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GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED TRIBES

(A Constitutional Commission set up under Art. 338A of the Constitution to investigate and monitor all matters relating to violation of rights and safeguards provided for STs.)

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

Date:4th November, 2011

To

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

Sub: Mandatory consultation with the National Commission for Scheduled Tribes on National Food Security Bill,2011 in accordance with the provisions of the Clause 9 of Article 338A of the Constitution

Sir,

Dr. Rameshwar Oraon, Chairperson , NCST has desired to discuss the matter with the Secretary, Deptt. of Food & Public Distribution, Ministry of Consumer Affairs on 11-11-2011 at 1430 hrs. A self-contained brief on the subject is enclosed.

2. Secretary, Deptt. of F&PD is requested to attend the meeting in person.

Yours faithfully,


(Aditya Mishra)
Joint Secretary

Encl: As above. (Total 2 pages)

N.O.O.

Copy to:

Chairperson, NCST – for kind information.

✓ SSA/NIC

National Food Security Bill,2011

It was understood from the news reports that the Deptt. Of Food & Public Distribution, Ministry of Consumer Affairs is processing the Draft National Food Security Bill and it has been hosted on the Ministry's website.

2. Secretary, Deptt of Food and Public Distribution, Ministry of Consumer Affairs was requested vide D.O. letter dated 18th October, 2011 to forward the Bill, as finalized, for seeking views of the Commission in accordance with the provisions of the Clause 9 of Article 338A of the Constitution. In this connection, the opinion of the Ministry of Law emphasizing that the Ministries are obliged by the Constitution to consult the Commission on the provision of a draft Bill affecting STs, was also forwarded. In response, the Deptt. Of F&PD sought the views of the Commission on the Bill as available in the public domain. Subsequently, Secretary, F&PD was informed vide D.O. letter dated 27th October, 2011 that the Deptt. Of Food and Public Distribution had failed to appreciate the purport of our communication wherein it was clearly mentioned that views of the Commission were required to be sought on the Bill, as finalized by the Ministry, for the consultation with the NCST, as envisaged under Article 338A(9) of the Constitution to be meaningful. Secretary, Deptt. Of F&PD was also informed that seeking views of the Commission at this stage, when the Ministry has not finalized its views on the Bill, does not serve the intended purpose and the spirit of the Constitution. It is further understood from the news reports that the draft Bill, after incorporating certain changes to the version provided in the public domain, would be drafted by the Deptt. of F&PD shortly.

3. The National Food Security Bill, 2011 is an important legislation in respect of tribals in the context of the need to ensure physical and economic access to the food they need. It is noted from the draft Bill available in the public domain that it does not incorporate any special focus in respect of the tribals, who require special consideration through a special chapter in the Bill considering the specific problems in the tribal regions affecting the food security, as explained below:

- i Agriculture is the main livelihood for more than 70% tribal households. However, it is mostly single-crop and suffers from low level of productivity due to small/marginal/fragmented landholding, less rainfall, high soil erosion & insufficient infrastructure. The primitive agriculture practices of tribal farmers, particularly less crop diversification, incompatibility between crop selection and resource conditions, intensify the problem. The present state of agriculture, in tribal areas is not adequate for providing the households adequate availability of foodgrains, etc. as well as food security.
- ii Remoteness, inaccessibility & low density of population in tribal areas increases logistical complexity and costs.
- iii Poor economic/entrepreneurial capacity and also lack of bargaining power of tribals due to lower wages and employment security reduces ability to buy sufficient, safe and nutritious food to meet dietary needs.
- iv Absence of adequate traders/marketing centres in tribal areas demands State logistic intervention in terms of creating adequate storage facilities for storing foodgrains in food-

deficit remote inaccessible areas, provision of credit for inventory management etc. to ensure adequate food availability at all times.

- v Limited/ineffective delivery of existing schemes like MGNREGA, PDS etc. in tribal areas requires special attention.
- vi Poor human development indicators in the tribal regions like high levels of infant mortality, poor standard of health and malnutrition; under-employment or un-employment, and chronic indebtedness aggravates the food insecurity situation. Grain banks/food for work programmes are required to alleviate inadequacies.
- vii Distress migration to other States, which specially affects infants, and the aged and the infirm among STs, as they are neglected in the process of migration; warrants distribution of free foodgrains.

4. Dr. Rameshwar Oraon, Chairperson , NCST has desired to discuss the matter with the Secretary, Deptt. of Food &Public Distribution, Ministry of Consumer Affairs **on 11-11-2011 at 1430 hrs.** Secretary, Deptt. of F&PD is requested to attend the meeting in person.