



# FOOD SECURITY IN INDIA: A HUMAN-RIGHTS APPROACH

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**Abstract**--Food is crucial to an adequate standard of living. The acknowledgement of the right to food in Government policies is fundamental to the protection of human dignity. Right to food is part of an overall goal of achieving right to development. The concept of the right to food is not new. It is recognized since the adoption of the United Nations Universal Declaration of Human Rights in 1948. An estimated 800 million people, primarily in developing countries, under developing countries are undernourished and facing food insecure. The Food and Agriculture Organization (FAO) reports that the number of undernourished people in developing countries is no longer falling rather, it is climbing. The International community has identified the reduction of poverty and hunger as one of the overreaching goals for development policy in the new millennium. In the Indian context, the underpinnings for food security of the people can be found in the part III and IV of Constitution of India. This paper is based on doctrinal work and the data collected from books, journals, news paper articles and Government notifications. This paper provides a strong platform to discuss about food security concept, international and national human right provisions, judicial contribution and give some valuable suggestion to implementing the food security in India.

**Key word:** Human Dignity, United Nations. Food and Agriculture Organization, Constitution.

## INTRODUCTION

Food is essential to an adequate standard of living. The acknowledgement of the right to food in Government policies is fundamental to the protection of human dignity. Right to food is part of an overall goal of achieving right to development. The concept of the right to food is not new. The right to food has been formally recognized since the adoption of the United Nations Universal Declaration of Human Rights in 1948. An estimated 800 million people, primarily in developing countries, under developing countries are undernourished and facing food insecure. More disturbingly, the Food and Agriculture Organization (FAO) reports that the number of undernourished people in developing countries is no longer falling rather, it is climbing. The International community has identified the reduction of poverty and hunger as one of the overreaching goals for development policy in the new millennium. The Millennium Development Goals outlines a framework for development actions, as well as benchmarks for measuring development progress. A further recommitment to the right to adequate food came in 1999 from the United Nations Committee on Economic, Social, and Cultural Rights. In the text of the International Covenant on Economic, Social, and Cultural Rights, seeks to clarify the substance of the right to adequate food, stating that the right is realized "when every man, woman, and child, alone or in community with others, physical and economic access at all times to adequate food. Other international conventions on food security, The Universal Declaration on the Eradication of Hunger and Malnutrition (1974): Convention on the Elimination of All Forms of The Discrimination against Women (CEDAW), Convention on the Rights of the Child.

In the Indian context, the underpinnings for food security of the people can be found in the Constitution, though there is no explicit provision on right to food. The fundamental right to life enshrined in Article 21<sup>1</sup> of the Constitution has been interpreted by the Supreme Court and National Human Rights Commission to include right to live with human dignity, which includes the right to food and other basic necessities. Under Directive Principles of State Policy, it is provided under

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<sup>1</sup> Article 21, No person shall be deprived of his life or personal liberty except according to procedure established by law.



Article 47<sup>2</sup> that that the State shall regard raising the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties.

The food security has the potential to drastically improve the living conditions and health of millions of families across the India. With the added benefit of Government provides subsidized grains from various schemes. This paper provides a strong platform to discuss about food security concept, international and national human right provisions, judicial contribution and give some valuable suggestion to implementing the food security in India.

*Definition of food and food security:* Food is a composite mixture of a variety of substances, the quantity of which may vary from a fraction of a gram in certain cases to hundred of grams, in other the term foodstuff is defined as anything which can be used as food. The term food defines the various dimensions bellow.

*“Encyclopaedia of Food and Nutrition”* define the term as ‘food’. “Any solid or liquid material consumed by living organism to supply energy build and replace tissue or participate in such reactions. According to the *Food and Agriculture Organization* (FAO)<sup>3</sup>, and *World Health Organization* (WHO)<sup>4</sup>, codex alimentary commission<sup>5</sup> as a substance, whether processed, semi-processed or row, which is intended for human consumption and includes drinks, chewing gum and any substances that has been used in the manufacture, preparation and treatment of food but does not includes cosmetic, tobacco or substances used only as drugs”.

Article, 2 of Regulation (EC the European Parliament and of the Council): Defines the term ‘Food’ as follows:

‘Food’ (or ‘foodstuff’) means any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans.

‘Food’ includes drink, and any substance, including water, intentionally incorporated into the food during its manufacture, preparation and treatment.

‘Food’ shall not include:

- (a) Feed;
- (b) Live animals unless they are prepared for placing on the market for human consumption;
- (c) Plants prior to harvesting;

<sup>2</sup>Article 47, Duty of the State to raise the level of nutrition and the standard of living and to improve public health.

<sup>3</sup>Food and Agriculture Organization (FAO), oldest permanent specialized agency of the United Nations established in October 1945 with the objective of eliminating hunger and improving nutrition and standards of living by increasing agricultural productivity.

<sup>4</sup>World health organization is specialized agency of the United established in 1948 to further international cooperation for improved health conditions. Although it inherited specific tasks relating to epidemic control, quarantine measures, and drug standardization from the Health Organization of the League of Nations(set up in 1923) and the International Office of Public Health at Paris (established in 1907), WHO was given a broad mandate under its constitution to promote the attainment of “the highest possible level of health” by all peoples. WHO defines health positively as “a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity?” Each year WHO celebrates its date of establishment, April 7, 1948, as World Health Day?

<sup>5</sup> The Codex Alimentarius Commission (CAC) is an intergovernmental body with over 180 members, within the framework of the Joint Food Standards Programme established by the Food and Agriculture Organization of the United Nations (FAO) and the World Health Organization (WHO), with the purpose of protecting the health of consumers and ensuring fair practices in the food trade. The Commission also promotes coordination of all food standards work undertaken by international governmental and nongovernmental organizations.



- (d) Medicinal products;
- (e) Cosmetics;
- (f) Tobacco and tobacco products;
- (g) Narcotic drugs<sup>6</sup> or psychotropic;<sup>7</sup>
- (h) Residues and contaminants;<sup>8</sup>

Section, 2(v) of The Food Adulteration Act, 1954 defines the term food. “Any article used as food or drink for human consumption and an article which ordinarily enters into or is used in the composition or preparation of human food is food.”

Section, 2(18) of The Manipur Municipality Act, 1994 define the term food which means “food includes any article used in the composition or preparation of human food and also includes confectionary flavouring and colouring matter, spices and condiments”.

Food security is defined as the availability of food and one's access to it. A household is considered food secure when its occupants do not live in hunger or fear of starvation. Stages of food insecurity range from food secure situations to full-scale famine.

*World Development Report* defined the food security as ‘as access by all people at all times to enough food for an active, healthy life. However *Food and Agriculture Organizations* (FAO) defined food security as “ensuring that all people at all times have both physical and economic access to basic food they need.

The *World Food Summit of 1996* defined food security as existing “when all people at all times have access to sufficient, safe, nutritious food to maintain a healthy and active life”. Commonly, the concept of food security is defined as including both physical and economic access to food that meets people's dietary needs as well as their food preferences. In many countries, health problems related to dietary excess are an ever increasing threat, In fact, malnutrition and food borne diarrheal are become double burden.

*Historical Background of food security:* Food security is a condition related to the ongoing availability of food. Concerns over food security have existed throughout history. There is evidence of granaries being in use over 10,000 years ago, with central authorities in civilizations including Ancient China and Ancient Egypt being known to release food from storage in times of famine. Yet it was only at the 1974 World Food Conference that the term ‘food security’ was established as a formal concept.

The issue of Food Security has been identified as a major objective to be pursued by the Rome Declaration on World Food Security and the World Food Summit Plan of Action convened by the Food and Agricultural Organization (FAO) of the United Nations in 1996.

The summit emphasized that “food security exists when all people at all times have physical and economic access to sufficient, safe and nutritious food to meet their daily needs and food preferences for an active and healthy life”<sup>9</sup>. Commonly, the concept of food security is defined as including both physical and economic access to food that meets people's dietary needs as well as their food preferences

<sup>6</sup> Narcotic drug means coca leaf, cannabis (hemp), opium, poppy straw and includes all manufactured drugs;

<sup>7</sup> psychotropic substance means any substance, natural or synthetic, or any natural material or any salt or preparation of such substance or material included in the list of psychotropic substances specified in the Schedule; Narcotic Drugs and Psychotropic Substances Act, 1985,

<sup>8</sup> Pesticides are used in agriculture in order to secure the harvest. The Residue Laboratory conducts tests that help guarantee environmentally friendly cultivation that utilises products with residue levels that do not exceed legal limits

<sup>9</sup> Dr. R. Sivakumar, Historical Perspective of Food Policy and Issues in India, <https://www.academia.edu>, 12/12/2015/ at 11:00pm



The WHO states that there are three pillars that determine food security:

1. Food availability: sufficient quantities of food available on a consistent basis.
2. Food access: having sufficient resources to obtain appropriate foods for a nutritious diet.
3. Food use: appropriate use based on knowledge of basic nutrition and care, as well as adequate water and sanitation.<sup>10</sup>

The FAO adds a fourth pillar: the stability of the first three dimensions of food security over time. There is a great deal of debate around food security with some arguing that: There is enough food in the world to feed everyone adequately; the problem is distribution.

In this context, the Historical Perspective of Food security and Policy in India. Significantly the Governmental effort in providing food to the people thorough various schemes such as Mid-Day-Meal, Nutrition Programme, SC/ST/OBC Hostels, Annapurna Scheme, Public Distribution Scheme, Anthodaya Anna Yojana, Sampoorn Gramin Rozgar Yojna (SGRY), National Food for Work Programme, National Food Security Act, 2013 to end poverty and hunger among the people of India and other food security schemes there will be directly of or indirectly linked to the food security.

*Food policy and Security in Ancient India:* In ancient time man like other animals naturally saved the food and fulfilled his hunger. But he involved not only saving the food but also he produced food grains and he developed agricultural production in good manner. There was evidence in Harrappa and Mohanjadharo for saving food grains and cleaning it. In that situation, around the town produced grains were used by farmers and remaining food grains enough for giving to the people living in the town<sup>11</sup>.

India, with a vast population and uncertain harvest due to dependence on monsoon rains, has always been vulnerable to famines. Famines remained a part of India's history. Kautilya, the great statesman of ancient India, in his exhaustive chronicle on statecraft "Arthashastra" (321-301 BC), has advised the kings that during famine, the king should show favour to his people providing them with seeds and provisions. He may either do such works as are usually resorted to in calamities; he may show favour by distributing either his own collection of provisions or the hoarded income of the rich among the people". In Vedic era, the parting direction of Guru to his disciples was to go and grow food grains. The saying "Annam Brahman" (grain is God) also illustrate the importance that was given to foodgrains. There was a gradual evolution of an elaborate system of precautions against famines and for grappling with food problems<sup>12</sup>.

The Mauryas under whom India received her first unity-both cultural and political-laid down elaborate instructions to the higher officers with respect to the measures for dealing with famine and other natural calamities". Villages were encouraged to have their own "grain reserves" and kings used to maintain their own emergency stocks.

There were 14 severe famines between 11<sup>th</sup> and 17<sup>th</sup> century. It, however, appears that earlier these famines were localized and it was only after 1860 that famines come to signify general shortage of foodgrains in the country: Frequency of famines also seems to have increased, there being 20 between 1860 and 1909. Soon after becoming an Independent nation on 15 August 1947, India opted for

<sup>10</sup> <http://www.who.int> accessed on 12/12/2015 at 9:20pm

<sup>11</sup> Dr. R. Sivakumar, Historical Perspective of Food Policy and Issues in India, <https://www.academia.edu>, accessed on 12/04/2015/ at 11:00pm

<sup>12</sup> Anjali Gaidhane, Executive Summary of UGC, MRP, <http://www.hislopcollege.ac.in>, accessed on 28/02/2015, at 2:30 pm





planned economic development. Rapid economic growth to improve the standards of living of all, through appropriate distributive mechanisms was an important principle of Indian Planning<sup>13</sup>.

The power of the state to act as guardian for those who are unable to care for themselves, such as children or disabled individuals<sup>14</sup>. The doctrine of *Parens Patriae* had originated in British law as early as the 13th century. It implies that the King is the father of the country and is under obligation to look after the interest of those who are unable to look after themselves<sup>15</sup>. The idea behind *Parens Patriae* is that if a citizen is in need of someone who can act as a parent who can make decisions and take some other action, Sometimes the State is best qualified to take on this role. In this doctrine impose the obligation to state take care peoples of the country and provided the basic needs, such are food, cloth and shelter.

The concept of attainment of a minimum standard for all the people becomes all the more relevant in case of commodities like foodgrains which are required by all to satisfy one of their most basic human needs and critical lack of which had resulted in loss of millions of lives in the pre-Independence history of this country. India's food policy seeks to achieve the social justice through its price, food grain production and distribution policies; through the mechanism of world's biggest Public Distribution System; through various poverty alleviation programmes, in some of which food grains is distributed as part of the wages and through programmes launching a direct attack on malnutrition<sup>16</sup>.

*Advantage of food security:* Food security is not just a poverty reduction; it is a much larger concern it involves the whole food system and affects every one of us in some way. Food security is a multifaceted sustainable development matter, it linked to with health through malnutrition, but also to sustainable economic development, and trade. Global and National Food Security must exist to meet the challenge of providing the world's growing population with a sustainable, secure supply of good quality food. Therefore, to address shameful deficiencies in the country's food security situation there is need of food security in India;

1. To encourage economical development of a country: Improving food security by investing in agricultural productivity, infrastructure, social protection and the opening of markets is one of the ten development objectives for the aid program. Food security underpins all other development, as without it food insecure populations prioritise food and sustaining their own lives and those of their families over everything else<sup>17</sup>.

2. To reduce poverty: In India majority of peoples in rural and urban are living in below poverty line, For the poorest households, food accounts and purchasing capacity is less, for a major part of their expenditures, and food prices directly affect their food security. As a commonly accepted definition, food insecurity exists when people lack secure access to sufficient amounts of safe and nutritious food for normal growth and development and an active, healthy life<sup>18</sup>. In Indian food security scheme distributes the food grain through Public Distribution System. The impact of PDS is

<sup>13</sup> <http://www.fao.org/3/x0172e/x0172e03.htm> accessed on 20/4/2019 at 8:20pm

<sup>14</sup> <https://www.law.cornell.edu> accessed on 11/05/2019 at 10 pm

<sup>15</sup> Doctrine of *Parens Patriae*: Applicability in Medical Profession, J Indian Acad Forensic Med. April-June 2011, Vol. 33, No. 2, <http://medind.nic.in> accessed on 11/05/2019 at 10 pm

<sup>16</sup> <http://www.preservearticles.com>, visited on 20/12/2015 at 11: 23pm

<sup>17</sup> Sustainable economic development Improving food security, November 2011, <http://www.apec.org.au>, accessed on 3/06/2016, at 11:00am

<sup>18</sup> Amit Sharma and Sri Praksah, Food consumption and incidence of poverty, edited by shyam kartik mishra, Babita Agarwal, food security in india policies and challenges, published by New century publication(2013), pp 14-15.



assessed based on fiscal transfer method, where, expenditure gains accruing out of subsidized food transfers and consequent reduction in poverty is estimated through direct calculations.

3. To encourage development of backward classes<sup>19</sup>: The food security encourage development of backward classes peoples they may be SC, ST, OBC, women, children or disabled and aged people for the purpose of the protection those peoples the Government of India created the Ministry of Consumer Affairs Food and Public Distribution(CAF&PD), the ministry of social justice and empowerment and department of children and women development has to monitor the scheme for providing food grain to SC/ST/OBC Hostel and residential home for disabled, aged person any protection home. Food grain for resident per month.

#### EMERGENCE OF A COMPREHENSIVE FOOD POLICY IN INDEPENDENT INDIA

The food policy of independent India was examined by a Food grains Policy Commission under the chairmanship of Sir Purshottam Das Thakur Das in 1947 which submitted its report in April 1948. It came to the conclusion that imports were necessary to enable maintenance of central reserves to guard against crop failures and such reserve could be two million tons. It simultaneously recommended that the commitment to maintain the rationing system, introduced during the World War II, as also the need to import food grains, should be liquidated in phases. The Commission also recommended that the indigenous food grains production should be increased by 10 million tons per annum till self sufficiency is achieved. Without saying so in as many words, this Commission did ask the country to move towards the first stage of national food security by attaining self sufficiency and can be justifiably termed as the first major policy initiative towards the achievement of food security. However in December 1947, all controls on food grains, imposed in the wake of Bengal Famine and War, were removed all at once.

Food policy being necessarily a dynamic concept, the 1947 Food grains Policy Commission was followed by a number of Commissions which examined the food policy from time-to time. Food grains Investigation Commission of 1949 again stressed self sufficiency. Food grains Procurement Commission (1950) stressed on maintaining a reasonable level of food grains prices to ensure adequate supplies to consumers. To further protect the consumers, it recommended rationing in all the towns with population of more than 50,000, informal rationing in other towns and some regulated supply of grains in rural areas.

The next and a very important landmark were setting up of the Food Corporation of India (FCI) and the Agriculture Prices Commission in 1965. The former was to provide price support to farmers by purchasing quantities that could not fetch minimum support prices in the market, store the grains scientifically, move grains from surplus to deficit areas and make available gains to states to feed the Public Distribution System. The Agricultural Prices Commission (now known as the Commission for Agricultural Costs and Prices (CACP), a body on which farmers are also represented, was to advise the Government on price policy for agricultural commodities and evolve a balanced and integrated price structure in the perspective of the overall needs of the producers and the consumers.<sup>20</sup>

<sup>19</sup>Ashish Pandey Is Food Security Law necessary for India? <http://www.civilserviceindia.com>, accessed on 24/3/2016, at 10:20 pm.

<sup>20</sup><http://www.fao.org/docrep/005/y4671e/y4671e06.htm> visited on 24/12/2015 at 11.30am



## THE RIGHT TO FOOD AS A HUMAN RIGHT-PART OF RIGHT TO DEVELOPMENT

Given the crucial importance of access to food in a world of plenty where massive hunger persists, it may not come as a surprise that the right to food has been playing a pioneering role in the resurgence of economic and social rights during the past fifteen years.

In 1987 a report titled *The Right to Food as a Human Right* became the starting point for a series of investigations into the rights contained in the ICESCR. The crucial role of the right to food was reconfirmed almost ten years later when the 1996 World Food Summit requested the High Commissioner for Human Rights to define its legal content. Another consequence of the World Food Summit was the “Draft Code of Conduct on the Right to Adequate Food.” This document was an outcome of action taken by FIAN (Food First Information and Action Network), WANAHR (the World Alliance for Food and Nutrition).

“The right to adequate food means that every man, woman and child alone and in community with others must have physical and economic access at all times to adequate food using a resource base appropriate for its procurement in ways consistent with human dignity. The right to adequate food is a distinct part of the right to an adequate standard of living”.

*International Provisions On Right To Food:* The right to adequate food is a fundamental human right recognized by international law in several dimensions some provisions are directly mentioned about the food provisions some provisions are mention indirectly.

1. The Universal Declaration on Human Rights (1948): The right to food was recognized for the first time at the international level in the 1948 *Universal Declaration of Human Rights*. In this document (Article 25, Paragraph 1), the countries of the world proclaimed: “*Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.*” The importance of the Universal declaration of Human Rights lies in its being accepted today by *all countries*.

2. The International Covenant on Economic, Social and Cultural Rights (1966): In 1966, almost twenty years after the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights was adopted. In this treaty, governments recognized several economic, social and cultural human rights, among which the right to food, the right to health, the right to education, the right to adequate housing and the right to work. In Article 11, Governments committed themselves to taking all measures necessary to ensure: “*the right of everyone to an adequate standard of living for himself and his family, including adequate food... and to the continuous improvement of living conditions*”. Also recognized was: “*the Fundamental Right of everyone to be free from hunger*”. The International Covenant on Economic, Social and Political Rights is a treaty, legally *binding* for the 151 countries that have ratified it. The right to food, recognized in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, applies to everybody, without exception. In order to protect particularly vulnerable groups, such as women, children, indigenous peoples and tribes, refugees, stateless persons, other international treaties have been agreed by the governments of the world.



3. Convention on the Rights of the Child: Articles, 27(1)<sup>21</sup> and 27(3)<sup>22</sup> of the Convention on the Rights of the Child (CRC) the state party to recognize “the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development”. The States Parties to the Convention have the duty to “take appropriate measures” to assist parents in fulfilling their primary responsibility to implement such right, “particularly with regard to nutrition.” Moreover, Article, 24(2)(c)<sup>23</sup> of the CRC commits States to combat child malnutrition and provides the basic needs including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water.

4. Convention on the Elimination of All Forms of The Discrimination Against Women (CEDAW): Under Article, 12(2)<sup>24</sup> of the Convention on the Elimination of All Forms of The Discrimination Against Women (CEDAW), it was not mention direct provisions of right to food its provides some special concern on women during the pregnancy and lactation, that time state provides the adequate and nutritional food for every women.

5. The Universal Declaration on the Eradication of Hunger and Malnutrition (1974): The Universal Declaration on the Eradication of Hunger and Malnutrition declares that every individual has “the inalienable right to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties. It is emphasizes the important of tackling the grave food crises of the United Nations system to eliminate hunger and malnutrition in internationally, nationally and regionally.

*National Provisions:* The right to food is usually recognized as part of the right to an adequate standard of living conditions and adequate food. The right to food this provisions does not have mention in the Indian Constitution, but it’s given by the judicial interpretations in *People Union for Civil Liberty V, Union of India*<sup>25</sup>. This is implicit (and often explicit) in the provisions relating to social security, minimum income, agrarian reform or minimum wage legislation, which tend to refer to basic needs, including food.

*Constitutional Provisions:* The Constitution of India does not directly mention about the right to food as a fundamental right. However Article, 21<sup>26</sup> of Indian Constitution guarantees a fundamental right to life and personal liberty. The expression ‘life’ in this article means a life with human dignity and not mere survival or animal existence. The right to food is inheritance to a life with dignity, and Article, 21 should be read with Article, 39(a)<sup>27</sup> and 47<sup>28</sup> of Indian Constitutions to understand the nature of obligation of State in order to ensure the effective realisation of the right to food. Article, 39(a) of the

<sup>21</sup> Article 27(1) of CRC, States Parties recognise the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.

<sup>22</sup> Article 27(3) of CRC, States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

<sup>23</sup> Article, 24(2)(c)<sup>23</sup> CRC, To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

<sup>24</sup> Article, 12(2) of CEDAW, Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

<sup>25</sup> *People’s Union for Civil Liberties v. Union of India and other* (civil write petition 196 of 2001), Supreme Court Order dated 20<sup>th</sup> August, 2001

<sup>26</sup> Supra note 1

<sup>27</sup> Article 39(a) that the citizens, men and women equally, have the right to an adequate means to livelihood.

<sup>28</sup> Supra note 2





India constitution, provides the as one of the duty under the directive principles of state policies, it provides to fundamental duty of state, it requires the state to direct its policy towards the securing that the men and women equally they have the right to an adequate means to livelihood. The livelihood includes the food also so states have duty to provide the food and other necessity items of the livelihood to every citizen under Article, 39(a) of the Indian Constitution. And also fundamental in the governance of the country, the State directs its policy towards securing that the citizens, without any discrimination, have the right to an adequate means to livelihood for every citizens of India. Article, 47 spells out the duty of the State to raise the level of nutrition and the standard of living of its people as a primary responsibility, these provisions direct to state provides the adequate and nutritional food to everyone in state. The citizen's right to be free from hunger enshrined in Article, 21 is to be ensured by the fulfilment of the obligations of the State set out in Articles 39(a) and 47.

The reading of Article, 21 jointly with Articles, 39(a) and 47, places the subject of food security in the proper perspective, thus making the Right to Food a guaranteed Fundamental Right which is enforceable by virtue of the constitutional remedy provided under Article, 32<sup>29</sup> of the Constitution of India. The requirements of the Constitution proceeded, and are consonant with, the obligations of the State under the International Covenant of The Economic, Social and Cultural Rights, 1966 to which India is a party. The Covenant, in Article, 11,<sup>30</sup> expressly recognises the right of everyone to an adequate standard of living, the convention also impose the duty to state provides the adequate and nutrient food to citizens.

*Food Security Act, 2013:* The National Food Security Act, 2013 (also Right to Food Act) is an Act of the Parliament of India which aims to provide subsidized food grains to approximately two thirds of India's 1.2 billion people. It was signed into law on September 12, 2013, retroactive to July 5, 2013. The National Food Security Act, 2013 (NFSA 2013) converts into legal entitlements for existing food security programmes of the Government of India. It includes the (i) Midday Meal Scheme, (ii) Integrated Child Development Services scheme and (iii) the Public Distribution System (PDS). Further, the NFSA 2013 recognizes maternity entitlements. The Midday Meal Scheme and the Integrated Child Development Services Scheme are universal in nature whereas the PDS will reach about two-thirds of the population.

Public Distribution System is operated under the joint responsibility of the Central and the State Governments. The Central Government, through Food Corporation of India (FCI), has the responsibility for procurement, storage, transportation and bulk allocation of foodgrains to the State Governments. The operational responsibility including allocation within State, identification of eligible families, issue of ration cards, distribution of foodgrains through Fair Price Shop (FPS) and supervision of the functioning of Fair Price Shops (FPS) rests with the State Governments. Under the PDS, commodities, namely, wheat, rice and sugar are being allocated to the some of the States/UTs for distribution. The bellow table show available the foodgrain stock in the Food Corporation of India.

<sup>29</sup> Article 32, Remedies for enforcement of rights conferred by part III of Indian Constitution.

<sup>30</sup> Article 11 of ICESCR 1966, recognises the right of everyone to an adequate standard of living. This includes, but is not limited to, the right to adequate food, clothing, housing, and "the continuous improvement of living conditions." It also creates an obligation on parties to work together to eliminate world hunger.



The Foodgrain Stock (Lakh Metric Ton)

Food grain	2014-15	2015-16	2016-17	2017-18
Wheat	0.23	0.04	10.20	202.91
Rice	0.00	0.46	106.67	19.94
Sugar	284.63	251.21	202.27	248.85

Source: Annual Report 2017-18, Department of Food & Public Distribution, Ministry Of Consumer Affairs, Food & Public Distribution, Government of India

*Judicial Contribution on Right to Food:* In modern days the Judiciary play the important role relating to the right to food it was broadly interpreted Article 21 right to life includes the right to adequate and nutrition food as a Fundamental right and also further stated the primary responsibility of Government to prevent hunger and starvation.<sup>31</sup> The judiciary also give the direction to Government through the interim orders for provides the food relating schemes like are Mid-Day Meals<sup>32</sup> schemes, in this scheme the Supreme Court impose more responsibility to Central Government like provides the financial assistance, constructions of kitchen, give the priority to dalit cooks and other quality safeguards also issued.<sup>33</sup> In these matters the Supreme Court of India issue direct to Government for provides the adequate and quality of food all peoples in country.

While the Indian Supreme Court has reiterated in several of its decisions that the Right to Life guaranteed in Article 21 of the constitution in its true meaning includes the basic right to food, clothing and shelter, it is indeed surprising that the justiciability of the specific Right to Food as an integral right under Article. 21 had never been articulated or enforced until 2001. Prior to the Right to Food petition filed by PUCL in 2001, the only other case concerning specifically the right to food, went up to the Supreme Court in 1986 was the case of *Kishen Pattnayak vs. State of Orissa*<sup>34</sup>. In this petition, the petitioner wrote a letter to the Supreme Court bringing to the court's notice the extreme poverty of the people of Kalahandi in Orissa where hundreds were dying due to starvation and where several people were forced to sell their children. The letter prayed that the State Government should be directed to take immediate steps in order to ameliorate this miserable condition of the people of Kalahandi. This was the first case specifically taking up the issue of starvation and lack of food. In this judgement, the Supreme Court took a very pro-government approach and gave directions to take macro level measures to address the starvation problem such as implementing irrigation projects in the state so as to reduce the drought in the region, measures to ensure fair selling price of paddy and appointing of a Natural Calamities Committee. None of these measures actually directly affected the immediate needs of the petitioner, i.e. to prevent people from dying of hunger. More importantly, the Supreme Court did not recognise the specific Right to Food within this context of starvation In *Chameli Singh v. State of U.P.*<sup>35</sup> it was held that right to life guaranteed in any civilized society implies the right to food, water, decent environment, education, medical care and shelter. The method in which the constitutional social rights or the DPSP have been enforced or made justiciable by the Supreme Court has been through an expansion of the existing fundamental rights, particularly the

<sup>31</sup> People's Union for Civil Liberties v. Union of India and other(civil write petition196 of 2001), Supreme Court Order dated 20<sup>th</sup> August, 2001

<sup>32</sup> People's Union for Civil Liberties v. Union of India and other(civil write petition196 of 2001), Supreme Court Order dated 21<sup>st</sup> August, 2001

<sup>33</sup> People's Union for Civil Liberties v. Union of India and other(civil write petition196 of 2001), Supreme Court Order dated 20<sup>th</sup> April, 2004

<sup>34</sup> AIR 1989 SC 677.

<sup>35</sup> AIR 1996 SC 1051



Right to Life guaranteed in Article 21. Right from the late 1970s starting from the *Maneka Gandhi's case*<sup>36</sup> the Supreme Court started expanding the guarantee of the Right to Life in Article 21 to include within it and recognise a whole of social rights<sup>37</sup>. Other Problems are: In spite of the increase in food subsidy, the overall impact on the poor is still wanting. There has been significant diversion of commodities under the Public Distribution System to the open market. There are also problems in delivery, quality and coordination. However efforts are underway to rectify some of these problems. The Supreme Court Orders in response to the PUCL writ petition and the Campaign on Right to Food have had a positive impact.

## CONCLUSION

As a large section of India still lies below poverty line, unable to have nutritious and sufficient food, twice a day, it becomes a bigger question to the existing policies of our country at an inner as well as a global level. But before that what is really needed is to find the root cause, as to why be this happening? And what can be the major solutions to this problem. So beginning with, the major reasons that come out to be the cause can be considered as unemployment which forces them to live a life of misery, unmonitored government policies by which the poor farmers don't get proper value to their crops, the agriculture lands being converted to industrial areas and many more. Surely, we have many schemes by the government to take care of all this stuff, but between the clash of the poor and the corrupt, for the time being, corrupts seems to be on the winning side. Obviously, the priority of the government should be to take care, that nobody dies of hunger at least provides the minim basic needs and control the malnutrition and hunger problem in the country.

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<sup>36</sup> AIR 1978 SC 597.

<sup>37</sup> Francis Coralie Mullin v Union Territory of Delhi, 1981(1) SCC 608.



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