Right To Food Vis-A-Vis Food Security In India: A Review With Special Reference To National Food Security Act, 2013

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ABSTRACT

The right to food is fundamental to living a dignified life. It is a person's fundamental human right. Food security is defined as a scenario in which all people have physical, social, and economic access to enough, safe, and nutritious food to meet their dietary needs and live an active and healthy life throughout their lives. Article 21 of the Indian Constitution, coupled with Articles 39(a) and 47, safeguards the right to food and makes it mandatory for the state to ensure that it is effectively realized. The Supreme Court of India has also recognized the right. Despite the fact that the green revolution in India increased agricultural productivity and overall food production, the prevalence of malnutrition remains quite high even after so many years, despite the fact that the Indian government has made several efforts to achieve food security sustainability. The Indian government has implemented a number of programmes, including Midday Meal, Public Food Distribution, and Annapurna, to mention a few. It has also passed the National Food Security Act of 2013, which aims to make food security a matter of right rather than a welfare programme. Despite the fact that the Act aims to do this through a public distribution system and an integrated child development programme, success in combating malnutrition and providing food security and stability has yet to be achieved. A variety of difficulties, such as beneficiary identification, storage inadequacy, food preferences, agricultural and insurance issues, and so on, remain unaddressed. The purpose of this article is to examine the right to food in relation to food security in India by examining various features and issues of the National Food Security Legislation. The researcher will make many proposals in order to improve the current situation and achieve food security as a right to eat.

Keywords: Right to Food, Food Security, Food Security Act, Food Crisis, Food Production
1.1 Introduction: The right to food is fundamental to living a dignified life. It is a person's fundamental human right. Food security is defined as a scenario in which all people have physical, social, and economic access to enough, safe, and nutritious food to meet their dietary needs and live an active and healthy life throughout their lives. Food security entails not only physical availability and cost, but also that individuals do not suffer social barriers when it comes to feeding themselves. Food security entails nutritional security, as well as the recognition that achieving it facilitates the development of individual capabilities. To achieve food security, all three distinct dimensions of availability, access, and use must be sufficient and constant throughout time. With the passage of time, the concept of food security has changed, developed, increased, and diversified.

The Universal Declaration of Human Rights (UDHR) was the first to identify the right to food as part of the right to an adequate standard of living, which included the rights to food, clothes, and shelter. It was followed by the International Covenant on Economic, Social, and Political Rights, which emphasizes state parties' responsibility to maintain and develop policies for the nation's food security. In addition, the Universal Declaration on the Eradication of Hunger and Malnutrition, signed in 1974, declares that every man, woman, and child has an intrinsic right to be free of hunger and malnutrition in order to develop their physical and mental capacities. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) recognizes pregnant and breastfeeding women's right to specific protection in terms of adequate nourishment, as well as rural women's right to adequate living conditions. The Convention on the Rights of the Child (CRC) addresses child nutrition by ensuring that children have access to appropriate nutritious food, safe drinking water, and health care. The International Code of Conduct on the Human Right to Adequate Food, published in 1997, emphasizes that the right to adequate food must be guaranteed without regard to national or social origin, property, race, gender, language, religion, political or other opinions, and that food should never be used as a political or economic tool. Many other international gatherings and summits, as well as their final documents, have recognized the right to adequate food or aspects of it, including the World Food Conference of 1974, the World Conference on Agrarian Reform and Rural Development of 1979, the World Summit on Children of 1990, the International Conference on Nutrition of 1992, and the Vienna Declaration and Programme of Action of the World Conference on Women.

2 Aviral Pandey “Food Security in India and States: Key Challenges and Policy Option” MPRA Paper No 64237, available at: https://mpra.ub.uni-muenchen.de/64237/.
3 Sudha Narayanan “Food Security in India: The Imperative and its Challenges” 2 (1) 198 Asia and the Pacific Policy Studies (January 2015).
The Indian government has implemented a number of methods to ensure food security, including deliberate attempts to expand food grain production, involvement in grain markets, the establishment of a public distribution system, and the maintaining of reserves for major food grains. The National Food Security Act (NFSA) was enacted with the goal of ensuring economic and social access to adequate food and a dignified life for all citizens of the country at all times.\textsuperscript{10} Nonetheless, despite a number of measures and strategies, India's food and nutritional security issues persist.\textsuperscript{11} Climate change, a mismatch between water demand and availability, the development of new plant varieties of food crops for increased productivity, lower prices for agricultural products, and a lack of crop insurance policies are all issues for food security in India.\textsuperscript{12}

\subsection*{1.2 Food Security Definition:}
"Food security occurs when all people, at all times, have physical and economic access to sufficient, safe, and nutritious food to meet their dietary needs and food preferences for active living and healthy life," According to the United Nations' Food and Agriculture Organization (FAO).\textsuperscript{13}

"Availability at all times of adequate world food supplies of basic foodstuffs to sustain a steady expansion of food consumption and to offset fluctuations in production and prices," the World Food Conference (1974) defined food security.\textsuperscript{14}

Food security, according to the World Bank, is defined as "access by all people at all times to enough food for an active, healthy life; its basic elements are food availability and ability to purchase it."\textsuperscript{15}

"Food security frequently refers to food availability and an individual access to food," According to the European Crop Protection Association. If a person does not suffer from hunger or fear of starving, they are regarded to be food secure. Food security can refer to the availability of sufficient nutrients to provide a healthy diet and avoid the health effects of malnutrition in addition to hunger and starvation."

Food security is defined by the United Nations' Committee on World Food Security (CFS) as a state in which all people have physical, social, and economic access to adequate safe and

\textsuperscript{10} Sudha Narayanan “The National Food Security Act vis a vis the WTO Agreement” XLIX (5) 41 Economic and Political Weekly (February 2014).
\textsuperscript{11} Anjani Kumar, M. C. S. Bantilan, Praduman Kumar et. al. “Food Security in India: Trends, Patterns and Determinants” 67 (3) Ind. Jn. of Agri Ecom. 446 (July-September 2012).
\textsuperscript{12} S. Brahmanand, A. Kumar, S. Ghosh et. al. “Challenges to Food Security in India” 104 (7) Current Science 842, 843 (April 2013).
\textsuperscript{13} General Comment 12 (Committee on Economic, Social and Cultural Rights, CESC, 1999).
nutritious food that fits their dietary needs and food preferences for an active and healthy life at all times.\textsuperscript{16}

\textbf{1.3 The Scope of the Food Crisis in India:} Every night, around 320 Indians go to bed hungry, according to latest figures, and the situation is only getting worse.\textsuperscript{17} The average per capita energy consumption in rural areas among the lowest 30\% of the expenditure/income class is 1811 kcal/day, which is much lower than the Indian Council of Medical Research (ICMR) norm of 2,155 kcal/day. It is 47.5 grams of protein per day, compared to 48 grams per day in the norm, and 28 grams of fat per day, which is the same as the ICMR norm for rural India. In urban regions, per capita calorie consumption is 1,745 kcal/day, compared to the ICMR's norm of 2,090 kcal/day. It is 47 grams of protein per day compared to a standard of 50 grams, and 35 grams of fat per day compared to a norm of 26 grams.\textsuperscript{18}

Various nutrition indices in India, on the other hand, imply that the country has yet to reach appropriate levels of food security. For example, 36\% of children under the age of five are underweight (i.e., they are too small for their age) and 21\% are wasted (too light for their height). In India, vitamin deficiencies are frequent, with 75\% of the people not obtaining enough from their diet. Anemia is also prevalent, with 51\% of women of reproductive age having low iron levels.\textsuperscript{19} Even though most countries in Sub-Saharan Africa are today considerably poorer than India, have grown much more slowly, and have significantly higher infant and child death rates, India's under nutrition levels remain higher.\textsuperscript{20} With a score of 30.3, India is ranked 102 out of 117 qualifying countries in the Global Hunger Index.\textsuperscript{21} It demonstrates that India has a significant problem with hunger.

\textbf{1.4 Food Security, the Right to Food, and Indian Issues:} Despite the abundance of food grains, the fact remains that a large number of individuals do not have the money to eat twice a day. Eat security and safeguarding the right to food are two separate challenges.

- Grain storage facilities that are insufficient and unsuitable.
- There isn't enough cold storage or a cold chain transportation infrastructure in place.
- Roads that are in poor condition and transportation systems that are inefficient.
- Mandis' reach is limited.
- Between the farmer and the ultimate consumer, there are several levels of middlemen.
- A well-developed agricultural banking sector is lacking.

\textsuperscript{16}Available at: http://www.fao.org/cfs/home/activities/rtf/en/.
\textsuperscript{17}Dr. Sultan Singh Jaswal “Challenges to Food Security in India” 19 (4) 95 IOSSR Journal of Humanities and Social Science (April 2014).
\textsuperscript{20}Angus Deaton and Jean Dreze “Food and Nutrition in India: Facts and Interpretations” XIV (7) 42 Economic and Political Weekly (14th February 2009).
• Lack of knowledge and training in modern agricultural practices, technology, and goods.
• Reduced net sown area for cereals, millets, and pulses, as well as reduced cultivated area.
• Due to the usage of fertilizers, herbicides, and insecticides, land productivity has decreased.

1.5 Food Security and Constitutional Provisions: The Indian Constitution guarantees a right to food, both officially and implicitly. Explicitly, Article 47 of the Directive Principles of State Policy establishes a state duty to improve public health and raise the level of nutrition and living standards. It declares that boosting the level of nutrition and standard of life of its citizens, as well as improving public health, are among the state's primary responsibilities. The right to food and food security are not explicitly stated in Article 21 of the Constitution. The Indian Supreme Court, on the other hand, has specifically declared in a number of judgments that Article 21 of the Constitution should be construed as a right to "live with human dignity," which includes the right to food and other basic necessities. Furthermore, Article 39 of the Indian Constitution, which is part of the Directive policy of state policy, states that the state is obligated to establish policies that ensure an equitable distribution of resources among the people.

1.6 Government Efforts in India to Promote Food Security and the Right to Food: The Indian government has implemented a variety of policies and programmes to promote food security and the right to food.

1.6.1 Food Corporation of India (FCI): It was established in 1964 by the Government of India as a special body in charge of implementing the Central Government’s food policies and directives. The corporation's main goal is to ensure that effective price support operations are in place to protect farmers' interests, that food grains are distributed throughout the country for public distribution, and that adequate operational and buffer stocks of food grains are maintained to ensure national food security. The organization has been successful in paying farmers a fair wage and making food grains available at affordable costs, especially to the most vulnerable members of society.

1.6.2 Targeted Public Distribution System (TPDS): FCI has a system for distributing and making food grains accessible to the poorer sectors of the country's society. Targeted Public Distribution System (PDS), often known as Ration Shops or Fair Price Shops, is a type of system...
public distribution system (FPSs). The FPSs serve as outlets and help the PDS in diverse areas, villages, towns, and cities.

1.6.3 Children's Mid-Day Meal Program: The Mid-Day Meal (MDM) programme, which is being implemented across India for primary and upper primary school pupils, is the world’s largest supplementary school lunch programme. It was released on August 15, 1995, by the Ministry of Human Resource Development (Department of Education). Its goal is to increase the nutritional status of school-aged children across the country.

1.6.4 Antyodaya Anna Yojana (AY): In order to improve the effectiveness of Targeted PDS, the government launched the scheme in December 2000. This programme provides heavily subsidised food to millions of the world’s poorest families. The scheme’s goal was to identify the poorest BPL households and provide them with a total of 25 kilogram of food grains per month at a fixed price of RS 2 per kilogram of wheat and RS 3 per kilogram of rice.

1.6.5 Annapurna Scheme (APS): The Annapurna Scheme (APS) was established on April 1, 2000. Its goal is to ensure food security for those older persons who, despite being eligible, have been left out of the National Old Age Pension Scheme. The Ministry of Rural Development is in charge of implementing this scheme. The scheme provides 10 kilogrammes of food grains per person per month free of charge to indigent senior people aged 65 and up who do not get a pension under the National Old Age Pension Scheme (NOAPS).

1.7 Indian Judiciary and the Right to Food and Security: In various case laws, the Supreme Court of India has acknowledged the Right to Food and Food Security. In the case of Francis Coralie v. Administrator, Union Territory of Delhi, it was held that Article 21 of the Constitution guarantees the right to life, which includes the right to live in dignity and with the bare essentials of life, including proper nutrition. In Chameli Singh v. State of Uttar Pradesh, it was held that in any civilized society, the right to life entails the right to sustenance as well. The Supreme Court ruled in Shantistar Builders v. Narayan Khimalal Totame that the right to life includes the right to eat.

27 Sembaganmutha Sembiah, Jayeeta Burman, Aparajita et. al. “Safety of Food Served in Mid Day Meal Program: An in Depth Study in Upper Primary Schools of Kolkata” 8 (3) 938 Journal of Family Medicine and Primary Care (March 2019).
29 Available at: https://dfpd.gov.in/writereaddata/Portal/Magazine/9proc.pdf.
32 Available at: https://dfpd.gov.in/basic-plan-overview.htm#:~:text=4.,of%20cost%20under%20the%20scheme.
33 AIR 1981 SC 746.
34 (1996) 2 SCC 549.
35 (1990) 1 SCC 520.
In the case of Peoples’ Union for Civil Liberties v. Union of India, the plaintiff was the Peoples’ Union for Civil Liberties. The Supreme Court affirmed a constitutional human right to food and created a basic nutritional baseline for India’s millions of poor people. On behalf of the poor in Rajasthan who had not been receiving the required employment and food relief mandated by the Rajasthan Famine Code, 1962, a petition was filed in the Apex Court on May 9, 2001 seeking enforcement of the right to food against the Union of India, FCI, and state governments of Orissa, Rajasthan, Chhattisgarh, Gujarat, Himachal Pradesh, and Maharashtra. The Supreme Court ruled that food should be provided to the elderly, infirm, disabled, destitute women, destitute males in danger of famine, pregnant and breastfeeding women, and destitute children, especially if they or members of their family lack the financial means to do so.

1.8 National Food Security Act, 2013 (NFSA): The Right to Food Act is another name for it. Approximately two-thirds of India’s 1.2 billion population would receive subsidized food grains as a result of the Act. On September 12, 2013, it became law. The Act turned the government of India’s existing food security programmes into legal rights. The Midday Meal Scheme, Integrated Child Development Services, and the Public Distribution System are all part of it. The Act covers 75% of the rural population and 50% of the urban population in terms of grain distribution at subsidized rates. The Act further states that households in the targeted general category, which includes 44% of the rural population and 22% of the urban population, will be entitled to 5 kg of grain per person per month at a rate not exceeding 50% of the Minimum Support Price (MSP). In addition, priority category homes will account for at least 46% of rural families and 28% of urban households, with each receiving 35 kilogram (7 kg per person) of rice, wheat, and coarse grain (millet) each month at the rates of 3/kg, 2/kg, and 1/kg, respectively.

1.8.1. Characteristics of the Act: The following are some of the Act’s significant features:

- The Act aims to provide rice at Rs 3 per kg, wheat for Rs 2 per kg, and coarse cereals for Rs 1 per kg to the intended beneficiaries, who will receive 5 kg of food grain every month. The Antyodaya Anna Yojana will continue to provide the poorest with their current monthly allotment of 35 kg of food grains.

36 2004(12) SCC 104.
37 Available at: https://shodhganga.inflibnet.ac.in/bitstream/10603/208973/12/12_chapter%205.pdf.
41 Section 2, National Food Security Act, 2013.
42 Dipa Sinha “Cost of Implementing National Food Security Act” XLVIII (39) 32 Economic and Political Weekly (28th September 2013).
43 C. Mathew “Food Security Act in Sleep Mode” L (43) 21 Economic and Political Weekly (October 2019). Also See Section 3, National Food Security Act, 2013.
The NFSA will provide subsidized food grain to about 820 million of India’s 1.2 billion people through the Targeted Public Distribution System.\textsuperscript{44}

States are granted the authority to set eligibility requirements based on data from the socioeconomic and caste census (SECC).\textsuperscript{45}

Through the local anganwadi, pregnant women and breastfeeding mothers will receive a maternity benefit of Rs 6,000.

Once a day, children aged six months to fourteen years will receive a hot cooked midday meal.\textsuperscript{46}

If the federal government runs out of grain, it will pay money to states and union territories, as well as aid with the expense of intra-state grain transportation and handling.\textsuperscript{47}

For the purposes of issuing ration cards, the oldest adult woman in each household would be deemed the head of that household.\textsuperscript{48}

The overall estimated yearly food grains requirement is 54.93 million tonnes, with an estimated food subsidy of Rs 1 lakh 24 thousand crore for implementing the NFSB at 2013-14 rates.\textsuperscript{49}

1.8.2 Criticism of the Act: The NFSA has received a lot of flak since it places a lot of faith in already existing institutions like PDS and ICDS, which have a track record of inefficiency.\textsuperscript{50}

- A State Food Commission is proposed as a redress mechanism in the Act (SFC). It is the supervisory body in charge of overseeing and reviewing the NFSA’s implementation. It is critical that the SFC maintains its independence due to its relevance.\textsuperscript{51} However, most states have simply labelled existing entities as SFCs, with


\textsuperscript{46}Mamata Sawakar, Hunumanthappa N. “Challenges to India’s National Food Security Act 6 (2) 267 International Journal of Creative Research Thoughts (April 2018), Also See Section 5 National Food Security Act, 2013.


\textsuperscript{49}Dipa Sinha and Biraj Patnaik “National Food Security Act, 2013: Moving from Exclusion and Inclusion” available at www.oxfamindia.org.

\textsuperscript{50}Adnan Shakeel “Recent Trends in the Debate on India’s National Food Security Act (NFSA)- 2013: Tragedy or Triumph?” 2 (12) 110 Geography, Environment, Sustainability (2018).

some naming the State Consumer Dispute Redress Board and others placing it under the auspices of the State Department of Food and Civil Supplies.\textsuperscript{52}

- Because people's dietary patterns are changing as a result of rising per capita income, urbanisation, convergence of eating habits, and increased availability of horticulture and livestock products, food security should not be limited to the availability of food grains alone. However, a large number of poor households, particularly those in rural areas and urban slums, are unable to obtain sufficient food and thus suffer from malnutrition.\textsuperscript{53}

- The NFSA has been chastised for focusing on grains, which are a poor source of high-quality protein. Although the average total dietary protein intake of adult rural Indians was around 1 g/kg/day, the average actual intake of quality protein, based on the Protein Digestibility Corrected Amino Acid Score (PDCAAS), a measure of protein quality, was only about 0.8 g/kg/day, according to the 2006 National Nutrition Monitoring Bureau (NNMB) survey data, because cereals and millets accounted for 67 percent of protein intake. A third of rural Indians are at risk of protein insufficiency as a result of this.\textsuperscript{54}

- The Act ignores nutritional concerns because the suggested rice, wheat, and food grain composition does not provide appropriate nutrition.\textsuperscript{55} The Act does not provide consumers a choice in cereal grain consumption, which varies by region.\textsuperscript{56}

- The process of identifying beneficiaries and classifying the impoverished into BPL and APL groups is not specified in the Act.\textsuperscript{57}

- The Act has negative financial consequences because it is estimated that the direct cost of the food subsidy for a full year to distribute 61.4 MMTs of grain will cost the government Rs. 1,31,086 crore at 2014-15 costs, and there are pending costs ranging between Rs. 47,000-50,000 crore due to under-reporting of FCI costs, among other things.\textsuperscript{58} However, government forecasts do not yet reflect extra investment costs or

\textsuperscript{53}S.P. Singh “Challenges of Food Security in India” 12 (1) 2 Journal of Economic and Social Development (June 2016).
\textsuperscript{56}Sudish Chatterjee “Analysis of National Food Security Act, 2013” 3 (5) 151 ANVESHAK International Journal of Management (AIJM) (June 2014).
\textsuperscript{57}Dr. Jyothi Vishwanath “Perspectives Concerning Hunger and Food Insecurities in India- A Position Review with Special Reference to National Security Act, 2013” 3 (2) 22 International Journal of Law and Legal Jurisprudence (2016).
\textsuperscript{58}Priyam Sengupta and Kakali Mukhopaddhyay “Economic and Environmental Impact of National Food Security Act of India” 4:5 22 Agricultural and Food Economics (2016).
yearly MSP hikes. These expenditures and investments are crucial for farm revitalization, logistic assistance, and other purposes.59

1.8.3 Suggestions for Ensuring Food Security and the Right to Food: For better safeguarding the Right to Food and Food Security, there are a number of proposals that can be adopted and implemented.

- There has to be a stronger focus on understanding and enhancing knowledge transfer among rural farmers. So that food production does not go to waste, proper storage facilities should be made available.

- Increasing land productivity through the application of modern technology.

- Improving coordination between different government sectors and other stakeholders by strengthening the national and institutional framework.

- Efforts by the relevant health agencies and authorities to initiate and monitor the efficient operation of nutrition-related programmes.

- People's capacity to acquire food of acceptable quality should be increased, and there should be no impediments to food access.

- The development of the agricultural banking sector and the elimination of the sector's middlemen.

- Increasing the size of farms and providing security to farmers.

- Crops with low water requirements and agricultural goods are being planted.

- Increased access to education and job possibilities, particularly among rural residents

- Food distribution is made more efficient by assuring the effectiveness of the public distribution system.

- Food security alone will help to reduce hunger, but it will not eliminate malnutrition or have a significant impact on nutrition status if other factors such as adequate drinking water and health care are not included.

- It is critical to ensure that food grains are available to the general public at a reasonable cost. This can be accomplished by more precisely targeting the BPL population such that they receive food at a significantly reduced cost.

• The Public Distribution System (PDS) has to be made more open and dependable.

• Women's health and nutrition could be considerably improved by incorporating health and nutrition instruction into official school curriculum for girls and adult literacy programmes.

• Existing direct nutrition programmes are being redesigned to allow women's Self Help Groups (SHGs) and/or local entities to run them.