

Centre for Child and the Law
National Law School of India University

Comments and Suggestions

on

THE DRAFT NATIONAL FOOD SECURITY (AMENDMENT) BILL, 2026

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1. EXECUTIVE SUMMARY

This submission is being made by the Centre for Child and the Law (CCL), National Law School of India University (CCL NLSIU) in response to the Invitation for Comments on the Draft National Food Security (Amendment) Bill 2026 by the Department of Food and Civil Supplies, Government of India, as per its notification dated 24.06.2026. CCL NLSIU welcomes the initiative of the central government to re-examine the provisions of the law and is pleased to make the submission primarily based on the proposed amendment.

While the proposed amendment pertains to only the proviso to subsection 1 of section 3 of NFSA, the suggestions made in the submission are based on a holistic review of section 3. Major issues discussed in the submission are:

- a. Need to protect the floor level entitlement and prevent any retrogression of the entitlements already available through law
- b. Preventing dilution of food entitlements for the larger households
- c. Suggestion to extend the per capita entitlement of 7 kg to Priority households as well.
- d. Utilising the opportunity to introduce diversification of food grains and meals available through the targeted public distribution system (TPDS), Mid Day Meals (MDM) and Integrated Child Development Services (ICDS).
- e. Rationalising the cash maternity entitlements to factor in inflation and wage compensation.
- f. Prevention exclusions caused by the insistence on Aadhaar verifications

In addition to these, the submission also makes a case for universalisation of entitlements available through PDS in order to address the exclusions caused by inclusion and exclusion (Type 1 and Type 2 errors).

CCL NLSIU also urges the central government to expand the scope of review of NFSA and provide more time for the consultative processes to enable individual experts, organisations, and academic institutions to contribute to the process more meaningfully.

2. BACKGROUND AND INSTITUTIONAL PERSPECTIVE

2.1. About the Centre for Child and the Law, NLSIU

The Centre for Child and the Law (CCL) is a specialised research centre at the National Law School of India University (NLSIU), Bangalore. Grounded in constitutional values and the transformative potential of law, the CCL explores how social legislation can foster a more equitable society. The Centre conducts socio-legal research, teaching, training, and policy development across its core thematic areas, which include food and nutrition security, education, and child protection. Through its Right to Food program, the Centre has been deeply involved in the implementation of the National Food Security Act 2013 (NFSA). These efforts primarily focus on raising awareness among rightholders and strengthening institutional systems by building the capacity of key functionaries, such as District Grievance Redressal Officers (DGROs), members of State Food Commissions, and Vigilance Committees across various states. Additionally, the CCL has conducted numerous research studies on the execution of NFSA provisions and actively assists state governments in drafting comprehensive State Rules under Section 40 of the Act. The Centre also continually reviews existing state rules while documenting and disseminating best practices.

More information about CCL NLSIU is available here: <https://ccl.nls.ac.in/>

More information about our work on food and nutrition security and NFSA can be found here: https://ccl.nls.ac.in/right_to_food/

Research studies and publications on food and nutrition security are available here: https://ccl.nls.ac.in/publications/?_programmes=right-to-food

2.2. Scope of this submission

The National Food Security Act of 2013 is a comprehensive piece of legislation enacted to ensure food and nutritional security for all through a life-cycle approach. Nearly 13 years after its enactment, a thorough review is timely and appropriate. As the proposed amendment pertains exclusively to Section 3 (proviso to sub section 1) of the Act, the primary scope of this submission is restricted accordingly to section 3; however, arguments have also been offered to strengthen Section 4, 5 and 6 Chapter II Provisions for Food Security. Suggestions made in the submissions are supported by

the rationale, evidence, available literature on nutrition science, and any other legal arguments grounded in judicial pronouncements. All the suggestions made in this document are informed by the research undertaken at the Centre for Child and the Law, NLSIU and are made with the sole objective of strengthening the law to achieve the purpose of ensuring food and nutrition security for all.

2.3. Disclaimer

This submission has been prepared in the academic and research capacity of the Centre for Child and the Law, NLSIU, Bengaluru. The views, recommendations, and analyses expressed herein represent those of the authors alone and do not constitute legal advice. They do not necessarily reflect the views of the National Law School of India University. This document is submitted in good faith and in the public interest of evidence-based, constitutionally grounded food security governance.

3. BACKGROUND AND CONTEXT

India's social security landscape witnessed a paradigm shift with the passage of the National Food Security Act (NFSA)¹ in 2013, moving from a welfare and scheme based approach to a statutory framework upheld by the constitutional right to food and health.² National Food Security Act (NFSA), 2013³ remains one of the largest safety net entitlements globally⁴. The NFSA Act legitimises coverage of up to 75% of the rural and up to 50% of the urban population, *i.e.* about two-thirds of the total population of the country⁵, or receiving foodgrains, *i.e.* rice/ wheat/ coarse grains at prices specified in Schedule-I of the Act⁶. The Act categorises right holders into two groups: the poorest of the poor under the AAY (Antyodaya Anna Yojana), and the remaining under Priority Households (PHH).⁷ While Antyodaya Anna Yojana (AAY) households, which constitute poorest of the poor are entitled

¹ The National Food Security Act, 2013, No.20, Act of Parliament, 2013(India); Available at: <https://nfsa.gov.in/portal/nfsa-act>

² George, N.A., & McKay, F.H. (2019), The Public Distribution System and Food Security in India. *International Journal of Environmental Research and Public Health*, 16(17), 3221. <https://doi.org/10.3390/ijerph16173221>

³ *Ibid.*

⁴ Desai, S., & Vanneman, R. (2015). Enhancing Nutrition Security via India's National Food Security Act: Using an Axe instead of a Scalpel?. *India Policy Forum : [papers]. India Policy Forum. Conference, 11*, 67–113 <https://pmc.ncbi.nlm.nih.gov/articles/PMC4811376/>

⁵ PIB (2025). Securing Every Plate.

⁶ *Ibid.*

⁷ *Ibid.*

to 35 kg of foodgrains, per household per month, Priority Households (PHH) are entitled to 5 kg of foodgrains per person per month at uniform subsidised prices specified in Schedule-I of the Act.

On the 13th anniversary of the NFSA, we welcome the initiative of the central government to review and reform the legislation through the present amendment with the objective to address the intra-category inequities among the beneficiaries. The existing provision in the NFSA states that

“Provided that the 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** at the prices specified in Schedule I”.

The Draft National Food Security (Amendment) Bill 2026 proposes to amend the sub-section (1) of section 3 of NFSA as follows:

“Provided that every person belonging to 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 **seven kilograms of foodgrains per person per month** at the prices specified in Schedule I.

Provided also that households covered under Antyodaya Anna Yojana shall be entitled to a maximum of 35 kilograms of foodgrains per household per month at the prices specified in Schedule I.”

The draft National Food Security (Amendment) Bill, 2026 marks a significant step towards strengthening the food security framework in India. While we analyse the proposed amendments, we would like to take the opportunity to submit our comments to further strengthen the Proposed NFS (Amendment) Bill, 2026 and assist the government’s vision of ‘securing every plate’ by bolstering food and nutrition security across India.

4. COMMENTS ON THE DRAFT FOOD SECURITY (AMENDMENT) BILL 2026

Recommendations by CCL	Rationale
4.1 Protection of floor level entitlement of 35kg and diversification of food grain First proviso to sub-Section (1) of Section 3: Provided that every person belonging to 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 seven kilograms of foodgrains along with diversified food basket per person per month at the prices specified in Schedule I and such that each household receive a minimum of 35 kgs of foodgrains with diversified food basket as per local cuisine, calorific value and diet diversity norms as may be prescribed by State Government irrespective of the household size. <i>(Omit the restrictive 35 kgs maximum household cap entirely and set 35 kgs as the floor limit).</i>	1. Need to retain a Statutory Minimum Floor of 35 kg per Household for AAY households AAY is targeted for destitute families who are ‘poorest of the poor’. Destitute families and small households may become unintentionally vulnerable if a rigorous per-capita distribution model is adopted without an absolute baseline minimum. Under the original TPDS framework, AAY cardholders were guaranteed a flat allocation of 35 kg of foodgrains per household per month to protect the most destitute families regardless of size. The AAY families who are poorest of the poor, do not have opportunities to avail foodgrains and food groups from the market due to their poverty. As per studies, household food insecurity is inversely associated with the socio-economic status, and thus the overall prevalence will be influenced by the socio-economic status of the families.⁸ Empirical assessments of urban and rural food insecurity demonstrate that ultra-poor micro-households possess minimal market-wage capacity and rely heavily on stable institutional grain supplies to avoid severe hunger⁹. Reducing their access to foodgrains with a rigid per capita rule of 7 kgs per person without a minimum

⁸ Rautela, G., Ali, M. K., Prabhakaran, D., Narayan, K. M. V., Tandon, N., Mohan, V., & Jaacks, L. M. (2020). Prevalence and correlates of household food insecurity in Delhi and Chennai, India. *Food Security*, 12(2), 391–404. <https://doi.org/10.1007/s12571-020-01015-0> Cited by 38.

⁹*Ibid.*

Recommendations by CCL	Rationale
	threshold will drastically reduce the entitlement of a micro-household containing only one or two members (such as elderly citizens or destitute individuals). They would see their monthly grain security drop to 7 kg or 14 kg from 35 kgs. 2. Eradicating the Household Size Cap for Multi-Member Families The primary structural flaw of a uniform 35 kg household ceiling is that it ignores the natural variation in domestic family sizes. While a 7 kg per-capita framework perfectly aligns with a standard 5-member household up to the 35 kg limit, it penalises larger families by functioning as a restrictive bottleneck. India is far from being demographically uniform, and household size varies sharply across states, social groups, and religious communities. The bottlenecks created by a uniform 5-member ceiling do not fall evenly across the country. It concentrates disproportionately on specific regions and communities rather than applying as a neutral constraint. While the average household size in southern and central states like Kerala, Tamilnadu, Odisha is well below the national average of 4.3, northern states with higher population like Punjab, Bihar, Uttar Pradesh have an average household size of 4.4, 4.9 and 5.1 respectively, which is much higher than the national average¹⁰. SC (4.4) and ST (4.4) households also exhibit an average

¹⁰ Ministry of Statistics and Programme Implementation, Government of India, National Sample Survey Office. *Multiple Indicator Survey in India, NSS 78th Round (2020–21)*, NSS Report No. 589 (78/5.1/1), March 2023, https://www.mospi.gov.in/sites/default/files/publication_reports/MultipleIndicatorSurveyinIndiaf.pdf.

Recommendations by CCL	Rationale
	household size bigger than the national average¹¹. Among religious groups, muslim households average 4.8 in household size and Sikh households average 4.5¹². These averages tend to skew larger than the national average which translates to a larger number of households receiving less than 7kg of per capita food grains. 3. Need to move towards a diversified food basket to ensure food and nutrition security We suggest that the amendment may mandate the provision of non-cereal essential food groups, specifically pulses, legumes, nuts, and seeds, as a supplementary entitlement to rice under the Antyodaya Anna Yojana (AAY). Incorporating these nutritional components is imperative to fulfill the comprehensive dietary requisites for adults as established by the ICMR-National Institute of Nutrition's Dietary Guidelines for Indians 2024.¹³ While the current amendment to the NFSA legislation demonstrates an alignment with the quantitative cereal metrics prescribed in the ICMR-National Institute of Nutrition's Dietary Guidelines for Indians 2024, specifically the baseline requirement of 250 grams of cereals and nutri-cereals per adult per day (making it to roughly 7.5 kg per month), however previous ICMR-NIN recommended 14 kg per month as standard

¹¹ *Ibid.*

¹² *Ibid.*

¹³ ICMR-National Institute of Nutrition's Dietary Guidelines for Indians 2024, Page No.3, Figure 1.1. Food pyramid for balanced diet for 2000 Kcal, https://nin.res.in/dietaryguidelines/pdfs/locale/DGI_2024.pdf.

Recommendations by CCL	Rationale
	requirement for per person per month, it exhibits a substantive lacuna regarding comprehensive nutritional security. The ICMR-NIN guidelines categorically identify pulses, legumes, nuts, and seeds as indispensable requisites for daily dietary requirements. Non-inclusion of provisions for these vital dietary components, the proposed amendment addresses only a fraction of the dietary necessities. As such, the legislative framework in its current form falls short of securing the holistic dietary well-being of the target population under the Antyodaya Anna Yojana (AAY). Therefore, we submit that the legislation must be expanded to include these non-cereal essential food groups as well.

Recommendations by CCL	Rationale
4.2 Enhancement of PHH entitlement from 5kg to 7kg Section 3 (1) - Every person belonging to Priority Households, identified under sub-section (1) of section 10, shall be entitled to receive a minimum of 7 kilograms of food grains along with <i>supply of diversified food basket¹⁴ as per the local cuisine, calorific value and diet diversity norms as may be prescribed by State Government</i> at subsidised prices as specified in schedule I from the State Government under the Targeted Public Distribution System. <i>(Substitute 5kg of foodgrain per person per month with 7kg of foodgrains per person per month.</i> <i>Add supply of diversified food basket as per the local cuisine, calorific value and diet diversity norms)</i>	1. Simultaneous Enhancement of Allocations for Priority Households (PHH) Various experts have noted that the coverage of NFSA is high, but the allocation to priority households is low¹⁵. In 2011-12, the per capita consumption of cereals in rural areas was 11.2 kg and in urban areas was 9.3 kg¹⁶. Compared to this, under NFSA, priority households are entitled to receive 5 kg of foodgrains (primarily rice and wheat) per person per month. The High-Level Committee on Restructuring of Food Corporation of India (2015) had recommended that the central government should rethink the coverage of population under NFSA.¹⁷ It noted that allocating 5 kg foodgrains per person to priority households made them worse off compared to the earlier framework of targeted PDS under which they were entitled to 7 kg of foodgrains per person¹⁸. Keeping the PHH category restricted to 5 kg per person leaves lower-income families highly exposed to domestic food inflation and market price volatility. Further, evidence suggests that the average daily calorie consumption for a vast majority of the

¹⁴Diversified food basket as per ICMR – NIN ; The ICMR-NIN, 'My Plate for the Day': https://nin.res.in/dietaryguidelines/pdfjs/locale/DGI_2024.pdf.

¹⁵Tushar Chakrabarty. (2023). Demand for Grant's 2023-24 Analysis: Food and Public Distribution. *PRS Legislative Research*. Institute for Policy Research Studies. https://prsindia.org/files/budget/budget_parliament/2023/DfG_2023-24_Analysis-Food_and_Public_Distribution.pdf.

¹⁶“Department of Food & Public Distribution refutes a news report published in 'The Wire' regarding distribution of food grains & pulses”, Press Information Bureau, Ministry of Consumer Affairs, Food and Public Distribution, June 4, 2020, <https://pib.gov.in/PressReleasePage.aspx?PRID=1629465>.

¹⁷ Report of the High-Level Committee on Reorienting the Role and Restructuring of Food Corporation of India, January 2015, <https://www.pib.gov.in/newsite/PrintRelease.aspx?relid=114860®=48&lang=2>.

¹⁸ Ibid

Recommendations by CCL	Rationale
	population remains below optimal reference diets, driven by an insufficient intake of diverse food groups and economic barriers to purchasing non-cereal options¹⁹ To bridge this caloric gap, the individual allocation for PHH cardholders should be raised from 5 kg to at least 7 kg per person per month. This change would standardize base-level food security across both operational tiers of the public distribution network.

¹⁹ Sharma, M., Kishore, A., Roy, D., & Joshi, K. (2020). A comparison of the Indian diet with the EAT-Lancet reference diet. BMC public health, 20(1), 812. <https://doi.org/10.1186/s12889-020-08951-8>

Recommendations by CCL	Rationale
4.3 Universalisation of foodgrain entitlements under Public Distribution System Section 3(2) - The entitlements of the persons belonging to the eligible households referred to in sub-section (1) at subsidised prices shall extend <i>to the entire eligible population, without any ceiling linked to a fixed percentage of the rural or urban population.</i> <i>(Substitute the seventy-five per cent rural and fifty per cent urban coverage ceilings with universal coverage of all persons found eligible under Sections 9 and 10.)</i>	1. Addressing the data conundrum - Overhauling the Rigid Statutory Census Coverage Ceilings Since the quota is still based on data from the 2011 Census, when the nation's population was 1.21 billion, the NFSA's current coverage is still up for debate. Over the next ten years, a significant structural conflict in the initial 2013 architecture has emerged: Because Section 9 of the Act specifically links coverage parameters to the "last preceding Census," data updates and increased coverage were inevitably reliant on changes in the population that were recorded every 10 years²⁰. The baseline has remained firmly frozen at 81.35 crore persons based on 2011 data because the decennial census has been indefinitely postponed since 2021. This essentially excludes an estimated 150 million people who have entered the demographic landscape since then. The reliance on 2011 census data to categorise the eligible households impacts coverage by an obvious under-statement of the existing demographics in the country. The concern on potential food insecurity due to structural exclusions was raised by parliamentarians while deliberating upon the National Food Security Bill in the Rajya Sabha²¹, along with supporting rulings from the judiciary directing the government to update the outdated data from 2011 census²².

²⁰ Naregal, V. (2026). Platform Governance as Fiscal Architecture: Reading the ES–FC–Budget Ensemble. *Institute of Economic Growth*, Working Paper No. 473, 1–15
<https://iegindia.org/upload/publication/Workpap/WP473.pdf>

²¹ Rajyasabha Secretariat. (2014). *Compendium on Parliamentary Enactments: The National Food Security Act 2013*. https://cms.rajyasabha.nic.in/UploadedFiles/ElectronicPublications/National_Food_security_Act2013.pdf

²² Re: Problems and Miseries of Migrant Labourers, M.A. No. 94/2022 in Suo Motu Writ Petition (Civil) No. 6/2020 (Supreme Court of India July 21, 2022). https://www.livelaw.in/pdf_upload/ma-407914.pdf

Recommendations by CCL	Rationale
	2. Establishing a Strategic Roadmap Towards PDS Universalisation Universalising coverage aligns the NFSA Act with its own Preamble, matches international human rights instruments treating food as a universal entitlement where the 75%/50% caps do not meet the actual need, forcing States to exclude genuinely eligible households once the quota runs out. This causes exclusion errors²³ and turns a legal entitlement into a rationed welfare quota. The NFSA's coverage, capped at 75% rural and 50% urban population, based on Census 2011, leaves an estimated 100 million eligible people outside the Public Distribution System²⁴. The NFSA was designed around “exclusion as policy”²⁵ by applying exclusion criteria to fit real right-holder numbers under the population ceiling (75% rural and 50% urban) rather than ensuring inclusion by assessing food insecurity through socio-economic lenses. Contemporaneous critiques noted that this structure guarantees a fixed share of the rural and urban population is automatically excluded, regardless of whether they are food secure. A social development law that operates through an exclusion mechanism does not stay people-oriented in practice. It

²³ Swaminathan, M. S. (2014). Pathway to food security for all. CUTS International (Ed.), National Food Security Act of India, 2013: A compendium (pp. 11–15). Consumer Unity & Trust Society (CUTS) International. https://cuts-citee.org/pdf/National_Food_Security_Act_of_India_2013-A_Compendium.pdf.

²⁴ Jean Drèze, Reetika Khera, and Meghana Mungikar, "More than 100mn Excluded from PDS as Govt Uses Outdated Census 2011 Data," IndiaSpend, April 16, 2020, <https://www.indiaspend.com/more-than-100mn-excluded-from-pds-as-govt-uses-outdated-census-2011-data>.

²⁵ T.K. Rajalakshmi, "Exclusion as Policy," Frontline, July 12, 2013, reproduced in National Food Security Act of India, 2013: A Compendium, comp. Neha Jain (Jaipur: CUTS International, 2014), 20–23, https://cuts-citee.org/pdf/National_Food_Security_Act_of_India_2013-A_Compendium.pdf.

Recommendations by CCL	Rationale
	is thus essential that the law treats inclusion as the default and exclusion as the exception by mandating that the inclusion criteria override the exclusion criteria. This ensures that the poorest, most vulnerable and most food insecure households, the category of people that NFSA serves to protect, are automatically covered under the public distribution system. The government must outline a phased transition toward a universalised PDS, initiating immediate universal coverage across all aspirational districts, identifying highly vulnerable areas facing food insecurity and climate crisis.

5. Other recommendations: Strengthening of Chapter II: Provisions for Food Security

As the central government has taken the initiative to strengthen Chapter II of NFSA 2013, it is suggested that this opportunity may be utilised for strengthening other entitlements under sections 4, 5 and 6 as well. To start with, the following suggestions may be considered for immediate implementation:

5.1 Expansion of mid day meals to all children in school up to the age of 18 years

Section 5(1)b may be amended to include children up to the age of 18 years within the purview of entitlements made available through mid day meals.

5.2 Definition of meals to be amended to include food diversity and cultural adequacy

Section 2(9) should be amended to define "meal" as a hot-cooked meal served at the point of delivery, or, where hot-cooked service is not feasible, a take-home ration of equivalent nutritional value, with the menu locally determined in consultation with the communities and in line with ICMR-NIN guidelines, including mandatory inclusion of pulses, millets, and seasonal vegetables or fruits rather than a cereal-dominant menu;

5.3 Maternity Benefits to be enhanced

The maternity benefit should be enhanced and inflation-indexed, and must be revised to cover wage compensation for women. This will require an amendment to Section 3 (4) b.

5.4 Alternatives for Aadhaar verification

Aadhaar verification of rightholders must be enabled through a variety of means, such as verification of physical documents. NFSA should also ensure prevention of aadhaar-based exclusion by making only one person's verification mandatory for the provision of entitlements for the entire households. Section 12[2 (c)] should be amended accordingly.

6. Conclusion

The draft National Food Security (Amendment) Bill, 2026 provides a valuable opportunity to refine India's food security framework and make it a progressive reality. However, the amendments must be based on the lived realities of the vulnerable population at the grassroots, acknowledge demographic transitions and move towards universalisation of PDS coverage across the nation. By implementing a minimum 35 kg household floor, expanding PHH allocations, removing maximum caps, and replacing old census metrics with dynamic population projections, India can truly ensure a reliable social safety net. An evidence-based approach is the way forward to truly realise India's vision of "securing every plate" and food and nutrition security across the nation.