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RIGHT TO FOOD AND FOOD SECURITY IN INDIA: A QUEST FOR JUSTICE

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ABSTRACT

Right to food is a recognised fundamental human rights of every individual. It protects every individual of a nation to be free from hunger, food insecurity and malnutrition. The only way to satiate hunger is to make food security a reality, and to respect every individual's right to adequate food and ensure that no one is denied of the same. Right to food cannot be segregated from other rights such as right to health, right to education right to life so in order to achieve the right to food all these rights are also required to be reinforced. Food security is a precondition for the full enjoyment of the right to food. The basic objective of my paper is to analyse what are the International concerns for right to food and food security? What are the obligation of our Indian constitution? What are the food schemes in our country? How judiciary has played its role to provide justice to all?

Keywords: *Food, Malnutrition, Human Rights, Food Security, Indian Constitution, Food Schemes, Health, Judiciary.*

INTRODUCTION

As per the Business Dictionary food consists of nourishing and nutritive component such as carbohydrates, fats, proteins and other essential vitamins and minerals which when ingested and assimilated through digestion sustains life, generate energy and provides growth, maintenance and health of the body.¹ It was declared by the World Food Conference in the year 1974, that every man, woman and child has the inalienable right to be free from hunger and malnutrition.

So as per the above context right to food for every individual was imbedded in the grey cells of the elites of the nation long years ago. Right to food is therefore, a contemporary issue which involves justice to all. Now what justice is? According to the Aristotle² equality is the form of justice and as per the Rawls theory and justice³ has proposed that each and everyone in the society

¹ www.businessdictionary.com

² M.D.A. Freeman, Lloyd's Introduction to Jurisprudence, London, Sweet & Maxwell, (2001) 523.

³ John Rawls, Theory of Justice, Cambridge, Harvard University Press, (1999).

is equal and possesses political and economic liberty. So we can draw inferences after doing a depth study about the famous jurists that food makes a life worth living after taking birth as a human being and to mention that food security⁴ is not just a matter of availability of food but security of food exists only when all people, at all times, have physical and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life.

RIGHT TO FOOD- INTERNATIONAL POSITION

Right to food means to eradicate poverty and mitigate the miseries of the hungry population at large. The topic of food and nutrition is recognised worldwide in this era of globalisation as a human right. *The Universal Declaration of Human Rights*, (UDHR) has stated that every individual has the right to a standard of living, adequate for the health and wellbeing of an individual himself and his family including food.⁵ *The Convention on the Elimination of All Forms of Discrimination Against Women*, (CEDAW) also recognised that nutrition from food is very much essential during pregnancy and lactation and ensures pregnant women to provide for the free service wherever necessary.⁶

The International Covenant on Economic, Social and Cultural Rights, (ICESCR) recognised the fundamental right of every individual to be free from hunger, and the state parties should take initiatives in improving the methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources and Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation required.⁷

⁴ World Food Summit Plan of Action, 1996.

⁵ UNIVERSAL DECLARATION OF HUMAN RIGHTS, 1948. art. 25. cl. 1

⁶ CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, 1979. art. 12. cl. 2

⁷ INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, 1966. art. 11 cl. a, b.

*The Convention on the Rights of the Child*⁸, (CRC) recognised the right of the child 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.

*The Committee on Economic, Social and Cultural Rights*⁹, (CESCR) incorporates a broad range of concerns relating to the lives and livelihoods of residents of States parties, particularly in relation to food, clothing and housing. The Committee has devoted extensive attention to this article, as because it relates to the human right.

FAO plays a key role reduce hunger by creating platforms for sharing technical expertise, strategic policy alternatives, and outcomes of implementation of food security strategies adopted by member nations. The mandates and strategic objectives of FAO is to promote right to food as a strategy to fight hunger, by implementing better policy and strategies globally.¹⁰

The World Food Programme (WFP) is working with the communities to improve nutrition in food world-wide. The international community has committed to end hunger, achieve food security and improved nutrition by 2030, it has stated that one in nine people worldwide still do not have enough to eat. Food and food-related assistance lie at the heart of the struggle to break the cycle of hunger and poverty.¹¹

The Special Rapporteur of UN Mr. Jean Ziegler¹² has defined right to food as the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food which corresponds to the cultural traditions of the people to ensure a physical and mental satisfaction to live life without fear.

⁸ CONVENTION ON THE RIGHTS OF THE CHILD, 1989. art. 24 cl. c

⁹ COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, 1966 .art. 11.

¹⁰ Right To Food Making it Happen Progress and Lessons Learned through Implementation, <http://www.fao.org/3/i2250e/i2250e.pdf> visited on 27.02.2021 at 01:26 PM.

¹¹ United Nations World Food Programme, Saving Lives Changing Lives, <https://www.wfp.org/overview> visited on 27.02.2021 at .2:48 PM.

¹² Lidija Knuth and Margret Vidar, Right to Food Studies, Constitutional and Legal Protection of the Right to Food around the World, Food and Agriculture Organization of the United Nations Rome, 2011 at 10.

RIGHT TO FOOD- NATIONAL POSITION

The constitution of many countries including India have the provision of food related rights. International law has recognised the right to adequate food as a fundamental right to be free from hunger. The Constitution of India is the supreme law of the land. Constitution plays a fundamental role in the realization of the right to food for the individual of a nation. The Constitution of India provides for the duty of the State to raise the level of nutrition and the standard of living and to improve public health. In connection herewith, the State shall regard the raising of the level of nutrition and the standard of living of its people.¹³ Protection of life and personal liberty has been clearly mentioned in *Article 21* of the Indian Constitution. It ensures to every individual right to life and liberty. The expression right to life means to live with human dignity and not to survive like animals. The right to life is the fundamental right in the Indian constitution. The state is obliged to provide adequate requirements of livelihood to its citizen.

Whether be it men or women both are equally protected under the right to an adequate means to livelihood.¹⁴ The state shall directs its policy to secure the rights of every individual of the country. Therefore, it becomes a fundamental duties of every citizen to protect the fundamental rights as we know that fundamental duties and fundamental rights are two sides of one coin and are inseparable.

FOOD SCHEMES IN INDIA VIS -A -VIS FOOD SECURITY

Agriculture in India is said to be the backbone of Indian economy and it contributes to the development of a nation. The share of agriculture accounts for 19.9 per cent GDP in 2020-21 from 17.8 per cent in 2019-20.

India after independence has overcome the problems of famines and mass deaths which caused due to Starvation as the history speaks, and all the credit goes to the agricultural production of our country. , the country produced food grain production for the year 2018-19, at 284.95 million tonnes which is higher by 19.20 million tonnes than the previous five years' (2013-14 to 2017-18)

¹³ INDIA CONST. art. 47.

¹⁴ INDIA CONST. art. 39 cl. a.

average production of food grain. During the year 2018- 19 total production of rice is estimated at a record of 116.42 million tonnes. Production of rice has increased by 3.66 million tonnes as compared to the production of 112.76 million tonnes during 2017-18. Production of wheat, is also estimated at a record of 102.19 million tonnes, which is higher by 2.32 million tonnes as compared to wheat production of 99.87 million tonnes during 2017-18.¹⁵ So it is more than sufficient to meet the requirements of a widespread Public Distribution System (PDS), to distribute cereals at highly subsidised prices to the population¹⁶ of our country.

The Government of India has launched various programmes and schemes to ensure food security to the people of our nation. The schemes are as follows-:

- 1. Public Distribution System (PDS)** - The Public Distribution System, in India was initially started as a system to manage the scarcity of food during 1940s, which now evolved into a system for the distribution of food grains at affordable prices, and is an important part of the government's policy for food management.¹⁷
- 2. The Integrated Child Development Services (ICDS)** - This program was started as a pilot project in 33 blocks of the country during 1975 in India. It early childhood development programme, aimed at addressing malnutrition, health and also development needs of young children, pregnant and nursing mothers.¹⁸
- 3. Mid-Day Meal Programme-** This programme was launched in the year 1995 for the support of nutrition to Primary Education., the scheme was extended to upper primary classes in the year 2008-09 the name of the scheme has been changed to 'National Programme of Mid-Day Meal in School which is popularly known as Mid-Day Meal Scheme.¹⁹
- 4. National Food for Work Programme (NFFWP)** - This is a wage employment programme which aims to eradicate rural poverty. The programme is open to all rural poor

¹⁵ Annual Report 2019-20, Department of Agriculture, Cooperation & Farmers' Welfare Ministry of Agriculture & Farmers' Welfare Government of India Krishi Bhawan, New Delhi, at 3. www.agricoop.nic.in

¹⁶ According to the census of 2011 the population of India is estimated to be 1,210,193,422 (17.70%).

¹⁷ Pillay, D. P. K., & Kumar, T. K. M., *Food Security in India: Evolution, Efforts and Problems*. Strategic Analysis, 42(6), (2018) 597.

¹⁸ Integrated Child Development Scheme (ICDS), <https://darpg.gov.in/sites/default/files/ICDS.pdf> visited on 28.02.2021 at 09:53 AM

¹⁹ Mid-Day Meal (MDM) Scheme, <https://darpg.gov.in/sites/default/files/Mid%20Day%20Meal%20Scheme.pdf> visited on 28.02.2021 at 10:01 AM

who are in need of wage employment and desire to do manual unskilled work. Food is provided free of cost to the states in this programme.²⁰

5. **Sampoorna Grameen Rozgar Yojana (SGRY)** - This scheme in India is launched primarily with the objective to provide additional and supplementary wage employment and thereby provide food security and improve nutritional levels in all rural areas.²¹
6. **Wheat-Based Nutrition Programme** - This scheme was started with the twin objective of providing supplementary nutrition to children and popularising wheat intake.²² This scheme was launched in 1986 and was meant to cover additional beneficiaries who could not be covered by IDCS projects
7. **Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (RGSEAG) – 'SABLA'**- This scheme aims to cover all out-of-school Adolescent Girls who belongs to the age group of 11 to 18 years and will assemble at the *Anganwadi* Centre on a fixed day at regular interval. This scheme provides an opportunity for mixed group interaction between school-going and out-of-school girls, which motivates the drop outs to join school and help the school going to receive the life skills with an objective to increase the literacy rate and work participation of an adult girls.²³
8. **Annapurna Scheme**- The main objective of the Annapurna Scheme is to provide for the food security to meet the requirements of the senior citizens those who are even being eligible also are not covered under the National Old Age Pension Scheme. 10 kg of food grains per month are provided free of cost to the beneficiaries under this scheme.²⁴

THE NATIONAL FOOD SECURITY ACT 2013

The Act was passed in the year 2013 with the basic concept to provide food security throughout the country and to ensure that all people, at all times, and should get access to the basic food for

²⁰ National Food for Work Programme, <https://www.indianeconomy.net/glossary/national-food-for-work-programme/> visited on 28.02.2021 at 10:06 AM.

²¹ Sampoorna Grameen Rozgar Yojana (S G R Y), https://www.tn.gov.in/dtp/gorders/SGRY_Guidelines.pdf visited on 28.02.2021 at 10:10 AM.

²² Other important programmes to combat malnutrition in India, <http://www.fao.org/3/x0172e/x0172e08.htm> visited on 28.02.2021 at 10:15 AM.

²³ SABLA Rajiv Gandhi Scheme for Empowerment of Adolescent girls (RGSEAG), <http://wcdodisha.gov.in/content/2/53> visited on 28.02.2021 at 10:24 AM.

²⁴ Guidelines for Annapurna Scheme, Government of India, Ministry of Rural Development.

their active and healthy life. The Act provides for legal entitlement to 67% of the population where 75% in rural areas and 50% in urban areas to receive highly subsidized food grains. Under the Act, foodgrain is allocated at the rate of 5 kg per person per month for priority household's category and at the rate 35 kg per family per month for AAY families at a highly subsidized prices of Rs. 1.00, Rs. 2.00 and Rs. 3.00 per kg for nutri-cereals, wheat and rice respectively. The annual allocation of foodgrain under National Food Security Act and Other Welfare Schemes is about 610 Lakh Metric Tons. Total Coverage of population under the Act is based on the population figures of Census of 2011.²⁵

ROLE OF JUDICIARY

India has a very active and efficient judiciary. The Judiciary has played an active role in promoting health and nutrition to the people of India. Supreme Court has decided many of the cases. In Chameli Singh²⁶, the Supreme Court held that right to life guaranteed in any civilised society implies the right to food, water, decent environment, education, medical care and shelter.

In a popular Right to Food Case²⁷ the Supreme Court recognised that right to food under the right to life which is stipulated in Article 21 of the Indian Constitution and Article 47 Directive Principles of State Policy which puts duty on the state on raising the level of nutrition.

In Kishen Pattnayak v. State Of Orissa²⁸, assistance to agriculturists was being given by the Government in Kalahandi district, crops were damaged Due to drought. Government supplied seeds free of cost in mini-bags and stated the cultivators to undertake resowing of the crops. The measures were being taken for the purpose of mitigating hunger, poverty, starvation deaths, etc. of the people of Kalahandi. If such measures are being taken, it will definitely alleviate to a great extent the miseries of the people and it will be a great relief to the people of Kalahandi.

²⁵ National Food Security Act, <https://pib.gov.in/newsite/PrintRelease.aspx?relid=191101> visited on 28.02.2021 at 10:57 AM.

²⁶ Chameli Singh v. State of U.P, 1996 (2) S.C.C. 104 India.

²⁷ PUCL v. Union of India and Ors, 2004 (12) S.C.C 104 India.

²⁸ AIR 1989 S.C. 677 India.

CONCLUSION AND SUGGESTIONS

Therefore, right to adequate food is a universal human right and is a basic necessities to survive. Food in the agriculturist country like India has always received the first and foremost attention of mankind, through the development of land and agricultural practices. In order to end the hunger and poverty in coming generations more concerted efforts are required to improve the security of the food where millions of population are still suffering from hunger and malnutrition. All the policies, schemes and programmes should be implemented properly for food security in our country and there should be the mobilisation of sufficient financial resources.

So let's all of us join hands together to eradicate poverty and malnutrition in our country.