

Bill No. 33 of 2017

THE CHILD NUTRITION AND DEVELOPMENT
NODAL AGENCY BILL, 2017

By

SHRI JYOTIRADITYA MADHAVRAO SCINDIA, M.P.

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BILL

to provide for the constitution of a Child Nutrition and Development Nodal Agency for operation and supervision of multi-sectoral programme in high, medium and low burdened districts in mission mode to identify and eradicate malnutrition amongst children; facilitate, coordinate and converge 'direct targeted interventions and schemes' as well as indirect multi-sectoral interventions' covering one or the other aspects of nutrition scheme presently functioning under various Ministries of the Government of India and the State Governments and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- 5 **1.** (1) This Act may be called the Child Nutrition and Development Nodal Agency Act, 2017.
- (2) It extends to the whole of India.

Short title,
extent and
commencement.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, unless the context otherwise requires,—

(a) "direct targeted interventions and schemes" means programmes being run by the Central Government with an object of eradication of under-nutrition amongst children including the Integrated Child Development Services (ICDS), the National Rural Health Mission (NRHM), the Mid Day Meal Scheme (MDM), the Rajiv Gandhi Scheme for Employment of Adolescent Girls (RGSEAG) SABLA and the Indira Gandhi Matriyo Sahayog Yojana (IGMSY);

(b) "District Council" means the District Nutrition Advisory Council constituted under section 6;

(c) "high, medium and low burdened districts" mean the districts designated by the Nodal Agency as the high, medium and low burdened districts based on the number of children under the age of fourteen who are considered malnourished in a district on the basis of height and weight and such other parameters as may be prescribed;

(d) "indirect multi-sectoral interventions" means schemes other than the direct targeted interventions and schemes being run by the Central Government, which in one or the other ways helps in eradication of under-nutrition amongst children including the Targeted Public Distribution System (TPDS), the National Horticulture Mission, the National Food Security Mission, the Mahatma Gandhi National Rural Guarantee Scheme (MGNREGS) and the National Rural Drinking Water Scheme;

(e) "institution of local self-Government" means a 'Municipality' or a 'Panchayat' constituted under article 243Q and 243B of Constitution of India, respectively;

(f) "mission mode" means a Malnutrition Eradication Mission Programme launched under sections 4 and 5 of this Act with predefined targets and specified timelines;

(g) "multi-sectoral programme" means a programme requiring involvement of multiple Ministries under the Central Government, the State Governments and the institutions of local self-Government;

(h) "Nodal Agency" means the Child Nutrition and Development Nodal Agency constituted under section 3;

(i) "prescribed" means prescribed by rules made under this Act; and

(j) "State Council" means the State Nutrition Advisory Council constituted under section 5.

CHAPTER II

THE CHILD NUTRITION AND DEVELOPMENT NODAL AGENCY

Constitution of a Child Nutrition and Development Nodal Agency.

3. (1) The Central Government shall, by notification in the Official Gazette, within three months of the coming into force of this Act, constitute an Agency to be known as the Child Nutrition and Development Nodal Agency to exercise the powers conferred on and to perform the functions assigned to it under this Act.

(2) The Nodal Agency shall consist of—

(a) a Chairperson who shall have expertise of not less than ten years in matters relating to nutrition requirements and under-nutrition amongst children;

(b) one member representing the respective Union Ministry responsible for the "direct targeted interventions and schemes" and "indirect multi-sectoral interventions" with regard to nutrition amongst children;

(c) one representative from the independent agency constituted under section 7;

(d) one representative of institutions of local-self Government;

5 (e) one representative each from Anganwadi Workers (AWW) of the Ministry of Women and Child Development, the Accredited Social Health Activists (ASHA) and the Auxiliary Nurse Midwives (ANM) of the Ministry of Health and Family Welfare; and

(f) one representative of the National Rural Health Mission,

to be appointed by the Central Government in such manner as may be prescribed.

10 (3) The headquarters of the Nodal Agency shall be at New Delhi.

(4) The Central Government shall appoint such number of officers and staff as it may consider necessary for efficient functioning of the Nodal Agency.

15 (5) The salary and allowances payable to, and other terms and conditions of service of the Chairperson, members officers and staff of the Nodal Agency shall be such as may be prescribed.

CHAPTER III

POWERS AND FUNCTIONS OF THE CHILD NUTRITION AND DEVELOPMENT NODAL AGENCY

4. The Nodal Agency shall—

20 (a) develop a mechanism for generating nationwide nutrition disaggregated data based on data collected by the National Family Health Survey, the Integrated Child Development Services and the State Councils;

25 (b) classify each district in each State as high, medium or low burden district and ensure direct targeted intervention to be first focused towards most vulnerable districts and areas in each State as per the classification;

(c) set malnutrition eradication targets and timelines for each State under a targeted Malnutrition Eradication Mission;

30 (d) coordinate and administer policy implementation amongst Ministries of Government of India responsible for implementation of both the 'direct targeted interventions and schemes' and 'indirect multi-sectoral interventions';

(e) conduct monthly reviews with representatives of concerned Ministries with regard to implementation of schemes relating to nutrition and development of children;

35 (f) conduct quarterly reviews and seek reports from each State Council with regard to nutrition specific schemes under various Ministries in all the States;

(g) encourage and create awareness regarding best practices amongst different State to ensure effective implementation of nutrition specific schemes in different States;

40 (h) provide subject matter expertise and technical support for all multi-sectoral nutrition-related interventions to concerned Ministries of Government of India and State Governments;

(i) submit half-yearly progress report to the Central Government in such manner as may be prescribed;

45 (j) recommend to the Central and the State Governments with regard to the implementation of this Act and framing of rules and norms for registration and submission of reports as it may consider necessary; and

Powers and
functions of
Nodal Agency.

(k) undertake such other functions as may be assigned to it by the Central Government, from time to time.

CHAPTER IV

STATE AND DISTRICT NUTRITION ADVISORY COUNCIL

Establishment
of State
Nutrition
Advisory
Councils.

5. (1) The State Government shall, by notification in the Official Gazette, establish, with effect from such date as may be specified, a State Council to be known as the State Nutrition Advisory Council to exercise the powers conferred on and to perform the functions and duties assigned to it under this Act. 5

(2) The State Council shall consist of:—

(a) one representative from each District Council constituted under section 6; 10

(b) one representative each of Anganwadi Workers (AWW) of the Ministry of Women and Child Development, the Accredited Social Health Activists (ASHA) and the Auxiliary Nurse Midwives (ANM) of the Ministry of Health and Family Welfare;

(c) one member representing the respective State Ministry responsible for both the "direct targeted interventions and schemes" and "indirect multi-sectoral interventions" with regard to nutrition amongst children in India; 15

(d) one representative of the State Rural Health Mission;

(e) one representative from the independent agency constituted under section 7 working in the State responsible for monitoring of nutrition specific programmes and policies, 20

to be appointed by the State Government in such manner as may be prescribed.

(3) The State Council shall—

(a) collect district level data to fetch any nutrition specific State level data or information as required by the Nodal Agency; 25

(b) facilitate implementation of programmes and policies under various Ministries as the State level through coordination with District Council;

(c) set malnutrition eradication targets and timelines for each district on the basis of targets defined by the Nodal Agency for the entire State under the Malnutrition Eradication Mission; 30

(d) review challenges or impediments in implementation of policies and programmes for nutrition being run under different Ministries in the State;

(e) coordinate measures taken at district level through the District Council;

(f) recommend and give suggestions to the Nodal Agency for effective implementation of the provisions of this Act; 35

(g) coordinate with agencies responsible for monitoring and supervision of nutrition specific programmes and policies at the State level;

(h) review suggestions given by field functionaries in the State including Anganwadi Workers (AWW) of the Ministry of Women and Child Development, the Accredited Social Health Activists (ASHA) and the Auxiliary Nurse Midwives (ANM) of the Ministry of Health and Family Welfare; and 40

(i) undertake any other functions as it deems necessary for carrying out the purposes of this Act.

6. (1) Every State Government shall, by notification in the Official Gazette, constitute for every district within the State a District Council to be known as the _____ (name of the District) District Nutrition Advisory Council for carrying out the purposes of this Act.

Establishment
of District
Nutrition
Advisory
Councils.

5 (2) Every District Council shall consist of one representative from each institution of local-self Government within that district, to be appointed by the State Government in such manner as may be prescribed.

(3) The District Magistrate or District Collector shall preside over the sittings of the District Council.

10 (4) The District Council shall—

(a) consolidate data of institution of local-self Government under its jurisdiction to fetch nutrition specific data as required by the State Council;

15 (b) facilitate implementation of such programmes and policies under various Ministries at the ground level for each household as identified for the district by the State Council or the Nodal Agency to ensure effective convergence of relevant schemes for households;

(c) set malnutrition eradication targets and timelines for each institution of local-self Government on the basis of targets defined by the State Council for a district under clause (c) of sub-section (3) of section 5;

20 (d) recommend and give suggestions to the State Council;

(e) coordinate with other agencies responsible for monitoring and supervision of nutrition specific programmes and policies;

(f) coordinate measures taken at institution of local-self Government under its jurisdiction;

25 (g) ensure coordination amongst Anganwadi Workers (AWW) of the Ministry of Women and Child Development, the Accredited Social Health Activists (ASHA) and the Auxiliary Nurse Midwives (ANM) of the Ministry of Health and Family Welfare dealing with malnutrition in each district;

30 (h) conduct awareness enhancement and capacity building programmes in each district regarding malnutrition amongst children; and

(i) undertake any other functions as it deems necessary for carrying out the purpose of this Act.

CHAPTER V

MONITORING AND SUPERVISION

35 **7. (1) The Nodal Agency shall, by notification in the Official Gazette, appoint an Independent Agency to monitor and supervise implementation of policies, programmes and activities at the ground-level under this Act.**

Monitoring
and
Supervision.

40 (2) The Independent Agency shall conduct audit and establish monitoring mechanisms in consultation with the Nodal Agency to leverage mobiles, tablets and information and communication technology to collect robust data and bolster the monitoring system through cross-validation and data audits.

(3) The Independent Agency shall submit a six monthly report to the Nodal Agency in such manner as may be prescribed.

CHAPTER VI

PUBLICATION OF INFORMATION

Publication of
Nutrition Data.

8. The Nodal Agency shall make available to the public, the nutrition specific data through a website maintained by it, in such form and manner, as may be prescribed.

CHAPTER VII

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CHILD NUTRITION AND DEVELOPMENT NODAL AGENCY FUND

Child
Nutrition and
Development
Nodal Agency
Fund.

9. (1) The Central Government shall, by notification in the Official Gazette, constitute a fund to be known as the Child Nutrition and Development Nodal Agency Fund for carrying out the purposes of this Act.

(2) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite sums to the Fund for carrying out the purposes of this Act. 10

CHAPTER VIII

MISCELLANEOUS

Submission of
annual
Reports.

10. (1) The Nodal Agency shall, as soon as may be, after the end of each financial year, prepare and submit to the Central Government in such form and manner a report giving an account of its activities during that financial year in such manner as may be prescribed. 15

(2) The Central Government shall cause such report to be laid before each House of Parliament, as soon as may be, after it is submitted. 20

Act to have
overriding
effect.

11. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make
rules.

12. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 25 30

STATEMENT OF OBJECTS AND REASONS

Despite thousands of crores of rupees being spent and a number of Government schemes working towards child development, the status of health and nutrition of our children remains abysmal. Currently, all nutrition-specific and nutrition-sensitive schemes work in silos, and as a result, are not able to achieve the intended outcome. Therefore, the establishment of a nodal agency that will facilitate coordination of all ministries and departments and execute the schemes in a convergent manner is urgently required. Further, executing schemes in a "mission-mode" will allow for a focused, outcome-oriented approach with clear timelines for achievement of targets, especially in rural areas which need special attention. The need is also to provide leverage budgets from related departments to develop an integrated plan with cross-sectoral collaboration to achieve nutrition-related targets. The need of the hour is to involve all field functionaries in a productive manner. Consistent monitoring and evaluation of schemes using technological interventions and real-time data is utmost to improve the implementation and functioning of all schemes. The proposed Bill is a step to resolve some of the health and nutrition issues that currently plague the children of our nation.

Hence this Bill.

NEW DELHI;
January 9, 2017

JYOTIRADITYA MADHAVRAO SCINDIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Child Nutrition and Development Nodal Agency. Clause 5 provides for State Nutrition Advisory Councils by the State Government. Clause 6 provides for the District Nutrition Advisory Council by the State Government. Clause 7 provides for appointment of Independent Agency by the Child Nutrition Development and Nodal Agency to monitor and implement provisions of this Act. Clause 8 provides that the Nodal Agency shall make available to the public, the nutrition specification data through a website maintained by it. Clause 9 provides for the constitution of a Child Nutrition and Development Nodal Agency Fund. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees thirty crore per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten crores is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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