

National Advisory Council

Report for the period
June, 2010-June, 2011

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2, Motilal Nehru Place, New Delhi

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Work Program

Between June, 2010 to June, 2011, NAC had 14 meetings. During this period, the NAC drafted two major legislations, namely National Food Security Bill and the Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill, 2011. In addition, NAC provided policy inputs to the Government on other subjects. The [recommendations](http://nac.nic.in) of the NAC have been placed on the NAC website <http://nac.nic.in>.

National Food Security Bill (NFSB)

In the first meeting of the NAC on 10th June, 2010, National Food Security Bill (NFSB) was taken up as a priority item for consideration by NAC. A Working Group was constituted, with Shri Harsh Mander, Member, as the Convener to prepare a National Food Security Bill. The Working Group on National Food Security Bill held consultations with senior officials of various Departments/Ministries as well as the Planning Commission & many State governments and the civil society.

The basic framework of the proposed NFSB were agreed upon in the meeting of NAC on 23.10.2010 and communicated by the Chairperson to the Prime Minister on 27 October 2010. A Framework Note was subsequently placed in public domain. Workshops were held in which Ministries, State governments and civil society representatives participated on the subject of PDS Reforms, ICT in PDS Reforms, Child Malnutrition and Community Kitchens.

Government constituted an Expert Committee chaired by Dr. Rangarajan on the recommendations of NAC and the [report](#) of the Rangarajan Committee was conveyed to the NAC, which took note of its contents. In order to explain the rationale behind its proposals, the NAC prepared an Explanatory Note on the NFSB which was also communicated by the Chairperson to the Government on 4 March 2011. This Note was also placed in public domain.

Subsequently, after deliberations, a Working Group Draft of the National Food Security Bill was placed on the NAC website and comments from the public solicited by 12 June, 2011. Based on the feedback, the final version of the Bill, as vetted by the Additional Solicitor General, was presented by the Convener of the Working Group in the meeting of the NAC on 22nd June, 2011 and the same was approved by the NAC.

The [National Food Security Bill, 2011](#) was forwarded to the Government on 6th July, 2011 for its consideration. The Bill aims to ensure public provisioning of food and related measures to enable assured economic and social access to adequate food, for all persons in the country, at all times, in pursuance of their fundamental right to live with dignity.

Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill

NAC identified this as a priority subject in the first meeting on 10th June, 2010 and a Working Group was constituted, with Ms Farah Naqvi and Shri Harsh Mander, Members, as Conveners for this purpose. In its meeting on 14th July 2010, the NAC agreed that a fresh draft of the Communal Violence (Prevention, Control and Rehabilitation) Bill, 2005 would be prepared based on a set of guiding principles/ essential features. Based on the recommendations of the Working Group, the guiding principles – Key Elements - were communicated by the Chairperson to the Prime Minister on 19 August 2010 and the [Key Elements](#) were also placed in public domain. A Drafting Committee and an Advisory Group were constituted by the Working Group.

After extensive deliberations, the Working Group finalized the Draft Bill, which after legal vetting, was placed on the NAC website and comments solicited from the public and the concerned Government agencies by 10 June 2011. Taking into consideration the feedback received, the Draft Bill was approved by the NAC in its meeting held on 22nd June, 2011. After being legally vetted by the Additional Solicitor General, the “[Prevention of Communal and Targeted Violence \(Access to Justice and Reparations\) Bill, 2011](#)” has been forwarded to the Government for its consideration on 22 July, 2011.

Protection of Children from Sexual Offences Bill 2006

Discussions were held with the Ministries of Law and Justice, Women & Child Development, as well as National Commission for Protection of Child Rights and the Solicitor General to expeditiously finalize the “Protection of Children against Sexual Offences Bill”. The Bill, after approval of the Cabinet, was introduced in Parliament in March, 2011.

Abolition of Manual Scavenging

In its meeting held on 23rd October, 2010, the NAC recommended that the implementation of the law on abolition of manual scavenging should be monitored at the highest levels of the central and state governments. The NAC decided to also monitor on a quarterly basis the progress on abolition of manual scavenging, in order to ensure the end of this most degrading practice in a time bound manner. The NAC subsequently reviewed the progress and in its meeting on 25th May 2011, recommended enactment of a central legislation for eradication of manual scavenging as well as several measures for the rehabilitation of persons released from performing this activity. (*NAC Recommendations*)

Welfare of the Jarawa Tribe

On a reference from Member, Planning Commission in July, 2010, this subject was revived for discussion. In 2006, the previous NAC had constituted a Sub-group of Experts to suggest an action plan for protection and preservation of the Jarawa tribe of

Andaman and Nicobar Islands. The current status of the Jarawas was reviewed by the NAC in consultations with the concerned Ministries and the Andaman Island Administration. The NAC was informed that a High Level Committee under the chairmanship of the Secretary, Ministry of Tribal Affairs had been constituted which was revisiting the Jarawa policy of 2004. Further course of action would be considered by the NAC after the High Level Committee has submitted its Report.

Tribal Development

Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

The NAC Working Group on Tribal Development convened by Prof. Madhav Gadgil, Member, suggested amendments to the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules in the meeting of the NAC in January, 2011. The proposed amendments were sent to the concerned Ministries for their comments and in February, 2011, NAC made its recommendations to the Government. The purpose of these recommendations is to ensure that the key features of this law – the democratic process of recognizing rights, the protection to a range of livelihood rights, and the powers of communities to protect and conserve forests – are not undermined.

(NAC Recommendations)

Inclusion of Domestic Workers under the Sexual Harassment of Women at Workplace Bill

The NAC, in its meeting on 10th January, 2011, commended the initiative taken by the Government towards enactment of the *Protection of Women against Sexual Harassment at Workplace Bill, 2010*. However, it was felt that exclusion of domestic workers from the purview of the Bill enhances their vulnerability and denies them protection from abuse. NAC therefore *inter alia*, recommended extending protection of the proposed legislation to domestic workers.

(NAC Recommendations)

Welfare of Domestic Workers

In its meeting on 10th January, 2011, NAC decided to constitute a Working Group with Ms Mirai Chatterjee, Member as the Convener, to evolve an integrated and holistic approach to provide safeguards and security to domestic workers. In April, 2011, NAC recommended certain essential elements which needed to form part of the National Policy on Domestic Workers.

(NAC Recommendations)

Transparency & Accountability

In August, 2010, a Working Group was constituted, with Ms. Aruna Roy, Member, as the Convener, to focus on transparency and accountability issues related to social flagship programmes. This Working Group has so far addressed issues such as provision of minimum wages under Mahatma Gandhi NREGA and notification of Social Audit Rules

under Sec.17 of the NREGA. The Working Group extensively deliberated on proposed amendments in the RTI Rules and [NAC recommendations](#) in this regard were communicated to the Government on 31 March, 2011.

Welfare of Street Vendors

In its meeting held in February, 2011, NAC decided to constitute a Working Group on Urban Poverty, with Shri Harsh Mander, Member, as the Convener. Based on the recommendations of the Working Group, NAC made a set of recommendations in May, 2011, which included formulation of a Central Law, together with the [key elements](#) of such a law, drawing from the strong points of the National Policy on Street Vendors.

Land Acquisition and Relief & Rehabilitation Bill

The NAC constituted a Working Group on the subject in February, 2011, with Shri Harsh Mander, Member as the Convener. In its meeting on 25 May 2011, the NAC agreed on a set of recommendations proposed by the Working Group. Inter alia, NAC proposed a single comprehensive legislation, i.e. *'National Development, Land Acquisition, and Rehabilitation Act'* rather than the two separate ones that was contemplated, namely, Land Acquisition (Amendment) Bill 2009 (LAA 2009) and Resettlement and Rehabilitation Bill, 2009 (R&R 2009). [\(NAC Recommendations\)](#)

ICDS Reforms

In the meeting of the NAC in January, 2011, there was general agreement that the nutrition support guaranteed to children under the Integrated Child Development Services (ICDS) is integral to any Food Security initiative. NAC decided to constitute a Working Group on ICDS Reforms with Dr A K Shiva Kumar and Ms Mirai Chatterjee, Members as Joint Conveners. The recommendations of the Working Group were considered in the meeting of the NAC on 25th May 2011 which agreed on a set of recommendations with respect to reform of the ICDS. These comprised core strategies and a comprehensive package of reforms that address institutional, programmatic and managerial gaps in delivery of ICDS. [\(NAC Recommendations\)](#)

BPL Census 2011

NAC in its meeting of 21 January had made recommendations regarding identification of the priority category for the forthcoming BPL census. The recommendations were sent to the Ministry for Rural Development on 2nd February, 2011. It was proposed that after the mandatory inclusion of the eight vulnerable categories indicated in the Saxena Committee Report, the highest priority should be given to the inclusion of Scheduled Castes and Scheduled Tribes in the identification of "Priority Groups" under the proposed National Food Security Bill.

The Secretary, Ministry of Rural Development, briefed the NAC in its meeting on 25th May 2011 regarding the specific criteria (exclusion, inclusion and gradation) and methodology to be adopted for the identification survey and also informed that the Cabinet had approved the methodology on 19th June 2011. The survey work was to be initiated in June and completed by December 2011.

On-going Items

The following are some of the other Working Groups constituted during the period June, 2010-June, 2011 which are in the process of holding deliberations on various subjects:

- i. Natural Resource Management in convergence with Mahatma Gandhi NREGA
- ii. Social Security for Unorganized Sector
- iii. Skill Development and Placement
- iv. Denotified and Nomadic Tribes
- v. Dalit Issues
- vi. Gender & Sex Ratio
- vii. Right to Education
- viii. Panchayats (Extension to the Scheduled Areas) Act (PESA)