated with health, sanitation and nutrition. Anaemia has increased by alarming proportions in men, women and children. Nutrition indicators such as stunting and wasting have improved, however, not as much as expected. Given this dismal picture of nutrition in the country, there is a compelling need to critically examine the current legislation, in terms of the letter and spirit of the Act, as well as its operationalization and implementation on field.

One of the core objectives of this project is to assess the legal framework pertaining to food security in India in the light of the existing normative framework on food security. This project has been designed in a manner such that it goes beyond the basic perspective of right to food as mere provision of food grains to the entitled beneficiaries and will include two dimensions - Firstly, it will
critically examine the efficacy and strength of the NFSA, 2013 as a legal framework. Secondly, and more importantly, it will assess the operationalization of law and legal framework in social context through field study.

The PANTHER framework, comprising human rights principles – Participation, Accountability, Non-discrimination, Transparency, Human Dignity, Empowerment and Rule of Law, will be used as a yardstick to assess the compliance of NFSA with the normative framework on food security. This dimension is important to gauge the extent to which the Act recognizes Right to Food of all stakeholders as a fundamental right and thereby facilitates realization of the right. It is also relevant in terms of understanding if the provisions are sufficient and effectively promote the realization of right to food for all. The similarities and differences in NFSA will be captured as compared to the normative framework. This exercise will contribute to identifying the gaps and areas of improvement, if any, in the legal framework towards the right to food for all.

The project design will engage with the multi-sectorial nature of malnutrition and food insecurity, by assessing multiple factors that affect nutritional status of children and individuals. This project will further contribute to a large database associated with nutrition and food security. The field study will be conducted in four states in India, involving nearly 2,000 participants of diverse groups including children, women, men, pregnant women, lactating mothers, and functionaries involved in facilitation and service delivery of provisions under the Act.

An in-depth inquiry into the status and implementation of the provisions of the Act will enable us put forth recommendations and suggestions to improve /alter/strengthen policy formulations, design, implementation, monitoring and evaluation measures. Another objective associated with this project is to suggest recommendations for improvements in the legal framework to adhere to the rights based framework of food security. Given the scale in which this study is being conducted, valuable and relevant conclusions can be drawn to improve the existing legal and policy frameworks associated with the Right to Food.

The levels of investigation as well as the sampling framework are explained in brief as follows.

**Figure 1.2 Levels of investigation in the study**
In terms of the geographical area covered as part of this project, four states-Karnataka, Rajasthan, Madhya Pradesh and Odisha have been chosen to ensure regional representation. In each State, two districts have been chosen based on the status of nutritional indicators and inputs from local partners. In each district, two villages have been chosen to carry out field investigation. A total of sixteen villages have been selected across four states. Eighty respondents per village have been interviewed, which means three hundred and twenty respondents have been interviewed per State. This number excluded those who were approached as part of case studies.

In terms of the type of respondents who have been covered as part of the study, the right holders envisaged under the NFSA, 2013 have been chosen. Additionally, functionaries, officials and civil society representatives who are associated with implementing the services for each of the schemes under NFSA have also been reached out to.

Table 1.1 Right holders under NFSA, 2013

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Name of the Scheme</th>
<th>Right holders</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Targeted Public Distribution System (TPDS)</td>
<td>Priority and Antyodaya Anna Yojana households</td>
</tr>
<tr>
<td>2.</td>
<td>Integrated Child Development Scheme (ICDS)</td>
<td>Children below three, Children aged between three and six, pregnant women and lactating mothers</td>
</tr>
<tr>
<td>3.</td>
<td>Maternity Benefit Scheme (MBS)</td>
<td>Pregnant women and lactating mothers</td>
</tr>
<tr>
<td>4.</td>
<td>Mid-day Meal Scheme (MMS)</td>
<td>Children aged between six and fourteen years</td>
</tr>
</tbody>
</table>

Table 1.2 List of entitlements for right holders under NFSA, 2013

<table>
<thead>
<tr>
<th>S.no</th>
<th>Right-holders</th>
<th>Entitlement under NFSA, 2013 (Schemes: PDS, MDMS, ICDS, MBS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Households entitled to/availing benefits from AAY</td>
<td>35 Kg of food grains per household per month</td>
</tr>
<tr>
<td>2.</td>
<td>Households entitled to/availing benefits from TPDS</td>
<td>5 Kg of food grains per person per month</td>
</tr>
<tr>
<td>3.</td>
<td>Pregnant women entitled to/availing benefits under ICDS</td>
<td>Meal, free of charge, during and six months after child birth, through local AWC</td>
</tr>
<tr>
<td>4.</td>
<td>Lactating mothers entitled to/availing benefits under ICDS</td>
<td>Meal, free of charge, during and six months after child birth, through local AWC</td>
</tr>
<tr>
<td>5.</td>
<td>Children aged below three entitled to/availing benefits under ICDS</td>
<td>Take home Ration</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>6.</strong></td>
<td>Children aged between three and six, entitled to/availing services under ICDS</td>
<td>Morning snack and hot cooked meals at Anganwadi Centre</td>
</tr>
<tr>
<td><strong>7.</strong></td>
<td>Children aged between 6 and 6 years who are malnourished</td>
<td>Take home ration with additional food supplementation</td>
</tr>
<tr>
<td><strong>8.</strong></td>
<td>Children aged 6-14 years availing benefits under the MDMS</td>
<td>One mid-day meal, free of charge, everyday, in all schools run by local bodies, Government and Government-aided schools</td>
</tr>
<tr>
<td><strong>9.</strong></td>
<td>Pregnant women entitled to/availing benefits under MBS</td>
<td>Maternity benefit of not less than Rs. 6000, in installments as may be prescribed by the State Government</td>
</tr>
<tr>
<td><strong>10.</strong></td>
<td>Lactating women entitled to/availing benefits under MBS</td>
<td>Maternity benefit of not less than Rs. 6000, in installments as may be prescribed by the State Government</td>
</tr>
</tbody>
</table>

### 1.8 Ethical Considerations

The project design as well as the project personnel have adhered to ethical practices in order to ensure the quality, reliability and authenticity of the study. Some of the practices have been enlisted hereunder:

- All sources and references used for desk based research have been duly acknowledged.
- The purpose and objectives of the project was clearly told to the respondents prior to conducting of the interview.
- The identity of the field investigators was explained to the respondents in detail prior to the commencement of the interviews.
- Oral consent of respondents has been sought prior to recording the responses of respondents.
- Respondents were clearly informed about their right to refuse to answer any one or all questions during the course of the interviews.
- Respondents were also informed about their right to abstain from continuing the interview at any point.
- Confidentiality of respondents was assured prior to the commencement of the interviews. The respondents were clearly informed that details such as name, age, caste and religion were record only for the purposes of the interview and would not be published in the report.
- Permission of the respondents were sought prior to capturing pictures, audio or visual evidence concerned with the study.

### 1.9 Limitations and Challenges faced during the study

The final execution of the study was impacted by several limitations and challenges. Some of them are stated hereunder:
Lack of availability of adequate number of respondents: The field investigators were unable to reach out to all eighty respondents in a particular village. While in some cases the respondents of a specific scheme were unavailable, in some cases respondents under particular categories did not exist at all. For instance, in Ramanagara district in Karnataka, the field investigators were able to identify only one respondent under the AAY category, whereas in another district, they were unable to identify any.

Contrasting responses by respondents: The field investigators encountered contrasting responses, sometimes across respondents across one scheme, and in some cases, by the same respondent. This proved a big challenge in terms of categorizing and analyzing responses.

Monitoring and ensuring data quality in all districts and villages: Ensuring uniformity in data collection, data recording and interpretation across all sixteen villages proved to be a mountainous task. Although an orientation programme was organized for field investigators in each of the four states, data inconsistencies were observed.

Limited scope for projecting quantitative data: Given the fact that this study is primarily qualitative in nature, the scope for projecting quantitative data was limited. The data inconsistencies also meant all data couldn’t be quantified and projected in the form of graphs.

Dynamic information: While analyzing the central and state rules for the purpose of this project, the desk-based researchers confronted the problem of unavailability of existing rules in the public domain. Further, the information regarding the release of a new set of rules was unavailable. As a result, the researchers were confronted with the problem of information asymmetry.
CHAPTER II
RESEARCH METHODOLOGY

This chapter provides a detailed explanation of the research design that has been adopted to execute the project. The primary elements of importance included in this chapter are sampling design, observational design, statistical design and operation design.

Chapter outline

• Sampling design-Approach, target population, sampling population, sampling method, data collection tools, pilot and state consultations,
• Observational Design
• Statistical design
• Operational design - Data analysis framework
• Sources

2.1 Sampling design

Approach to the study

The study was conducted in order to evaluate the sufficiency of the National Food Security Act, 2013 and the extent to which the components of the Act are being implemented on field. In order to do so, the study adopted an extensively qualitative approach was used to critically examine the Act, in order to understand the extent to which it complies with the normative framework on Food Security. Further, the qualitative technique aimed at capturing the opinions and perceptions of the participants of the study, concerning the implementation of the Act.

Questionnaires/schedules were specifically developed to incorporate the above-mentioned aspects into the study.

Identification of study sites

The field study was carried out in four states-Karnataka, Rajasthan, Madhya Pradesh and Odisha. These four states were selected in order to ensure regional representation. The sampling overview has been placed hereunder:

Two important criteria were used in order to identify the districts:

• Nutritional status of children and adults in all the districts
• Availability of local support to conduct the study

A detailed exercise was done in order to identify the specific districts in each of the States in which the study may be conducted. District wise data from the National Family Health Survey-4 (2015-16)
was used to enlist the nutritional indicators of children as well as adults. Following indicators were identified and enlisted:

- Total children age 6-23 months receiving an adequate diet
- Children under 5 years who are stunted (height-for-age)
- Children under 5 years who are wasted (weight-for-height)
- Children under 5 years who are severely wasted (weight-for-height)
- Children under 5 years who are underweight (weight-for-age)
- Women whose Body Mass Index (BMI) is below normal (BMI < 18.5 kg/m²)
- Men whose Body Mass Index (BMI) is below normal (BMI < 18.5 kg/m²)
- Children age 6-59 months who are anaemic (<11.0 g/dl) (%)
- Non-pregnant women age 15-49 years who are anaemic (<12.0 g/dl) (%)
- Pregnant women age 15-49 years who are anaemic (<11.0 g/dl) (%)
- All women age 15-49 years who are anaemic (%)
- Men age 15-49 years who are anaemic (<13.0 g/dl) (%)

The indicators were enlisted for all the districts of each of the four States. Further, the districts were classified on the basis of status and performance of nutritional indicators of children and adults as better performing and worst performing districts.

On the basis of the above-mentioned criteria as well as inputs from the partner organizations in respective states, the following districts have been chosen for the purpose of the study:

**Table 2.1 List of districts and villages chosen in respective states**

<table>
<thead>
<tr>
<th>State</th>
<th>Districts Selected</th>
<th>Villages Identified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Karnataka</td>
<td>Ramanagara and Raichur</td>
<td>Ramanagara: Manchanayakanahalli and Heggadegere</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Raichur: Bijanegere and Devasagur</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>Baran and Udaipur</td>
<td>Baran: Baman and Brahmapura</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Udaipur: Medhi and Saundarf</td>
</tr>
<tr>
<td>Odisha</td>
<td>Cuttack and Kandhamal</td>
<td>Cuttack: Badabarsingi, Badamba</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kandhamal: Dolabadi, Dakebadi</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>Jhabua and Sheopur</td>
<td>Jhabua: Bhoorighati and Kajibi</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Sheopur: Ranipura and Bhansed</td>
</tr>
</tbody>
</table>
Figure 2.1 Karnataka District wise map
Figure 2.2 Madhya Pradesh District wise map
Figure 2.3 Rajasthan District wise map

Figure 2.4 Odisha District wise map
Table 2.2- Profiles of States and Districts

<table>
<thead>
<tr>
<th>Parameters/States</th>
<th>Karnataka</th>
<th>Odisha</th>
<th>Rajasthan</th>
<th>Madhya Pradesh</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Political Landscape</strong></td>
<td>Indian National Congress (2013), Coalition Government led by Janata Dal (Secular) and Indian National Congress since May 2018</td>
<td>Biju Janata Dal (BJD) since 2004</td>
<td>Bharatiya Janata Party (BJP) from 2013 till 2018, Indian National Congress from December 2018</td>
<td>Bharatiya Janata Party (BJP) from 2005 to 2018, Indian National Congress from December 2018</td>
</tr>
<tr>
<td><strong>District</strong></td>
<td>Ramanagara</td>
<td>Raichur</td>
<td>Kandhamal</td>
<td>Cuttack</td>
</tr>
</tbody>
</table>

| **Demographic details** | | | | | | | | |
| **Total Population** | 1,082,636 | 1,928,812 | 733,110 | 2,624,470 | 1,222,755 | 3,068,420 | 1,025,048 | 687,861 |
| **Male population** | 548,008 | 964,511 | 359,945 | 1,352,760 | 633,945 | 1,566,801 | 515,023 | 361,784 |
| **Female population** | 534,628 | 964,301 | 373,165 | 1,271,710 | 588,810 | 1,501,619 | 510,025 | 326,077 |
| **SC population** | 203,819 | 104,849 | 115,544 | 498,633 | 221,184 | 188,525 | 17,427 | 108,391 |
| **ST population** | 22,946 | 63,178 | 392,820 | 93,745 | 276,857 | 1,525,289 | 891,818 | 161,448 |
| **Boys aged between 0 and 6** | 54,963 | 145,468 | 55,915 | 142,037 | 95,542 | 264,321 | 109,040 | 61,490 |
| **Girls aged between 0 and 6** | 52,878 | 138,265 | 53,794 | 129,779 | 87,123 | 244,229 | 102,829 | 55,149 |
| **Literacy rate** | | | | | | | | |
| **Male literacy rate** | 76.76% | 70.47% | 76.93 | 91.11 | 80.35 | 74.74 | 52.85 | 69.33 |
| **Female literacy rate** | 61.50% | 48.73% | 51.94 | 79.55 | 51.96 | 48.45 | 33.77 | 44.23 |
## Nutritional status of Children

<table>
<thead>
<tr>
<th>District</th>
<th>Ramanagara</th>
<th>Raichur</th>
<th>Kandhamahal</th>
<th>Cuttack</th>
<th>Baran</th>
<th>Udaipur</th>
<th>Jhabua</th>
<th>Sheopur</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infant Mortality Rate (IMR)*</td>
<td>1.77</td>
<td>6.63</td>
<td>30.67</td>
<td>4.3</td>
<td>24.68</td>
<td>25.02</td>
<td>12.89</td>
<td>15.3</td>
</tr>
<tr>
<td>Under five mortality rate (U5MR)*</td>
<td>2.1</td>
<td>7.5</td>
<td>36</td>
<td>4.8</td>
<td>28.4</td>
<td>12.5</td>
<td>16.6</td>
<td>21.4</td>
</tr>
<tr>
<td>Total children aged 6-23 months receiving an adequate diet</td>
<td>14.6</td>
<td>3.3</td>
<td>10.6</td>
<td>8</td>
<td>2.5</td>
<td>3.5</td>
<td>7.5</td>
<td>11.1</td>
</tr>
<tr>
<td>Children under 5 who are stunted (height for age)</td>
<td>22</td>
<td>37.2</td>
<td>38.4</td>
<td>15.3</td>
<td>40.2</td>
<td>47.5</td>
<td>45.6</td>
<td>52.1</td>
</tr>
<tr>
<td>Children under 5 who are wasted (weight for height)</td>
<td>20.3</td>
<td>34.9</td>
<td>23.1</td>
<td>9.1</td>
<td>28.5</td>
<td>29.9</td>
<td>24.4</td>
<td>28.1</td>
</tr>
<tr>
<td>Children under 5 who are severely wasted (weight-for-height)</td>
<td>5.1</td>
<td>18.1</td>
<td>8.4</td>
<td>2.8</td>
<td>10.6</td>
<td>11.4</td>
<td>9</td>
<td>9</td>
</tr>
<tr>
<td>Children under 5 years who are underweight (weight-for-age)</td>
<td>22.9</td>
<td>41.2</td>
<td>43.1</td>
<td>17.1</td>
<td>41.1</td>
<td>52</td>
<td>43.6</td>
<td>55</td>
</tr>
<tr>
<td>Nutritional status of adults</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Women whose BMI is below normal (&lt;18.5 kg/m²)(%)</strong></td>
<td>22.4</td>
<td>20.8</td>
<td>28.1</td>
<td>19.2</td>
<td>30.7</td>
<td>37.7</td>
<td>30.4</td>
<td>43.9</td>
</tr>
<tr>
<td><strong>Men who BMI is below normal (&lt;18.5 kg/m²)(%)</strong></td>
<td>14.8</td>
<td>9.3</td>
<td>23.8</td>
<td>15.3</td>
<td>25.8</td>
<td>38.7</td>
<td>32.6</td>
<td>39.2</td>
</tr>
<tr>
<td><strong>Anemia</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Children aged 6-59 months who are anaemic (&lt;11.0 g/dl)(%)</strong></td>
<td>53.9</td>
<td>70.6</td>
<td>42.7</td>
<td>18.9</td>
<td>76.3</td>
<td>79.1</td>
<td>72.4</td>
<td>77.5</td>
</tr>
<tr>
<td><strong>Non-pregnant women aged 15-49 years who are anaemic (&lt;12.0 g/dl)(%)</strong></td>
<td>47.1</td>
<td>57.9</td>
<td>52.9</td>
<td>37.9</td>
<td>66.1</td>
<td>69.5</td>
<td>57.8</td>
<td>61.9</td>
</tr>
<tr>
<td><strong>Pregnant woman aged 15-49 years who are anaemic (&lt;11.0 g/dl)(%)</strong></td>
<td>-</td>
<td>73.1</td>
<td>49.5</td>
<td>-</td>
<td>69.5</td>
<td>73.5</td>
<td>74.2</td>
<td>56.3</td>
</tr>
<tr>
<td><strong>All women aged 15-49 years who are anaemic (%)</strong></td>
<td>47.5</td>
<td>58.7</td>
<td>52.7</td>
<td>37.8</td>
<td>66.3</td>
<td>69.7</td>
<td>58.8</td>
<td>61.6</td>
</tr>
</tbody>
</table>
Sampling

A total of 2000 participants were reached out to across four States. Eighty beneficiaries were chosen from each village for the purpose of the study. The beneficiaries were chosen in a manner such that they represent a proportionate number under each scheme under NFSA. In case of TPDS, the interviews/interactions were conducted on a household basis. The study was aimed at identifying those who are entitled to benefits under each of the above-mentioned schemes. The participants included those who have availed benefits as well as those who are entitled to, but have not received benefits as part of their respective schemes.

Additionally, the study also included interviews with functionaries associated with the service delivery and implementation of the Act. These functionaries were specifically identified at various levels of the implementation mechanism, including Anganwadi workers, Anganwadi helpers, Supervisors, Child Development Project Officers (CDPOs), and concerned officials from the Department of women and Child Development. That apart, members of the civil society, who have constantly engaged with the implementation of NFSA, 2013 on field were also interviewed.
<table>
<thead>
<tr>
<th>S.no</th>
<th>Participants</th>
<th>Proposed number to be interviewed per village</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Households entitled to/availing benefits from AAY</td>
<td>10</td>
</tr>
<tr>
<td>2.</td>
<td><strong>Households entitled</strong> to/availing benefits from TPDS</td>
<td>10</td>
</tr>
<tr>
<td>3.</td>
<td>Pregnant women entitled to/availing benefits under ICDS</td>
<td>10</td>
</tr>
<tr>
<td>4.</td>
<td>Lactating mothers entitled to/availing benefits under ICDS</td>
<td>10</td>
</tr>
<tr>
<td>5.</td>
<td>Mothers of children aged below three entitled to/availing benefits under ICDS</td>
<td>5</td>
</tr>
<tr>
<td>6.</td>
<td>Mothers of children aged between 6 - 14 years entitled to/availing benefits under ICDS</td>
<td>5</td>
</tr>
<tr>
<td>7.</td>
<td>Adolescent girls entitled to/availing benefits under ICDS</td>
<td>5</td>
</tr>
<tr>
<td>8.</td>
<td>Children aged 6 - 14 years availing benefits under the MDMS</td>
<td>10</td>
</tr>
<tr>
<td>9.</td>
<td>Pregnant women entitled to/availing benefits under MBS</td>
<td>5</td>
</tr>
<tr>
<td>10.</td>
<td>Lactating women entitled to/availing benefits under MBS</td>
<td>5</td>
</tr>
<tr>
<td>11.</td>
<td>Functionaries/officials/Civil Society workers</td>
<td>5</td>
</tr>
</tbody>
</table>

**Total number of participants per village** 80
Data Collection Tools

Given that the study was primarily qualitative in nature, the tools were aimed at observing and gathering relevant information concerning the operationalization and implementation of the Act.

Semi-structured and unstructured interviews were used as primary tools to interact with the aforementioned participants of the study. Additionally, focus group discussions were also conducted. Observation of the natural setting of the study site was used to draw conclusions about the study. That apart, State Level Consultations were conducted to understand the opinions and perceptions of several associated stakeholders regarding the implementation of the schemes under the Act. These consultations served as focus group discussions at state level.

2.2 Observational design

The field investigators engaged in direct and non-participant observation in order to gather insight into the natural settings in which the respondents lived. No external variables were introduced to observe any changes.

2.3 Statistical Design: Data Analysis

The data analysis was carried out in a two-fold manner. The first step involved:

a critical analysis of the NFSA. The Act has been evaluated in order to check if it complies with the PANTHER principles and if yes, to what extent. This exercise was carried out in order to examine the sufficiency of NFSA as legislation for the realization of right to food. In order to carry out this preliminary form of analysis, a set of structural indicators were used. These are indicators that relate to:

- Constitutional and legal provisions on the right to food and regulatory gaps;
- Stated policies (or lack thereof) for the realization of the right to food;
- Institutional framework for the fulfillment of state obligations

The structural indicators were evaluated through desk-based research. Apart from highlighting the legal instruments associated with the RTF, a critical analysis of the NFSA, 2013 was also been conducted in order to understand the extent to which it reflects the normative framework.

The second step of analysis included the examination of each of the components of Right to Food such as: Adequacy, Availability, Access, Stability, Utilization and Sustainability. A specific set of indicators were used to examine the presence or absence of each of the components in the Act, and the extent to which these components are being implemented on field.

In order to conduct this part of analysis, a set of process and outcome indicators were developed. Process indicators measure the efforts made by duty-bearers to convert their human rights commitments into the desired results. In other words, these indicators are continuously evaluating the specific policies and measures adopted by duty-bearers. The process indicators were evaluated through field study. The field study has enabled us to examine the effectiveness of the institutional framework in which Right to Food operates.

Outcome indicators capture individual and collective achievements reflecting the extent to which human rights are being exercised in a given context. The definition of these indicators is based on identification of the desired effects associated with compliance with human rights obligations and
with the exercise of the right to food, as well as the link with the required processes. For each component of the Right to Food, a set of process as well as outcome indicators have been identified. The provision of these indicators was examined in the Law, along with their implementation on field.

2.4 Operational design

A group of field investigators with sufficient experience were identified for each State. A one-day orientation programme was organised encompassing crucial components such as the NFSA, the right to food framework and principles that governed implementation of right to food. The orientation also included a detailed discussion of the tools and guidelines on how the fieldwork must be executed effectively and efficiently.

A pilot study was planned during the initial phase of the project in order to test the efficacy of the tools as well as to gauge the probable challenges and issues that one may confront while conducting the field investigation. The pilot study was executed by trained field investigators in a village in Ramanagara. Eighty participants were interviewed using the tools that were prepared. The outcomes of the pilot study were factored in while finalizing the tools and changes were made accordingly.

The pilot study paved way for state level consultations that were organised in Jaipur, Bhopal, Bangalore and Bhubaneswar. The objective of the consultations was to invite stakeholders across schemes under the NFSA to share their opinions about the various challenges associated with implementation. The consultations were structured in a manner such that discussions revolved primarily around the status of rules and norms, the matics such as identification of right holders, coverage of right holders monitoring and evaluation, and grievance redressal. The concluding sessions focused on the key issues and challenges associated with implementation of the schemes. The consultations played a pivotal role in giving insight into some of the most pressing issues such as violations caused due Aadhar based biometric Authentication (ABBA), flaws in the Point of Sale Machines (POS), quality and quantity of benefits provided, unavailability of stock at the ration shops, to mention a few. That apart, the consultations also helped map the priority areas that needed to be covered as part of the field investigation.

Detailed reports of the state consultations have been enclosed as part of the annexures. (Annexure-III)

2.5 Data Sources

Primary sources of data collection include interactions with the participants of the study and gathering their responses using the tools. Observation has also been a very important direct/primary source of information. Secondary sources of data include desk-based research comprising critical evaluation of the NFSA (2013), Policy documents (orders/notifications/guidelines) concerning the TPDS, ICDS, MDMS and MBS. Further, research has also been conducted to analyze the normative framework associated with RTF, including Universal Declaration of Human Rights (UDHR), International Covenant of Economic, Social and Economic Rights (ICESCR), Convention on the Elimination of all forms of Discrimination against Women (CEDAW), United Nations Convention on the Rights of the Child (UNCRC), Universal Declaration on Eradication of Hunger and Malnutrition, Voluntary Guidelines for Progressive Realization of Right to Adequate Food in the context of National Food Security, FAO and UN Commission on Human Rights.
CHAPTER III
ASSESSING THE IMPLEMENTATION OF NATIONAL FOOD SECURITY ACT, 2013

The third chapter forms a core part of this report. It highlights the qualitative and quantitative information gathered through desk based research, focus group discussions, state level consultations and field investigation across all the four states. The information is classified into three types of indicators-structural, process and outcome. The indicators are discussed in detail hereunder.

Chapter outline

• Structural indicators
  o Constitutional provisions
  o NNP
  o NFSA - Critical evaluation of the NFSA, 2013-PANTHER principles
  o Central Rules
• Process indicators
  o State Rules and other process indicators
  o Institutional Mapping
• Output indicators

3.1 Structural indicators

Structural indicators are indicators that relate to:

- Constitutional and legal provisions on the right to food and regulatory gaps
- Stated policies (or lack thereof) for the realization of the right to food
- Institutional framework for the fulfillment of state obligations

For the purpose of this study, international as well as domestic normative frameworks with respect to right to food and nutrition security were analysed and discussed in detail.

3.1.1 Normative Framework of Right to Food

Overview

The Indian constitution is progressive and dynamic in nature and it deems to ensure justice, equity and liberty to very citizen of the country. Right to food is not a fundamental right explicitly mentioned in part III of the Indian constitution but it can be derived from Article 21. Article 21 envisages right to life and livelihood, which implies that in order to live one needs food and bereavement of food would explicitly imply bereavement of right to life.

Right to Food and Nutrition is based on a strong normative framework that developed internationally and was eventually incorporated into the domestic laws and policies in India. The chapter gives an overview of the international normative framework of Right to Food and Nutrition, In the subsequent sections, it delves into the National Policy on Right to Food in India and discusses National Food Security Act 2013.
International Normative Framework of Right to Food

The Right to Food was first recognised under the Universal Declaration of Human Rights, 1948 and was adopted by the United Nations. It was non-binding but it was universally recognised. Article 25 of the Universal Declaration of Human Rights reads-

• Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and the necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

• Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Post this, the Right to Food as a human right was spelt out in various declarations but the most important binding guarantee on the Right to Food came through the International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted in 1966-

Article 11

• The State Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions (emphasis added).

• The State Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures including specific programmes, which are needed:
  o To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
  o Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

• The State Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (emphasis added).

Conventions on the Rights of the Child

The CRC, which encompasses both civil and political rights and social, economic and cultural rights and thereby underlines the indivisibility of the international human rights system, provides a firm base for the promotion of nutrition as a right. The Article 24 and 27 of the convention provided a powerful support to the Right to Food and Nutrition security of the children-
Article 24

- States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

- States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
  
  o To diminish infant and child mortality;
  
  o To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
  
  o To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
  
  o To ensure appropriate pre-natal and post-natal health care for mothers;
  
  o To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
  
  o To develop preventive health care, guidance for parents and family planning education and services.
  
  o States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
  
  o States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 27

- States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

- The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

- States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

- States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States
Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

The Committee on Economic, Social and Cultural Rights (Committee on ESCR) in its General Comment 12:

In 1999, the Committee on ESCR issued its General Comment No. 12 on the Right to Adequate Food. It is considered to be most authoritative interpretations on the Right to Food within the UN human rights system (Sollner, 2017).

General Comment of 1999- “the right to adequate food is realized when every man, woman and child, alone and in community with others, has physical and economic access at all times to adequate food or means for its procurement (para. 6).

Thus, the right to food was not interpreted in a narrow sense, which is restricted to the consumption of a minimum intake of calories, proteins and other nutrients. The right to adequate food had to be realised progressively and the states were obligated to take necessary action in mitigating hunger even in times of natural or other disasters (United Nations Human Rights, nd).

The Committee on Economic, Social and Cultural Rights in General Comment No. 12 also defined the obligations that States parties have to fulfill in order to implement the right to adequate food at the national level (United Nations Human Rights, nd). These are as follows:

- Obligation to respect existing access to adequate food requires States parties not to take any measures that result in preventing such access;
- The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food;
- The obligation to fulfill (facilitate) means the State must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security;
- Whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfill (provide) that right directly. This obligation also applies for persons who are victims of natural or other disasters.

Inspired by the Committee on ESCR definition, the Special Rapporteur appointed by the United Nations to examine the right to food concluded that:

“the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear.”

Provisions in Indian Constitution

Article 14

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.
Article 15

- The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

- No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to:
  - access to shops, public restaurants, hotels and places of public entertainment; or
  - the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.
  - Nothing in this article shall prevent the State from making any special provision for women and children.
  - Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.
  - Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.

Article 29

Right of minorities for protection of their interests

Article 39

(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Article 45

Right to early childhood care and education to all children until they complete the age of six years

Article 46

Right of weaker sections of the people to be protected from social injustice and all forms of exploitation

Article 47

Right to nutrition and standard of living and improved public health

**National Nutritional Policy (NNP), 1993**

The National Nutritional Policy, 1993 is considered one of the finest policy documents in the country. Formulated in the national development context, the NNP began to take shape in the early 1980s, when the Planning Commission, Government of India, constituted a Task Force on the Projection of Minimum Needs and Effective Consumption Demand. International events associated with nutrition such as the International Conference on Nutrition (ICN) jointly organised
by the Food and Agriculture Organisation and World Health Organisation in December 1992 at Rome provided the necessary impetus to the processes that were underway. As a result, India was among the first countries to articulate a policy on nutrition. The National Nutrition Policy was adopted by the Government of India under the aegis of Department of Women and Child Development in 1993.

NNP is a comprehensive, multi-sectoral policy document that viewed undernutrition “as a part of a larger set of processes that produces and consumes agricultural commodities on farms, transforms them into food in the marketing sector, and sells the food to customers to satisfy nutritional, aesthetic, and social needs” (India–MRHD 1993). While the policy affirmed the fact that economic development or even the adequacy of food at the household level is no “guarantee for a stable and satisfactory nutritional status,” it also stressed the fact that while nutrition interventions need to be tackled independently, they should be an integral part of an overall development process. The NNP strategy stated that “nutrition is a multi-sectoral issue and needs to be tackled at various levels.”

NNP envisaged direct and indirect interventions, as well as short- and long-term strategies. Based on evidence of data on dietary intake, food production, and poverty, among other variables, the policy considered the following undernutrition problems:

- undernutrition—both protein energy malnutrition and micronutrient deficiencies,
- low birth weight,
- Overnutrition, overweight, and obesity,
- seasonal dimensions and undernutrition,
- natural calamities and the landless and impact on nutritional status,
- market distortion and disinformation and their relationship to undernutrition,
- increasing urbanization and undernutrition, and
- special nutritional problems of hill people, industrial workers, migrants, and others.

The NNP recommended both direct and indirect nutrition interventions. Direct intervention measures included meeting nutrient gaps in the diet of the most vulnerable section of the population—i.e., provision of food supplements to children under 6 years, pregnant and lactating women, and adolescent girls. Additional direct interventions included nutrition education for creating appropriate behavioral changes among mothers; improving growth monitoring of children 0–3 years old; fortifying essential foods, such as cereals, salt, and oil; popularizing economical nutritious foods prepared from indigenous and low-cost materials; and intensifying a pharmaceutical supplement program, such as vitamin A supplementation (VAS) and IFA supplements.

The NNP included the following indirect interventions:

- Food security, with an emphasis on increasing the production and availability of protective foods, improving purchasing power, ensuring equitable food distribution through an effective public distribution system, implementing land reforms, and preventing food adulteration.
- Actions regarding health services listed in the policy, such as immunization, antenatal and postnatal care, small-family norms, basic health and nutrition knowledge with focus on wholesome infant feeding, and use of communication and media for promoting “sound feeding practices.”
• Improvement in women’s status, nutrition surveillance, monitoring, research, and community participation in generating nutrition awareness and creating demands for services, as well as establishing kitchen gardens, food processing, and management of nutrition programs.

The NNP also enumerated the following measures for effective administration and monitoring:

• Close collaboration between the food, agricultural, health, education, rural development, and nutrition policymakers.

• Special working groups to be constituted in the Ministries of Agriculture, Rural Development, Food, and Women and Child Development to analyze the nutritional relevance of sectoral proposals and to incorporate nutritional considerations in them wherever necessary.

• Functioning of an Inter-Ministerial Coordination Committee in the Ministry of Human Resource Development under the Chairmanship of the Secretary, Department of Women and Child Development, to oversee and review the implementation of nutrition intervention measures, with representation by concerned ministries and departments, such as Health and Family Welfare, Education and Agriculture, Food and Civil Supplies.

• A National Nutrition Council to be constituted in the Planning Commission, with the prime minister as president, as a national forum for policy coordination.

• Monitoring of the national nutrition by the NIN.

• Role of state governments: the successful actualization of the NNP depends on an effective role played by state governments. Apex state-level nutrition councils to be chaired by the chief ministers and comprised of concerned state government ministers. An interdepartmental coordination committee to function under the chief secretary to coordinate, monitor, and oversee the NNP (special working groups set up in the Departments of Agriculture, Rural Development, Health, Education, Food, and Women and Child Development would be responsible for analyzing various sectoral schemes from the nutrition angle).

• Mobilizing community resources to ensure the sustainability of these interventions; involvement of local bodies (panchayats and municipalities), NGOs, cooperatives, professional organizations, and pressure groups.

• Constituting state coordination committees and state nutrition councils as well as similar bodies at the district level.

The NNP was followed by the launch of the National Plan of Action on Nutrition in 1995 (India–Ministry of Women and Child Development 1995), which identified the roles of 14 sectors. While several prescriptions of the National Nutrition Policy were existing as National Programmes, such as, Vitamin A Programme, and the Anaemia Prophylaxis Programme, the ICDS, some other prescriptions which would have had immediate and far reaching positive impact on improving nutritional status of our population did not receive enough attention, such as “Fortification of Essential Foods” and “Popularization of Low Cost Nutritious Foods”; bringing about behavioural change through “Basic Health and Nutrition Knowledge” and “Communication”; and ”Improvement of Dietary pattern through Production and Demonstration.” The fact that these
have been barely touched upon even in the subsequent policy and legal documents, including the National Food Security Act, 2013 reflects the lack of strong, well-defined and comprehensive structural indicators that pave way for successful implementation.

**Right to Food Movement and the PUCL vs Union of India Case**

The year 2001 was a turning point when 47 tribals and Dalits starved to death in Rajasthan as the state reeled from its third consecutive year of drought. This tragedy happened in Rajasthan despite the fact that the Indian warehouses were brimming with an excess of 40 million tonnes of food grains in that year. A few weeks later, the Right to Food Campaign, a civil society network of activists and organizations, moved to the Supreme Court to secure the right to food and nutritional security in India. The case—People’s Union for Civil Liberties v Union of India (popularly known as the Right to Food case)—sought to transform the government’s policy choices on food into enforceable rights for the citizens.

The petition demanded that country’s massive food stock should be used at the earliest to protect the people from hunger and starvation. Along with seeking better public food distribution, the campaign also made demands for children’s nutrition, employment guarantees, and land rights. Popularly known as the ‘Right to Food Case’, it is one of the longest running mandamus in the world. During the course of the case, several significant orders such as the universalisation of the mid day meals; supplementary nutrition programme for children under six years of age, pregnant and lactating mothers and adolescent girls were passed by the Supreme Court.

The Right Food Movement while arguing for greater entitlements and proper implementation of the Public Distribution System (PDS) from the state, also believed that people have to mount pressure on the state in order to ensure that in the changing nature of policies under the neoliberal economic order, do not take away their right to have access to resources such as forests, and water to which they have had rights for centuries. The movement sought to create constant pressure on the state in order to ensure a more equitable model of development in which economic growth is not based on exploitation but rather strives to create equal opportunities for all.

In the run up to the 2009 General Elections, the Indian National Congress promised to bring in a Food Security Act if it was elected back to power. It was listed as one of the priorities of the government after being re-elected and the campaign worked actively to put pressure on the government to introduce a bill which was comprehensive in its approach. The act was passed by the parliament in 2013 after years of struggle. Even though the Right to Food Campaign considered the final act which was passed as inadequate, it was considered a step in the right direction.

**Critical Assessment of the National Food Security Act, 2013**

The NFSA, 2013 came into effect on 5th July 2013, primarily aimed at ensuring “food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity” (GOI 2013). The Act comprises thirteen chapters and three schedules. Some of the salient features of the Act are discussed in brief hereunder:

Considered a landmark enactment, the NFSA, 2013 is a significant step towards realization of right to food. One of the most crucial aspects of this Act is that it upholds the benefits, which were earlier provided under four schemes, namely the Targeted Public Distribution System (TPDS), Integrated child Development Scheme (ICDS), Mid Day Meal Scheme (MDMS) and the Maternity Benefits
Scheme (MBS), as rights. This is considered the most important feature of the Act as it makes Right to Food a legal entitlement. This is in accordance with Article 42 of the Constitution of India, which states that, the “duty of the State to raise the level of nutrition and the standard of living and to improve public health.”

The Act mandates that 75% of the rural population and 50% of the urban population is covered under the TPDS. Many States have further extended the coverage of the population in rural and urban areas. Apart from the coverage, the Act identifies two categories of right holders under the TPDS-Priority households (that comprise both BPL and APL categories) and Antyodaya Anna Yojana (AAY). The States are expected to draw a set of inclusion and exclusion indicators to identify the right holders under the above-mentioned categories.

In terms of entitlements for the right holders, the Act clearly specifies them per person per household as against the entitlement for each household that existed prior to the enactment of the Act. Every person belonging to a priority household is entitled to receive five kg of rice per person per month from TPDS. In the pre-NFSA period, all BPL households would receive 35 kg of food grain, irrespective of the number of members in each household. NFSA, however, accounts for the differences in number of members in each household by making entitlements per person. However, NFSA retains the pre-NFSA entitlements for the AAY households that will continue to receive 35 kg of food grain per household (LANSA, 2017).

An important mention in the Act is that of nutritional support for women and children. Section 4 of NFSA mandates the provision of a free meal through local Anganwadis and a maternity benefit of at least Rupees 6000 for pregnant and lactating (until six months after childbirth) mothers. The Act also specifically outlines the provision for food entitlements for children aged six months to 14 years. Section 5 entitles all children aged 6 months to 6 years to a free meal at the Anganwadis and a free mid-day meal for all school-going children up to class VIII (or age 14). Furthermore, the Act states that these schools and Anganwadis will have facilities for cooking meals, and providing drinking water and sanitation.

The Act also entitles all eligible persons to a food security allowance in case they are not provided the entitled quantities of food grains or meals. This payment has to be made by the state government to each person. The ‘Food Security Allowance Rules, 2015’ were notified by the Central Government on January 21, 2015 and provide the norms for calculating and disbursing this allowance.

A very important component of the Act is the Grievance Redressal Mechanism, which clearly focuses on the need to provide a well functioning, accessible redressal mechanism for right holders. Other important inclusions in the Act include reforms in the TPDS such as door step delivery, application of information and communication technologies with the aim of end-to-end computerisation of TPDS, transparency of records, shifting management of FPSs from private owners to public bodies such as women's cooperatives, diversification of commodities distributed, leveraging Aadhaar for identification of beneficiaries, introducing programmes such as cash transfers and food coupons.

The right to food, like all other human rights, is governed by a set of standards that must be complied with in order to ensure that the components of right to food. These standards are referred to as the PANTHER principles. The following section of this chapter will critically evaluate the extent to which the NFSA 2013 affirms to the principles laid down under PANTHER.
The PANTHER Principles

The PANTHER principles are considered important yardstick to evaluate the rights based framework, including the Right to Food. These principles are considered paramount when we think of policy related processes including policy formulation, decision making and implementation processes. Developed by FAO in 2006, the PANTHER framework is a human rights based approach to right to food and food security. This framework essentially talks about the principles that must be complied with when addressing the right to adequate food. PANTHER is an acronym that stands for seven principles—Participation, accountability, non-discrimination, transparency, human dignity, empowerment and rule of law. The seven principles are explained in detail as follows:

According to NESRI-National Economic and Social Rights Initiative, Participation means that people have a right to participate in how decisions are made regarding protection of their rights. This includes but is not limited to having input on government decisions about rights. To ensure human rights, governments must engage and support the participation of civil society on these issues. The participation of all stakeholders in the decision making process is free, full and meaningful. Accountability means that decision makers are politically and legally accountable; public officials are administratively accountable for the duties that they discharge; complaints/grievances are accepted. Politicians and government officials are accountable for their actions through elections, judicial procedures or other mechanisms. For this, governments must create mechanisms of accountability for the enforcement of rights. It is not enough that rights are recognized in domestic law or in policy rhetoric, there must actually be effective measures put in place so that the government can be held accountable if those rights standards are not met. Non-discrimination mandates that human rights must be guaranteed without discrimination of any kind. This includes not only purposeful discrimination, but also protection from policies and practices, which may have a discriminatory effect. This principle prohibits arbitrary differences of treatment in decision-making. Transparency means that governments must be open about all information and decision-making processes related to rights. People must be able to know and understand how major decisions affecting rights are made and how public institutions, such as hospitals and schools, which are needed to protect rights, are managed and run. All stakeholders are entitled to freedom of information/no information asymmetry; accessible language; compensation and recourse. Human dignity requires that people be treated in a dignified way. Human rights must be guaranteed without discrimination of any kind. This includes not only purposeful discrimination, but also protection from policies and practices, which may have a discriminatory effect. Empowerment requires that stakeholders in a position to exert control over decisions affecting their lives. Rule of Law requires that every member of society, including decision-makers, must comply with the law. Rule of Law, also known as Recourse mandates that necessary legal principles be complied with. It provides for court action whenever rights of the persons concerned are violated.

The primary objective of this chapter is to juxtapose the PANTHER principles on NFSA, 2013 and reflect on the extent to which these principles have been endorsed in the Act. Each schedule, chapter and provision has been looked at through the lens of PANTHER and critically evaluated. The analysis of this has been explained in detail as follows.

Critical Evaluation of NFSA using PANTHER principles

Participation
As mentioned in the above section, “Participation” advocates the free and unrestricted participation of individuals in processes that affect realization and protection of their right to food. This includes but is not limited to having input on government decisions about rights. To ensure human rights, governments must engage and support the participation of civil society on these issues. The indicators that have been considered to evaluate the extent to which this principle has been realized in the Act are:

- Participation of right holders in policy-formulation, implementation, monitoring and evaluation
- Participation of civil society representatives in policy formulation and the extent to which their inputs are incorporated into the Act

Clause 28 (1) of the Act, which states that “Every local authority or any other authority or body, as may be authorized by the State Government, shall conduct or cause to be conducted periodic social audits on the functioning of fair price shops, TPDS and other welfare schemes, and cause to publicize it's findings and take necessary action, in such a manner as may be prescribed by the State Government”

While the Act doesn’t spell out anything specific in terms of participation in policy formulation, Clause 28 (1) clearly provides for the need of stakeholders to collectively participate in the monitoring and evaluation of the services provided under the TPDS and other welfare schemes. That apart, the clause also mandates the publication of findings of such audits and directs the concerned persons to take necessary action as may be prescribed by the State Government.

**Accountability**

As per this principle, Governments must create structural mechanisms of accountability for the enforcement of rights. This goes beyond recognizing rights in domestic law or in policy rhetoric. This principle mandates the need for effective measures to be put in place so that the Government/duty bearers can be held accountable (politically and legally) if those rights standards are not met. Further, public officials are administratively accountable for the duties that they discharge; complaints/grievances are accepted.

For the purpose of evaluating the realization of this principle in the Act, two important factors have been considered:

- Whether the Act provides for creation of institutions that hold duty bearers accountable?
- Whether the Act provides for creation of any rules, frameworks, guidelines, sanctions?

Accountability is one principle that has been very extensively and clearly stated in the Act, albeit it is limited to the TPDS scheme.

* Chapter X-Transparency and Accountability, Clause 27- All TPDS related records shall be placed in the public domain and kept for inspection to the public, in such a manner as may be prescribed by the State Government.

*Clause 28 (1)-Every local authority or any other authority or body, as may be authorised by the State Government, shall conduct or cause to be conducted periodic social audits on the functioning of fair price shops, TPDS and other welfare schemes, and cause to publicise it's findings and take necessary action, in such a manner as may be prescribed by the State Government.
*(2)*-The Central Government may, if it considers necessary, conduct or cause to be conducted social audit through independent agencies having experience in such social audits.

* Chapter XIII-Clause 33-Any public servant found guilty, by the State Commission at the time of deciding any complaint or appeal, of failing to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or willfully ignoring such recommendation, shall not be liable to penalty not exceeding five thousand rupees.

While clause 27 of Chapter X deals with transparency in terms of display of all TPDS records in the public domain, clause 28 (sub clauses 1 and 2) mandate the conduct of social audits to evaluate the performance of services under TPDS. Further, it also specifies the need to publicize the findings of the social audit and initiate necessary action in case of issues or problems faced.

Chapter XIII, clause 33 is a provision that relates to holding officials or their administrative acts legally accountable. Any official who has been found guilty for not providing relief as recommended by the District Grievance Redressal Officer, shall be liable to pay a fine not exceeding Rupees Five Thousand.

**Non-discrimination**

The principle of non-discrimination prohibits arbitrary differences of treatment in decision-making. Human rights must be guaranteed without discrimination of any kind. This includes not only purposeful discrimination, but also protection from policies and practices, which may have a discriminatory effect. In order to examine the extent to which this principle has been reflected in the Act, the following indicator has been considered:

- Whether the Act promotes/advocates for protective discrimination?

One of the most important factors that promote for positive discrimination is the coverage of right holders under the TPDS. The Act mandates that 75% of the rural population and 50% of the urban population is covered. The Act also identifies a specific group of right holders, in line with the lifecycle approach, including children between six months and three years, children aged between three and six years, pregnant women, lactating mothers and adolescents aged between six and fourteen years. While the respective State Governments are allowed to issue Rules and norms associated with this, the Act provides a minimum percentage of the population that must be covered.

That apart, the Act also provides for protective discrimination towards vulnerable groups.

Chapter XII of the Act, which deals with provision for advancing food security, clearly states that:

Chapter XII-Provision for advancing food security, Clause 30-The Central Government and the State Governments shall, while implementing the provisions of this Act and the schemes for meeting specified entitlements, give special focus to the needs of the vulnerable groups, especially in remote areas and other areas which are difficult to access, hilly and tribal areas for ensuring their food security.

**Transparency**

The principle of transparency states that Governments must be open about all information and decision-making processes related to rights. People must be able to know and understand how major decisions affecting rights are made and how public institutions, such as hospitals and schools, which are needed to protect rights, are managed and run. Claimholders must have access to information.
about anything that might affect the realization of their rights. Two indicators have been considered to evaluate the extent to which the principle of transparency has been reflected in the Act. They are stated hereunder:

- Transparency in terms of formulation of policy, identification of beneficiaries of policies, display of names, rules, guidelines, responses to grievances
- Whether the Act prescribes anything with respect to transparency in transactions (monetary or information)?

The principle of transparency is limited to the TPDS in the Act. One of the clauses of the Act reflects both the principles of accountability as well as transparency. Chapter IV of the Act, which talks about Identification of eligible households clearly states that the State Government must display the list of identified households in the public domain (Clause 11). Clause 12 of Chapter V, which deals with reforms in TPDS mandates the respective State Governments to ensure complete transparency of records. The Act also provides for the setting up of structural mechanism such as vigilance committees at State, District, Block and Fair price Shop levels. The Act goes a step further by stating that persons belonging to scheduled castes, the scheduled tribes, women and destitute persons or persons with disability must be included in such committees. This clause is also important as it provides protective discrimination for persons from vulnerable groups.

It is important to note here that clauses reflecting the principle of transparency are limited only to the TPDS and do not include the other rights guaranteed under the ICDS, MBS and MDMS.

* Chapter IV-Identification of eligible households, Clause 11: The State Government shall place the list of the identified eligible households in the public domain and display it prominently

* Chapter V-Reforms in TPDS, Clause 12 (2)(d): The Central and State Governments shall endeavor to progressively undertake necessary reforms in the TPDS in consonance with the role envisaged for them in this Act; The reforms shall, inter alia, include -(d) full transparency of records;

*Clause 29(1) For ensuring transparency and proper functioning of the TPDS and accountability of the functionaries in such system, every state government may set up vigilance committees as specified in the Public Distribution Control Order, 2001, made under the Essential Commodities Act, 1995, as amended from time to time, at the State District, Block and fair price level shops, consisting of such persons, as may be prescribed by the State Government giving due representation to the local authorities, the scheduled castes, the scheduled tribes, women and destitute persons or persons with disability

**Human Dignity**

The principle of human dignity mandates that people must be treated in a dignified way with no undue duress. The individual must be respected. Although the fundamental objective of this Act is to ensure “food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity” (GoI, 2013), there is no specific clause associated with any right guaranteed under TPDS, ICDS, MDMS or MBS, that specifically deals with this principle.

**Empowerment**

The principle of empowerment essentially means that individuals are in a position to exert control over decisions affecting their lives. The scope of this principle is limited to the TPDS, which is
mentioned in Chapter VI that deals with women empowerment.

Chapter VI-Women Empowerment, Clause 13 (1) and (2)

*(1) The eldest woman of the house, who is not less than 18 years of age, in every eligible HH, shall be the head of the HH for the purpose of issue of ration cards

* (2) Where a HH at any time does not have a woman or a woman of 18 years or above, but has a female member below the age of 18 years, then the eldest male member of the HH shall be the head of the HH for the purpose of issue of the ration card and the female member, on attaining the age of 18, shall become the head of the HH for such ration cards in place of such male member.

While this chapter is a welcome move to acknowledge the need to given women the power to entirely manage the procurement and distribution of ration within the household, the implementation of this has been questionable.

Rule of Law/Recourse

The principle of Rule of Law/Recourse mandates that every member of society, including decision-makers, must comply with the law. Necessary legal principles must be complied with, failing which court action may be taken for not initiating necessary steps for recourse.

The Act has been examined through two primary indicators:

- Whether the Act prescribes for grievance redressal under each scheme?
- Whether the Act provides for appointment of specific officers and creation of specific institutions responsible for grievance redressal under each scheme?

* Chapter VI-Grievance Redressal Mechanism Clauses-14 (Internal Grievance Redressal Mechanism)-Every State shall put in place an internal grievance redressal mechanism which may include call centres, help lines, designation of nodal officers or such other mechanism as may be prescribed

*Clause 15 (1)-The State Government Shall appoint or designate an officer to be the District Grievance Redressal Officer for expeditious and effective redressal of grievances of the aggrieved persons in the matters relating to distribution of the entitled food grains or meals under Chapter II, and to enforce other entitlements under the Act.

*Clause 16-State Food Commission-Every State Government shall, by notification, constitute a State Food Commission for the purpose of monitoring and review of the implementation of this Act.

The Act clearly spells out the need for establishing structural institutions for the purpose of grievance redressal. Clauses 14 and 15 of Chapter VI, which specifically deals with Grievance Redressal Mechanism calls for the need to put in place an Internal Grievance Redressal Mechanism, District Grievance Redressal Officer, as well as the State Food Commission. The Act clearly outlines the roles and responsibilities of all the above-mentioned institutions and further goes on to mention the sanctions in case the roles and responsibilities are not complied with. While the principle of recourse has been very clearly outlined in the Act, it is limited to the TPDS. The Act fails to shed light on the recourse mechanisms required to be established for the other schemes. This may be regarded as a major loophole in the Act.
While the Act does reflect most of the PANTHER principles, one of the biggest criticisms of the Act is the fact that it focuses extensively on the TPDS and not the other programmes that form an equally important component of the Life-cycle approach. This lopsided view is also reflected in the extent to which the PANTHER principles have been applied. Most of the principles including important ones like Grievance Redressal, Transparency and empowerment are limited to the TPDS. In the absence of clear and specific clauses, structural mechanisms will not be established, thereby leading to failure in implementation of the programmes.

Central Rules

Central Rules are critical component of delegated legislation under National Food Security Act 2013. Although the scope of the Central Rules as mentioned in Section 39 of NFSA is limited as compared to the scope of State Rules (Section 40) that is also reflective of the potential and expected role of the state governments in the implementation of NFSA 2013.

Section 39 (2) requires Central Government to frame Rules for the following:

(a) scheme including cost sharing for providing maternity benefit to pregnant women and lactating mothers under clause (b) of section 4 that includes a cash entitlement of not less than six thousand rupees for all pregnant and lactating mothers not covered by any other schemes of the central or state governments

(b) schemes covering entitlements under sections 4, 5 and section 6 including cost sharing under section 7. This allows central government to frame Rules for nutritional support to pregnant and lactating mothers (section 4), nutritional support to children (section 5) and prevention of malnutrition among children (section 6). Sub section a and b of section 5 empower central government to frame Rules for the provisions of appropriate meal, free of charge, though local anganwadi for the children between the age group of six months to six years. This sub section also requires that the meals thus provided also meet the nutritional requirements in terms of calorie and proteins and type of the meal, i.e. take home ration or hot cooked meal, as mentioned in Schedule II of NFSA

(c) Section 8 of NFSA provides for the right to receive food security allowance in certain cases. It provides that in case of non supply of entitled food grains or meals, the entitled personas shall be entitled to receive food security allowance from the state government. However, the manner, amount and the time period within which it should be provided is supposed to be prescribed by the central government through Rules.

(d) With a view to reform the targeted public distribution system (TPDS), sub section 2(d) of Section 39 gives the power of defining the nature and manner of schemes of cash transfer, food coupons or other schemes to the targeted beneficiaries in order to ensure their foodgrains entitlements in such areas and manner under clause (h) of sub-section (2) of section 12.

(e) Section 22 lays down the responsibilities of the central government to allocate require quantities of food grain from central pool. Sub section 2 (e) of section 40 requires central rules to be framed for the norms and manner of providing assistance to the State Governments in meeting expenditure towards intra state movement, handling of food grains and margins paid to fair price shop dealers as per clause (d) of sub-section (4) of section 22

(f) Central government is also supposed to frame Rules to determine the manner in which funds shall be provided by the Central Government to the State Governments in case of short supply of
foodgrains as per section 23 of the Act

In exercise of its powers vested in the Section 40, the central government until the end of 2018 had notified four sets of Rules:

- The Provisioning of Funds to State Governments for Short Supply of Food Grains Rules 2014
- The Food Security Allowance Rules 2015
- The Cash Transfer of Food Subsidy Rules, 2015
- The Mid-Day Meal Rules, 2015 (MDM Rules)
- The Food Security (Assistance to State Governments) Rules 2015
- The Pradhan Mantri Matru Vandana Yojana Rules, 2017

The Provisioning of Funds to State Governments for Short Supply of Food Grains Rules 2014 and the Food Security (Assistance to State Governments) Rules 2015 have direct bearing the availability of food grains with the states for compliance with the quantity of food grains as per the requirement of NFSA. Assistance to state Rules emphasise the responsibility of the central government to ensure supply allocated quantity of food grains to the states. If the central government is unable to supply the required quantity of food grains, it is supposed to provide the funds to the extent of short supply to that state government at the rate of difference between 1.25 times the minimum support price of the relevant foodgrains for that marketing season and the prices specified in Schedule I to the Act. While the Rules do take into cognizance the need to ensure continuity in provision of foodgrains, the amount of support in case of non-supply may not be adequate for the states to purchase the food grains from open market. Although Rule 7 of the Assistance to State Governments Rules provide for the claiming of funds by state government in case of purchase from the market, the procedures involved to establish the claim remain complex and final decision rests with the central government only.

The Pradhan Mantri Matru Vandana Yojana Rules, 2017 dilute the adequacy component of the entitlement as prescribed under clause b of section 4 of NFSA 2013 hat provides for maternity benefits of not less than rupees six thousand. Rule 2 recognises Pradhanmantri Matru Vandana Yojana (PMMVY) as the scheme according to which the benefits is reduced to rupees 5000. Another sum of rupee 1000 has been proposed to be paid through Janani Suraksha Yojana (JSY) adding to the conditionalities. While PMMVY imposes conditionalities such as institutional deliveries and registration at health centres or anaganwadi and Aadhar, JSY already required antenatal visits and immunization etc for availing the benefits. These draft Rules, if notified in current form fail to adhere to the norms in terms of adequacy even as prescribed by the NFSA and given the modalities as prescribed in Rules 5 of the Draft Rules may also render the access to cash entitlements more difficult.

While the Food Security Allowance Rules 2015 and the Cash Transfer of Food Subsidy Rules, 2015 evolve from the anomaly inherent in the parent Act itself that stands inconsistent with the adequacy of food, which is an important component of rights based framework pertaining to food security. Some provisions in both the above mentioned set of Rules defeat the entire purpose of providing
the allowance as compensation in lieu of the entitled food grains either by underestimation of allowance or by subjecting the availing of allowance to a number of complicated procedures making the access difficult for the right holders. The amount of food security allowance admissible to the entitled person is to be computed by multiplying the difference between the 1.25 times the minimum support price of the relevant food grains for that marketing seasons and the prices specified in Schedule I of the Act, with the quantity of non-supply. The amount arrived at through this computation doesn't not seem adequate enough to purchase the same quantity of food grains as prescribed under NFSA. Similar computation as mentioned in Rule 6 of Cash Transfer Rules 2015 also poses a serious challenge for those dependent on supply of food grains through fair price shops.

Table 3.1: Illustrative case of computation of Food Security Allowance as per NFSA

<table>
<thead>
<tr>
<th>Item</th>
<th>Price per kg as per NFSA act 2013 (in Rs.)</th>
<th>MSP 2018 -19 (Rs. per kg)</th>
<th>Calculating FSA (for a kg)</th>
<th>Food security Allowance (Rs. per kg)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rice</td>
<td>3</td>
<td>17.50</td>
<td>(1.25x17.5)-3</td>
<td>18.875</td>
</tr>
<tr>
<td>Wheat</td>
<td>2</td>
<td>18.40</td>
<td>(1.25x18.40)-2</td>
<td>21</td>
</tr>
<tr>
<td>Coarse grains (maize)</td>
<td>1</td>
<td>17</td>
<td>(1.25x17)-1</td>
<td>20.25</td>
</tr>
</tbody>
</table>

Further, Rule 9 states that the allowance will not be payable to those who do not visit the fair price shop, excluding aged and infirm people who are not able to travel to the fair price shop, raising a concern as regards the access to food. Rule 8 of the Food Security Allowance Rules (FSA) 2015 Rule 6 of the Cash Transfer Rules 2015 make it necessary for the payments to be made to the bank accounts only, although FSA 2015 Rules empower the nodal officers of the respective departments as per the section 14 of the Act to enable the payment in cash in interim, it also requires the person to open the bank account within a period of one month. This means that even if the payment is cash is done once, in case of subsequent non supply food security allowance will not be payable unless the bank account is opened.

The SNP Rules 2015 and the MDM Rules 2015, in addition to reiterating the availability of the meals as per Schedule II of the NFSA also reflect upon the quality of meals, state level monitoring mechanism and the cost sharing norms between the central and the state governments. Rule 4 of SNP Rules specify that the meals will be served at the nearest anganwadi to those who are registered in the anganwadi. Similarly, Rule 4 of MDM Rules 2015 states that the meal shall be served to children at school only. These provisions may potentially lead to problem with accessing the meals for them who are either unable to come to anganwadi or the school as the case may be. Given that children in most cases depend on adults to reach these places, children’s access to food is also determined by adults’ ability, willingness, time and affordability.

With a view to ensure the quality of the food serviced in anganwadis, Rule 7 of SNP Rules 2015 requires adherence to the food safety and food composition related norms as prescribed by the Supreme Court and the respective High Courts. Rule 7 (3) mandates conformity with the provisions
of the Food Safety and Standards Act 2006 to ensure consistent quality and nutritive value of the interventions per serving and it is also to be ensured that the meal is prepared in kitchen having adequate sanitation and safe drinking water to maintain hygienic conditions. Further Rule 7(4) of SNP Rules 2015 makes the concerned Programme Officer and the Child Development Project officer under ICDS responsible to ensure the quality of supplementary provision with reference to the norms of food safety as well as food composition. The Food and Nutrition Board in collaboration with the state governments is supposed to carry out period checks and test the meal or get it checked through the Government accredited or recognised Food Research Laboratory to ensure that the meal meets with the nutritional standards and quality specified in Schedule II of the Act. Officers as authorised by the state governments are also supposed to conduct surprise checks and draw samples and get them tested through the laboratories to ensure quality and nutritive value of the meal. Rule 7 (7) also says that the food should be tasted by the anganwadi worker or helper before it is served to the beneficiaries at the anganwadi centre.

Similar provisions are also made in the MDM Rules 2015 for maintenance of standards and quality of meals. Rule 5 of MDM Rules 2015 says that the meals should be prepared in accordance with Mid Day Meal Guidelines issued by the central government and schedule II of the Act. Rule 8 mandates evaluation and certification of the meals being provided to children in schools by the accredited Government Food Research Laboratories. Food and Drugs Administration Department is supposed to collect random samples every month for examination of quality, safety and nutrition value of the meals.

As regards the monitoring and review of the implementation of the schemes, both SNP Rules and MDM Rules specific provisions. SNP Rules 2015 (Rule 8) entrust the responsibility of monitoring to the Monitoring and Review Committees at the National, State, District and Anganwadi level. Similarly, Rule 6 of MDM Rules 2015 provides for State Steering-cum-Monitoring Committee (SSMC) for the implementation of the Act including establishment of a mechanism for maintenance of nutritional standards and quality of meals. Rule 7 further empowers School Management Committees (SMCs) under Right of Children to Free and Compulsory Education Act 2009 to monitor the implementation of Mid Day Meal Scheme and oversee the quality of the meals, cleanliness of the place of cooking and maintenance of hygiene. Rule 7(2) empowers headmaster/headmistress of the school to utilise any fund available in school for the purpose of continuation of Mid Day Meals scheme in case of temporary unavailability of food grains, cooking costs etc., in the school. This particular Rule is an enabling provision for ensuring continuity to the provision of meals in schools. However, a corresponding provision is missing in SNP Rules governing the provision of food through anganwadis.

SNP Rules 2015 also do not include the provisions relating to food security allowance as mentioned in case of MDM Rules 2015. However, Rules also clarifies that no claim can be levied against the state/central government for the reasons of quality of food grains and meals. The computation of food security allowance also includes only the quantity of food grain as per entitlement of the child and cooking cost prevailing in the state. The food grains related amount is further subjected to the calculation done as per the Food Security Allowance (FSA) Rules 2015, rendering the entire process cumbersome and complicated. Its implementation as regards MDM is even more difficult given that the allowance amount needs to be transferred to bank account which is difficult in case of children.

As regards the grievance redressal, it is only the FSA Rules amongst all the central rules that refer to the District Grievance Redressal Mechanism (DGRO) as mentioned in section 15 of NFSA. It is
assumed respective state governments re supposed to set up internal grievance redressal mechanism as per section 14 of the Act comprising of help lines, call centres and nodal officers. However, reference to nodal officers in SNP Rules 2015 etc., further emphasizes the importance of these mechanisms and put the obligation on the state governments to adhere to these provisions.

3.2 Process Indicators

Process indicators measure the efforts made by duty-bearers to convert their human rights commitments into the desired results. In other words, these indicators are continuously evaluating the specific policies and measures adopted by duty-bearers. The process indicators considered for this study include State rules and mapping of key service centres associated with the implementation of the NFSA, 2013.

State Rules and Institutional mapping

The Rules related to the four schemes in states of Odisha, Rajasthan, Madhya Pradesh and Karnataka are analysed on the basis of the PANTHER Principles, which has been discussed in the previous chapter.

Odisha

Targeted Public Distribution System

The Food Supplies and Consumer Welfare Department of the Government of Odisha issued the Odisha State Food Security (Targeted Public Distribution System) Rules, 2017 on 1st of August 2017. These rules have provisions which cover the Participation, non-discrimination, rule of law and transparency principles. Rule 18 of the Rules makes provision for the local authority or NGOs to conduct periodic social audits of the fair price shops and its functioning. This process ensures that monitoring and evaluation principle nested within participation of the PANTHER principles is adhered to. Rule 3(2) of the same rules contains the principle of non-discrimination as it lays down the list of households to be considered as eligible to avail benefits under TPDS and it includes households without shelter, with destitute, belonging to primitive vulnerable tribal groups, with a widow who avails pension under the Central/ State Government or any other scheme, individuals who have a disability of more than 40% and transgender applicants. By including individuals and households from all backgrounds, this rule is inclusive and hence upholds the principle of non-discrimination. The principle of Rule of Law of the PANTHER principles is reflected in Rules 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14. Rule 5 makes provision for setting up call centres, toll-free helplines and websites for grievance redressal and to provide information on the NFSA. The call centres are to provide services in the local dialect or Odia language as much as possible. This is to ensure that the complaints are heard and resolved and language doesn’t act as a barrier for redressal of grievances. Rules 6 and 7 provide for appointment of Nodal officers to ensure the effective functioning of the internal grievance redressal system. They are responsible for the proper management of the call centres and toll free helplines. They are also responsible to forward the complaints to District Grievance Redressal Officer (DGRO) for its speedy disposal. DGROs are appointed or designated to hear the grievances regarding non-discrimination of entitled food grain and monitor the regularity in distribution of food grains, monitor timely payment of the food security allowance among others under Rules 8 and 9. Rules 10, 11, 12 and 13 lay down the procedure to be followed by the complainant to lodge the complaint, hearing of the complaints before the DGRO, disposal of the complaint by the DGRO and the timeline for the disposal of complaints. Rule 14 lays down the procedure for appeal to the State Food Commission when the order passed by the DGRO is not
satisfactory to the complainant or the officer. These rules ensure that the rule of law is established and mechanisms to ensure accountability are put in place. The principle of transparency has been included in Rule 16 where it has been provided that the guidelines issued by the department for identification of priority households, list of beneficiaries under AAY/ TPDS, details of fair price shops, policy directives issued by the department etc. are to be displayed in the public domain on the website.

The Food Supplies and consumer welfare department of Government of Odisha notified the Odisha State Food Commission Rules, 2016 which explained the powers, organizational structure and functioning of State Food Commission in the state of Odisha. These Rules are in furtherance to the principle of Rule of law of PANTHER principles.

In relation to the Odisha State Food Security (Targeted Public Distribution System) Rules, 2017 The Odisha Direct Selling Guidelines Order, 2017 and The Odisha Public Distribution System Control Order, 2016 were issued by the Food Supplies and Consumer Welfare Department.

Mid-Day meal Scheme

The school and mass education department, Government of Odisha notified the Odisha mid-day meal rules, 2016 on 21st of October 2016. These rules were notified under the NFSA and have provisions related to quality nutritious meal, testing of food in laboratories etc. Rule 7 explains the role played by the School Management Committee (SMC) in monitoring the mid-day meal scheme. SMCs are committees established under the Right of Children to Free and Compulsory Education Act, 2009 and it has representation from the parents of school-going children, children, teachers and local authority. The Odisha state rules provides them the role of monitoring the implementation of the mid-day meal scheme, overseeing the quality of meals provided to children and maintaining cleanliness and hygiene in the place of cooking and through this it upholds the principle of participation.

Rajasthan

Targeted Public Distribution System

In the state of Rajasthan, the Food, civil supplies and consumer affairs department notified the Complaint Redressal Mechanism and Constitution of Rajasthan State Food Commission Rules, 2017 and it stresses on the principle of rule of law of the PANTHER principles. All the provisions of these rules further the rule of law principle as it speaks of establishing State Food Commissions, the procedure for making complaints, hearing complaints, appointment of DGROs and their role in the grievance redressal mechanism.

Few orders which have been issued under these rules are order issuing Bhamashah Yojana and Point of Sale Machines in Fair Price Shops, 2017; order to ensure door step delivery of food grains under PDS; use of AADHAR as identity document for delivery of services or benefits or subsidies and order to ensure the end to end computerisation and distribution of entitlements through the point of sale machines, 2017.

Empowerment

Handicapped and Elderly citizens of Rajasthan who are unable to visit the fair price shops every month, will be given food coupons which gives them the opportunity to use it avail ration for 3 months together and also another person on their behalf could collect the ration for the above mentioned individuals.
In order to strengthen transparency and accountability in the TPDS, the Food, Civil supplies and Consumer affairs department of Government of Rajasthan notified Rules for Social Audit under NFSA in 2017. These rules iron out the details regarding the implementation structure of the social audit at the state, district and Panchayath levels (rule 5), pre-requisites for conducting a social audit (rule 6), process of conducting the social audit (rule 7), setting up of social audit committees at various stages (rule 9) etc. As these social audits are not conducted by the community, the principle of participation is not applied here.

**Madhya Pradesh**

**Targeted Public Distribution System**

The Madhya Pradesh State Food Security Rules was notified by Food, Protection of Citizens and Consumer Protection Department on March 25th, 2017. The principle of participation is upheld in the conduct of social audit of the system, which is conducted as per the procedure specified by the State Government. The rules specify that public hearings are to be conducted once a week and the card holders can raise their grievances in these forums. There hearings are conducted in the office of the Collector, Zilla Panchayath, Janpad Panchayath, Gram Panchayath and other related offices. In quarterly Gram Sabha meetings, the members discuss various aspects of the scheme and questions raised are to be answered by the officials/ functionaries. The rules make a provision for filing complaints in the public grievances portal of the state. A toll free number has been assigned where complaints can be lodged and every complaint will be assigned a unique identification number. All these provisions aim at strengthening the accountability principle and make the functionaries and officials answerable to the public on the implementation of the scheme. In order to ensure the principle of transparency, there are provisions in the rules which ensure that the fair price shops may be inspected by the State/ district/ block level food security vigilance committees which have been constituted under the NFSA and all the records of the fair price shops maintained for TPDS shall be public documents under the Right to Information Act, 2005. The Madhya Pradesh rules are unique as they contain provisions, which uphold the principle of empowerment of the PANTHER principles. The eldest female of the household above the age of 18 years will be treated as the head of the household for the purposes of issue of ration cards. By broadening the space and enabling women to play a primary role in the system, their livelihoods are built and they are given an opportunity as cardholders to raise their voice in case of any grievances. The principle of rule of law has been included in all the state rules and MP rules also contain provisions for the appointment/designation of DGROs and form State Food Commissions which can be approached if the order issued by the DGRO is not satisfactory. Related orders include the Madhya Pradesh Public Distribution System (Control) Order, 2015 and Order Regulating the Control of TPDS in the State of Madhya Pradesh.

**Mid-Day Meal Scheme**

The Madhya Pradesh Mid-day meal rules stresses on participation of the community and these can be seen in the provisions where Antyodaya Card Holders, Head teacher/ nodal teacher in every school are supposed to taste the food and check its quality before serving the same to children; mothers’ rosters are to be maintained in every school for supervision and tasting of meals; Gram Sabhas are entitled to conduct social audits and report the gaps and discrepancies to the block officer for follow up actions have been provided. In a few districts, people are allowed to participate in the mid-day meal scheme by making contributions to schools in cash or kind on occasions like birthdays.
and anniversaries. The principle of transparency has been incorporated by including a provision for testing of food prepared as mid-day meals in Food Safety and Standards Authority of India (FSSAI) notified testing laboratories at regular intervals.

Karnataka

Targeted Public Distribution System

The Food, Civil Supplies, Consumer Affairs and Legal Meteorology Secretariat notified the Karnataka Vigilance Committee (Targeted Public Distribution System) Rules and the State Food Commission Rules in its Official Gazette in May and June 2016 respectively. The former contains the principles of Transparency and Empowerment whereas the latter contains the principle of rule of Law.

Karnataka Vigilance Committee (Targeted Public Distribution System) Rules mandates the setting up of vigilance committees at the State, District, Taluk and Fair Price Shop levels (rule 3). For the composition of the vigilance committee at the fair price shop level, rule 7 lays down that only women card holders are to be randomly selected. State Food Commission Rules provides for setting up of State Food Commission as per section 16 of NFSA.

Institutional Mapping

With a view to assess the status of infrastructure and institutions available and their adequacy a mapping was undertaken four states and eight districts identified for the study.

Karnataka

The total number of Anganwadi centres in Karnataka is 64558\(^1\) and the total population of children in the age group of 0-6 years is 71,61,033 (36,75,291 boys and 34,85,742 girls in the age group)\(^2\). The total number of PDS is 20475\(^3\) for a population of 610,95,297 comprising of 1,79,99,066 households. 44.8% women and 18.2% of men in the age group of 15-49 years are anaemic.\(^4\) The total male and female population in the State of Karnataka is 309,66,657 and 301,28,640 respectively.\(^5\) A total of 2206\(^6\) primary health centres are available in the state.

Rajasthan

The total number of Anganwadi centres in Rajasthan is 60801\(^7\) and the total population of children in the age group of 0-6 years is 106,49,504 (56,39,176 boys and 50,10,328 girls in the age group)\(^8\). The total number of PDS is 22830\(^9\) for a population of 685,48,437 comprising of 180,70,963 households. 46.8% women and 17.2% of men in the age group of 15-49 years are anaemic.\(^10\) The total male and female population in the State of Rajasthan is 355,50,997 and 329,97,440

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1  https://community.data.gov.in/operational-anganwadi-centres-awcs-as-on-31-12-2015/
2  Census 2011 available at https://www.census2011.co.in
3  http://pib.nic.in/newsite/PrintRelease.aspx?relid=74180
4  National Health Systems Resource Centre, MoHFW, Government of India.
5  Census 2011
6  https://www.karnataka.gov.in/hfwsecretariat/Pages/Primary-Health-Centres.aspx
7  https://community.data.gov.in/operational-anganwadi-centres-awcs-as-on-31-12-2015/
8  Census 2011 available at https://www.census2011.co.in
9  http://pib.nic.in/newsite/PrintRelease.aspx?relid=74180
10 National Health Systems Resource Centre, MoHFW, Government of India.
respectively. A total of 2079 primary health centres are available in the state.

**Odisha**

The total number of Anganwadi centres in Odisha is 71204 and the total population of children in the age group of 0-6 years is 52,73,194 (27,16,497 boys and 25,56,697 girls in the age group). The total number of PDS is 2874415 for a population of 419,74,218 comprising of 9605629 households. 51% women and 28.4% of men in the age group of 15-49 years are anaemic. The total male and female population in the State of Odisha is 212,12,136 and 207,62,082 respectively. A total of 1280 primary health centres are available in the state.

**Madhya Pradesh**

The total number of Anganwadi centres in Madhya Pradesh is 92198 and the total population of children in the age group of 0-6 years is 108,39,395 (56,36,172 boys and 51,73,223 girls in the age group). The total number of PDS is 20688 for a population of 726,26,809 comprising of 1279386 households. 52.5% women and 25.5% of men in the age group of 15-49 years are anaemic. The total male and female population in the State of Madhya Pradesh is 376,12,306 and 350,14,503 respectively. A total of 1171 primary health centres are available in the state.

**Anganwadis**

Of the four states, Madhya Pradesh has the highest 0-6 years population. Rajasthan although has second highest population amongst the four states, has the least number of AWCs. Odisha with the least population in this category has more AWCs as compared to Karnataka and Rajasthan, which have higher population.

**Public Distribution Shops**

The State of Madhya Pradesh with the highest population in the four states has only two hundred odd more PDS shops than State of Karnataka, which has the third highest total population. State of Odisha has the least population and has the highest number of PDS. Rajasthan has second highest population and also the second highest number of PDS.

**Anemia**

The State of Odisha despite having high numbers of AWCs and PDS as compared to their total population, the level of anemia (79.4%) amongst adults is high (age group 15-49 years). Anaemia amongst female population is also high (51%), a little less than Madhya Pradesh (52.5%). The total population suffering from anaemia in the above said age group in Madhya Pradesh is 78%, Rajasthan is 64% (46.8% females) and 63% (44.8% females) in Karnataka.

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11 Census 2011
12 data.gov.in
13 https://community.data.gov.in/operational-anganwadi-centres-awcs-as-on-31-12-2015/
14 Census 2011 available at https://www.census2011.co.in
15 http://pib.nic.in/newsite/PrintRelease.aspx?relid=74180
16 National Health Systems Resource Centre, MoHFW, Government of India.
17 Census 2011
Public Health Centres

The State of Karnataka has highest number of PHCs with a third highest population amongst four states. This is followed by Rajasthan, which has second highest population. Madhya Pradesh has highest population and the least number of PHCs.

<table>
<thead>
<tr>
<th>State</th>
<th>Total Population</th>
<th>PDS</th>
<th>PHCs</th>
<th>% of anaemia</th>
<th>Population in the age group (0-6 years)</th>
<th>AWCs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Karnataka</td>
<td>610,95,297</td>
<td>20,475</td>
<td>2,206</td>
<td>63%</td>
<td>71,61,033</td>
<td>64,558</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>726,26,809</td>
<td>20,688</td>
<td>1,171</td>
<td>78%</td>
<td>108,39,395</td>
<td>92,198</td>
</tr>
<tr>
<td>Odisha</td>
<td>419,74,218</td>
<td>28,744</td>
<td>1,280</td>
<td>79.4%</td>
<td>52,73,194</td>
<td>71,204</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>685,48,437</td>
<td>22,830</td>
<td>2079</td>
<td>64%</td>
<td>106,49,504</td>
<td>60,801</td>
</tr>
</tbody>
</table>

3.3 Output indicators

Output indicators are related to the enjoyment of the right and are associated with the implementation of human rights obligations. These indicators capture individual and collective achievements reflecting the extent to which human rights are being exercised in a given context. The definition of these indicators is based on identification of the desired effects associated with compliance with human rights obligations and with the exercise of the right to food, as well as the link with the required processes.

Output indicators have been captured through state level consultations as well as field investigations across all the four states. For the purpose of this study, output indicators have been captured and analysed for each of the components, i.e., accessibility, availability, adequacy, monitoring and evaluation, and grievance redressal. Under each component, the qualitative information, gathered through consultations and focus group discussions, as well as quantitative information, gathered through field investigations, have been included. For the purpose of projecting graphs, the total number of respondents across all the schemes has been considered and projected against indicators that have been developed for individual components.

3.3.1 Accessibility

Accessibility was evaluated from the perspective of physical and virtual access to the service centres as well as functionaries. While physical access was concerned with the distance and approach to the service centres, virtual access was concerned with the Aadhar Based Bio-metric Authentication (ABBA).

In case of the Public Distribution System, accessibility was marred by several factors, the most common factor being associated with identification and coverage of right holders. There were two types of issues that were reported, predominantly in Rajasthan and Madhya Pradesh:

- One of hand, those who are entitled to receiving benefits under the PDS were neither identified not issued ration cards. This meant that eligible right holders were denied access to the ration they are entitled to.
It was reported that nearly twenty two percent of eligible ration card holders in urban areas in Rajasthan were actually not identified.

- On the other hand, those who are not entitled to availing benefits were identified as right holders and issued ration cards. This meant that those who were actually not entitled were exhausting the supplies, leaving behind nothing for those who are entitled.

The percentage of those who are not entitled but consumed supplied constituted forty percent of the existing right holders in Rajasthan. In Karnataka as well, the problem of issuing ration cards to those who are not entitled was observed and reported to have occurred.

Another factor that denied accessibility were the defunct point-of-sale machines (POS) that operated on the basis of ABBA. Across all the four states, it was reported that several right holders were denied access owing to POS machines that often dysfunctional. Further, it was reported that ration shop owners engaged in several types of fraudulent activities in order to disrupt supply to right holders. In most cases, receipts were not issued. As a result right holders were not aware of the exact quantity of ration that was provided to them. In other cases, accessibility was denied due to faulty POS machines. It was also reported in some of the Consultations that ration shop owners would purposely manipulate the volume of POS machines to give an impression that the machines were defunct. The right holders would be told to come the next day to collect the ration. However, in such cases, the thumb impression of right holders would have been captured on the first instance itself and the ration holder wouldn’t have noticed it owing to the muted POS machine. Further, several beneficiaries are accidentally placed in “Abeyance” category and whose names are eventually removed from the entitlement list. These beneficiaries are not even aware that their names have been removed, and it is only after multiple visits to the ration shop, are they told about the same. The process of including their names in the beneficiary list is quite an ordeal and is a complicated process.

Accessibility to other schemes such as ICDS, MDMS and MBS was considered challenging in terms of distance and approach. Most right holders in Rajasthan reported that service centres were very difficult to access due to the tough terrains as well as long distances.

Of the total respondents who were interviewed as part of the study, less than eighty percent of them had access to schemes in Karnataka, whereas more than ninety percent of them had access in both Odisha and Madhya Pradesh. District wise data projected for this particular component indicated that Ramanagara in Karnataka and Baran in Rajasthan reported least access to service centres amongst all districts. Respondents in Cuttack and Kandhamal districts in Odisha have reported relatively better access to schemes.

**Graph 3.1: % of respondents who have access to schemes under NFSA, 2013-District wise**
In terms of the percentage of respondents who receive the same quantity and quantity of benefits every month, it was observed that barely forty percent of the respondents in Rajasthan and Madhya Pradesh received it. District-wise data shows that Udaipur (Rajasthan), Ramanagara (Karnataka) and Sheopur (Madhya Pradesh) reported the least percentage of respondents who received the same quality and quantity of benefits every month. While only twenty percent of the total respondents in Udaipur reported that they receive the same quantity and quality every month, approximately fifty three percent of the respondents in Sheopur and forty percent in Ramanagara reported accordingly.

3.3.2 Availability

Availability was evaluated in terms of availability of services on a regular basis as well as availability of functionaries across all service centres. From the consultations across all states, it was observed that one of the most common factors that hindered availability of services is the supply. Especially in PDS shops, due to consumption of ration by those who are not entitled, most of the right holders, who are entitled, were not given sufficient ration. In some cases, it was also reported that
In terms of quantitative data, of the total number of respondents who had access to the services, it was reported that nearly ninety three percent of them in Karnataka and Odisha received their entitlements on a regular basis. Rajasthan and Madhya Pradesh reported that around eighty three percent and seventy four percent of them, respectively, received their entitlements on a regular basis. District-wise data indicated that Ramanagara reported the highest percentage (ninety five percent) of respondents who received the benefits on a regular basis whereas respondents in Jhabua, Madhya Pradesh, reported the least percentage (fifty nine percent).

**Graph 3.4: % of respondents who said they receive their entitlements on a regular basis-State wise**

**Graph 3.5: % of respondents who said they receive their entitlements on a regular basis-district wise**
3.3.3 Adequacy

Adequacy was evaluated in terms of three factors:

- Adequacy in terms of quantity of benefits received at the service centre
- Adequacy in terms of quality of benefits received at the service centre
- Adequacy in terms of cultural appropriateness of benefits received at service centre

Across all the four states, quality and quantity of benefits provided to right holders were a major concern. Discussions in the consultations across all states highlighted the problems of quantity fraud and rate fraud committed by ration shop owners. Despite strict rules concerning the operation of POS machines, most ration shop owners refuse to issue receipts for the quantity of ration provided. The right holders are exploited to a large extent by the ration shop owners. Right holders are often made to believe that they have been given the same quantity of ration as what they are entitled to. There have been many cases of rate fraud as well, where the ration shop owners provide the entitlements at much higher rates than what has been prescribed by the Law. In terms of MBS, most respondents agreed that the quantum of benefit provided was not sufficient. Respondents also reported that there were several delays associated with the receipt of installments. In some cases, respondents who had registered themselves to receive their entitlements under the MBS did not receive them at all, despite several attempts.

Quantitative data projected for this particular aspect indicated that merely forty one percent of respondents in Rajasthan and seventeen percent in Madhya Pradesh were satisfied with the quantity of entitlements provided at service centres. In terms of district-wise data, it was observed that respondents of Udaipur (only sixteen percent of the respondents) were least satisfied with the quantity of entitlements.

Graph 3.6: % of respondents who are satisfied with the quantity of entitlements provided across service centres-State wise

![Graph showing satisfaction levels across states](image)
The quality of entitlements provided across all the three schemes-PDS, ICDS and MDMS was reported as very poor in some of the States, especially Rajasthan and Madhya Pradesh. While PDS entitlements are often infested with small stones and insects, the milk powder provided to children as part of the ICDS was reported as very poor. The consumption of milk powder, especially in Karnataka, resulted in children suffering from several bouts of diarrhea and vomiting. Respondents in Karnataka also reported that the meals provided as part of the MDMS were of very poor quality. The Sambhar prepared in schools was very watery and did not have sufficient quantity of vegetables. Availability of good quality drinking water also proved to be a major challenge in Raichur.

In terms of quantitative data, the total percentage of respondents who are satisfied with the quality of entitlements was found higher in Karnataka and Odisha, whereas it is the least in Rajasthan and Madhya Pradesh. In other words, only nineteen percent of the respondents in Karnataka and twenty-one percent of the respondents in Odisha were not satisfied with the quality of the entitlements. On the other hand, fifty-nine percent of them in Rajasthan and fifty-one percent of them in Madhya Pradesh were dissatisfied with the quality of entitlements provided. In terms of district-wise data, while the highest number of respondents who are satisfied with the quality of entitlements are from Raichur (eighty-eight percent), only sixteen percent in Udaipur and twenty-nine percent of respondents in Sheopur were satisfied. In other words, more than eighty percent of them in Udaipur and seventy percent of them in Sheopur are dissatisfied with the quality of entitlements provided.

**Graph 3.8: % of respondents who are not satisfied with the quality of entitlements provided across service centres-State wise**

<table>
<thead>
<tr>
<th>States</th>
<th>% of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Karnataka</td>
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<tr>
<td>Odisha</td>
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<tr>
<td>Rajasthan</td>
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</tr>
<tr>
<td>Madhya Pradesh</td>
<td>51</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Districts</th>
<th>% of respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ramanagaram</td>
<td>74</td>
</tr>
<tr>
<td>Raichur</td>
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</tr>
<tr>
<td>Baran</td>
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<tr>
<td>Udaipur</td>
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<tr>
<td>Cuttack</td>
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</tr>
<tr>
<td>Kandhamal</td>
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<tr>
<td>Jhabua</td>
<td>69</td>
</tr>
<tr>
<td>Sheopur</td>
<td>29</td>
</tr>
</tbody>
</table>

Graph 3.7: % of respondents who are satisfied with the quantity of entitlements provided across service centres-District wise
The factor of cultural appropriateness was especially relevant for the PDS, ICDS and MDMS schemes. In Odisha and Madhya Pradesh, it was observed that all respondents are satisfied with the cultural appropriateness of the entitlements provided. On the other hand, only sixty two percent of them in Karnataka and seventy six percent of them in Rajasthan were satisfied with the cultural appropriateness of entitlements provided. In terms of district-wise data, while Ramanagara and Udaipur reported least satisfaction (fifty one percent and fifty eight percent, respectively), all the other districts reported almost hundred percent satisfaction. The difference in these figures may be attributed to the varying food habits and region-based consumption patterns amongst respondents.

Graph 3.10: % of respondents who are satisfied with the cultural appropriateness of entitlements provided across service centres-State wise

Graph 3.9: % of respondents who are not satisfied with the quality of entitlements provided across service centres-District wise
3.3.4 Monitoring and Evaluation

This component was evaluated from the perspective of respondents being aware of officials and committees who are responsible for monitoring and evaluating the implementation of all the schemes under the NFSA, 2013. The component was also evaluated to determine the percentage of respondents who are aware of social audits and have participated in any.

Across all states, consultations with stakeholders revealed that monitoring and evaluation across all schemes was almost non-existent. In most cases right holders were not aware of who the officials or committee members are. Barely five percent and four percent of the respondents in Karnataka and Rajasthan, respectively, were aware of members or committees responsible for monitoring and evaluation. It was also surprising to note that none of the respondents on Madhya Pradesh were aware. Odisha reported the highest percentage (forty six percent) of respondents being aware. The consultations also revealed several disparities associated with the appointment and constitution of committees. In some cases, committees were created and members were appointed on an ad-hoc basis, where the members themselves were not aware that they were part of such committees.

Graph 3.12: % of respondents who are aware of members or committees responsible for monitoring the implementation of schemes under NFSA, 2013-State wise
In terms of percentage of respondents who are aware of social audits, data revealed that only four percent of them in Odisha are aware. Ironically, this is the highest percentage recorded amongst all the States, whereas Madhya Pradesh reported zero percent of respondents being aware. District-wise data reveals a slightly different picture with respect to Odisha. While seven percent of the respondents in Cuttack are aware of social audits, zero percent of them in Kandhamal are aware. Ramanagara and Raichur reported that nearly five percent and three percent of the respondents, respectively, are aware.

**Graph 3.14: % of respondents who are aware of social audits-State wise**
3.3.5 Grievance Redressal Mechanism

This component was evaluated from the perspective of percentage of right holders who are aware of the grievance redressal mechanisms that have been mandated under all the four schemes. Further, the component was also examined to gauge the percentage of right holders who have reported their grievances and whose grievances have been addressed by the Departments concerned.

Consultations across all the States revealed that there is absolutely no awareness amongst right holders about the mechanisms that have been mandated for Grievance Redressal under the NFSA, 2013. Stakeholders at the consultations reported that there exists a huge information asymmetry between the State and the right holders about several aspects, the most important being grievance redressal. While grievance redressal is an important platform for right holders to report their grievances, very few of them are even aware of the same.

In more than half of the districts surveyed, respondents faced multiple issues regarding the quality and quantity of the food provided across various schemes. Issues were also faced with regard to thumb print recognition, Aadhar cards and non-availability of ration. The respondents from Raichur district in Karnataka and Cuttack district in Odisha did not mention facing any grievances. However, despite the varied grievances faced by respondents, an appalling number of respondents were not aware of any mechanism created to address the same.

In Karnataka, less than one percent of respondents in Raichur district were aware of the helpline number for grievance redressal. Approximately two percent of the respondents in Raichur District were aware of the fact that there is an official such as the DGRO but were completely unaware of other details. None of the grievances reported were addressed.

In Rajasthan, none of the respondents were aware of the helpline number for grievance redressal. Less than two percent of the respondents in Baran were aware that the State Food Commission exists but were unaware of how complaints are to be made. Barely one percent of respondents were aware of the DGRO. About 1.4% in Baran and 0.6% in Udaipur said their grievances were addressed.
In Odisha, seven percent in Cuttack and six percent in Kandhamahal are aware of the helpline number. None of the respondents reported facing any grievances. None of the respondents were aware of the DGRO. None of the respondents were aware of the State Food Commission.

In Madhya Pradesh, about twenty three percent in Jhabua and twenty five percent in Sheopur reported facing grievances. None of the respondents were aware of the helpline number for grievance redressal. None of the respondents were aware of the DGRO. None of the respondents were aware of the State Food Commission. None of the grievances were reported.

While the data concerning right holders across all states projects a very dismal picture, interestingly, the responses from functionaries and department officials portray a very different picture. The ground realities associated with service delivery and implementation are quite contrasting to the claims made by officials and functionaries. In Rajasthan, when the field investigators interacted with the District Supply Officer, he informed them that there were no quality or quantity related issues in his district. Further, he went on to state that a helpline number as well as an online portal is available and active throughout the day where right holders can register their grievances. That apart, the official mentioned that grievance redressal meetings are conducted every Thursday to immediately address the problems faced by right holders. Ironically, a very small percentage of the respondents were even aware of the same. The responses by officials across other States are not very different. While some of them agree that there are challenges associated with the system, they did mention that the situation has certainly improved over the past few years.

On the other hand, in most cases, functionaries agreed to most of the challenges, problems and issues pointed out by the right holders. Quality and quantity of entitlements provided under PDS, ICDS and MDMS is not very satisfying and can be improved. Further, they went on to state that the system is marred by supply related issues, which can be rectified so as to realize the rights of those who are entitled. With respect to the grievance redressal system, there were varied responses that were procured from functionaries. Some of them were very well informed about the mechanisms that have been established to redress grievances of right holders, whereas some of them did not respond on questions related to this aspect. There was clear lack of awareness amongst functionaries regarding the various mechanisms that have been established for the purpose of grievance redressal.

3.4 Case studies from Urban areas

In addition to empirical data from rural areas across all the four states, field investigators also gathered information about the implementation of the schemes under NFSA, 2013 in urban areas. Information was collated component wise and the key challenges and issues associated with the implementation of each of the schemes were documented in detail. The case studies are mentioned hereunder.

3.4.1 Karnataka

Case study 1: Assessment of Public Distribution System (PDS) in Urban Areas under NFSA, 2013

A Case Study in Bangalore city

Under NFSA 2013 the households under AAY are entitled to 35 Kgs of food grains per household per month and priority households under NFSA are entitled to 5 Kg of food grains per person per month. Both the central and state governments share the responsibility of implementing the TPDS.
While the central government is responsible for procurement, storage, transportation, and bulk allocation of food grains, state governments distribute the same to the consumers through the established network of Fair Price Shops (FPS). State governments are also responsible for operational responsibilities including allocation and identification of families below poverty line, issue of ration cards, supervision and monitoring the functioning of FPS.

Results of a sample study conducted in Hebbal and Thanisandra wards in Bangalore North shed light on the functioning and utilization of TPDS by the cardholders in Bangalore city, are as follows.

Availability: The Fair price shops (FPSs) were located more or less at convenient distance from the residents in the localities. However, the FPSs seemed to be irregular in maintaining timings of opening the shop. It is normal sight to see people waiting in long lines. Shops are not open on all working days as reported by the users. A majority of the BPL/APL/AAY migrant households in these wards have ration cards in their native places, either every month the family member/s travel to their native places/villages to avail ration or they are not eligible for the lack of ration cards. This regular travel adds up to their household expenditure in case they have ration cards. The consumers are trapped into paying bribes to avail ration card.

Adequacy: Most of the households are getting 5 kg of food grains per person per month/ or 35 kgs per household per month under AAY/ TPDS / Anna Bhagya Scheme. However, due to lack of Aadhar cards, names of children in some households are not included in the ration cards, thus they are missing on the quantity ration quota that they are entitled to. In some cases, people are not able to get ration cards due to insistence of fingerprints of all. The beneficiaries view that the quantity is not adequate and quality of food grains is not good.

Food Diversity: It is interesting to notice that in urban areas even if there are people from different, the food grains continue to include more quantity of rice which is not their staple food. Card holders are not happy with provision of only rice.

Monitoring and evaluation: Awareness of rights is extremely low. Most of those surveyed are not aware of the help line (1967). All the TPDS beneficiaries and many TPDS shopkeepers surveyed are not aware of Vigilance Committees. Ninety percent of the beneficiaries reached out to are not aware that there is a Food Inspector and most of the shops do not have the name and record of visit of the Food Inspectors although the Food Inspectors are supposed to visit shops twice a month.

Grievance Redressal Mechanism: Complaint and grievance redressal mechanism is not being promoted and information about grievance redress is not displayed at the PDS shops. Most of the cardholders are not aware of the process of complaining in PDS. Complaint registers are not maintained at the shops visited.

Major issues and challenges observed include:

- Corruption and involvement or middlemen in getting ration cards
- Besides the inadequate and insufficient quantities of commodities sold through public distribution system, irregular supply is another important problem of public distribution system. Owing to irregular supply of the rationed items, consumers have to come pay multiple visits to secure their supplies of one or more items, as there is no fixed time on which these are made available. In the absence of fixed time schedule consumers have to visit a fair price shop several times for obtaining single commodity.
• Lack of transparency: display boards in front of the shops are not present in some of the shops. Wherever they exist, they are incomplete. Samples are not displayed in sealed plastic bags in the shops.

• Poor quality of food grains: the beneficiaries have no choice about the quality of the product. Under this system whatever quality goods are available, are distributed to consumers irrespective of their needs.

• Low or no public awareness of their rights and entitlements under NFSA 2013

• Non-responsiveness of the staff and prevalence of corruption

Case study 2: Assessment of Integrated Child Development Services (ICDS) in Urban Areas under NFSA, 2013: Bangalore city

Integrated Child Development Services (ICDS) scheme is the largest national programme for the promotion of maternal child health in the world. The beneficiaries include children below 6 years, pregnant and lactating mothers, and other women in the age group of 15 to 44 years. The package of services provided by the ICDS scheme includes supplementary nutrition, immunization, health check-ups, referral services, nutrition and health education, and pre-school education. The distribution of iron and folic acid tablets and mega dose of vitamin A is also undertaken, to prevent iron deficiency anaemia and exophthalmia respectively. The scheme services are rendered essentially through the Anganwadi workers (AWW) Anganwadi. Supplementary nutrition support provided to children and pregnant and lactating mothers has been included as legal entitlement in the NFSA 2013.

In Karnataka, children below the age of 3 years are entitled to take homeration (THR). The children between 3 and 6 years are entitled to morning snack, hot cooked meals and malnourished children are provided with Rs.2000 per year for therapeutic food. Eggs are provided to children under ICDS, eggs are provided 2 days to all children of State. Under Ksheera Bhagya Scheme children from 6 months to 6 years of age are provided whole milk 5 days a week at AWC.

Aiming at providing nutritious food to approximately 12 lakhs pregnant women as well as lactating mothers to reduce nutrition deficiency among them in the state of Karnataka, the government of Karnataka launched a scheme called as the Mathru Poorna. It’s a scheme to aid 12 lakhs pregnant women and lactating mothers in the state of Karnataka in October 2017. The Mathru Poorna Scheme extends to all the thirty districts of the state of Karnataka. As per the scheme free-nutritious mid day meal is provided to pregnant and lactating women in the rural and urban areas for approximately 25 days in a month. Provisions have been made to serve these meals at the Anganwadi Centers across 30 districts of the state of Karnataka. Through the scheme approximately 40-45% of daily calorie, protein and calcium requirement per day of pregnant and lactating mothers is met. Free meals under the Mathru Poorna scheme include green vegetables, rice, dal or sambhar, pulses, boiled egg or sprouted legumes, along with 200ml milk.

The results of case study conducted in Thanisandra and Hebbal wards in Bangalore North Zone shed light on the implementation and challenges in ensuring the services to the right holders. Discussions with 47 mothers of children, 6 Anganwadi workers and 6 helpers in 6 AWCs, one ANM and one Social worker sheds light on the facts in accessing to the entitlements of children, adolescent girls, pregnant women and lactating mothers under NFSA 2013.
All families whose children are admitted in the AWCs belong to the socially and economically weaker sections from villages in North Karnataka and North India have been settled in the surroundings and at the migrant settlements, mostly living in slums. Most of them belong to minority communities. All of them work for their livelihood as domestic helpers, daily wage laborers, construction workers etc.

Availability, Accessibility, Adequacy and Food diversity

AWCs are situated at the walking distance from most of the settlements. All the AWCs in this area are being painted with attractive child learning pictures on the walls by an NGO. The NGO has also got the toilet and cooking place inside AWCs repaired. Social workers from NGO are also involved in teaching the children. However, the outside environment of the anganwadis was heavily polluted and unsafe for children. The location of the anganwadi centers was very poor and unhygienic. Majority of the centers were operating without a compound wall, were surrounded by garbage thus breeding ground for rats, mice and mosquitoes. By not having or being able to use the provided filter, the water was not guaranteed to be safe.

All AWWs have been working in the same AWCs since many years. The services are provided to all categories of the children, adolescent girls, pregnant women and lactating mothers from the surrounding localities without discrimination. Regular meetings of mothers, nutrition camps, counseling are being held in the AWCs. Interestingly in the month of October more children from all socio economic backgrounds get admission and leave the AWC in June to join private schools. Only those who cannot afford to join private school remain in the center. The main reason is the advantage of very young children acquiring socialization, discipline, learning skills, nutritious food that helps them get admission in the private schools.

In the first week of a month ration is provided to the mothers of children below 3 years old at AWCs. The ration is the package of 600 grams of green gram (hesaru bele), 1800 grams of wheat, 200 gms of sugar, 100 gms of milk powder, 1 kg of jaggery and 2 kgs of Nutrimix. For the children between 3 and 6 years age milk (powder milk) is provided in the morning with chikki as morning snack. By noon the meals are cooked and served to the children. Eggs are provided two days a week. Deworming is being given to the children. The fixed menu of rice and sambar made out of prescribed quantity of cereals, pulses and vegetables for five days and with sweet on Saturday is being served with not much change in the preparation. The same meals is being served to the pregnant women and lactating mothers. The quantity is sufficient depending on the number of children present on the day but routine menu with no variety diminishes the taste which affects the nutritional consumption.

The mothers are aware of AWCs and what their children receive at AWCs but not conscious of all the schemes that their children and they themselves are entitled to. Most of the mothers being illiterate and occupied with their own jobs, do not give thought to their children’s nutrition and hygiene. They are satisfied that their children are getting food and watched while they are away on jobs. In one of the AWCs mothers found problem with drinking water. A few mothers, pregnant women (PW), lactating mothers (LM) attend periodic awareness programmes conducted by AWWs at AWCs. However, only 5-10% of mothers or PW or LW are able to follow and accept the importance of learning.
**Grievance Redressal Mechanism**

Mothers or PW or LW are not able to express their grievances beyond AWWs although they notice the visits of supervisors. They are not aware of grievance redressal mechanism or social audit. In one of the AWCs where AWW although often comes late and rations are not being provided regularly mothers are not able to compliant against this strongly. AWW gives the reason that helper has not been appointed for more than a year.

The major issue for the mothers or parents is the admission of the children to AWC. Although Aadhar card is not mandatory for admission of children to AWCs and access to all the benefits, AWWs insist on Aadhar card of child or parents for admission. Several mothers and AWWs expressed that as most of the children or parents are from migrant families they do not possess any related documents such as birth certificate or ration card for registration of Aadhar card. For some period AWCs were authorized to help parents to avail Aadhaar cards through online free of charge. However in some cases Aadhar cards have not been received for more than a year. Enquiring with the higher officials has not helped the parents to get Aadhar cards. Non-availability of Aadhar cards for children, parents are not able to include children in the ration cards for the entitlements of rations. In one of the AWCs mothers express that AWW demands Rs100 for getting Aadhar card done. Even after paying her they are not able avail Aadhar card.

Discussing with AWWs reveal that Aadhar card is not mandatory for the admission of the children in AWCs. Insistence of Aadhar card of child is to prepare the parents to get Aadhar card for the admission to the 1st standard in the Government schools. However, in some AWCs admission of the children is done and is based on the parent’s Aadhar card and a few AWWs without Aadhar card are not admitting the children. Hence in such AWCs the number of children is less. In some areas parents prefer to send their children to NGO running preschool centers, where the admissions do not require any documents although free meals and other benefits are not available. This situation has created decrease in the number of children attending AWCs.

AWWs sometimes come across mothers who complain of food as cause of diarrhea or illness of their children. AWWs convince them about the nutritional value and the causes individually and during nutrition camps and mothers’ meetings. Sometimes AWWs provide the meals for poor diabetic patients and old people. AWWs monitor the child’s growth with supplementary tablets, ORS every month, AWWs and ANM claim that there are no SAM children at their centers. In case of signs of mal or under nourished children AWW with the help of ANM takes extra care of such children and refer to the primary health center if necessary. AWWs receive supplies of ration from the WCW office regularly. To avoid any shortage, AWWs as precautionary measures adjust and save the quantity of grains in case number of absentees at the end of the month. In emergency they borrow from the neighboring AWCs.

**Mathru Poorna Scheme:** All AWWs are trained in Matru poorna Scheme. Mother Identity Cards are issued to the pregnant women (PW) and lactating mothers (LM) by verifying their proof of residence and aadhar card. Cooked lunch with prescribed quantity of cereals, pulses and vegetables and boiled eggs is being served at the centers to the pregnant women (PW) and lactating mothers (LM) every day. From October 2017 it is mandatory to serve hot cooked food and boiled egg for PW & LM at the centers. During last phase of pregnancy and initial period of lactation and some special occasions such as during Ramzan fasting period rations are given to take home. Pregnant women and lactating mothers are provided with Folic acid and Calcium tablets, deworming at the center. The
taste and variety of food is somewhat not palatable for PW&LM. Some times AWWs make an attempt to change the recipes suitable for them.

Closing of AWCs does not occur in general however, in the absence of helper and when AWW needs to attend official meetings AWC remains closed by informing the mothers. In one AWC there has been persistent problem of hiring helper for four years due to delay in getting a suitable candidate with required conditions and documents for the post. Delay in the process of recruitment discourages the applicant and delay in the payments also demotivated the helper in quitting the job. AWW says, she contacted Self Help Group women, local leaders to support the remuneration of the helper and sometime she is paid personally as small incentive to retain helper at AWC.

**Monitoring and evaluation:** AWWs are obligated to maintain 23 books in AWCs. A supervisor visits every month and checks the books and guides AWWs writing the books. CDPO visits periodically. Consolidated reports are presented by the AWWs during circle meetings.

The major challenge is the workload of AWWs, so burdensome that they find difficulty in maintaining 23 reports and simultaneously manage the center efficiently. One helper cum cook should assist AWW, however in one of the centers no helper has been appointed for last one year. AWW has hired one temporarily. Due to irregular supply of water and menace of rats in some centers AWW and helpers are not able to store rations safely. Hygiene while cooking and serving food is another major issue.

All AWWs undergo training after their appointment but some of them attend refreshers whenever any new rules and new schemes are introduced by the Govt. The tendency is that AWWs do not refer back to their notes and hence there exist gaps in the knowledge and implementation on the ground.

Grievance Redressal Mechanism: AWWs in terms of complaining to the supervisors and CDPOs some of them are proactive in presenting their grievances orally but not through writing. Most of them are neither interested in following up steadily nor go beyond supervisor. In case of one of the centers AWW seems to have not persuaded the issue of rats and absence of helper. The supervisors and CDPOs are more concerned about the reports. AWWs are not aware of District Grievance Redressal Officer and State Food Commission.

The major issues and challenges observed:

- The Anganwadi centres were located in very poor unhygienic locations.
- The centers are not in child friendly settings
- The Anganwadis are surrounded by garbage thus breeding ground for rats, mice and mosquitoes.
- No safe drinking water facilities
- No playing / creative activities for the children in AWCs
- Insisting Aadhar card of the child for admission although it is not mandatory for child’s admission by AWWs.
- Decrease in the admissions mainly due to non-availability of Aadhar card, local bridge schools who do not insist on certificates, frequent migration, long absence from the school
- Not every child enrolled and eligible to attend was attending and not all children attending were receiving adequate nutrition
Case study 3: Assessment of Mid day Meals Scheme (MDMS) in Urban Areas under NFSA,
2013–A Case Study in Bangalore city

The Mid Day Meal Scheme is a school meal programme of the Government of India designed to improve the nutritional status of school-age children nationwide. The programme supplies free lunches on working days for children in primary and upper primary classes in government, government aided, local body, Education Guarantee Scheme, and alternate innovative education centres, Madarsa and Maqtabs supported under Sarva Shiksha Abhiyan, and National Child Labour Project schools run by the Ministry of Labour. Serving 120,000,000 children in over 1,265,000 schools and Education Guarantee Scheme centres, it is the largest school meal programme in the world.

The programme has undergone many changes since it is launched in 1995. The Midday Meal Scheme has found place as a legal entitlement mentioned in the National Food Security Act, 2013.

The Central Government notified ‘Mid Day Meal (MDM) Rules, 2015’ on September 30th, 2015. In accordance with the provisions of the NFSA, the Ministry of Human Resource Development finalized the MDM Rules after consultation with the States and other related Central Ministries. The Rules inter alia provide for temporary utilization of other funds available with the school for MDM, in case school exhausts MDM funds for any reason; Food Security Allowance to be paid to beneficiaries in case of non-supply of meals for specified reasons; and monthly testing of meals on a random basis by accredited Labs to check its quality. Further, the Rules also provide that concerned State Governments shall fix responsibility on the person or agency if meals are not provided on 3 consecutive school days or 5 days in a month. The salient provisions of the rules are as under:
Entitlements of children: Every child within the age group of six to fourteen years studying in classes I to VIII who has enrolled and attend the school, shall be provided hot cooked meal having nutritional standards of 450 calories and 12 gm of protein for primary and 700 calories and 20 gm protein for upper primary and free of charge every day except on school holidays. The place of serving meals to the children shall be school only.

Implementation of the Scheme: Every school shall have the facility for cooking meal in hygienic manner. Schools in urban area may use the facility of centralised kitchens for cooking meals wherever required in accordance with the guidelines issued by the Central Government and the meal shall be served to children at respective school only.

Responsibility of School Management Committee: The School Management Committee mandated under Right to Free and Compulsory Education Act, 2009 shall also monitor implementation of the Mid-day meal Scheme and shall oversee quality of meals provided to the children, cleanliness of the place of cooking and maintenance of hygiene in implementation of mid day meal scheme.

Test of the meals by Accredited Labs to ensure nutritional standards: Hot cooked meal provided to children shall be evaluated and certified by the Government Food Research Laboratory or any other laboratory accredited or recognized by law, so as to ensure that the meal meets with the nutritional standards and quality.

The Food and Drugs Administration Department of the State should collect samples to ensure the nutritive value and quality of the meals. The samples shall be collected at least once in a month from randomly selected schools or centralised kitchens and sent for examination to the accredited laboratories. If the Mid-Day Meal is not provided in school on any school day due to non-availability of food grains, cooking cost, fuel or absence of cook-cum-helper or any other reason, the State Government shall pay food security allowance by 15th of the succeeding month.

In Karnataka MDM Scheme was implemented in educationally and economically backward North Eastern districts of the state during 2002-03. Later the scheme was extended to other 20 districts of the state under National Programme for Nutritional Support to Primary Education (NP-NSPE) with the title Akshara Dasoha during 2003-04 in a phased manner. As per the directions of the Hon’ble Supreme Court the scheme of providing hot cooked meal, it was implemented for all the children of classes I to V for both Government and Government aided primary schools. The scheme of providing free food grains @ 3 kg / child per month to children of class I to V of Government aided schools on the basis of 80 per cent of attendance in a month under NP-NSPE is continued during 2002-03 and 2003-04. The programme was extended to VI and VII standards in Government/Government Aided Schools in the State during 2004 and the programme of providing hot cooked meal transferred to Zilla Panchayat w.e.f. 01.04.2005. The programme is extended to students of VIII standard studying in upgraded primary schools and students of VIII to X standard of government and Aided High Schools. Government of Karnataka is providing hot cooked meals to the children of VIII to X standards of Government and Government Aided schools out of its own resources.

The main objectives of the programme are:
- Ensure enrolment of all the school going age children.
- Improve the enrolment and attendance.
- Improve retention rate.
- Improve child health by increasing nutrition level.
– Improve learning levels of children.
– Ensure social equity.

Ksheera Bhagya Yojane: Government of Karnataka introduced Ksheera Bhagya Yojane on 01-08-2013, 150 ml of hot milk is given to all children from 1 to 10th Std. in Government and Aided Schools thrice a week (alternative days). Rs. 5.18 is spent per day per child. Karnataka milk federation (KMF) is supplying the Skimmed milk powder to all schools. 18 g of Skimmed milk powder is converted into 150ml milk given to children. It is benefitting 64 lakhs children under the state fund of Rs. 300 crores per year.

Government has introduced new weekly menu from January 1st 2014 after thorough deliberation with nutritionists and stake holders to form a balanced nutritional diet which includes locally available seasoned vegetables and green leaves. To provide additional calories to the normal diet, cereals also added in suggestive menu. Apart from the cooked meal supplementary nutrition is provided in the form of tablets i.e., Vitamin ‘A’, 2 tablets per year (b) Iron/Folic acid tablets (20mg), 3 per week for 36 weeks and (c) Deworming tablets (400 mg) 2 per year.

Best practices followed in the State:

- Food is prepared by using LPG. This has helped to keep kitchen and school area clean and also tidy.
- Women are appointed as cooks.
- Women belonging to SC/ST and OBC have been appointed as cooks. Preference is given to widows and destitute.
- All children are served food by making them to sit in rows or stand in queues irrespective of caste and creed. This helps in co-ordination, equality and moving towards casteless society and social integration.
- Children are made to wash hands and plates before and after eating food.
- Mother’s committee have been constituted in each school, mothers participate in cooking and serving.
- Cooks have been trained in preparation of hygienic and health food to maintain cleanliness.
- Cooking cost is released to joint account of the presidents of school development and Monitoring committee and head cooks well in advance for purchase.

Agencies Responsible for Implementation of MDM are Directorate of school Education, Government of Karnataka acts as Nodal Department of implementation of MDM scheme in the state. A separate MDM cell was created for the effective implementation of the MDM programme in the state. The cell consists of the following officers and staff: Joint Director of Public Instruction, Senior Assistant Director for Public Instruction, Assistant Director of Public Instruction, Office Manager, Office Superintendent and clerical staff.

The Convergence of Departments responsible for the implementation of MDM is:

- Govt. of India and Govt. of Karnataka
- Food Corporation of India
- Rural Development and Panchayath Raj
- Food & Civil Supplies & Consumer Affairs
At the district level, Chief Executive Officer Zilla Panchayath and Education Officer are assigned the overall responsibility of effective implementation of the programme. At the taluk level Executive Officer Taluk Panchayat and Block Education Officer and Assistant Director of Public Instruction are assigned the overall responsibility of the programme. At the school level the School Development and Monitoring Committees and Head Master of the School are assigned the responsibility of the programme.

In Bangalore and other urban areas an NGO and The Akshaya Patra Foundation (TAPF) through the Public-Private Partnership (PPP) with Karnataka Government have been implementing MDMS at all Government Schools in Bangalore city. Through their centralized kitchens the NGO and TAPF serves free hot cooked meals to the children in the schools.

Thanisandra Ward and Hebbal Ward in Bangalore North were selected for their large socio economically disadvantaged communities; most of them belong to religious minorities and migrant settlements from North Karnataka and North Indian States to work in the upcoming high rise buildings in their surroundings.

It is common to find the migrant families live in the thatched huts or sheet settlements together with the communities from their region of origin. Most of them have settled in these areas for a few years and move out- circular migration. There are about four Government lower primary and upper primary schools and Government High school apart from several private schools in Thanisandra ward. Three government lower and upper primary schools have been taken for sample study of implementation and effectiveness of MDMS as Right to Food and Nutrition Security in Bangalore city (urban areas). The findings are based on the discussions with school children as right holders and other stakeholders such as parents (mainly mothers), teachers and SDMC members.

Availability, Adequacy and Food Diversity: The Akshaya Patra Foundation (TAPF) through the Public-Private Partnership (PPP) with Karnataka Government has been implementing MDMS at all Government Schools in Thanisandra Ward and Hebbal Ward in Bangalore city. Through its centralized kitchens TAPF serves free hot cooked meals to the children in the schools. Government of Karnataka introduced Ksheera Bhagya Yojane on 01-08-2013; 150 ml of hot milk is given to all children from 1 to 10th standard in Govt and Aided Schools thrice a week (alternative days). TAPF is also implementing Ksheera Bhagya Yojane, 2013, a flagship scheme of Govt of Karnataka by providing milk all five days a week in the schools. Hence all the school going children in government primary schools are access to free cooked meals and milk all five days and on Saturday being half a day early meals with some dessert is being provided. The children and parents are satisfied with the quantity, quality and diversity of food. Quantity of meals is sufficient for all the children. A weekly fixed menu is displayed on the wall.

Five days in a week flavoured milk is provided in the morning and meals in the noon regularly at fixed time. Menu varies with rice, vegetables, lentils and curds in mixed recipes. On Saturdays mixed rice and lentils such as Bisibelebath and Kheer using milk and jaggery is served. Eggs are not provided by TAPF being vegetarianism as its priority. Onions and garlic are not being used in the cooking. Children find the food good although some times they feel monotonous in eating from
fixed menu. In the centralised model, there is no space for local or cultural preference and no consideration of what people usually eat or want to eat. Initially most of the children belong to religious minorities and migrants from below poverty line were not accustomed to the few fixed varieties of meals and nutrition. However local variety of millets like ragi, jowar is not used. Teachers play a major role in educating the children about the importance of nutrition and cultural diversity of food. All the children are made to sit together for eating without any discrimination. Supplementary nutrition is provided in the form of tablets i.e Vitamin ‘A’ 2 tablets per year (b) Iron/Folic acid tablets 3 per week for 36 weeks and (c) Deworming tablets 2 per year in the schools. However, no students, teachers and parents are aware of Right to food, NFSA 2013, rights and entitlements under MDMS.

**Monitoring and evaluation:** Teachers are less burdened with cooking meals in the school. Weekly and monthly reports are maintained by the Head Mistress. In each school two helpers are employed by TAPF for serving the food, keeping vessels clean and hygienic. They are provided with head covers and gloves. Supervisors from TAPF visit once a month and inspect the records and speak to children about the quality and quantity of meals served. The officials from MDM occasionally visit the schools. SDMC are not proactive since most of them are engaged in their daily jobs. Mothers meetings are held less frequently.

**Grievance redressal mechanism:** Grievance redressal mechanism is in place on paper. However the children hesitate to complain for instance, about unavailability of cleaning materials for washing plates. Teachers find difficulty in placing issues about lack of infrastructure for eating and washing utensils with officials. Lack of funds in the government is one of the major reasons for not providing infrastructure and facilities for maintenance of hygiene.

Wherever there is cooperation of SDMC and NGOs teachers are able mobilize the donations for dining space, for instance Head mistress of Govt Lower Primary School, Mastripalya persuaded donors to build a dining hall for the children in the school. However, Govt Lower Primary School at Rachenahalli does not get regular supply of drinking water thus affecting the hygiene and sanitation in the school.

**Key issues and challenges observed at the field level**

- Akshaya Patra does not use these ingredients for religious reasons. It is disconcerting that in a secular country, an organisation in partnership with the government is being allowed to dictate the menu according to the religion of its own promoters. For every Rs. 7.40 Akshaya Patra spends per lunch per day, the government provides Rs 4.38. It is not clear why religion should be part of this government food security scheme.
- Akshaya Patra’s religious beliefs are also preventing the inclusion of eggs in the scheme in Karnataka. Both the poor nutritional status of India’s children and the nutritional benefits of eggs are well documented. It is not an absence of demand or even a lack of resources that is stopping these children from getting eggs, but the religious beliefs of the NGO’s promoters.
- In the centralised model, there is no space for local or cultural preference and no consideration of what people usually eat or want to eat.
- Long absence of children from migrant communities in the schools thus losing meals
- Lack of rooms and infrastructure
• Lack of safe drinking water facilities/ irregular water supply affecting health, hygiene and sanitation in the schools
• Toilets are not kept clean due to lack of water, lack of helpers and negligent attitude.
• Brihat Bangalore Mahanagar Palike (BBMP) has installed tilting twin garbage bins for dry and wet on the ground in the schools. But in some schools the position where they have been installed cannot be tilted properly for collection of garbage. In some schools no one comes for garbage collection. So these garbage bins do not serve the purpose. Although teachers have complained to BBMP no action is being taken so far.
• Lack of a very little cooperation from SDMC members because most of the members are parents who are illiterate and cannot afford time as they work as casual labourers.
• No strict vigilance by the Govt officials
• Non Cooperation/ no proactive support from the elected representatives
• Strengthening of the Management, Monitoring and Evaluation
• Training of teachers, parents & SDMC on hygiene, nutrition and rights & entitlements- NFSA 2013
• To activate Grievance Redressal Mechanism

Good and bad practices observed at the field level
• Uniformity in norms and standards of feeding
• Assured supply to all the schools
• Government owns it up Sustainable & it makes sense politically
• The midday meal scheme is an investment in India’s children and future.

Some good practices in Government Lower Primary school, Saraipalya, Thanisandra Ward:
• Children are aware of MDMS as their right to food.
• The teachers hold periodic meetings with parents, especially with mothers and inform them about availing educational, health and social benefits from Government schemes.
• Teachers take special care to maintain hygiene in the school while serving food
• Helpers cover their head and use gloves while serving food to the children
• Children are taught and guided about good, safe, nutritious food and water.
• Children are made aware of unhealthy eating habits, hand wash, keeping clean nails and hair combed.
• Hand wash is provided for the children to wash before and after meals.
• Teachers maintain records systematically.
• Menu in chart and value of nutritious food has been written on the wall.
• Teachers are proactive in implementing government schemes including scholarships, keeping sanitary napkins (some girls are in mensuration age) and seeking help of donors and NGOs for the benefit of the children and school. There is a donated water filter in the school.
• A sanitation unit of two toilets, urinals and wash basin, constructed by an NGO is being utilized by the children.
Bad Practices observed at the field level:
- Unhygienic practices in the schools
- Wastage of food
- No practice of waste segregation
- Apathy and negligent attitude of some teachers

Case study 4: Right to Food - Assessment of Maternity Benefit Scheme (MBS) in Urban Areas under NFSA, 2013

The Maternity Benefit Scheme was launched in 2010 as Indira Gandhi Matritva Sahyog Yojana (IGMSY). It was renamed as Matriyog Yojana in 2014 and again as Pradhan Mantri Matriyog Yojana (PMMVY) in 2017. The Indira Gandhi Matritva Sahyog Yojana (IGMSY), a maternity benefit programme introduced in 2010, provides for conditional cash transfer for pregnant and lactating women of 19 years or older for first two live births. The cash incentive provided under the scheme was increased from Rs 4,000 to Rs 6,000 in 2013 to comply with the minimum maternity entitlement provision of the NFSA 2013.

Under NFSA, all pregnant and lactating mothers are entitled to receive Rs.6000 (not just mothers of first-borns), except for government employees.

The Act also has a special focus on the nutritional support to women and children,” according to the relevant provision of the NFSA, “Besides meal to pregnant women and lactating mothers during pregnancy and six months after the child birth, such women will also be entitled to receive maternity benefit of not less than Rs 6,000.”

Until 31 December 2016, the maternity benefit scheme was implemented only in 56 districts across the country as a pilot project to benefit women. Ministry of Women & Child Development; Govt of India expanded the implementation of the Conditional Maternity Benefit (CMB) Program in all the districts across India from 1st January 2017 using the Integrated Child Development Services (ICDS) platform. Under the PMMVY scheme, a pregnant or lactating mother of a first child will receive Rs.5, 000 in 3 installments. Under the Janani Suraksha Yojana, the remaining Rs.1000 will be given after institutional delivery.

The PMMVY programme restricts the benefits to the mothers of a first living child. This ‘one woman per child’ restriction excludes any woman who already has a child from benefiting under the PMMVY programme. As of 15 January 2018, out of 51.6 lakh women, only 96,460 women have received cash transfers under the PMMVY scheme. 96,460 women are below 2% of the total beneficiaries that the government had aspired to help annually.

Eligibility Conditions and Conditionalities: Originally, all pregnant women of 19 years of age and above were eligible for conditional cash transfer benefits of Rs 4,000 to be paid in three installments, except those who receive paid maternity leave. After the implementation of National Food Security Act the amount has been revised to Rs 6,000 to be paid in two installments of Rs 3,000 each. The cash transfers under the Scheme are subject to the following conditions:
- The first transfer (at the end of second birth / pregnancy trimester) of Rs 3,000 requires the mother to:
  - Register pregnancy at the Anganwadi centre (AWC) within four months of conception
- Attend at least one prenatal care session and taking Iron-folic acid tablets and TT (tetanus toxoid injection), and
- Attend at least one counseling session at the AWC or healthcare centre.

- The second transfer (three months after delivery) of Rs 3,000 requires the mother to:
  - Register the birth
  - Immunize the child with OPV and BCG at birth, at six weeks and at 10 weeks
  - Attend at least two growth monitoring sessions within three months of delivery
- Additionally the scheme requires the mother to:
  - Exclusively breastfeed for six months and introduce complementary feeding as certified by the mother,
  - Immunize the child with OPV and DPT
  - Attend at least two counseling sessions on growth monitoring and infant and child nutrition and feeding between the third and sixth months after delivery.

However, studies suggest that these eligibility conditions and other conditionalities exclude a large number of women from receiving their entitlements.

Govt of Karnataka has been implementing schemes for pregnant women and lactating mothers such as Janani Suraksha Yojana (JSY), Thayi bhagya, Pradhan Mantri Matru Vandana Yojana, Rashtriya Swasthya Bima Yojana and Janani Suraksha Yojane.

After the Karnataka State elections the newly formed government has launched Maternity Benefit Scheme ‘Mathrushree Scheme 2018’in July 2018. This scheme provides a total allowance of Rs 6,000—Rs 1,000 per month for three months before delivery and for three months after delivery to mothers of Below Poverty Line families. It will be implemented from November 1 and Rs 350 crore has been allocated towards it. The amount per month will be increased from Rs 1,000 in the next five years in a phased manner. This scheme is applicable only for the first two deliveries. The money will be directly transferred to Aadhaar-linked bank accounts of the eligible expecting mothers. All the pregnant mothers from poor families will be expected to be benefited from this scheme and this amount will assist them while their delivery.

As reported in The New Indian Express on 30th July 2017, “With the Centre’s Maternity Benefit Programme (MBP), under which pregnant women are entitled to `6,000 as benefit, yet to be rolled out in the state, expectant mothers can only expect to get a maximum of `2,000 under the Karnataka government’s two monetary benefit programmes.

The centrally-sponsored programme has also been revised restricting it to firstborns instead of ‘first two live births’ as applicable earlier. Meanwhile, the state’s Prasuti Araike, after coming to a standstill for nearly a year, is back on track. Under Prasuti Araike “Any pregnant woman who is over 18 years old and belongs to the BPL, SC and ST categories is entitled to `1,000 in her second trimester under Prasuti Araike. After delivery, she gets `300 if she hails from a rural area and `400 if she hails from an urban area. Also, this is for a maximum of two children. Along with Janani Suraksha Yojana, a pregnant woman in Karnataka can get a maximum of `2,000.”

The Health Department had not released monetary benefits to pregnant women under Prasuti Araike for almost a year due to fund crunch in 2015-16. The funds under this scheme come directly from the state government unlike schemes like Janani Suraksha Yojane where it comes from the
National Rural Health Mission. But according to latest figures in 2017, 4,935 women belonging to BPL, SC, ST categories, have been paid between ₹1,300 and ₹1,400 each in the first quarter the current financial year, which totals to ₹64.16 lakhs, depending on whether they hail from rural or urban areas.

The state has already given a silent burial to the ‘Madilu yojane’ kit scheme, which was introduced in 2007 for want funds.

The results of case study conducted in Thanisandra and Hebbal wards in Bangalore North Zone shed light on the efficiency of implementation and challenges in ensuring the services to the beneficiaries as their rights and entitlements under NFSA 2013. The pregnant women and lactating mothers, who have been enrolled for Mathrupporna scheme, anganwadi workers (AWW), helpers were interviewed and participated in the group discussions in six Anganwadi centers. All the beneficiaries belong to the socio economically weaker sections migrated from local villages, North Karnataka and North India and temporarily settled in the surroundings and at the migrant settlements, mostly living in sheds. All of them work for their livelihood as domestic helpers, daily wage labourers, construction workers etc.

Availability, Accessibility, Stability and sustainability: MBS is being implemented on ICDS platform by the firstline workers ie, Anganwadi workers in AWC. Pregnant women(PW) and lactating mothers (LM), who have been enrolled in AWC under Mathrupporna scheme are also entitled to avail Rs 6000/ in three installments in Karnataka. However there are many hiccups to avail the direct cash benefit. The conditionalities as such mandatory possession of Aadhar card, Bank account, services availed, Mother card, restriction to first child, regular attendance in the AWC for meals are some of the obstacles that are hindering access to their entitlements. To avail their entitlements of Rs 6000/- all necessary documents are not available with them.

Most of the PW traditionally come to their parental homes only at the last few months before the delivery and stay only a month or two after the delivery. Similarly PWs who are availing other services in the present center would travel to their parental homes outside the city or some other part of the city. Even if they have aadhar card, they may not be able carry or open bank account in the present place. Since most of them belong to socio economically poor migrant section PW&LM depending on their husbands donot have permanent residence address; as no/loss of proof of residence, identity card or ration card for availing any identity documents. Hence stability and sustainability is a big question to ponder.

The beneficiaries are either not aware of or not serious of NFSA 2013 and their rights and entitlements although participate in mothers/ nutrition camps/ meetings conducted by the Anganawadi workers.

Anganawadi workers who are incharge of filling application forms for MBS require filling up three sets of forms at 4th month, 7th month and 8th month respectively in instalments and sending to the Women and Child Welfare office. The documents need to be uploaded online for registration, which most AWWs are not equipped working on online. AWWs depend on outsourcing. Generally forms are handed over to the supervisor who visit the center. AWWs find a very few forms which fulfill all necessary documents for cash benefit transfer. In one of the AWCs there is only one form that has met with requirements. However as on the day of discussion cash has not been transferred. The delay in process, submitting forms, releasing amount by the higher office hinder ensuring the entitlements. There is a provision for relaxation that cash can be transferred if fulfilled necessary
requirements in one installment for instance during the 8th month of pregnancy. However it is not confirmed that all AWWs consider the cases.

One of the AWWs shared the problem in identifying mother of the first child. She said, many a time PW or LM, who is new to the locality claims that it is her first pregnancy or first child to avail the cash benefit. Although she is sympathetic to the woman, unable to break the rules that fixed for ‘the first child’

Some districts in Karnataka show zero beneficiaries, because the women have to be paid under the Public Financial Management System (PFMS), a web-based online software application developed and implemented by the Office of Controller General of Accounts (CGA), which would take time.

**Grievance Redressal Mechanism**

AWWs depend on the supervisors. Although mentioned about Grievance Redressal system, duties of their higher officials in the trainings AWWs are not serious of the outcome of the trainings. They are afraid of going beyond their immediate superiors.

Major issues and challenges observed:

1. Insistence on the maternity benefits being available only for the first child. Many eligibility conditions and other conditionalities exclude a large number of women from receiving their entitlements thus violating their rights under NFSA 2013.
2. Constant migration and unstable location of PW&LM
3. Lack of knowledge, ignorance & dependency of the beneficiaries.
4. Lack of aadhar card for opening of bank accounts
5. Demand for bribes to get aadhar cards done in some cases
6. Complicated process and fulfilling requirements for forms and verifications
7. AWWs and supervisors to be equipped with basic online process knowledge
8. Apathy, negligence and lack of coordination of AWWs, supervisors & higher officials in recognition and implementation of MBS as their legal obligation to ensure rights & entitlements of rights holders.
9. Universalization and simplification process is needed for ensuring inclusion of all women as their right to food and life and to reduce maternal and infant mortality in the state.
10. No verification mechanism to ensure the utilization of the cash through direct cash transfer by the beneficiary exclusively for her health and child health and nutrition needs. Hence it is important to set up verification and evaluation mechanism for Direct Cash Transfer system.

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**Case study 5: Right to Food for Children in SC/ST Pre-Matric Hostels: A Case Study**

This case study was drawn from the research study conducted by CCL NLSIU on right to food for children in the hostels run by the Social Welfare Department, Government of Karnataka. As part of the study a total number of 17 hostels were visited and children were interviewed.

More than 80% of boys and about 60% of girls were found to be having less weights as compared to the norms, which is a huge percentage and reflective of their poor nutritional status. Both government and grant-in-aid hostels had a very high number of boys, 80.8% and 78.4%, respectively, having less weight than expected for their age. Among girls this percentage was marginally lower,
62.6% and 51.6% for government and grant-in-aid hostels. Around 58.6% of girls and 79.1% of boys residing in these hostels in Bengaluru Urban were found to be having less weight than expected for their age. Similarly, in Bengaluru Rural district, the percentage of girls and boys having less weight than expected for their age was 60.1 and 81.6 respectively. Low height for age of the children was also found to be a matter of concern. It was observed that the number of children, who had less height than expected, was marginally higher in grant in aid hostels. 75.6% of girls in grant in aid hostels as compared to 69.9% in Government run hostels were found to have less height than what is expected for their age. This percentage was even higher among boys, with more than 81% children in grant in aid hostels having deficient heights as compared to almost 75% in government run hostels. Around 75% of boys, in both Bengaluru Urban and Rural hostels had less height that expected for their age. A marginal variance was recorded as regards the number of girls having lesser heights than expected in Bengaluru Urban (73.8%) and Bengaluru Rural hostels (68.5%).

Reflections: There were a number of issues that were identified and found responsible for the poor nutritional status of children.

Quality and Quantity dependent on Price of Commodities: It was noticed that the quality and quantity of the food is to be determined on the basis of the rate prescribed by the government periodically and this rate is based on the prices of food items. The norms mentioned that the diet chart and menu is to be prepared by the warden/supervisor based on the quantity of food items bought from the amount prescribed by the government.

Menu: There was no fixed menu in any of the grant-in-aid hostels and there were no rules or norms followed for preparation of food. In one of these hostels, children complained that they were given only rice and sambhar on all the days. In all the government hostels visited during the study, breakfast and dinner were provided daily and lunch was given only on weekends. It was assumed that children have their lunch in schools on all weekdays. In one grant-in-aid hostel, although the superintendent said that the lunch was served on weekends, children said they were not served lunch on Saturdays. It was also found out, that in fact, some children were not even getting mid-day meals in schools, since they were going to private schools and hence were deprived of one meal. Providing evening snacks to children was not found to be uniform across hostels. There did not seem to be clear norms or practice for revisions of the menu. In many hostels, same menu was being followed for almost three years while in some others, menu followed was fixed less than a year ago. The revision of menu was highly contingent on the finances available at their disposal. Menu was revised if there was a change in the budget or inflation. While increase in the allocated amount does help upwardly revision in the menu, increase in the prices of food items adversely affects the menu. Of late, increase in the price of fuel has also led to downward revision of menu in some of the hostels. It was amply clear that it was not the nutritional requirements of children that was given priority while revision of menu.

On enquiring from the wardens, cooks and children on whether the fixed menu was followed or not, wardens generally were of the view that given the inflation and the ever increasing prices of food items and fuel, it was very difficult to stick to the menu. Half of the children corroborated the irregularity in following menu.

Quality of Food: Except a few hostels, quality of food served was a major concern in most of the hostels. Gross violations of right to food were observed in some of the hostels in Bengaluru Urban as well as Bengaluru Rural. Children, in some hostels, found stones and insects in the food. In many
of the hostels, while the staff felt the quality of food provided was good, children, mostly the older ones, had a lot of concerns over quality. In one of hostels, on many occasions children threw away their food as they found it tasteless and in some hostels children were served leftover food from previous meal. Making it even worse, children have even fallen ill after eating meals. On some occasions, they were not taken to hospital and were made to wait for two days as a result of which their situation worsened. Quality of grains was also getting affected in some hostels because of the inadequacy of storage facilities. There also seemed to be major issues with the provision of water in many of the hostels. In some hostels, the water quality was very poor and in some the lack of adequate storage facilities made the situation even worse.

Quantity of Food: Although in some hostels, quantity of food was not an issue, in many hostels children said that they found quantity of food inadequate. In one hostel, it was found that even as less as three litres of milk was shared between 120 children. Sambhar was often diluted, with very less vegetables in it. In most of the hostels visited, except one in Bengaluru Rural, most of the children said that they felt hungry other than meals time too. In most of these cases, children did not have any other alternative but to just drink water and tolerate hunger. In some of the hostels, children ate snacks brought from home or they bought snacks out of their pocket money from nearby shops. The situation in grant-in-aid hostels was found to be worse. In one of these hostels, children said they felt hungry within an hour of having meals, but they did not have any other option than to just bear the hunger. Most children complained that they were served less especially when there are some special items prepared in the hostel.

Monotonous Food: Monotony of the menu was something that most of the children in hostels complained about. They craved for fish, varieties of meat, dosa, potato curry, chapatis and poori. In few hostels, wardens informed that they have introduced a lot of variety in the menu. Children and wardens in few other hostels felt that they should be given milk and milk products more than snacks. Food was found to be highly monotonous in the grant-in-aid hostels and the cooks and wardens also agreed to it. In one of the hostels only rice and a watery sambhar was served everyday. Children were not served milk, fruits, salads or chapatis at all in any of these hostels. This was corroborated by the information collected through Food Group data, wherein it was found that the diversity in food basket of children is minimal. The frequency and number of children consuming food from certain groups like fruits, meat/ poultry/ offal, egg/ fish/ seafood, milk and milk products was less.

Cultural Relativity in Menu: There were children from all parts of Karnataka in these hostels and consequently their food habits also varied from each other. However, children in SC/ST hostels, like all other children in residential hostels, were seen as a single homogenous group that is served with the same kind and nature of food, staples and even menu was most of the time centrally determined at the State level for the hostels located at different places. Consequently, the regional variations in diet do not figure in the diet charts and the menus administered in various hostels. Most of children yearned for varieties of non-vegetarian food which they usually ate at home. Another specific problem in the hostels located in Bengaluru pertains to the fact that there are a large number of children either coming or migrating from northern part of the states and eating habits of people in North and South Karnataka are very different from each other. A large number of children missed eating Jowar Roti, which is a staple food in North Karnataka.

No cognisance of Special Requirements: Children are provided the same food, irrespective of their nutritional status. Although in some hostels, wardens did say that they provide special diets to children who are sick or malnourished, this was mainly limited to giving diluted food to children. The
claims made by some of the wardens of giving additional milk to sick children, were refuted by children and also by the fact that only a very little quantity of milk was being bought by hostels for a very large number of children. It was also seen that most of the times, its warden or cook who prescribes food for sick children. In none of the hostels, there was any provision of special diet given to malnourished children. Most of the wardens claimed that there were no malnourished children in the hostel.

As regards the variation in food according to age, none of the hostels reported any distinction in preparation made according to the age of children. However in most cases, older children were served more quantity of food. In none of the hostels, there was a special diet according to gender, although the warden in one of the hostels in Bengaluru Rural said that they tried to give green leafy vegetables to girls and ragi preparations on alternate days. Another issue of concern was that, if at all special diet was being given to children, it was advanced from warden’s pocket. There was no provision for any contingency grant to meet such requirements. Though the wardens said they always advanced money, this practice is not sustainable.

Procurement of Cooking Fuel: There were only twelve subsidized cylinders provided and the staff of all hostels reported that due to the heavy duty cooking that took place in hostels these cylinders did not last for more than 2 months. Wardens normally advanced money from their own pocket if the cost of cooking fuel, overshoot the budget, although they got it reimbursed. In Grant-in-aid hostels, wardens reported that they used to get subsidized gas cylinders until two years ago but have not been getting it now. In one of these hostels, children were not served breakfast once as there were no cooking fuel available.

Insufficient Budgetary Allocation: All the wardens felt that the budget allocation per child per month was highly insufficient. This was especially because the cooking fuel charges were included within this allocation. Hostels received only twelve- subsidized cylinders a year that lasted for merely two months. Rest of the cylinders had to be bought from open market at prevailing market rate, which cuts too fine into the total allocation meant for food related expenses. In some of the hostels, wardens remarked that the low budget allocation restricted the quantity and quality of food items bought. Some opined that if the allocation was increased, they could provide non-vegetarian food every week and also include a lot of variety in menu.

Human Resources: Insufficient number of staffs was observed from many hostels. Absence of a night watchman was found to be a major issue of concern in some of the hostels. While in girls’ hostels in both urban and rural districts, night watchmen are present, in the Bengaluru Rural- boys’ hostels, night watchmen were present only in two out of four hostels and these were contractual appointments. Situation was even more critical in hostels of Bengaluru Urban district, where in one of the hostels miscreants were found to be indulging in unruly acts within the hostel campus. Most of the wardens also felt that the allocation for cleaning was highly inadequate, as a result of which in many hostels either cooks or even children are drawn to cleaning of the hostels. Insufficiency of staff has resulted in their multi-tasking. The job profile of cooks is not limited to preparing meals, but also include, maintaining cleanliness in the hostels, cleaning washrooms, maintaining kitchen gardens, growing vegetables to be used for cooking in the hostel, ensuring safety of the hostel etc. In some hostels even the wardens complained that the cooks are overburdened with work. Inadequacy of the staff is clearly affecting the provision of food to children, for instance owing to the work load, some cooks have stopped making chapatis and they prepare only rice. At some instances, wardens were themselves given additional responsibilities by the Department, which in turn affected their
quality of work in the hostel.

**Infrastructure Facilities:** Another challenge faced by many institutions was lack of infrastructural facilities which are needed to ensure the provision of services. In hostels that were visited as part of the study, it was noticed that the situation was more or less similar in all the hostels. Grant-in-aid hostels generally lacked basic facilities and cleanliness was found to be in a pathetic condition. In one of the grant-in-aid hostels, there were no beds and children slept on the floor with only blankets to cover themselves.

**Issues Affecting Dignity of Children:** While on the surface there does not seem to be any partiality or favoritism noted in any government hostel, there were instances that could be described as disrespecting the dignity of either all the children in the hostel or a section of them. For instance, in some of the hostels, as mentioned by children in a girls’ hostel in Bengaluru Rural, children were denied second serving, even when they were hungry. The instances of children throwing away food because they found insects and stones in it, point towards the lackadaisical and casual attitude of those who prepare food and those responsible to ensure that children get ‘quality and delicious’ food. Sometimes children drank water to tolerate their hunger. In many of the hostels, children were also made to assist in cooking, cleaning and even carrying sacks of food items.

**Gaps in Communication:** Many of the government orders issued either do not get communicated to the hostels effectively or are not being implemented for a variety of other reasons such as lack of capacity or non-communication. There were several examples of such gaps between the norms and the practices that were recorded during the study. For instance, none of the grant-in-aid hostels visited reported increase in all allocation per child. None of the functionaries in the hostels seemed to be aware of the provision of the health insurance for children.

**Understanding of the Concept of Right to Food:** Functionaries were not aware of nutritional principles, except those which one comes across in daily lives. Even in cases where they were aware of girls in hostels being anemic, most of them had not taken any concrete measures to counter this, and continued to attribute the same to the socio-economic background, they come from and their perennially frail physical status. The training sessions that were provided to the staff did not cover the concept of food as a basic human right and the content of trainings seem to be limited to other issues such as safety of children, management of hostels etc. for wardens and cooking and using the available food items for preparing nutritious food, if at all, in case of cooks.

Health Checkup, Medical Expenses etc: While the orders of the Department as well as the Guidelines mention that health check-ups are to be conducted every month in the hostel, in most of the hostels, periodicity of conducting health check-ups were half yearly, and in some yearly. As per norms set out by the Department, children were also required to undergo health check-ups at the time of admission to hostel, but it was not the practice in some of the hostels. Again, in spite of the mandate to engage government doctors for conducting these periodical check-ups, there are cases of private hospitals and Ayurveda doctors conducting these check-ups and there were no clarity with respect to the nature of check-ups.

Monitoring of the Hostels: Although there are norms laid down by the Government for internal and external monitoring of the hostels, monitoring was found to be weak. While the warden did say that they monitor all the staff, there were no monitoring structures or protocols in place, except the attendance registers. Internal monitoring by children was virtually nonexistent, and wherever it was in existence, it was mere tokenism. This is despite the fact that the norms require them to have
children’s committees for monitoring all the aspects of functioning of hostels, including provisioning of food. While the officials are mandated to conduct regular visits to hostels and enquire to children and staff about their concerns, there is no uniformity across the hostels in conducting inspections. The Guidelines mandate the officers at district level to visit the hostel ‘at least once a year’ which is a strikingly low frequency. And even when there is an express mandate to the officials at taluk level to visit the hostels at least once a month, the visits are delayed at times. Situation is worse for grant- in aid hostels where even the Taluk Social Welfare Officer visits hostel only once a year.

Inspections mostly take place after prior intimation and as a result in most hostels, children are told beforehand not to complaint against hostel staff. Children shared that there are special dishes cooked only when there are officials visiting the hostels. They are unable to voice their concerns as officials either visit hostels while they are away at school or they are enquired about their problems in the presence of hostel authorities. There have been instances where children were beaten up or scolded when they complained to the visiting officials.
Case Study 1: Supplementary Nutrition through Anganwadi and Fair Price Shop in Cuttack

Urban Case Study

The present case is of one of the Cuttack municipality in the district of Cuttack, state Odisha. The urban ward selected for the documentation of case study had forty-five households, having population of 216. The children below the age of 3 years were 7 in number and below the age of 5 years were 11. The count of school going children were 29 and the total Anganwadi centres in the area of Kafala Bazar Harizan Sahi under the ward no. 12 was only one.

There was a fair price shop within 1.5 km of the area. There was an Anganwadi available within the community. Akshaya Patra Foundation supplies Mid-Day Meals in the primary school in PPP mode. Anganwadi was physical accessible available within the community with the primary schools available within 2 kms.

There was no online grievance redressal system for the beneficiaries. For the mobile phone, no public online grievance system is available but a toll free number was able although no one had ever tried calling. The quality of the grains provided to people through fair price shops is fair. People are given 5 kg of rice or wheat and also half a litre of kerosene oil at subsidized price. The food which is provided to the people is culturally acceptable as people as habituated to bread and rice and the same is to be provided to the people in Odisha.

Food Diversity: There is provision of getting different food items from the Anganwadi Centres but the quality of the food is not maintained. It is also derived that in the town of Cuttak Akshaya Patra Foundation which is supplying Mid-Day Meals to the Primary schools are in the PPP Mode (CSR) is hygienic and fulfills calorie and nutrient requirement of the students.

Good and Bad Practices observed at the field: The key points to be noted is that in urban areas hot fresh and cooked food as part of MDM is provided through an agency sponsored by the Corporate Sector under CSR in Cuttack Dist. In rural area schools of SHG group prepare the meal for schools. Adolescent girls are getting nutritious food under ICDS in urban area but they are not getting any such service in the rural area. During the survey it was found that several families have been deprived from the facilities of getting TPDS benefits.

Implementation of Public Distribution System in Bhopal, Madhya Pradesh: A case Study

Areas Visited Ward no.49, 50 and 27
Total slums (on record) 380
Number of households in slums 183989
NFSA covered families 320167
Total Fair price shops (FPS) 451
Total Anganwadi Centres 9130

Fair price shop (FPS) dealer distributes ration from the 1st to the 21st of every month (date is posted in every shop). Beneficiaries normally get the same amount of ration as per their token slip. Any member of the household can go to receive ration (even children whose thumb impression is allowed) so that their work does not get affected and they need not spend money in transportation.
PDS entitlement for priority households is 5 kgs grains per person and 35kgms grain per AAY family. Beneficiaries reported that 5 kgs of grains per person is not sufficient for a month. It is noted that wheat quality is good but quality of rice is not up to the mark.

Most of the people are not aware about the Vigilance Committee and its members and also their roles. Vigilance committee member's names are not displayed on most of the FPSs. However, on asking it was shared that that the names are written in the register.

The FPS who have good infrastructure, display chart or board inside the shop for Grievance Redressal along with the complaint numbers - CM Helpline 181, Food inspector contact number and shop owner’s contact number. The FPSs that have very less space and are not able to display any Grievance Redressal number or the entitlements.

People who are not aware of the redressal procedure, have to be made aware about their rights and responsibilities, procedure to file a complaint, etc. People are missing out on a lot of information and procedure about making any correction and addition to their ration card. Due to the lack of knowledge, most of the people are deprived of their entitlements.

Key issues and challenges:

1. Shop licenses were sanctioned in the name of Women Cooperatives but there is no single woman at the FPS.
2. New members names are not added in ration card so most of the eligible members especially children of eligible families are not able to get ration.
3. POS machine is used to distribute the ration and many a times fingerprints do not match. In such cases shopkeeper does not give ration. People either have to wait at the end of the queue to try again or they have to come to the FPS to collect ration some other time.
4. Fixed date for distributing ration is not followed by the ration dealers, people generally have to pay multiple visits to the shop and when someone comes to know that ration is available and the shop is open then they inform others.
5. If people have any complains, they usually report to the FPS dealer but they do not receive a proper reply to the grievances. Some of them said that they get abused and scolded. Some of them said that if they complain they are threatened that they will not get grains next time (shared by 5-6 women).

Case study 2: Implementation of integrated Child Development Scheme in Bhopal, Madhya Pradesh

Pregnant women, lactating mothers, adolescent girls, and children are getting services of Anganwadi Centres.

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<tr>
<th>S. No.</th>
<th>Target group</th>
<th>Enrolled</th>
<th>Benefitted</th>
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<td>6 months-3 year</td>
<td>463879</td>
<td>406126</td>
</tr>
<tr>
<td>2</td>
<td>-6 year</td>
<td>534087</td>
<td>367242</td>
</tr>
<tr>
<td>3</td>
<td>Pregnant Women</td>
<td>98820</td>
<td>94197</td>
</tr>
<tr>
<td>4</td>
<td>Lactating mother</td>
<td>98104</td>
<td>84080</td>
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Anganwadi is present as per the population norms specified by the government. Anganwadi centres are within walking distance in the ward so that all the pregnant women and mothers are able to access these Anganwadis. Most of the Anganwadi Centres in slums run in rented rooms with no proper space, first aid kit is also not maintained (in few Anganwadi centres there are no medicines in the box), toys seem to be unused, infrastructure needs to be repaired, generally children come with their bowl and plates to Anganwadi Centre for collecting the food, closing and opening time as per WCD order of Anganwadi is also not followed.

Anganwadi worker mostly visits the area for immunization and informs everyone to take home the ration as well. There is no contact number which is available to contact the authority regarding the schemes and services of their nearest Anganwadi Centres. Hot cooked meals are distributed to the children along with milk powder and hot water. Breakfast and meal is provided to them according to the menu. Early morning when Anganwadi centres are open, the breakfast is reached to the Anganwadi Centres by the cooking agency and later they send the meal. After receiving the food, the children go back to their homes.

Monitoring system does not seem to be effective.

Key issues and challenges:

I. Anganwadi centre does not have enough space to perform activities with the children especially in the rented Anganwadi centres whereas the government centres have great infrastructure with ample amount of space.

II. Anganwadi staff complains about possibility of contamination of the food during supply because most of the containers do not have lids and there is always the risk of flies and others insects.

III. Milk powder is distributed but there is no facility of hot water.

IV. Menu is not followed by the cooking agency.

V. Most of the time Anganwadi workers are assigned other duties that is why they are not able to spend more time in Anganwadi Centres.

Case study 3: Implementation of Mid Day Meal Scheme in Bhopal, Madhya Pradesh

School children get Mid-day Meal regularly. Menu is decided by the concerned department (Panchayat and Gramin Vikas) and is written on walls of the school. Centralized kitchens are provided for cooking and supplying the hot cooked Mid-Day Meals to the children. Centralized kitchen is operated by the assigned NGO- Arya Navyug Shiksha Samiti and Surya Charitable and Welfare Society. Food is supplied in schools as seal packets which is opened only at the time of distribution of meals. Sufficient amount of food is served to the children.

All school children receive hot cooked MDM on daily basis. Most of the schools have made arrangements for washing hands in their premises. Quality of the food provided is good. Children can ask food as much as they want which shows the quantity provided is sufficient. Plates are available in school but not glasses. Drinking water is available i.e., tap and bore well water. There is no filtering system available in schools.
Most of the schools have separate space to sit during mid day meals while in few school children has to finish MDM in the class room or in the corridor, where dogs and other animals can come anytime. Menu has variety of food available as per nutritional requirements of the children. There is discrimination found in the distribution of MDM servings though and few children were made to sit separately.

There is no awareness regarding grievance redressal as children do not know how and to whom to make a complaint. Usually if there is any issue with the services of MDM, teachers are supposed to complain to the supplier. However, no such complaints have ever been filed.

**Key issues and challenges:**
1. Most of the children carry lunch boxes from their home because they don’t like the taste of the meals provided to them while children who belong to the labourers families have meal in the school that helps to fulfill their nutritional requirement at least once a day.
2. Plates and safe drinking water are issues in many schools.
3. Parents complain about the hygiene related to food distribution, chapatis are not up to the mark, and when once in the week poori and kheer distributed in the MDM that time food are not sufficient in quantity. children like poori more than chapati but they do not get in the sufficient pooris.

**Good and Bad practices:**
- Where there are less children and more quantity of meals is provided to them, they usually tend to waste it.
- Children are not able to complain as they do not know how to file complains about the quality of food and as a result they carry meals from their home.

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**Case study 4: Implementation of Maternity Benefit Scheme in Bhopal, Madhya Pradesh**

Anganwadi is located nearby and most of the pregnant and lactating women are aware about the entitlements in terms of meals and food grains. Women and their families do not know anything about the Pradhan Mantri Matrutva Vandana Yojana (PMMVY). The only knowledge they have is that they will get some money during the pregnancy. There is one more scheme of the labour department that is Mukhyamantri Shramik Prasuti Sahayta Yojna, valid which is applicable till second child and amount provided is Rs. 16000, however, it is only for those families who are registered under unorganized sector labour. The scheme Janani Suraksha Yojana is also implemented, however, conditionalities include institutional deliveries and the amount provided is Rs. 1000 in urban area and Rs.1400 in rural areas. Anganwadi workers normally fill the forms on behalf of beneficiaries and submit it to their higher authority, but there is no effective tracking system to check the status of the form.

There is no separate number or system for grievance redressal. 181 is the CM helpline which is used for all kind of complaints.

**Key issues and challenges:**

1. In Madhya Pradesh maternity entitlement under the Mukhyamantri Shramik Prasuti Sahayta Yojna is much higher than the NFSA entitlement.
2. Most women in the urban slums do not even know the name of scheme PMMVY.
3. They do not know where and how to file a complaint. They file complaints to Anganwadi Workers and most of the time they are told to wait.
4. Amount of Rs. 5 or 6 thousand is too less for women in urban areas. They have to fill 3 forms along with certain required documents and submit it and then they receive the amounts in three installments.
5. Aadhar card is mandatory to apply for the installment, but if there is any sort of mismatch in the Aadhar card details they have to spend time and money to correct it and hence, affecting their daily wages.
6. If one enquires with the AWW about the status of maternity entitlement forms the only answer give is that the same have been submitted to department and rest they do not know.
7. Women usually come to their paternal homes for delivering their babies but the document holds the address of their spouses. Many a times they are not able to apply for 2nd and 3rd installment on time and Anganwadi Centres always needs local address in the document. Hence, portability is one of the biggest challenges.
The study was conducted with an understanding gained from the experiential insights that the current legal framework falls short of the capacity to ensure food security to all from a rights perspective. The empirical evidence generated through the study establishes that the rights based approach to food security has not found place in substantive provisions of the law. Intersectoral and all encompassing nature of food security based on rights based approach requires a comprehensive legal framework, beyond the existing law. Since NFSA deals does not deal with the production issue at all and limits itself only to the aspects relating to distribution of food, an alternative and comprehensive legal framework needs to be conceptualised encompassing all aspects of right to food including food production; diversity of food; physical, economic and social access, adequacy in terms of quality, quantity, nutrition and culture. While the preamble of National Food Security Act 2013 does mention ‘food and nutrition security in life cycle approach’ as the objective, substantive provisions of the fail to go beyond the distribution (of food/food grains/cash) aspect of it. Some of the integral components of food security and right to food found mention only in Schedule III of the Act as the objectives to be realised progressively.

Although a comprehensive legal framework remains the vision and a long time objective, an interim engagement with the existing legal framework from the point of view of its optimisation to its fullest potential also require certain reforms. Some of these reforms may be brought in the law itself and some other may be introduced through delegated legislation. In order to comply with the rights based framework of food security, both NFSA and the delegated legislation under it need to be reviewed and reformed substantially.

Reforms in Legal Framework

Following reforms are being suggested in the National Food Security and delegated legislation under it from the point of view of making it more effective and potentially more compliant with the rights based framework on food security:

Adequacy

Primary evidence mandates improvement of quality, quantity and variety of nutrition provided at service centres. This has been a common recommendation put forth by most right holders interviewed during the study. It is interesting to note that in some of the remote place poor people said that they are satisfied with the quantity or quality. However, observational insights revealed that they said so because either their financial conditions were too poor to afford food otherwise, or they were apprehensive about losing what they are getting if they said that they are not satisfied with the quantity/quality.

Adequacy of food is largely determined by the entitlements included in the Act. There were a number of concerns as regards the entitlements that have finally found place in the Act. Not only many crucial aspects of the schemes that are original sources of these entitlements, have been left out but many groups such as elderly, people in difficult terrains, children who are out of school, adolescent girls, etc. also have not got a fair deal.

First and most critical measure for reform in the NFSA towards ensuring compliance with the rights based framework is to bring especially section 1 (revitalisation of agriculture) and section 3 of
schedule III of the Act within the purview of enforceable provisions. Section 1 deal specifically with: (a) agrarian reforms through measures for securing interests of small and marginal farmers; (b) increase in investments in agriculture, including research and development, extension services, micro and minor irrigation and power to increase productivity and production; (c) ensuring livelihood security to farmers by way of remunerative prices, access to inputs, credit, irrigation, power, crop insurance, etc.; and (d) prohibiting unwarranted diversion of land and water from food production. all these are prerequisite for ensuring sustainable food security. Section 3 of schedule III that deals with access to: (a) safe and adequate drinking water and sanitation; (b) health care; (c) nutritional, health and education support to adolescent girls; (d) adequate pensions for senior citizens, persons with disability and single women, also needs to be made part of the substantive provisions. Section 31 of the Act provides ample opportunity for advancing food and nutritional security. This section provides that for the purpose of advancing food and nutritional security, the central and state governments shall strive to progressively realise objectives in Schedule III.

Further, all the components of the schemes referred in the Act, especially the mid day meals and the integrated child development services, are needed to be included as enforceable and justiciable provisions in the Act. Section 32 enables creative use of the Schedule III and expansion of entitlements through central and state rules as well. Respective provisions can be included as central and state. Such an exercise of creative expansion also has the potential to overcome some other deficiencies of the Act and impart impetus to various aspects of right to food.

Access

Evidence from the field has pointed towards exclusion of many people who are entitled for food security provisions. The most effective way of ensuring inclusion is the universalisation of minimum basic needs for food, in this case all the entitlements under the NFSA. Alternatively, simpler exclusion criteria can be adopted by the states. It was noticed during the study that Karnataka has moved towards a simpler exclusion criteria, whereas others states such as Rajasthan, Madhya Pradesh and Odisha were still grappling with complex exclusion and inclusion criteria for rural and urban population making it difficult for the functionaries as well as beneficiaries. It is recommended to amend the respective state rule accordingly.

Use of Aadhar has also been an issue for the right holders as reported in the findings. It is recommend that use of biometrics for receiving food and meals may be abandoned given the problems with internet and electricity coverage in rural areas and inability of the poor people to pay multiple visits to fair price shops.

There is also a need to ensure that fair price shops are open on regular basis and food grains are distributed regularly too, to avoid visiting the shops several times. There is a need to also make necessary amendments in the TPDS Control Orders under the Essential Commodities Act and observe the norms strictly.

Availability

Although availability does not seem to be an issue as regards the provision of food grains through TPDS, meals through MDMS, or meals or take home ration through ICDS, it was noticed that not all the grains were made available through TPDS. Given that it is state governments’ prerogative to decide the proportion in which rice, wheat and coarse grains are to be given, most of the times right holders end up getting only one grain that is available. It is important that the proportion of food
grains bring given through TPDS is fixed by law and rice, wheat and coarse grains are gin in 2:2:1 proportion. The choice of coarse grains may be left with states.

In pursuant to section 22 of NFSA, central government must ensure that all the state governments are allocated and provide required quantity of food grains from the central pool. At macro level it is also required to ensure availability of food grains in the first week of every month itself and necessary prior arrangements must be made to ensure the same. Local authorities should monitor this and play a more formal role in facilitation of redressal in case of non availability of food grains in the first week of every month. State Rules are required to be amended to specify this role of local authorities.

Similar phenomenon of reliance one type of food grain for MDMS and ICDS needs to be avoided through amendments in central Mid Day Meal Rules 2015 and Supplementary Nutrition Rules 2015. Monitoring of Food Security Allowance Rules 2015 is very important given the fact that none of the right holders who did not receive entitled food grains had got food security allowance as mentioned in Section 8 of the Act.

**Awareness**

Empirical data has pointed towards lack of awareness among right holders about the quantum of all entitlements under NFSA. Awareness about provision of monitoring mechanisms such as social audit and vigilance committee is very low. Similarly provision of DGROs and State Food Commission is also not known to people. The fact all these aspects - social audit, vigilance committees, internal grievance redressal mechanism, DGRO and State food commission, state governments are supposed to frame Rules, it is important that relevant provisions for awareness generation is also included as one of the mandates for the respective state departments, local authorities and even DGROs and state food commissions.

Chapter V (Reforms in Targeted Public Distribution System), section 12 and Chapter XI (Transparency and Accountability) section 27, need to effective used and corresponding rules are to be framed by states to ensure that right holders are mobilised to seek the entitlements. Specific provisions are also needed for ensuring allocation of resources for all these mechanisms to function effectively.

Though the Act mentions specifically that TPDS related documents should be put in public domain, this should apply for all the concerned departments (Food and Civil Supplies, Women and Child Development, School Education and Health) schemes, programmes as well as institutions established under the Act including DGROs and SFCs.

**Monitoring**

NFSA makes elaborate provisions for both the monitoring mechanism as well as the grievance redressal mechanisms. The Act under Section 29, requires the state government to set up vigilance committees at the state, district, block and fair price shop level, for ensuring transparency and proper functioning of TPDS, accountability of functionaries in such system, regularly supervising the implementation of all schemes under the Act and informing DGRO of any violations of the provisions of the Act and any malpractice or misappropriation of funds found by it. Keeping the requirements mandated by the Act in mind, the Rules should provide details on composition of vigilance committees at four levels, manner of their selection, term of office, frequency of meetings,
quorum, powers, functions and other responsibilities, honorarium to be paid to members and finances of committees.

To be borne in mind, is the important fact that the Act by its very wording does not contemplate vigilance committees to function for merely TPDS, however, Vigilance Committees have express mandate to supervise the implementation of all the schemes under the Act and hence the state rules must acknowledge this and ensure vigilance committees’ role in monitoring ICDS, MDMS and maternity entitlements as well. A possibility of designating already existing committees as vigilance committees can be explored for schools and anganwadi in order to avoid any duplication of roles.

Social audit, which is based on the spirit of community monitoring, must be independent of the government control. State Rules must provide for an agency, independent of the implementing agencies, which could either be identified/ established by the State Government for conducting social audits. This could also be done along with the MGNREGA social audit.

Also, in view of the holistic conception of food and nutritional security under the Act, it is necessary to have a social audit agency, well equipped to conduct social audits, to look into all the aspects covered under the Act and Rules. Rules should provide for proper budgetary allocation to the Social Audit Unit so as to ensure that the process is not constrained or limited by unwarranted interference of implementing agency.

**Grievance Redressal**

Recourse mechanism and ability of the rights holders to register their complaints and get theme redressed in a timely manner are integral aspect of rights based food security law. NFSA provides for three levels of grievance redressal - internal mechanism within the respective departments, district level mechanism - the DGRO and the State Food Commission (SFC) at state level. The mandate to frame rules concerning all these lies with the state governments and hence it is important the the state governments ensure that the rule concerning grievance redressal are comprehensive and establish these mechanisms as independent and powerful enough to be able to discharge their functions.

It is important that each of the concerned departments concerned with the implementation of the Act set up their own internal grievance redressal mechanism, with toll free numbers and designate an officer to ensure its effective functioning and supervise its development, improvement and modernization. States Rules should detail the complaint mechanism including registration of complaints and providing of acknowledgement receipt on filing complaints.

In order to discharge his/her duties effectively, it is necessary to make a fresh appointment rather than designate an officer as DGRO. The office of DGRO should never appear to be connected to one department alone, as this may impede its functioning as a body hearing grievances in all matters relating to the Act. Hence, the respective State Rules should provide a Selection committee consisting of ministers of Department of Food, Civil supplies and Consumer Affairs, Department of Women and Child Development and Department of Primary education, Chief Secretary, Chairperson of State Food Commission and one representative each from NGOs and research organizations working on food and nutrition rights of the poor, nominated by the Chairperson of the State Food Commission to prepare a panel of suitable persons, from which the DGRO should be finally appointed.
Further, in order to effectively discharge his responsibilities, the DGRO requires to be given some powers to inspect, search and seizure, receive evidence on Oath etc. It is also important that the proceedings before him to be summary proceedings. It is to be noted that, under the Act, the State Governments can prescribe the powers which have to be given to DGRO. Thus State Rules should thus clearly state the powers which will ensure effective functioning of the officer. State Rules should also ensure that the office of DGRO is provided with required staff for its effective functioning.

It is also essential to mention measures, which will ensure accountability of the grievance redressal mechanism. The draft Rules, should mandate that the status of complaints have to be regularly updated on the websites and monthly and annual reports have to be submitted.

State Food Commission: In the spirit of the Paris Principles pertaining to the establishment of independent human rights commission, state Rules must provide for an independent commission for effective monitoring of the implementation of the Act. Selection of members of the commission should be done through an open process with no political interference. The mandate of the commission must include monitoring the violation of entitlements under TPDS, MDMS and ICDS.

Section 18 provides for designation of any commission or body to function as the State Food Commission. Given the issue with designation of other commissions such as grievance redressal commission, consumer redressal commission, and child rights commission, as State Food Commission, it is recommended that NFSA is amended to delete section 18 from the Act. Most of the other commissions designated as Food Commission do not have the compositions as mandated in the Act. Also given their respective compositions they do have the specialised expertise in the area of food, security, nutrition and right to food. Application of section 18 has caused confusions among the states and it required an order by the Apex court for all the states to establish food commissions in line with the provisions of the Act. Redundancy of section 18 calls for its deletion from NFSA.

**Ensuring Food Security through Implementation of Existing Provisions of the Law**

Like in the case of other social legislations, non implementation of existing provisions continue to dampen the efforts towards the realisation of right to food and children remain the worst affected. Empirical data has pointed towards issues both from the duty bearers side as as well as from right holders’ side.

NFSA does provide for accountability and transparency in the functioning of TPDS and other schemes, specifically disclosure of information, social and audits and setting of vigilance committees. Effective implementation also requires That the functionaries having the responsibility of implementing the provisions also have the capacity to be able to carry out his/her responsibilities. It is required to make special provisions through central and state Rules for trainings and refreshers for all concerned officials.

Realisation of rights and enjoyment of all the benefits is also contingent on the level of awareness of right holders. Mobilisation of community and perspective building towards the rights based framework that encompass dignity of all the individuals need to be is required to translate the benefits into rights. It is not only important for the community, the right holders, to be aware about the entitlements, but it is also required that they also have information about the monitoring mechanisms, ways through which their grievances can be redressed and avenues for community
participation. Specific measures are needed to be taken on the part of the state towards awareness generation and community mobilisation in order to ensure that the provisions ultimately lead to empowerment of right holders, another important component of PANTHER principle.

Allocation of resources required for implementation are equally important. The budgets must factor in not only the cost of entitlements but also the implementation and operations. These may include investment in developing infrastructure, engaging experts, awareness generation, capacity building of functionaries, conducting social audit, etc. A detailed itemised list should be prepared and approved by the respective governments to rule out any resource crunch in the process.

**Ensuring cohesion: Need for Module Rules**

It has been observed that despite a common law, each state has been implementing the Act in different ways be it identification of beneficiaries as priority households, setting up of state food commissions, conducting social audits, and other such aspects of monitoring mechanisms and grievance redressal. While decentralisation is needed as regards some of the key issues, it is important to evolve a set of model rules by the central government to avoid any confusions and ensuring that adequate guidance is provided to the state governments while implementing the Act.

**Future areas of research**

One of the key recommendations emerging out of the study is to review and redefine the content and scope of the legal framework in order to make it more comprehensive. While the identification of broad issues, such as production related aspects and inclusion of all the vulnerable groups as rights holders, has been done further research is needed to be done for articulating the content of a comprehensive legal framework on food security that takes into account specific needs of all the groups, is premised on the rights based approach to food security, and contains all the elements required to ensure its implementation.
References

Bhalla, Surjit (2013): “Manmonia’s FSB: 3% of GDP”, The Indian Express, 6 July.


Annexures

Annexure 1

Deliverables and Timeline

A detailed list of deliverables was prepared during the preliminary phase of the project. The activities that are marked in green indicate that have been completed.
<table>
<thead>
<tr>
<th>Activities</th>
<th>Description</th>
<th>2017</th>
<th>2018</th>
<th>2019</th>
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<tbody>
<tr>
<td>Finalization of research design</td>
<td>Preliminary discussions to finalize the nature of study, study sites, data collection tools, data sources and tools for data analysis</td>
<td>Jan Feb</td>
<td>Mar Apr</td>
<td>May June</td>
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<tr>
<td>Desk based research and mapping</td>
<td>Examination of relevant laws policies and covenants associated with the normative framework of RTF</td>
<td>Mar Apr</td>
<td>Jul Aug</td>
<td>Sept Oct</td>
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<tr>
<td>Preparation of data collection tools-Questionnaires/schedules</td>
<td>Critical analysis of NFSA, 2013, to examine the extent to which the Act complies with the Normative Framework</td>
<td>Oct</td>
<td>Jan</td>
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<tr>
<td>Submission of schedules/questionnaires to ICSSR for review (Draft)</td>
<td></td>
<td>Nov</td>
<td>Dec</td>
<td>Jan</td>
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<tr>
<td>Pilot study in Bidadi, Karnataka</td>
<td>Orientation of field investigators</td>
<td>Dec</td>
<td>Jan</td>
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<td>Identification of participants of the research</td>
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<td>Field visits</td>
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<td>Compilation of field notes and data analysis</td>
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<td>Revision and finalization of Schedules/questionnaires</td>
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<td>Submission of progress report</td>
<td>On completion of one year from the date of commencement of the project</td>
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<td>Field study in four states</td>
<td>Preparation and planning for field study</td>
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<td>Orientation of field investigators</td>
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<td>Field visits- Interviews, FGDs, Consultations with stakeholders</td>
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<td>Compilations of field notes and data analysis</td>
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<td>Documentation and report writing</td>
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<td>Submission of final report of the research</td>
<td>Other documents to be submitted:</td>
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<td>project</td>
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<td>Short summary of the project report (2000-5000 words), audited</td>
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<td>statement of all expenditure along with utilization certificate</td>
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<td>Regional Consultations</td>
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<td>Meetings with members of Advisory Committee</td>
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Annexure II: Tools

2.1 Interview guide for participants entitled to and availing benefits under AAY/TPDS

I. Personal information:

Name of head of household:
Village:
Primary source of income for the family:
Number of members in the family:
Number of working members in the family:
Number of children:
Average income per month:
Religion:
Caste:
Sub-caste:

II. Availability, Accessibility:

1. How long have you been staying in this village?
2. What do you do for a living?
3. How much do you earn as a family per month?
4. What is your staple food? How many meals do you have in a day and what does it generally comprise of?
5. Are all the members of your family able to have three full square meals? {YES/NO}
6. For how long have you been availing benefits under the AAY/TPDS scheme?
7. Are you aware of who the FPS owner is? Is he from the same village?
8. Are you aware of the National Food Security Act, 2013? (Yes/No)
9. Are you aware that you are entitled to 35 kg of food grains per month under the NFSA, 2013?/Are you aware that you are entitled to 5 Kg for food grains per person per month under the NFSA, 2013?
10. What benefits do you receive from the FPS as part of the PDS?
11. How much quantity of each do you receive?
12. How often do you receive these benefits? Do you receive them regularly?
13. Do you receive the same quantity of all provisions every month? {YES/NO}
14. Do you think the quantity of provisions you receive at the FPS is sufficient? {YES/NO}
15. If no, what do you think is the quantity that should be provided?
16. Has there been a situation where you did not receive your entitlements or received lesser quantity at the FPS? {YES/NO}
17. How did you manage your monthly supplies during that time?
18. How much more did you spend on arranging for the supplies during that month?
19. Do you solely depend on the AAY to meet your family’s food requirements?
20. Where do you go and collect your ration? How far is it?
21. Who goes and collects the ration?
22. Do you find it convenient to access your entitlements from the FPS? {YES/NO}
23. How much do you spend on travelling to the FPS to avail your benefits? (Per month?)
24. How much money are you left with after spending on the travel to avail your benefits?
25. What is the impact it has on your overall income?
26. Have you faced any difficulties in availing your benefits from the FPS? {YES/NO}
27. What are the difficulties you face in availing your benefits?
28. Is the FPS open on a regular basis? {YES/NO}
29. Was there any situation where you were not able to avail your benefits because the FPS were closed? {YES/NO}
30. If yes, how many times have you faced such a situation? (Per month?)

II. Adequacy
31. What do you think about the quality of ration being provided?
32. Do you think these provisions contribute to the improvement in nutritional status and health of your children/family members? {YES/NO}
33. Have you faced any problems with the quality of food that is being provided? {YES/NO}
34. If yes, what are they?
35. How do you think the quality of these provisions and services can be improved?
36. Have you been asked to provide your Aadhar card details at the FPS? (Yes/No)
37. Have you faced any problems because of the same? If yes, explain in detail.

Remarks

III. Food Diversity and Utilization
38. How is the food distributed amongst the members of your household?
39. What type of food do you cook everyday?
40. Who eats last in the house?
41. Do the women and children of your house get sufficient food to eat?
42. Do you have access to clean drinking water for cooking and drinking purposes?
43. Where do you prepare the food? (Observe the kitchen, surrounding areas, utensils, etc)

Remarks:

IV. Monitoring and Evaluation
44. Is the quantity and type of ration supplied to each of the families displayed at the FPS? Is it updated regularly?
45. Are you aware of any vigilance committees/officers who are responsible for monitoring the functions performed by Fair Price shops? If yes, are you aware of who they are and what duties they perform?
46. Are you aware of any social audits of the Fair Price Shops and their service delivery that are carried out by the local authorities? Have you participated in any?
47. What was you experience as part of the social audit process?
48. Should you encounter an issue with respect to availing benefits, what would you do? Who would you approach?
49. Do you think there is a need to increase awareness about the scheme and the entitlements? If yes, how do you think that should be done?

Remarks:

V. Grievance Redressal Mechanism
50. Are you aware of a helpline number? Is it displayed clearly at the FPS?
51. Have you faced any challenges/problems in availing these services/benefits? If so, what are they?
52. Did you try complaining about these issues? If yes, who did you approach and what was their response?
53. Are you aware of the role and responsibilities of District Grievance Redressal Officer? Have you tried putting forth your grievances to this officer? If yes, what was the response?
54. What was your experience?
55. Were the problems/challenges/issues addressed? If so, how?
56. Are you aware of the role and functions performed by the State Food Commission?
57. Did you approach the State Food Commission to appeal the order passed by the District Grievance Redressal Officer? If yes, how was your experience?
58. What do you think can be improved in the services provided to you as part of the TPDS/AAY?

Remarks:

2.2 Interview schedule for mothers of children aged between three and six who are entitled to/availing benefits under the ICDS

Date:
Name of investigators:

I. Profile of beneficiaries:
Age group of mothers:
Sources of income:
Number of working members in the family:
Average income of household per month:
Religion:
Caste:
Sub-caste:
II. Availability, Accessibility, and Adequacy:
1. For how long have you been staying here?
2. Are you aware of the presence of an Anganwadi Centre in your village? How did you get to know about the same?
3. Are you aware of what your child receives in the Anganwadi centres? What are they?
4. How did you get to know about the benefits that your child is entitled to at the AWC?
5. Who is responsible for delivering these services/benefits to you?
6. Are you aware of what your child eats at the AWC?
7. What do you think about the quality of food that is being provided at the AWC?
8. Do you think there is an improvement in the health of your child after having received the benefits under the ICDS?
9. Were there any instances in the past where your child fell sick after consuming the entitlements under ICDS? If so, please describe the same.
10. Did you inform the AWW about the same? If yes, what was her response and were there any measures taken to address the problem?
11. Does the AWC/AWH reach out to you often?
12. What is the information/knowledge that the Anganwadi worker shares with you? Do you find it helpful?
13. What is your opinion on the quality and quantity of services provided at the AWC? Do you think it can be improved? If so, how?
14. Have you been asked to provide your Aadhar card details at the FPS? (Yes/No)
15. Have you faced any problems because of the same? If yes, explain in detail.

Remarks:

III. Monitoring and evaluation:
16. Are you aware of any committees/officers who are responsible for monitoring the services being provided by the AWC? If yes, are you aware of who they are and what duties they perform?
17. Are you aware of any social audits of the ICDS that are carried out by the local authorities? Have you participated in any?
18. What was your experience as part of the social audit process

Remarks:

IV. Grievance Redressal Mechanism:
19. Have you had any issues with the quality of food being provided in the AWC? If yes, what were they?
20. Did you try complaining about the problems and challenges to someone in school? Who was it? Was the problem resolved?
21. Are you aware of the role and responsibilities of District Grievance Redressal Officer? Have you tried putting forth your grievances to this officer? If yes, what was the response?
22. What was your experience?
23. Were the problems/challenges/issues addressed? If so, how?
24. Are you aware of the role and functions performed by the State Food Commission?
25. Did you approach the State Food Commission to appeal the order passed by the District Grievance Redressal Officer? If yes, how was your experience?
26. What do you think can be improved in the services provided to you as part of the ICDS?

Remarks:

1.3 Interview schedule for pregnant women and lactating mothers entitled to/availing benefits under ICDS and MBS, and mothers of children below three who are entitled to/availing benefits under the ICDS

Date:
Name of investigators:

I. General profile of participants:
   Age group:
   No. of members in the family:
   Primary source of income:
   Number of working members in the family:
   Income per month:
   Religion:
   Caste:
   Sub-caste:

I. Availability, Accessibility and Adequacy:
   1. For how long have you been staying here?
   2. Are you aware of the presence of Anganwadi Centre in your village? {YES/NO}
   3. How far is it located from your house? Is it easily accessible?
   4. How did you get to know about the presence of an Anganwadi Centre? According to you, what are the services provided here?
   5. How long have you been availing the services at the AWC?
   6. Are you aware of what type of services are provided by the Anganwadi centres for pregnant women, lactating mothers, mothers of children below three, children below and children between three and six?
   7. What are the benefits and services provided to you by the Anganwadi Worker/Helper?
   8. Have you been asked to provide your Aadhar card at the AWC for any purpose? (Yes/No)
   9. If yes, what was the reason given to you?
   10. As per the National Food Security Act, 2013, you are entitled to receive one meal a day, free of charge through the local Anganwadi Centre, during pregnancy and six months after childbirth. Are you aware of this provision and do you receive the same?
11. Are you aware of Maatru Poorna? (Yes/No) (This question is exclusively for participants of Karnataka)

12. If yes, what are the benefits you receive as part of the scheme? What is your opinion about the same?

13. Are you aware of any specific schemes initiated by the State Government for pregnant and lactating women? If yes, what are they?* (This question has to be asked in other states apart from Karnataka-point is to see if there programmes/schemes similar to Maatru Poorna)

14. How often do you receive these services/benefits? Do you receive them regularly?

15. How did you get to know about the benefits you are entitled to at the AWC?

16. Does the AWW/AWH reach out to you? {YES/NO} If yes, for what purpose and how often does she reach out to you?

17. Do you think there is an improvement in the health of your child and you, after having received the benefits under the ICDS?

18. What is your opinion on the quality and quantity of services provided at the AWC?

19. Are you comfortable feeding your child with the food provided to you at the AWC?

20. Have you been asked to provide your Aadhar card details at the FPS? (Yes/No)

21. Have you faced any problems because of the same? If yes, explain in detail.

Remarks:

II. Monitoring and Evaluation:

22. Are you aware of any committees/officers who are responsible for monitoring the functions performed by AWWs/AWHs? If yes, are you aware of who they are and what duties they perform?

23. Are you aware of any social audits of the ICDS that are carried out by the local authorities? Have you participated in any?

24. What was your experience as part of the social audit process?

Remarks:

III. Grievance Redressal:

25. Have you faced any challenges/problems in availing these services/benefits from AWC? If so, what are they?

26. Did you try complaining about these issues? If yes, who did you approach and what was their response?

27. Are you aware of the role and responsibilities of District Grievance Redressal Officer? Have you tried putting forth your grievances to this officer? If yes, what was the response?

28. What was your experience?

29. Were the problems/challenges/issues addressed? If so, how?

30. Are you aware of the role and functions performed by the State Food Commission?
31. What do you think can be improved in the services provided to you as part of the ICDS?

Remarks:

Questions on Maternity Benefit Scheme (MBS) (To be asked only to PW and LM)

I. Availability, Accessibility and Adequacy

32. Are you aware that you are entitled to receiving Rs. 6,000 from the Government as part of the Maternity Benefit Scheme? Have you received them?
33. How do you receive the benefit? Do you all have bank accounts?
34. When do you receive the benefits? Has there been a delay?
35. How much do you spend on the medical and health care expenses during the course of your pregnancy and lactation?
36. What is your opinion about the quantum of benefit under the MBS that you are entitled to? Do you think this amount is sufficient?

Remarks:

II. Monitoring and Evaluation:

37. Are you aware of any committees/officers who are responsible for monitoring the functions performed by AWWs/AWHs? If yes, are you aware of who they are and what duties they perform?
38. Are you aware of any social audits of the ICDS that are carried out by the local authorities? Have you participated in any?
39. What was your experience as part of the social audit process?

Remarks:

III. Grievance Redressal:

40. Have you faced any challenges/problems in availing these services/benefits? If so, what are they?
41. Did you try complaining about these issues? If yes, who did you approach and what was their response?
42. Are you aware of the role and responsibilities of District Grievance Redressal Officer? Have you tried putting forth your grievances to this officer? If yes, what was the response?
43. What was your experience?
44. Were the problems/challenges/issues addressed? If so, how?
45. Are you aware of the role and functions performed by the State Food Commission?
46. Did you approach the State Food Commission to appeal the order passed by the District Grievance Redressal Officer? If yes, how was your experience?

47. What do you think can be improved in the services provided to you as part of the ICDS?

Remarks:

I.4 Interview schedule for Children aged 6-16 years availing benefits under the MDMS

Date:
Name of investigators:

I. Profile of children:

Nutritional status in terms of appearance:
Number of girls and boys in class:
Sub-caste:
Primary source of income for family:
Number of working members in the family and their relationship with the respondent:
Annual income:
Nutritional status in terms of appearance:

II. Availability, Accessibility and Adequacy:

32. As per the provisions of the National Food Security Act, 2013, you are entitled to one mid-day meal, free of charge, everyday, except on school holidays. Do you receive the same in school?

33. What is served to you everyday during lunch?

34. What is the portion of each meal that is served to you in school?

35. Do you get the same portion everyday?

36. Are you satisfied with the quantity that is provided to you?

37. In case you want a reserve, does the cook or helper oblige?

38. How do you like the taste of the food served to you at school?

39. Are the same items prepared everyday?

40. Is the food served hot and fresh and clean everyday?

41. Do you get an egg with every meal?

42. Do you get any fruit after the meal?

43. Are you comfortable eating the food that is served in school? If no, what are the reasons for the same?

44. Do you get your own plate and glass? Does the school provide it or do you get it from home?

45. Do you have clean drinking water available at school?

46. Do you like home food better or the food that is served in school? Why?
47. Have there been any instances where you did not receive sufficient quantity or clean food?
48. Have there been instances where one of your classmates did not receive enough food? Or was denied the same quantity of food as you?
49. Do you weigh the food before it is served for you? (This Qn to be specifically asked to children who have been inducted as part of the school committee)
50. Are you aware if the head cook tastes the food before being served to you?
51. Have there been any instances where one of your classmates were treated differently? Can you recall those instances and narrate what happened?
52. Do all of you eat at school or do you bring lunch boxes from home?
53. Do you know if your teachers eat the same food as you do or do they get lunch boxes from home?

Remarks:

III. Monitoring and Evaluation:

54. Are you aware of any committees/officers who are responsible for monitoring the mid-day meal scheme? If yes, are you aware of who they are and what duties they perform?
55. Are you aware of any social audits of the MDMS that are carried out by the local authorities? Have you participated in any?
56. What was your experience as part of the social audit process?

Remarks:

IV. Grievance Redressal:

57. Have you had any issues with the quality of food being provided in school? If yes, what were they? Did you try complaining about the problems and challenges to someone in school? Who was it? Was the problem resolved?
58. Are you aware of the role and responsibilities of District Grievance Redressal Officer? Have you tried putting forth your grievances to this officer? If yes, what was the response?
59. What was your experience?
60. Were the problems/challenges/issues addressed? If so, how?
61. Are you aware of the role and functions performed by the State Food Commission?
62. Did you approach the State Food Commission to appeal the order passed by the District Grievance Redressal Officer? If yes, how was your experience?
63. If there is anything that you would like to change in the meals that are being served to you everyday, what would it be?

Remarks:

2.5 Interview Schedule for Adolescent girls entitled to/availing benefits under the ICDS
Date:
Name of invigilators:

I. Profile of beneficiaries:

Age group:
Number of members in the family:
Number of siblings in the family:
Caste:
Sub-caste:
Primary source of income for family:
Number of working members in the family and their relationship with the respondent:
Annual income:
Nutritional status in terms of appearance:

II. Availability, Accessibility, Adequacy:

1. At what age did you stop going to school? Why?
2. What do you eat at home? What is your daily meal plan comprised of?
3. Are you aware of the Anganwadi centre in your village? If yes, how did you get to know about it?
4. Is the AWC located very far away from your home? Is it easily accessible?
5. Do you avail any benefits or services from the AWC? If yes, what are they?
6. How often do you receive these benefits? And what is the quantity of benefits you receive?
7. Are you happy with the quality of benefits you receive from the AWC? If no, explain the reason for the same.
8. Do you visit the AWC regularly? Is the AWC open every time you have visited?
9. Was there any instance when the AWC was not open, as a result of which you could not avail your benefits?
10. How do you travel to the AWC to receive your benefits? Does anybody accompany you for the same?
11. Are you comfortable eating the food provided by the AWC?
12. Do you think the benefits you avail at the AWC has improved your nutritional status and health?
13. Do you think the food being provided by the AWC needs to be changed or improved? If yes, what changes/improvement do you think should be made?

Remarks:

II. Monitoring and Evaluation:

14. Are you aware of any vigilance committees/officers who are responsible for monitoring the services provided by the AWC? If yes, are you aware of who they are and what duties they perform?
15. Are you aware of any social audits of the AWCs and their service delivery that are carried out by the local authorities? Have you participated in any?

16. What was you experience as part of the social audit process?

Remarks:

III. Grievance Redressal Mechanism:

1. Have you faced any challenges/problems in availing these services/benefits? If so, what are they?
2. Did you try complaining about these issues? If yes, who did you approach and what was their response?
3. Are you aware of the role and responsibilities of District Grievance Redressal Officer? Have you tried putting forth your grievances to this officer? If yes, what was the response?
4. What was your experience?
5. Were the problems/challenges/issues addressed? If so, how?
6. Are you aware of the role and functions performed by the State Food Commission?
7. Did you approach the State Food Commission to appeal the order passed by the District Grievance Redressal Officer? If yes, how was your experience?
8. What do you think can be improved in the services provided to you as part of the ICDS?

Remarks:

2.6 Interview guide for Functionaries responsible for service delivery at grass root level (Anganwadi workers, Anganwadi helpers, CDPOs, Supervisors, Fair Price Shop owners, MDM Workers)

Date of investigation:
Name of investigators:

I. Profile of beneficiaries:

Name:
Age:
Village:
Years of service completed:
Number of members in the family:
Religion:
Caste:
Sub-caste:
II. **Availability, Accessibility, Adequacy:**

1. For how long have you been serving as the AWW/CDPO/Supervisor/FPS owner in this centre?
2. What are the different groups of people you cater to and what are the services provided?
3. From how many villages do people come to receive their benefits at your AWC/FPS?
4. Can you describe the socio-economic profile of beneficiaries who receive benefits at your AWC/FPS?
5. How often do you provide these services to them?
6. Who do you receive the supplies from? Do you receive them regularly?
7. Have you faced any situation where the supplies were not received in time? How did you manage in that situation?
8. Did you face a situation where you had to close the AWC/FPS for brief or longer periods of time? If yes, how long did you have to keep it closed? What was the reason for the same?
9. Did you keep the beneficiaries informed about the situation? Was there any alternative arrangement made to ensure smooth service delivery? {YES/NO}
10. What is your opinion about the quantity of food that is being supplied? Do you think it is sufficient? {YES/NO}. If no, why do you think so?
11. What do you think about the quality of food that is being provided to beneficiaries?
12. Have you faced any issues with the quantity or quality of food that is being provided to beneficiaries? If yes, what are they?
13. Do you think the food being provided by your centre has improved the nutritional status of beneficiaries? If yes, how?
14. Do you think the food being provided to beneficiaries is culturally appropriate?

**Remarks:**

II. **Monitoring and evaluation:**

15. How many records and registers are you required to maintain at the AWC/FPS? In what form do you maintain them?
16. Do you send these registers to higher authorities for inspection? {YES/NO}
17. If yes, who do you send it to and how often?
18. Do you face any challenges while maintain records and registers? If yes, what are they?
19. Are you aware of any committees/officers who are responsible for monitoring the functions performed by you? If yes, are you aware of who they are and what duties they perform?
20. Are you aware of any social audits of the ICDS that are carried out by the local authorities? Have you participated in any?
21. What was your experience as part of the social audit process?

**Remarks:**
III. Training

22. Have you received any training with respect to the services you are expected to deliver at the AWC/FPS? {YES/NO}

23. How often do you receive these trainings? Who conducts these sessions for you?

24. What exactly is taught in these training sessions?

25. Do you think anything can be improved /changed about the same? {YES/NO}. If yes, what is it?

Remarks:

IV. Grievance Redressal Mechanism:

26. Have you faced any challenges/problems with respect to service delivery or any other aspects? If so, what are they?

27. For how long have you been facing these problems?

28. Have you tried complaining about these issues to higher authorities? If yes, whom did you report to?

29. Are you aware of the role and responsibilities of District Grievance Redressal Officer? Have you tried putting forth your grievances to this officer? If yes, what was the response?

30. What was your experience?

31. Were the problems/challenges/issues addressed? If so, how?

32. Were adequate measures undertaken to address the issues? If yes, what were they?

33. Are you aware of the role and functions performed by the State Food Commission?

34. What do you think can be done to improve the service delivery at your centre?

Remarks:

2.7 Interview guide for Civil Society Representatives engaging with Right to Food

Date of interview:
Names of interviewees:

I. Profile of interviewee:

Name:
Organization:
Designation:
Location:
Years of experience:


II. Questions on status of service delivery:

1. What are the services currently being provided to beneficiaries as part of the:
   - Public Distribution System (PDS)
   - Integrated Child Development Scheme (ICDS)
   - Mid Day Meal Scheme (MDMS)
   - Maternity Benefit Scheme (MBS)?

2. What is your opinion about the quality and quantity of services that are being provided under each of these schemes?

3. Do you think the provisions being given to beneficiaries has made an impact on their nutritional status? {YES/NO}.

4. Are you aware of any issues or problems associated with the quality and quantity of services that are being provided to beneficiaries? If yes, what are they?

5. How do you think the quality, quantity and nutritional value of the food provided under these schemes can be improved?

Remarks:

III. Questions on Monitoring and Evaluation:

1. Are you aware if the services are being regularly monitored by the higher authorities? {YES/NO}. If yes, what is currently being done?

2. How often are these services monitored? And how exactly are they monitored?

3. Do you think the monitoring of services has improved the overall service delivery across villages/districts/State? {YES/NO}

4. Are you aware of any social audits that are being conducted for the welfare schemes stated in the National Food Security Act, 2013 (TPDS/ICDS/MDMS/MBS)? If yes, what is your opinion on the same?

5. Do you think there are any discrepancies in the monitoring and evaluation systems for these services? If yes, what are they?

6. How do you think these systems can be improved?

Remarks:

III. Questions on Grievance Redressal Mechanism:

7. Are you aware any grievance redressal system where beneficiaries can complain about any issues they are facing?

8. If yes, are you aware of the number of complaints that have been filed?

9. How many of these complaints have been addressed and resolved?

10. Are you aware of grievance redressal hearings that are conducted in the village? If yes, how often are they conducted and by whom?
11. Are members of all villages and districts informed about the same?
12. How many of them attend these hearings?
13. Do you think these hearings are conducted in a fair and transparent manner?
14. Do you think the grievance redressal mechanism has helped improve the manner in which services are being delivered?
15. How do you think this system can be improved?

Remarks:

IV. Questions on Functionaries
16. What is your opinion about the performance of functionaries responsible for service delivery under each of the schemes?
17. Do you think they are well qualified and trained?
18. Do you think the functionaries understand the importance of their role and perform the same responsibly?
19. Do you think the functionaries have enough time to carry out all their responsibilities?
20. Are you aware of any challenges or problems associated with the functionaries and the manner in which they are performing their duties?
21. How do you think this can be improved?

Remarks:

2.8 Interview guide for Officials of Departments (Women and Child Welfare, Food and Civil Supplies and Education)

Date of interview:

Names of investigators:

I. Profile of interviewee:
Name:
Age:
Position in the department:
District/State/Centre:
Years of experience in the Department:
Nature of appointment (Obtain details about the process and term):

II. Questions about service delivery:
1. What is your opinion about the nutritional status of children and adults in the State?
2. Do you think the services and benefits provided to the beneficiaries are adequate in terms of quality and quantity? {YES/NO}.
3. What do you think are the problems/issues/challenges associated with food security and nutrition schemes such as the PDS/ICDS/MDMS?

4. How do you think these problems can be addressed?

Remarks:

III. Questions about monitoring and evaluation:

5. What is the present system for monitoring and evaluation of services provided under the ICDS/PDS/MDMS/MBS?

6. How often are these services monitored at the Village/District and State levels? Who is responsible for monitoring the same?

7. How do you think this system has improved service delivery across the State?

8. Do you think the monitoring and evaluation system is strong enough? Do you think there are any problems associated with the same?

9. In your opinion, what should be changed/improved to make a better impact on the nutritional and food security situation in the State?

Remarks:

IV. Questions about Grievance Redressal Mechanism:

10. Are you aware of any issues faced by the functionaries or beneficiaries? If yes, what are they?

11. Is there a functioning grievance redressal mechanism in the State?

12. Could you please describe its functions and operations?

13. What is the nature of grievances received?

14. How many grievances do you receive in a month?

15. From which part of the State do you receive the highest number of grievances?

16. How do you respond to these grievances?

17. How many of these grievances are addressed and resolved immediately?

18. What are the short term and long term measures undertaken by your Department to ensure smooth functioning of the system?

19. What measures do you think need to be taken to improve the overall nutritional status of individuals in the State?

Remarks:
3.1 Assessing the implementation of NFSA, 2013 in Madhya Pradesh: Scope, Issues and Challenges

The consultation started with Dr Raka Arya delivering the welcome address, formally introducing the guests to the participants. Dr Neetu Sharma, introduced the theme Mr. Sachin Jain, Director, Vikas Samvad, Bhopal, discussed problems related to the implementation of the Act.

He touched upon the issues with implementation of the Maternity Benefits Scheme under the Act; the elongated procedure for availing benefits, the vagueness of the rules etc. He also highlighted lack of benefits in cases of second birth, miscarriage, death of child etc. Due to these lacunae, such persons are left with no social security since the Food Security Act regards only those women not covered by other acts as beneficiaries. With regard to implementation of benefits under the Food Security Act, he pointed that vigilance committee mobilisation has thus far been ineffective, given that they function at four levels: Block level, District level, State level, and the National level.

While discussing the provisions for a Social Audit, Mr. Sachin argued in favour of a decentralised mechanism as opposed to the creation of a single nodal authority to conduct the audit. He pointed out that the scope of a social audit is wider than that of a statutory audit. If implemented properly, the former could prevent diversion of funds and fix accountability.

Dr Raka Arya thanked Mr. Sachin for his knowledge and insight into the issues and pressed on the need of awareness, both amongst beneficiaries as well as the common public. “Only when you know what your rights are then you can defend them.”

Mr. H.S. Parmar, Joint Director, Dept of Food Civil Supplies and Consumer Protection, Govt of Madhya Pradesh, was next to take up real time problems brought up by the various stakeholders and put forth the State Government’s stance. He touched upon the history of the policy; the distinction on basis of Poverty Line being introduced in 1996 and how changes have been made to the proportional distribution to every family under the Act.

It was accepted by Mr. H S Parmar that there is not sufficient coverage vis-à-vis the growth in population in the distribution system. An attempt has been made by the Government to distribute undistributed stocks of ration to new beneficiaries. A policy has been introduced wherein if a person does not receive ration for three months or more, his name is excluded from the list of beneficiaries. This helps give access to subsidized food to those actually in need. However, the State Government is facing issue of lack of funds, excessive monetary burden, lack of support from the Central Government in implementing this policy.

The Government has approached people and conducted surveys to resolve these issues and include more beneficiaries under the Act. But the criteria for inclusion of beneficiaries varies throughout the State depending on economic need, scheduling of categories (for example Kotwaals), etc. This lacks uniformity and may take away from the genuine beneficiaries.

Mr. Parmar addressed that the implementation of vigilance should be from the Zila level. He pointed out that an online portal in the pipeline for complaints redressal. He pointed out the issue with extending benefits to the target beneficiaries stating that often persons other than the ration
card holders approach the shops to receive ration for such holder. This was followed by a Question-and-Answer session where the Speaker individually handled the issues raised by the people. These issues included corruption in issuing of ration cards, adulteration and low quality of ration distributed, mismatch between policy and implementation, opening hours of the ration shops and their coverage etc.

The second session kick-started with Mr. Jayant, Action Aid, discussing the key issues and challenges in the Food Security Act. Although there is now better awareness amongst citizens recognising benefits accruing from the Food Security Act, it still hasn't achieved its objective of being seen as a universal right.

Some shortcomings of the Act with respect to its implementation were said to be it being only limited to a Public Distribution System and covering no other grains than wheat and rice. The demand was to include other kinds of grains also and to include a food basket, so that necessary food items such as oil, sugar etc., could also be covered.

The session then steered towards discussing the ground realities and challenges faced by the people under the Food Security Act. Right to food does not only include distribution but also includes production, procurement and storage. One of the challenges that is faced by most consumers is that food is not distributed near the place where it is procured. It was pointed out that such local distribution is essential to the FSA being successful to the ground level.

In addition, there are various entitlement programmes like aanganwadi (rural child care centres), mid-day meal programmes, etc. that are handled by various departments and there is a lack of uniformity about the information exchanged.

The session was now opened to everyone for participating so they could bring up the challenges in the Act and recommend changes. The following challenges were recommended:

1. It was pointed out that providing food includes providing nutrition. A basket must be included to fulfill the person's nutritional and calories intake and there are certain food items that need to be included within the Act.

2. Unnecessary transport of grains from one area to another leads to the grains to rot. This is not ideal even from distribution point of view as according to statistics, 20 lakh people don't receive the grains that are entitled to.

3. Another problem is that people register with fake names. Such problems in administrative in nature, however, prevents equitable distribution of food.

4. Corruption is rampant and when shopkeepers try to sell the grains in the black market and food inspectors are not vigilant to prevent such acts; it adds up to one of the failures of the Act.

5. An aggrieved party brought up the problem of no quality check. In one area, grains that were found out to be more than 10 years old were distributed.

6. Mandatory linking with Aadhaar is a problem. In certain areas, aadhaar is compulsory which is problematic for people in the rural areas. This is despite and against the Supreme Court's decision laying down every person's right to privacy and held that Aadhaar should not be made mandatory for beneficial schemes.
7. For redressal, the aggrieved are suggested to write a letter addressed to the Collector. It was said that the collector cannot practically open each and every one of those letters and address the problems faced by the people.

8. This raised questions on the implementation of the Act itself and how can these concerns be addressed efficiently.

9. The participants also made valuable recommendations. Suggestions included that there must be consumer awareness and local bodies must be given enough power to ensure self-governance. There must be properly checking and monitoring of people who are receiving the grains and those who are not. Even people migrating from one state to another must still get the benefit of aanganwadi and benefits in the new state.

Entitlement, Monitoring and Grievance Redressal under NFSA

The first speaker, Mr. Raghvendra Singh, Parhit Sanstha, engaged the members by sharing an anecdote from a PUCL conference held in Rajasthan and shared instances of rampant corruption and misleading facts by the Government. However, he appreciated the promptness of the complaint redressal mechanism under the Public Distribution System and pointed out that working together with all stakeholders consistently through the year is the only way to reach a feasible solution. The next speakers were Dr Ranjan Rai and Assistant Prof. Mahendra Soni, National Law Institute University. They discussed about “Monitoring and Grievance Redressal under the Food Security Act.”

Prof. Mahendra Soni touched upon the DGRO being unable to serve its purpose due to a plethora of reasons; the Collector cannot efficiently perform the work under his post as the DGRO due to lack of time, there is no record of any complaints made, and the DGRO is dysfunctional in a lot of states even now. To make matters worse, he pointed out that the Economic Offences Wing has several complaints about the DGRO being involved in corrupt practices.

He further discussed the issue of monitoring and how the rules and regulations under the FSA do not provide for any procedure or mechanism for monitoring. Even when a law is in fact laid down, for example for a social audit, there have been no attempts to effectuate the same.

TPDS provides for identification of people to issue BPL cards so that such people can take the benefit of PDS. However, the surveys conducted to identify and issue such cards have failed. The problem is further aggravated by corrupt practices which have been normalised in the system and the lack of accountability of the enforcement personnel.

Schemes such as Aanganwadi and Mid-Day Meal programmes have miserably failed as there are multiple grievances against the irregularity of officers’ reporting as well as the food provided to the children respectively.

The suggestion to rectify these problems and for a better implementation of the Act was pointed out to be the Decentralization of the power of the DGRO; as well more practicality within the rules and regulations.

The second leg of the speech was taken up by Prof. Ranjan Rai who discussed the Grievance Redressal Mechanism under the FSA, 2013. There is a difference between “is” and “ought”. ‘Ought to’ represents normative aspect and ‘is’ represents realist aspect. Focus should be on what ought to be done.
It was mentioned that Section 16(6)(a) empowers DGRO to monitor and evaluate implementation of this Act by making a report and sending it to state government. State government is obligated to table the said report in the state legislature if the findings of the report are adverse. FSA transforms the charitable feeling attached to PDS into a crystallised right. It provides for negative rights rather than positive rights. The duty of the state therein is continuous.

Section 14 of the NFSA talks about internal grievance redressal mechanism which stipulates establishment of call centres and offices of nodal officers who shall be informed of every complaint within a designated area. However, the affected people are not educated enough to avail the aid of this mechanism. DGRO has powers to take cognizance, inquire and adjudicate complaints under NFSA 2013.

Section 16 further stipulates the composition of the Appellate Authority. State Commission is the Appellate Authority under the Act. They have a power to reverse, modify and set aside orders of DGRO. State Commission is a 6-member body which has horizontal reservation for women and SC/ST. They have powers of a civil court (summon, taking evidence, inflict punishment). Commission also has power to refer criminal matters to a magistrate.

NFSA also provides for a National Commission. However, it has not come into existence. Therefore, there is no redressal of the order of State Commission. Only remedy left is a petition under Article 226 or 32 which results in pending cases and not effective and immediate resolving.

Moderation speaker Mr. Sachin Jain took the dice again and emphasized upon the lack of independence for the enforcement and adjudicatory authority under NFSA. There is no system of checks and balances for checking the working of the designated authorities under the Act.

Technology is not the appropriate solution of these problems because there is lack of infrastructure. Social Audit cannot be best implemented through technology. It will alienate people from the system, people who are the true beneficiaries of the Act. There should be provision for protection of whistle-blower.

Transparency and Accountability is several lacking in framework provided by NFSA. There is no acceptance of the fact that death can be caused by starvation in the Indian Forensic System. This denial aggravates the problem.
3.2
Assessment of implementation of the National Food Security Act, 2013 in Rajasthan

The consultation was structured to include discussions on a thematic basis, under each of the schemes mentioned under the National Food Security Act, 2013. Broadly divided into four sections, each section began with a presentation on the existing status of implementation of a particular scheme in Rajasthan, associated Rules, and followed by a detailed discussion on the key issues and challenges. Several problems and social realities emerged from these discussions, throwing light on the need to discuss policy formulation the context of these social realities. The Issues and challenges evolved around key themes such as accessibility, availability, adequacy, monitoring and evaluation and grievance redressal.

Profile of participants:
A significant number of participants who attended the Consultation belonged to Civil Society Organizations that have been strongly engaging with Right to Food and other associated issues in Rajasthan. Members from the Bureaucracy were also present.

Key issues pertaining to implementation of NFSA, 2013:
1. Rule formulation
   • The State rules for implementation of the Targeted Public Distribution System were formulated much later, after the enactment of the Act
   • The Rules comprise 4-5 chapters
   • Civil society representatives opined that the Rules did not focus on production and storage of food grains.
   • Rules with respect to the Mid Day Meal Scheme (MDMS), Integrated Child Development Scheme (ICDS) and Maternity Benefit Scheme have still not been framed by the State Government.
   • The absence of Rules has resulted in lack of awareness and lack of an implementation mechanism. There is no framework to guide, ensure and enforce the implementation of the provisions under the Act.

2. Access, Availability and Adequacy:
There exists an alarming range of factors that result in denying access to beneficiaries. These are enlisted hereunder:

The inclusion and exclusion criteria for identification of beneficiaries have been revised repeatedly, resulting in a lot of confusion. One of the most significant issues that emerged out of the Consultation was that of denied access to PDS shops. There were two broad issues that demand attention and redressal:

• Right holders who have ration cards but do not have access
• Those who are not entitled but still are in receipt of ration

As per the Rajasthan State Rules, 69% of rural families and 53% of urban families are entitled to benefits under the TPDS. However, due to multiple revisions of the eligibility criteria, as of date,
nearly 40% of the families, who don’t need any entitlement, are included. Further, only 22% families dwelling in urban areas, who are entitled, receive their benefits. This remains a key concern as those who are not entitled are still in receipt of a huge amount of ration, as a result of which there is no stock left for those families who are actually entitled. Certain families such as those who live in Kacchi Basthis, who are automatically included as beneficiaries, are excluded and don’t get their entitlement.

Access has also been denied for several families because of digitization. The process of transforming FPS shops into digitally operating service points has caused huge problems for the beneficiaries. There are a range of issues and challenges associated with the Point of Sale (POS) machines that were installed in FPS. The POS machines mandate that the person must be physically present to avail the ration, using the biometric access. However, many persons who are old or disabled find it extremely difficult to travel all the way to FPS that are often located at least 4-5 kms away. Those who do manage to make it to the FPS are made to wait in long queues, for a very long period of time before they receive their ration. Sometimes, the biometrics don’t match as a result of which the beneficiaries are forced to go back without their ration. There are cases where the dealer himself refuses to allow the beneficiary to enter her/his biometric, and she/he is thus forced to leave the FPS.

In terms of adequacy, large scale quantity fraud is observed at the ground level. However, it often goes unreported, as the beneficiaries are themselves not aware of the same. Even if they do, there is no mechanism to raise a complaint and pursue it. In most cases, the dealers refuse to provide receipts and the beneficiaries are unaware of how much quantity has been issued and are made to believe that the right amount has been provided. The failure to provide receipts is a major challenge and it gives a freeway to the dealer. The dealers are not just engaged in quantity fraud but also rate fraud.

Several beneficiaries are accidentally placed in “Abeyance” category and whose names are eventually removed from the entitlement list. These beneficiaries are not even aware that their names have been removed, and it is only after multiple visits to the ration shop, are they told about the same. The process of including their names in the beneficiary list is quite an ordeal and is a complicated process.

2. Monitoring and evaluation- NON-EXISTENT
3. Grievance redressal- Right holders are not aware whatsoever; this mechanism is completely absent

Policy challenges
1. Policy formulation not rooted in social reality. The policy does not provide for protective discrimination towards vulnerable communities, especially tribal communities.
2. Institutional arrangement does not inform, promote or protect the right holder; In fact, quality and quantity of entitlements has only deteriorated.
3. No awareness whatsoever regarding the monitoring or grievance mechanisms associated with all the schemes. There is a huge information asymmetry that exists between policy implementers and right holders.
Assessing the implementation of NFSA, 2013 in Odisha: Scope, Issues and Challenges

The consultation was structured to include discussions on a thematic basis, under each of the schemes mentioned under the National Food Security Act, 2013. Broadly divided into four sections, each section began with a presentation on the existing status of implementation of a particular scheme in Odisha, associated Rules, and followed by a detailed discussion on the key issues and challenges. Several problems and social realities emerged from these discussions, throwing light on the need to discuss policy formulation the context of these social realities. The Issues and challenges evolved around key themes such as accessibility, availability, adequacy, monitoring and evaluation and grievance redressal.

Profile of participants:

The consultation was attended by thirty-two participants. A significant number of participants who attended the Consultation belonged to Civil Society Organizations that have been strongly engaging with Right to Food and other associated issues in Rajasthan. The Consultation was also attended by Shri. Hrudaya Ballav Das, Former Judge, CBI special court, Member of the State food Commission Dr. Sipra Mallick, and member of Women Commission for Odisha Smt. Snigdha Panigrahi. The Consultation was also attended by members of the print media fraternity.

Key issues pertaining to implementation of NFSA, 2013:

Rule formulation

- The Food and Civil Supplies Department of the Odisha State Government has issued the Odisha State Food Security (Targeted Public Distribution System) Rules, 2017. These rules outline clear provisions to facilitate participation of right holders, non-discrimination and rule of law.

- The Department has also issued the State Food Commission Rules, 2016. These rules predominantly deal with the appointment and constitution of the Commission. One of the shortcomings of these rule pointed out during the consultation was that the members of the commission are appointed only for a short period of three years. This was considered insufficient.

- The Department of School and Mass education has also issued the Odisha Mid Day Meal Rules, 2016

Access, Availability and Adequacy:

The participants during the consultation reported that there are two types of Fair Price Shops (FPS) that are operated in Odisha-While the first type are run by FPS owners, the second types of shops are managed by Panchayats of the respective villages. While the percentage of the Panchayat run Fair price Shops are way lesser compared to the dealer-run shops, it was reported that the former are more transparent, efficient and functional.

One of the most common issues faced by right holders, especially of the Public Distribution system is the denial of access because of Aadhar Based Biometric Authentication, which forms the basis of operating the Point of Sale machines. There have been several cases of right holders being denied ration due to mismatches in their fingerprints. The denial is also caused due to poor network and
connectivity issues. This issue was specifically reported to be found more in Kandhamal district. The distance and terrain also were mentioned as important factors that resulted in denial of access.

Availability of ration was also flagged as an important concern in some villages. In some villages Fair Price Shops did not exist. Right holders were required to travel long distances to avail their entitlements, which meant loss of one day’s pay. In most cases, the right holders were forced to return due to unavailability of sufficient stock.

In terms of adequacy, quality and quantity of entitlements provided were said to be a concern, however, the scale of the problem was observed to be relatively lesser compared to Rajasthan. In one particular case, however, it was reported that tribal communities in Kandhamal faced huge delays in supply of entitlements. They were supplied with eggs, which were often rotten and unfit for consumption.

**Monitoring and evaluation**

The participants of the Consultation were quite critical of the mechanisms and committees that were mandated to be established under the Act for the purpose of monitoring and evaluation. The members of the consultation reported that rules have been issues only with respect to TPDS and MDMS. That apart, most committees are existent only on paper and are defunct.

**Grievance Redressal Mechanism**

The participants of the Consultation reported that there exists a common helpline number that the right holders may use to register their grievances faced across any of the schemes under NFSA, 2013. While the helpline is operational, the participants were not very sure the extent to which it helped address the grievances. The participants of the Consultation also reported as to how most right holders are not aware of such mechanisms.

The Consultation pointed several challenges associated with the implementation of NFSA, 2013 in urban as well as rural areas. Accordingly, it was suggested that field investigation may be carried out in Cuttack and Kandhamal districts.
This report is based on the study conducted with support of Indian Council of Social Science Research (ICSSR), New Delhi. The study examines the policy and law pertaining to food security in India from a rights based approach and reflects on the status of implementation of National Food Security Act 2013 using the empirical data from four states. It is also an attempt at identifying the issues with limiting the understanding of the right to food to only the distribution of food.