



ANALYSIS OF NFS BILL 2011 FROM THE PERSPECTIVE OF MARGINALIZED SECTION OF INDIAN SOCIETY

Dr. Puneet Bafna

Associate Professor, Amity Law school, Amity University Rajasthan

ABSTRACT

A critical study of the provisions of the National Food Security Bill 2011 from the perspective of marginalized sections of the society has been done. There is an urgent need to discuss the extent to which this bill shall be able to address the needs and secure Right to Food for the people at the fringe and necessary changes that must be incorporated in the bill to elevate the India's Dalit who have long been suppressed and exploited. An inspection of the provisions for the Food Security, Entitlement of the special groups, reforms in Targeted Public Distribution System has been done in the present work to bring out the changes on grievance redressal mechanism and the transparency and accountability provisions.

KEYWORDS : food, hunger, NFS, PDS

INTRODUCTION:

Addressing the problem of starvation and bringing an end to HUNGER is the most significant step to empower and strengthen the masses of a country, especially for the marginalized ones. The government has taken an important step in this direction in the form of National Food Security Bill. The National Food Security Bill 2011 (NFS Bill, 2011) has been tabled in Parliament by Shri L. K. V. Thomas, Minister for Consumer Affairs, Food and Public Distribution on December 19, 2012. The Bill has fifteen chapters and Fifty two clauses. This is believed to be the largest welfare scheme in the world where one billion people of this country are expected to be benefited through it. The mandate of the Bill is to provide food and nutritional security to citizens of India, by making it sure that there is adequate quantity of quality food at affordable prices to people to live a dignified life. By this proposed legislation, the policy makers of this country have made a paradigm shift in addressing the problem of food security—from the current welfare approach to a right based approach. According to the provisions of this proposed legislation the government shall expand the coverage area of the Targeted Public Distribution System; importantly it would confer legal rights on eligible beneficiaries to receive entitled quantities of food grains at highly subsidised prices. It shall also confer legal rights to women and children, destitutes, homeless, disaster and emergency affected persons and persons living in starvation, to receive meal free of charge or at affordable price, as the case may be.

The proposed Food Security Act will be the largest social protection against hunger anywhere in the world. But its success will depend upon how far we are able to reach all those who need food. According to the bill, the beneficiaries will be identified by the state machinery on the basis of the guidelines prescribed by the central government. It has been observed that the Practice of Caste based discrimination in our country is so rigid that there have been many instances of excluding particular communities from accessing the benefits and they have not been identified and thus, been kept away from the state benefits. In this The paper we initially ponder on the present status of the problem of discrimination of dalits and then provide certain suggestions to address this problem.

DISCRIMINATION OF DALITS:

In its present scheme of identifying the beneficiaries on the basis of categorization of general household and priority household and targeted PDS, the chances of exclusion of disadvantage group increases many folds. This can be clearly understood if we go deeper into this scheme and analyse it from the perspective of Dalit then we find huge disparity. There has been several instances of denial of medical service, relief materials, deprivation of drinking water and sanitation, discrimination in food distribution etc. to persons of Dalit community due to caste based bias. These incidents are hardly highlighted in the media as a result policy makers are not oblivious about the plight of the people.

How the present practice of discrimination persists is very well highlighted in the Madras High Court Judgments. According to its verdict, of the total number of times that Dalit children accessed health care services, more than 93 per cent times they experienced discrimination by Auxiliary Nurse Midwives (ANMs) and Anganwadi

Workers (AWWs). Nature of discrimination includes- the AWWs served the food last to the Dalit children almost always (98 per cent times), did not touch them, made them sit separately, and spoke harshly with them.

Even in cases of Dalits' *community access* to the PDS discriminatory practices like— disparity in quantity or in price, caste-based favoritism by the PDS dealer, and practices of "untouchability" by the PDS dealer—in varying degrees have been reported. Various studies conducted by NGO's reveal the uncomfortable truth that the Dalits receive lesser quantities of the commodity than the dominant castes receive for the same price, from the PDS shopkeeper. In some cases, they have been charged more for the same quantity.

In the existing guidelines framed by the Government for filling up the post of grassroot level workers under the Nutritious Meal scheme as well as Anganwadi workers, preference is given to residents of the village or to persons who are living with the same locality. In most of the cases, either schools or Anganwadi centres are located in the hamlets dominated by upper castes and applying preference as indicated in the guidelines clearly edge-out the members of scheduled caste from getting opportunity to work in such centres, since hardly there are any schools or Anganwadi centres situated in the Dalit colonies.

In a recent study, "Who's Right to Food? Caste Discrimination and Food Security Programmes", to assay caste discrimination and exclusion in the Midday Meal Scheme (MMS), three factors have been identified. (I) Dalit child's *physical access* to the Midday meal, (II) Dalits' *participatory empowerment/ ownership* of the MMS and (III) Dalits' *community-level access* to the MMS. The Situation is really appalling on second and third factors. In this study, the second factor has been measured by calculating the percentage of MMSs operated by Dalits and the percentage of MMSs in which Dalit cooks are engaged. The study reveals that there are only 31 percent of cooks employed and 29 percent of the organisers belong to Scheduled Caste and Scheduled Tribe. The survey also give a deplorable account of instances where Dalit cook has been harassed and subsequently removed. As per a recent report (-----), 40% schools of Shahjahanpur, Badaun and Pilibhit districts of Uttar Pradesh, teachers do not taste the mid-day meal food and students refuse to eat it since the cooks belong to lower caste. The discrimination practice excludes the employment of Dalit cook and thus reduces their chance of climbing the ladder of socio-economic structure of our society. Survey findings with reference to the third factor indicate that caste-based exclusion and discrimination of one form or another do in fact plague a significant percentage of Midday Meal Schemes across the country. Dalit children are made to eat separately and served at the end. In some cases, they are served in different utensils.

The situation in India is inordinately dire for women belonging to the lower income households, women in rural households and those living in the so called scheduled tribe or scheduled caste households.

These cases demand for certain improvements which should have been included in the bill.

SUGGESTIONS:

It is recommended that selection committee for identifying target population must have wide representation from all sections of the society. Dalit communities must not be discriminated while selecting the beneficiaries.

To bring participatory empowerment and increase Dalits' community access to PDS, ownership of PDS shops should be given to Dalits in accordance with their population in the state. Having Dalit organizations, Self Help Groups and Dalit Individuals owning PDS shop will lessen the discriminating practices. In addition to the ownership, there is a need to ensure that any separate Dalit locality in a particular village must have a PDS shop so that benefits are completely accessed by the marginalised communities. If a Dalit hamlet is separate from the main village, a separate PDS shop should be given irrespective of population. This fact has been validated by the recent Mirchpur case of Dalit atrocity. In the midst of violence, fear and exclusion faced by the Dalits in Mirchpur access to food was ensured only because the ration shop was located in the Dalit colony. During the instances of social boycott and atrocity, the District and Block administration must take extra measures to provide ration if they are not allowed to access food from the PDS shop.

Also, there is need to have separate provisions for women. Considering the grim situation, there is a need to provide adequate benefits to women belonging to marginalized community in addition to the general entitlements. Women especially pregnant mothers and lactating women should be given adequate benefits and required food. Maternal benefits (Rs. 1,000 per month for 6 months) are meager, and their real value will go down as prices go up since they are not indexed. The maternal benefit for the marginalized community/ Dalit should be enhanced.

In the light of the Judgment of the Madras High Court there is a need to provide reservation of SC/ ST in hiring of ANMs and AWWs. The existing guidelines for filling up the post of workers under the Nutritious Meal scheme as well as Anganwadi workers should be modified. The Bill must include the provision that to secure Right to Food, both Center and State Government must put in efforts to ensure that all Scheduled Caste and Scheduled Tribe colonies in the Country must have Anganwadi Centers.

In the provision of Mid-Day Meal, priority should be given to Dalits/Dalit based Social Organizations to organize and manage and also preferences should be given to Dalit Cook which will have twin advantage of ending the discrimination and providing the means of livelihood which will help in improving their economic status.

An internal mechanism of grievances should be made more effective and concerned officer should be made duty bound to address the complaints in certain time frame. To ensure that recommendations of the District Grievances Redressal officer are attended to and beneficiaries are not victimized, there is a need of tougher action and higher penalties. If the order of District Grievances Redressal officer is not followed then the victim should also be adequately compensated.

The Bill provides that every State Government shall constitute a State Food Commission and Central Government shall constitute National Food Commission for the purpose of monitoring and review of implementation of the proposed legislation. As most of the poor people would belong to Dalit community, there is a need to have a special focus on Scheduled Caste and Scheduled Tribe in the responsibilities of the State Food Commission and National Food Commission as cross-sectional approach in its functions

CONCLUSION:

The Present bill aims to secure Right to food to the people of India. The bill should not remain a mere promise and people especially Dalit should not be left to fend for themselves. The bills must bring in certain changes. At last but not the least, this should not remain just hollow food security. Wherever required, certain changes in the present bill should be incorporated so that those who are not able to voice their concerns will have some lease of life and hunger will not haunt.

References:

1. Dalit and Right to Food-Discrimination and Exclusion in Food-Related Government Programmes : Sukhadeo Thorat and Joel Lee
2. Selection of Anganwadi Workers under ICDS Scheme: Ministry of Women and Child Development.

3. Madras High Court Judgment on SC/ST reservation for AW Workers : http://www.righttofoodindia.org/data/madras_hc_anganwadi_workers_reservation_sc_st.pdf.
4. Findings contained in the Hunger and Malnutrition (HUNGaMA) report by the Naandi Foundation .
5. Whose Right to Food? Caste Discrimination and Food Security Programme : Sukhadeo Thorat and Joel Lee
6. Times of India http://articles.timesofindia.com/2011-06-07/india/29628941_1_mid-day-meal-midday-meals-districts-children
7. Dalit school children prevented to take MID day meal with upper caste students in Odisha <http://www.orissadiary.com/CurrentNews.aspx>.