



FOOD POLICY IN INDIA: A STUDY OF THE NATIONAL FOOD SECURITY ACT, 2013

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ABSTRACT

The food policy in India has evolved over a period of decades to handle the burdens of poverty, malnutrition, hunger and food insecurity in India. The National Food Security Act (NFSA) of 2013, passed by the Parliament of India, is a landmark legislation that seeks to address the needs of the poor and vulnerable populations both in rural and urban areas by subsidising food grains. It covers two-thirds of the Indians, about 80 crore people, including children, lactating mothers, and pregnant women who have a right to nutritional support. It builds upon previous programmes such as the Mid- Day Meal scheme, Public Distribution System (PDS) and the Integrated Child Development Services (ICDS) but marks a paradigm shift in the approach to food security from welfare to a rights-based approach, adding legal entitlements and aiming for transparency. This paper examines the formulation, implementation, and evaluation of the NFSA as the core of India's Food Policy, along with special programmes associated with it, such as the Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY), One Nation One Ration Card (ONORC), to assess how they contribute to improving food access and delivery efficiency.

Keywords: Food Policy, National Food Security Act, Public Distribution System, Food Security, PMGKAY.

INTRODUCTION

Global Hunger Index (GHI) of 2024, India ranked 105th out of 125 countries, and this report is quite disturbing because India is one of the largest producers of food in the world, following an agrarian economy. Hunger and Malnutrition have been major challenges in India, especially for the poor and marginalised groups. Although there is a surplus of food that is produced in

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India, many people still do not get the right kind of food which is required for good health. The problem does not lie in the quantity but in its accessibility and nutrition. Various issues like poverty, corruption, lack of awareness, weak supply chain systems, and exclusion from welfare benefits prevent people from getting appropriate food security. To combat this, the government of India introduced several programmes such as the Mid-Day Meal scheme, which provides free meals to school-going children aged 6-14 years, the Public Distribution System, which sells food grains at subsidised rates to targeted individuals and the Integrated Child Development Services, which provides supplementary nutrition to mothers and young children. However, these schemes often faced problems like a lack of accountability, an absence of legal guarantee, leakage (intended beneficiaries are not benefited with their entitled food support), poor coverage, etc. It was time to convert the existing food security programs into legal entitlements, which recognised food as a fundamental right under Article 21 of the Indian Constitution.

The National Food Security Act came into force on July 5, 2013, which was meant to bring a major change in how food support is provided in India. It made access to subsidised food grains a legal right for eligible citizens i.e (50% for the urban population and 75% for the rural population. Eligible individuals are entitled to 5 kilograms of food grains per person per month, and if food grains are not supplied, states are required to pay food security allowance under this act. In Addition to this, NFSA also provides nutritional support to children, lactating mothers and pregnant women under maternity entitlements along with a robust system of monitoring and grievance redressal. Key schemes linked with NFSA include – Targeted Public Distribution system, PM Poshan, Pradhan Mantri Garib Kalyan Anna yojana and One Nation One Ration Card. NFSA assures that food security should not just be a policy promise (welfare approach) but a guaranteed right that people can demand, and the systems make sure that it is delivered to the beneficiaries at affordable prices.

LITERATURE REVIEW

National Food Security Act (NFSA), 2013 has been extensively debated in the government reports, academic researches and press releases in the last 10 years. A study by PRS Legislative Research and the Ministry of Consumer Affairs on how the Act was formulated indicates the consolidation of the earlier welfare schemes like the PDS, ICDS and Mid-Day Meal into a legal right that entitles 75% of the rural and 50% of the urban population to access the rights. The influence of the civil society and right-to-food orders by the Supreme Court on the ultimate

entitlements and grievance scheme design is seen in the debates captured in the reports of the Parliamentary Standing Committee and media commentary.

Dr Avinash B. Shendre (2018) gives a detailed insight into the practical difficulties in the implementation of the NFSA. He discusses the problem of chronic food insecurity, bureaucracy and state-level hubs, and the importance of local institutions as a way to guarantee efficient provision of entitlements. His work also points out the achievements and the constraints of the Act and provides useful information in terms of the gaps in the implementation and the effectiveness of the policies in the Indian food security context.

Press releases and NITI Aayog and Department of Food and Public Distribution evaluations on implementation focus on Aadhaar seeding, digitisation and One Nation One Ration Card (ONORC) system. These reforms are said to have reduced the PDS leakage levels to about 22 - 28 in 2022, which were 47 % in 2011 and eliminated more than four crore duplicate ration cards, creating the capacity to serve the honest beneficiaries. The review published by Accountability Initiative (2020) demonstrates that in 2020, NFSA was covering approximately 80.6 crore individuals, although that remains less than the estimated population given the same coverage at the current census levels.

Regarding the aspects of evaluation, the journal articles and NFHS-4/5 data indicate that the level of access to cereals has increased, but the nutritional indicators are worse: child stunting is at 35.5 percent and female and child anaemia have increased in certain states. According to scholars, the entitlements are still cereal-intensive, with no protein or micronutrient variation, and grievance redressal systems are ineffective and institutionalised.

RESEARCH METHODOLOGY

This study follows a mixed- method approach using both quantitative and qualitative data. Qualitative data includes review of government documents, Parliamentary and policy debates, the Standing committee reports, academic articles and press releases to cover the Framing and Formulation of the National Food Security Act,2013.

On the quantitative side, it uses secondary data from the National Sample Survey (NSSO) and the National Family Health Survey (NFHS-4 and NFHS-5). These data provide authentic information on leakage rates, malnutrition rates, stunting and wasting, nutritional indicators

and state-wise differences, which are utilised in measuring implementation outcomes and evaluation findings.

This journal article adopts a three-stage policy process model:

Formulation: Examination of the historical situation, deliberation on the legislative process and socio-economic requirements, followed by the -

Implementation of the policy, which talks about the role of the executive, challenges and its scope.

The evaluation part presents a critical evaluation based on data, information and personal opinions.

FINDINGS

Policy Formation: India was the third country in the world to enact the Right to Food under Article 21 of the Indian Constitution. The very idea of guaranteeing food for all has been an integral part of India's food policy conversation for a long time. Welfare schemes such as – Mid – Day Meal, ICDS, and PDS existed but were not reliable. Judicial orders and civil society organisations (Right to Food Campaign) gave rise to the demand for making food a legal right (legal entitlement). In several cases The Hon'ble Supreme Court upheld that the right to food is implied in the right to life (Article 21).

The development and establishment of NFSA,2013, was a complex and branching process which had several stages. The Judicial Branch established the framework, which was then adopted by the executive branch. The core of the shaping of NFSA included “outer circle” policy advisors, bureaucrats and experts who were part of the National Advisory Council (NAC), Planning Commission, Ministry of Consumer Affairs, Food and Public Distribution, Prime Minister's Economic Advisory Council (PMEAC) and the “inner circle” bureaucrats along with politicians in the Prime Minister's Office debated about the act's obligations. The Lok Sabha Standing Committee on Consumer Affairs, Food and Public Distribution further developed the NFSA after a broad initial draft was approved at the end of 2011, which turned out to be significantly influential in the content of the final act, if not its framework.

Policymakers from academia, bureaucrats, politicians, attorneys, civil society, international institutions experts, and members of parliament were all consulted during the policy – making

process. Strong emergence of two main positions was observed: one favouring strong entitlement for the poor and the vulnerable people (“pro-rights”) and the other being cautious about the feasibility and cost (“pro-economy”). These debates also gave rise to several features, including the concepts of “Priority Households” and “Antyodaya Households”, i.e., 5 kg per person per month for PHH and 35 kg per month for Antyodaya, provisions for ration cards and distribution of power between the centre and the state.

Implementation: The NFSA,2013, is implemented in all the Indian states and Union Territories to provide legal entitlement to subsidised food grains for 2/3rd of the population at affordable prices, totalling about 81.35 crore people as per Census 2011, which comprises of 75% rural population and 50% of the urban population.

Role of Executive: It has joint responsibility between the central and the state government, wherein the Executive makes the policy as well as implements it. The central executive engages with the allocation and transportation of food grains, along with providing monetary assistance to fair price shops. State executive helps with identifying beneficiaries, licensing, monitoring, cost sharing, issuance of ration cards to the needy, and grievance redressal.

Scope of the NFSA,2013: The eldest woman of the household (18 years or above) is considered the “Head of Family” for the issuance of ration cards, promoting women's empowerment. States and Union Territories are solely responsible for identifying eligible/targeted beneficiaries subject to their own criteria. TDPS is the platform for food distribution. Food grains are allocated by the central government from the central pool to the states, while state and local governments manage the allocation, identification and distribution of these grains. State Food Commissions are established by each State/UT for monitoring and reviewing the fair implementation of the act. Any sort of public grievances raised are addressed by the District Grievance Officers to ensure accountability and transparency. Maternity benefits of at least 6000 rupees for six months through ICDS. Institution of fair price shops (FPS) under TPDS for distributing food grains below market price. Digitalisation of ration cards is done to reduce fraud and duplication under TDPS. Electronic point of sale (ePoS) machines. Use of the Aadhar card verification

To curb the abuse of entitlement and improve efficiency, the government removed around 4.4 crore duplicate ration cards in recent years. The use of technology in many states makes the

system reliable and transparent. For eg, Assam showed automation of ration shops, digital apps called “MERA RATION” and biometric checks to improve the system.

CHALLENGES

In spite of various reforms, implementation loopholes continue to exist and affect the effectiveness of the National Food Security Act. Identifying the real and genuine beneficiary remains a major challenge. The government till date relies on outdated Socio- Economic and caste census 2011 data, which is more than a decade older, hiding current ground realities. Many poor households lack proper documentation to be eligible for the policy. Other implementation inefficiencies include- delay in delivery of food grains resulting in stock shortages, inadequate storage facilities, spoilage or pest attack, Fair price shops suffer from poor infrastructure in underdeveloped regions, exclusion and inclusion errors wherein eligible people are left out, and ineligible individuals continue to receive benefits.

EVALUATION

India is the second most populous country in the world, with an agrarian economy. The evaluation of the National Food Security Act (NFSA), 2013, provides a mixed picture. On one hand, the access to subsidised food grains has increased significantly, and Public Distribution system leakages, which means the intended beneficiaries, i.e., the poor and eligible consumers, do not benefit from the system, have decreased from 41.7% in 2011-2012 to 22-24% in 2022-2023. This means better efficiency in the delivery mechanism to a large extent because of the Aadhar linkage, digitisation and automation of fair price shops in most of the states. States such as Chattisgarh, Odisha and Bihar showed an early success rate with structural reforms before the implementation of NFSA, and they still record a slightly low leakage rate and increased delivery efficiency as compared to other states.

The same cannot be said about the nutrition results, though. Data from National Family Health Survey 4&5 indicate that child stunting and wasting (low weight for height) are chronic problems. Actually, certain states even showed an increased level of anaemia between women and children in NFHS-5, which means that the level of access to food grains is not enough to fulfil the nutritional requirements. NFSA mostly ensures cereals such as rice, coarse grains, and wheat are provided; however, most of the households remain deprived of foods that are rich in protein and micronutrients- pulses, eggs, fortified foods, fruits, and vegetables.

Consequently, even though hunger might have decreased in terms of calorie intake, nutritional security has not been achieved yet.

Moreover, the results of food security differ considerably among different states. The Household Food Insecurity Access Scale (HFIAS) surveys and NSSO consumption data suggest that even with the improvement in the availability, the urban poor and migrant populations continue to be challenged by the lack of regular access, particularly in states with worse implementation. The One Nation One Ration Card scheme has enhanced portability; however, real-time access remains unequal due to network, supply, and biometric issues.

The grievance redressal system, which is obligatory under the act, has not had a big impact at the ground level. Most states have not institutionalised social audits and vigilance committees. The beneficiaries are often ignorant of their rights or even ways of reporting such problems, such as low-quality grains or a shortage in quantities, due to a lack of awareness. Therefore, the systems of accountability and transparency should be reinforced.

In summary, while the Act has achieved outstanding gains in improving access and reducing leakage rates, its impact on the increase in quality of nutrition, food diversity and systematic accountability still has a limited scope. A shift from calorie-based entitlements to households to a comprehensive nutritional food security approach is required because the right to food is a legal right preserved under Article 21 of the Indian Constitution. It should not be just a public policy but a guaranteed right for the disadvantaged.

DISCUSSION

The National Food Security Act, 2013, was set up to provide individuals with a legal entitlement to subsidised food grains across India as a guaranteed right to all.

Case study from Uttar Pradesh: An example from Agra district (2020) wherein a five-year-old girl reportedly died of starvation because she belonged to a Dalit family with no regular income and was excluded from the Public Distribution system because they did not have proper ration cards. There are various cases similar to it wherein people die because of exclusion from public policy implementation. Reports later found over 2000 other poor households in different areas were also untouched from the NFSA rolls. This shows how grievous exclusion errors can be and how it impacts the public at large and defeat the purpose of this act.

Uttar Pradesh needs proper systematic surveys to update the beneficiary list at the grassroots level, better grievance redressal systems and close monitoring to escape such cases and proper implementation of the act. Strengthening all of these measures would reduce exclusion errors of the targeted beneficiaries and help the NFSA achieve its aim of ensuring food security across India.

Although the National Food Security Act (NFSA) has significantly enhanced access to subsidised food grains and the empowerment of the vulnerable groups, the challenges of identification, inefficiencies in distribution and exclusion errors highlight the areas that need special attention to achieve maximum results.

CONCLUSION AND SUGGESTIONS

India's experience with the National Food Security Act 2013 shows how a mere policy promise can be turned into a legal right guaranteed by the Constitution of India with relevant gains in transparency, accountability and access to all. Leakages have slightly decreased, portability has increased, and measures like PMGKAY have demonstrated the potential of the system. However, the continuation of exclusion errors in reference to the beneficiaries and restricted dietary variety, documentary issues that snatch the rights of actual people in need, weak infrastructure and uneven state performance indicate that the job remains incomplete and longs for improvement.

To strengthen and deepen the impact of NFSA and India's Food Policy, certain reforms are required to ensure effectiveness-

1. To lay impetus on the inclusion of locally grown food in PDS, which will significantly reduce the burden on the government as well as ensure food security
2. Enhancing inter- state cooperation for ration cards issuance and Investment in infrastructure such as storage, digital connectivity and good dietary inclusivity. Smooth portability for migrants.
3. Building efficient resilience mechanisms to pandemics and climate change. Reduces corruption.
4. Improved per capita allocation because it does not meet the food security for rights holders, for eg the amount provided for a child 0-6 years is INR 1790 for a year, which is insufficient to combat malnutrition and other resources.
5. Strong beneficiary identification systems to remove delays in food security

6. No programme in any field of development is free from challenges and cannot eliminate hunger and food security in just one attempt. It is evident that NFSA is also surrounded by challenges

The development of food policy in India has come a long way in terms of promises to rights in statute. The way forward is in the extent to which the policies are applied on the grassroots level to achieve improved results, the inclusiveness of the nature of the policies and the way they react to the changing demands.

REFERENCES

1. Suneela Garg and others, 'Food Security in India: Challenges and Opportunities' (2023) 17(1) Journal of Health Management1 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9808200/>
2. National Food Security Act 2013.
3. Concern Worldwide and Welthungerhilfe, '2024 Global Hunger Index: India' (2024) <https://www.globalhungerindex.org>
4. Department of Food and Public Distribution, 'Implementation of NFSA' (Ministry of Consumer Affairs, Food & Public Distribution) <https://dfpd.gov.in/implementation-of-nfsa/en>
5. National Centre for Disease Control, 'National Action Plan on Food Security and Climate Change' (Ministry of Health and Family Welfare 2024) <https://ncdc.mohfw.gov.in/wp-content/uploads/2024/08/National-Action-Plan-on-Food-Security-and-Climate-Change.pdf>
6. Department of Food and Public Distribution, 'Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY)' (Ministry of Consumer Affairs, Food & Public Distribution) <https://dfpd.gov.in/pradhan-mantri-garib-kalyan-anna-yojana/en>
7. Madhu S, 'Policy Implementation: Challenges and Solutions' (2018) 6(2) International Journal of Social Science and Humanities Research 610 <https://www.researchpublish.com/upload/book/Policy%20Implementation-2198.pdf>
8. Ministry of Education, 'Pradhan Mantri Poshan Shakti Nirman (PM POSHAN)' <https://pmposhan.education.gov.in/>