

No.3/1/2011/Policy (Food)/2011-RU-IV
Government of India
National Commission for Scheduled Tribes

6th Floor, 'B' Wing,
Lok Nayak Bhawan,
Khan Market,
New Delhi -110003

Dated: 30-11-2011

To

- 1) Dr. Rameshwar Oraon, Chairperson
- 2) Smt. K. Kamala Kumari, Member
- 3) Shri Bheru Lal Meena, Member

Subject: Draft comments on the Food Security Bill 2011.

Sir/Madam,

I am to refer to the above subject and to enclose herewith Agenda Note for discussion in the 30th Meeting of the Commission scheduled to be held at 12.30 hours on 01-12-2011.

Yours faithfully,

(Aditya Mishra)
Joint Secretary

Copy for information and necessary action to:-

1. Sr. PPS to Secretary, NCST.
2. PPS to Joint Secretary, NCST.
3. Dy. Director (III, IV & Coord.)
4. RO (RU-I & II)
5. Consultant, NCST.
6. Copy for information and record in F.No.1/5/2011-Coord.

Copy to SSA (NIC) for uploading on the website of NCST.

Agenda: National Food Security Bill, 2011

The National Food Security Bill, 2011 is being processed by the Deptt. of Food and Public Distribution, Ministry of Consumer Affairs, F & PD. As the Ministry of Consumer Affairs had not sought the views of the Commission on the Bill in accordance with the Article 338A of the Constitution, Deptt. of F&PD, Ministry of Consumer Affairs has been repeatedly requested to ensure seeking views of the Commission on the Bill, as finalized, before its consideration by the Cabinet. In this connection, letter dated 18th October, 2011, 27th October, 2011 and the Sittings were held by the Chairperson with the Joint Secretary, Deptt. of F&PD on 11th November, 2011 and 28th November, 2011. In the meeting held on 28th November, 2011, Secretary, F&PD had assured the Chairperson that the draft Bill, as finalized by the Ministry of Consumer Affairs, would be forwarded to the Commission by 1000 hrs. on 1st December, 2011. Chairperson, NCST has also assured the Secretary, Deptt. of F&PD that the views of the Commission on the Bill would also be forwarded on 1st December, 2011.

The views/comments of the Commission on the draft Bill, as available in public domain and based on the discussion held in the 29th meeting of the Commission held on 11th November, 2011, were communicated to the Deptt. of F&PD vide letter dated 21st November, 2011 (copy enclosed). Meanwhile, Deptt. of F&PD also sought the comments of the Commission on the revised Bill as circulated for inter-Ministerial consultations. However, it was noted that the revised Bill was not substantially different from its earlier version which was considered by the Commission in its meeting held on 1st December 2011.

The Bill, as finalized by the Deptt. of F&PD, will be circulated to Members on its receipt from Deptt. of F&PD, Ministry of Consumer Affairs, Food & Public Distribution.

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**Government of India
National Commission for Scheduled Tribes

F.No.3/1/2011/Policy (Food)/2011/RU-IV

Date: 21st November, 2011

To

**Dr. B.C. Gupta,
Secretary (F&PD),
Deptt. of Food & Public Distribution,
Ministry of Consumer Affairs, F&PD,
Krishi Bhavan,
New Delhi - 110001**

SUB: Comments of the National Commission for Scheduled Tribes on the Draft National Food Security Bill 2011, as finalized by the Deptt. of Food & Public Distribution, Ministry of Consumer Affairs, F&PD, in accordance with provisions of the Clause 9 of Article 338A of the Constitution.

Sir,

A meeting will be taken by Dr. Rameshwar Oraon, Chairperson, NCST on 28-11-2011 at 12.00 AM on the subject. In this connection, proceedings of the meeting taken by the Hon'ble Chairperson, NCST on 11-11-2011, circulated vide letter of even number dated 17-11-2011 may also be referred.

2. You are requested to kindly make it convenient to attend.

Yours faithfully,


**(K.D. Bhansor) Ms.
Deputy Director**

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21/11/11

o/c

*** NATIONAL COMMISSION FOR SCHEDULED TRIBES**

Subject: 29th meeting of the Commission held on 11-11-2011 at 11:30 AM in the Conference Room of the Commission.

The 29th meeting of the Commission was held at 11:30 AM on 11-11-2011 in the Conference Room of the Commission in Loknayak Bhawan, New Delhi. The meeting was presided over by Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST. List of participants is enclosed at Annexure. There were two Agenda Items pertaining to draft Food Security Bill, 2011 and Draft Mines and Mineral (Development & Regulation) Bill, 2011 for discussion in the meeting. Both the agenda items were discussed.

2. The decisions taken and the action points that emerged out of the discussions held in the meeting are given below:

[I] Food Security Bill, 2011

3. Secretary, NCST mentioned that after learning from the news reports that the Deptt. of Food & Public Distribution, Ministry of Consumer Affairs was processing the Draft National Food Security Bill, Secretary, Deptt of Food and Public Distribution, Ministry of Consumer Affairs, was requested vide letter dated 18th October, 2011 to forward the Bill, as finalized, for seeking the views of the Commission, in accordance with the provisions of the Clause 9 of Article 338A of the Constitution. Secretary, Deptt of F & PD, was also apprised of the opinion of the Ministry of Law, vide letter No. FTS.2878/LS/11 dated 22-09-2011, that the Ministries are obliged by the Constitution to consult the Commission on the provisions of a draft Bill affecting STs. In reply, the Deptt. of F&PD requested the views of the Commission on the Bill as available in the public domain. Consequently, Secretary, F&PD was informed vide letter dated 27th October, 2011 that proffering the views of the Commission, when the Ministry has not finalized its views on the Bill, wouldn't serve the intended purpose and the spirit of the Constitution. Since, it was understood from the news reports that the draft Bill, after incorporating certain changes to the version provided in the public domain, would be

Rameshwar Oraon
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अध्यक्ष / Chairman
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

prepared by the Deptt. of F&PD shortly, Secretary (F&PD) was being called on 11-11-2011(A/N) to sensilise him to ensure mandatory consultation with the Commission on the Bill, as finalized by the Ministry. Nonetheless, the draft Bill as available in the public domain, together with relevant comments has been circulated to the members for deliberation in this meeting.

4. Secretary, NCST mentioned that The National Food Security Bill, 2011 was an important legislation affecting tribals in the context of the need to ensure physical and economic access to the food, because food security is especially fragile in the Scheduled Areas since problems of availability (of required quantities) and affordability were intricately enmeshed in these regions. However, the draft Bill in its present form (as available in the public domain) does not incorporate any special focus in respect of the tribals or Scheduled Areas. Secretary, NCST highlighted that the Scheduled Areas have comparatively primitive agricultural practices/low production, difficult access, poor infrastructure/logistical services and underdeveloped markets, besides endemic poverty and lack of opportunities for livelihood maintenance. In addition, the Scheduled Tribes are vulnerable sections of the society, having poor entrepreneurial capacity and lack of bargaining power. Therefore, there is an imperative need to recognize those special characteristics; and, have a differentiated approach by way of provision of adequate entitlements, requisite food stocks, strengthening of warehousing and logistics, financial resources and responsibilities through a separate chapter for Scheduled Areas in the Bill.

5. Further, as advocated by the Commission in its views regarding good governance in Scheduled Areas, considering the special Constitutional mandate for Scheduled Areas and also the persisting poor health and economic standards of the tribals even after the lapse of more than 60 years after independence, the Union Government should undertake full financial/logistical responsibility in Scheduled Areas as the State Governments have limited capacity to mobilize foodgrains in low production regions, organize bulk movement and subsidise logistical/distribution costs on a large scale. Referring to the Clause 23 and 24 of the draft Bill, Secretary, NCST mentioned that the Central Government in Scheduled Areas should also ensure provision of foodgrains in desired quantity as per nutritional requirements, on demand, for all residents, supplemental logistical arrangements (road/rail transportation,

depots/issue points and increased inventory) as well as priority in foodgrain allocations, since resort to payment of allowance without robust alternative supply arrangements is not a feasible option for these areas as it will seriously compromise food security. Food entitlements should also be specified in the Schedules annexed to the Bill on the basis of recommended nutritional requirements to enable purchase of needed quantity at option for yearly aggregate entitlement may be specified instead, since the average off-take may fluctuate at different times of the year depending upon prices or alternative availability/sources of supply, and may be more relevant for planning subsidy/logistic requirements). Besides use of information technology for increasing transparency of transactions, the monitoring mechanism in Scheduled Areas should also be strengthened through reliable reporting systems to enable rapid awareness of related transactions – stocks, movement, issues etc.- at all locations upto fair price shop level, and provide timely feedback for prompt remedial action to rectify logistical failures which imperil food security in remote areas.

6. After discussion, the Commission approved the draft comments on the Bill and desired that, while communicating the same to the Ministry of Consumer Affairs, it should be specifically pointed out that these should not be perceived as final views of the Commission on the Bill, and the Ministry of Consumer Affairs is obliged to seek mandatory consultation with the Commission on the Bill, as finalized, before submission to the Cabinet for consideration, in accordance with the provisions of the Clause 9 of Article 338A of the Constitution.