



Right to Food Campaign

(Secretariat)

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Mr. Piyush Goyal

Dated: 16th July 2021

Minister for Consumer Affairs, Food and Public Distribution
Government of India

Dear Mr. Goyal,

Subject- Enhancing coverage under NFSA as per latest population estimates as directed by the Supreme Court in migrant workers' case

The country continues to be in the grip of the pandemic and there has been unprecedented large-scale loss of livelihood and disruption of economic activity on account of the lockdown restriction imposed to curb the spread of COVID. In this time of intense distress, the PDS has been a lifeline for people who have ration cards. Those not covered under the PDS on account of the state quota being exhausted and not being revised in proportion to the population, are the most marginalised and vulnerable to hunger and starvation. The pandemic has laid bare the huge gaps in the food security net in the country

In this context, we write to you to bring to your notice certain urgent steps that are required to be taken by the Ministry towards universalisation and expansion of the PDS.

1. Updating Coverage under NFSA

The Supreme Court in its judgment¹ dated June 29, 2021 in Suo Motu Writ Petition (Civil) 6 of 2020, “Re: Problems and Miseries of Migrant Workers” has given several important directions regarding enhancement of food security net. We are writing to you regarding the specific direction of the court to the Central government on revising the coverage of population under the National Food Security Act (NFSA), 2013.

The relevant paragraph from the judgment containing the observations and direction is reproduced below:

“40. Section 9 provides for coverage of population under Targeted Public Distribution System, which is to be determined by the Central Government and the total number of persons to be covered in such rural and urban areas of the State shall be calculated on the basis of the population estimates as per the census of which the relevant figures have been published. The State-wise coverage under National Food Security Act was determined by the then Planning Commission (now Niti Aayog) by using the NSS Household Consumption Survey data for 2011-2012. More than 10 years have elapsed from determination of State-wise coverage. In event, the Central Government undertakes fresh determination of the State-wise coverage under National Food Security Act, the number of beneficiaries State-wise are bound to increase benefitting the large number of eligible persons. We, thus,

¹ Link to judgment- <https://drive.google.com/file/d/1kiRqisyuxwP5WvEKlxzXPiGEHLHQgDSb/view?usp=sharing>

are of the view that the Central Government needs to take steps to undertake exercise under Section 9 of the National Food Security Act, 2013 to re-determine the total number of persons to be covered under Rural and Urban areas of the State, which shall be beneficial to a large number of persons.”

Therefore, the Central government has been directed to revise the coverage of population as per the latest available figures to reduce exclusions.

As per Section 3(2) of the NFSA, subsidized food grains under PDS “*shall extend up to seventy-five per cent of the rural population and up to fifty per cent of the urban population.*” Further, section 9 of the NFSA states: “*The percentage coverage under the Targeted Public Distribution System in rural and urban areas for each State shall, subject to sub-section (2) of section 3, be determined by the Central Government and the total number of persons to be covered in such rural and urban areas of the State shall be calculated on the basis of the population estimates as per the census of which the relevant figures have been published.*”

Subsequent to the enactment of the NFSA, the Targeted Public Distribution System (Control) Order, 2015 was notified in March 2015. Clause 3 and Annexure-I of the Control Order provides details of the state-wise coverage of the Targeted Public Distribution System under the National Food Security Act, 2013. The tabulated figures show that as per the population census of 2011, the total population of the country was 121 crore. Of this, 81.3 crore are covered under the PDS i.e. 67.2%. The projected population of the country in 2021 is 136 crores as per report² of the Technical Group on Population Projections titled, ‘Population Projections For India And States 2011 – 2036’, published by the National Commission on Population, Ministry of Health & Family Welfare. **At 67.2%, a total of 91.5 crore people should be covered within the PDS under the NFSA on the basis of the published population projection for 2021** i.e. 10.2 crore people more than the current coverage.

It is crucial that for revising the coverage under NFSA, the government must not wait for the publication of the census 2021 data which has been delayed³ on account of breakout of COVID-19, and the interim census data is likely to be available only in the year 2023-24⁴. NFSA Section (9) mandates the government to enhance the coverage in keeping with the increase in population.

2. Prioritise and Ensure Coverage of All Vulnerable People

People, especially from the economically and socially vulnerable sections, have been bearing the brunt of the twin crisis of health and economic distress due to the pandemic. Special measures must be undertaken towards ensuring that those living in difficult circumstances are included in the PDS system.

We therefore urge you to ensure the inclusion of all members of vulnerable groups such as the aged, single women, disabled, denotified and nomadic tribe, particularly vulnerable tribal groups (PVTGs), homeless populations, transgenders, sex workers, refugees and so on. Given that many belonging to these socially disadvantaged groups get left out because of issues related to physical access or lack of documentation, special instructions must be given to ensure that all such people are actively included on a priority basis. State governments should

² [Report_Population_Projection_2019.pdf \(nhm.gov.in\)](#)

³ [Census 2021 \(pib.gov.in\)](#)

⁴ [Interim census data likely to be available in 2023-24 - The Economic Times \(indiatimes.com\)](#)

also be asked to draw up such lists of priority groups at the state level based on wide consultations.

3. Expand Antyodaya Anna Yojana (AAY)

The Antyodaya Anna Yojana (AAY) is supposed to cover the most vulnerable households and has a current ceiling of 2.5 crore households, of which 2.37 crore households have been identified. The number of AAY cards must also be expanded proportionately, with the updated population figures and the guidelines of the AAY scheme for identification of these households must be adhered to.

4. Universalise and Expand the PDS

Taking into consideration the errors of inclusion and exclusion in identification, the longstanding demand of the Right to Food Campaign, has been to universalise the PDS. Given the urgency of the situation, and the distress caused by the pandemic, it would be best to open up the PDS benefits to even those who do not have ration cards but demand foodgrains from ration shops.

This can be easily implemented as they have come at a time when the FCI godowns are overflowing with foodgrains. As you would be aware, we now have over 100 million metric tonnes of milled and unmilled grains while the buffer stock norms require only 41 million MTs to be stored (as on 1st July). With these excess stocks, it is unfortunate that the government is giving priority to diverting rice for ethanol production rather than using this as an opportunity to universalise and expand the PDS in the context of widespread hunger and food insecurity that we are witnessing in this pandemic situation.

Further, keeping nutritional requirements in mind, pulses and edible oils must also be added to the PDS basket.

We hope that the Government will take the steps necessary to ensure that no person is left out of the food security net by updating the coverage figures under NFSA using the official population projections for 2021 as well as moving towards a universal PDS.

We would also like you to call an urgent all India meeting of all CMs, Food Ministers, FCI, Food secretaries and civil society groups to work out a systematic policy of food distribution from the overflowing godowns, so that nobody goes to sleep hungry.

We would have preferred to meet you in person as a delegation and discuss the important issues raised in this letter. However, given the circumstances we are sending this via email.

We hope you will consider these demands and take the required action. For further information, please contact Dipa Sinha (9650434777) or Aysha (9716048979) or write at rtfcindia@gmail.com.

Sincerely,

Gangaram Paikra, Aysha, Kavita Srivastava, Dipa Sinha, Anuradha Talwar, Mukta Srivastava, Amrita Johri

(On behalf of the Steering Committee of Right to Food Campaign)

