

Report on the webinar on

Report on Right to Food

Date: 16.05.20

Time: 10 AM - 12 PM



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1. Introduction

Prior to the announcement of the National Lockdown on 25 March 2020, a number of courts had shut down in response to the present pandemic of COVID 19. Furthermore Human Rights Law Network cancelled a number of Consultations and Meetings that were to be held in the during this period. As soon as the lockdown was announced it became clear that human rights was a major concern that had to be dealt with, with people below the poverty line not being able to access food security schemes, women and lactating mothers not being able to access schemes for their reproductive health, migrant labourers being treated like dirt, the number of human rights violations that came to the forefront were very many.

Initially the courts seemed unapproachable, with lawyers and affected people attempting to figure out how the issues would be raised in court and conducting proceedings through video conferencing. Slowly but steadily HRLN lawyers started filing cases in court beginning with one of the cases of providing relief to persons in prisons to migrant labourers to tackling a number of issues.

Parallels being socially conscious individual's lawyers and social activists realized the importance of giving direct aid to persons, lawyers and activists were involved in distribution of dry ration and grains, distribution of masks and sanitizers and in a number of places distribution of cooked food for those who were in urgent need of food. Through the network and through various partners, HRLN covered various marginalized populations including PLHIV, Transgender Persons, persons living in slums, migrant labourers among a range of people across the country.

In the wake of Covid 19, a group of researchers and lawyers from HRLN began the process of organising a series of workshops over webinars, to begin the collective conversation around emergent issues as well as to collate all the individual work done by states. The main objective of organising these webinars was to facilitate learning and sharing of experiences of lawyers/social activists involved in litigation/relief work during Covid-19 lockdown and develop strategies for future work.

One amongst the series of webinars was a detailed discussion surrounding Right to Food. The meeting was organised on 16th May, 2020, from 10 AM to 12 PM.

Moderator and Speaker: Advocate Olivia Bang, HRLN Delhi

Olivia Bang From Delhi HRLN (one of the directors) took the whole session.

She explained about The National Food Security Act 2013, an Act which aims at and is responsible for providing for food and nutritional security in the human life cycle approach, by ensuring access to an adequate quantity of quality food at affordable prices for people to live a life with dignity and for matters connected therewith or incidental thereto. She

emphasized on Sections 3,4 and 5 as the most important sections of the Act. She highlighted the importance and application of the sections as enumerated below:

1. She began by pointing out that every state has a Food Distribution Website.
2. **Target Public Distribution System**(TDPS hereinafter) – TDPS is the system for distribution of essential commodities to the ration card holders through fair price shops. This means that every person belonging to priority households, identified under sub-section (1) of section 10 that covers households already covered under the Antodaya Anna Yojana and other priority households, shall be entitled to receive five kilograms of foodgrains per person per month at subsidised prices. Additionally, Section 3 of the Act states that households covered under Antyodaya Anna Yojana shall, to such extent as may be specified by the Central Government for each State in the said scheme, be entitled to thirty-five kilograms of foodgrains per household per month.

Olivia added that under Schedule I of the Act, it is given that the amount of ration in every state should not exceed more than 3 rupees per kg. Every state has different policies for disable persons, widow, BPL, shelter home, women etc.

3. **Maternity benefit and Nutritional Support to mothers** - Ensuring nutritional support to women and children is one of the salient features of the Act. It is provided that Pregnant and lactating women would be entitled to nutritious meals, free of charge under the MDM and ICDS schemes. As reported by Olivia, Maternity benefit scheme is available for every state. the money should not less than Rs 6000 (also covered under Section 4 of the Act) and stated that under 2018 scheme each mother should have Aadhar Card.
4. **Nutritional Support to children** – Under Section 5 of the Act, children in the age group of 6-14 years are also be entitled to free nutritious meal through the local schools or anganwadi so as to meet the nutritional standards specified in Schedule II. Under Schedule II of the Act, The nutritional standards for children in the age group of 6 months to 3 years, age group of 3 to 6 years and pregnant women and lactating mothers requires to be met by providing “Take Home Rations” or nutritious hot cooked meal in accordance with the Integrated Child Development Services Scheme and nutritional standards for children in lower and upper primary classes under the Mid Day Meal Scheme.

The surge in coronavirus cases in India led the first nationwide lockdown in March. All public places including schools, offices, industries etc. were closed down. In the wake of the same, the Ministry of Home Affairs issued a notice published on 30th March, 2020, to make the mid-day meals available at doorstep.

5. **Welfare of Farmers** – In the meeting it was reported that as per the guidelines, farmers engaged in agricultural activities, wholesale vegetable markets operated by Agriculture Produce Market Committee and manufacturing and packaging units of fertilisers, pesticides and seeds have been exempted from the purview of

the lockdown announced to combat coronavirus. On this account the ensuring and safeguarding the rights of the farmers is very important.

6. **Grievance Redressal** – In March 2020, in a bid to provide food for all during the lockdown, the government announced distribution of additional 5 kg food grains for all the beneficiaries for the months of April, May and June.

Olivia further reported that a list has been issued by each state for essential commodities like wheat, rice, pulses, sugar etc.

The relevant websites should mention if there are any ration packets. Each person must get the additional 15 kg ration at one time. If ration dealer refuses to give then we should complaint against this.

All information regarding the food distribution must be displayed and mentioned in the website

She also made it clear that the information regarding food distributed from MLA's fund is false

She also said that the price list of ration should be published in daily public news paper and information of fare price shop must be checked. Complaint should be registered before the Grievance Redressal Cell. Steps should be taken within 15 days after registration of any complaint.

2. Issues raised :

In the interactive session some of the issues that were raised are as follows :

Anish voiced his concern for people without ration cards and asked what the process for availing ration for these people would be and questioned about the existing provision for food named SahayaPrakalpa. Mostafijur also asked a similar question.

Jharna added to these questions by asking about the people who do not have any sort of identity cards

-To this , Olivia said that as mentioned in the case **SwarajAbhiyan v. UOI**{2016(7)SCC 498}, paragraph no 128.4 that if any Identity card is available then they must get ration. Ration card is not mandatory. PDS has a register in which there is a list of people who are applying ration card and food can also be allotted as per this list as well.

As for SahayaPrakalpa Olivia stated that it is continuing and food is available for all persons under this scheme. Food must be cooked and must be delivered to door step.

Answering Jharna's question Olivia said that those who have no identity card are forced to survive without food, for those people a letter has to be submitted to FCI about their condition and also they can ask for help to NGO's who are distributing food to poor people and also there is a community Kitchen for them to help.

Then she reiterated that if any complaint arises then it should be brought to the notice of the particular forum. In case of inaction, petition should be filed before the Court.

3. Concluding remarks

Olivia concluded the meeting by highlighting following things to be done –

1. Information collection is the important thing for every issue.
2. Make a proper data list for court proceedings.
3. Contact other NGOs and other Network partners who are working on this issue.
4. Going to court is the most important thing for all cases.
5. Olivia shared such notifications and case orders through Mail and also on the whatsapp group through by Siddharth.

She shared her contact details and asked the participants to reach out to her or the HRLN Kolkata unit in case there is any doubt.

Annexure A

Participant List:

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Annexure B

Pictures

