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## Law Relating To Right To Food Security Act In Indian Circumstance

**Dr. Pankaj Choudhury** Assistant Professor, Department of Law Himalayan University, Ita Nagar (Arunachal Pradesh)

**Mr. Animesh Rishi** Faculty Associate Department of Legal Studies Usha Martin University, Angara (Jharkhand)

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### Abstract

Food is a fundamental human demand that everyone requires in order to exist. The right to food is frequently referred to as the most fundamental human right, and it has been widely recognized as such. The fulfillment of all other rights is conditional on the realization of the right to food. The right to food is accorded a high level of significance in the Constitution. The Supreme Court of India has ruled that it is an inherent aspect of the right to life, which is guaranteed under Article 21 of the Indian Constitution. A fundamental component of the right to life, as guaranteed by Article 21 of the Indian Constitution, is the right to adequate and nutritious food. When it comes to the right to food, the Supreme Court of India has taken a strongly pro-people stance. Courts in industrialized countries interpret and protect the right to food, as well as other fundamental rights. The right to be free of hunger and malnutrition is guaranteed to every person of the country. The most serious issue is access to food on a financial basis. The level of self-sufficiency has increased at the national level, but not at the level of the family.

**Keywords:** Right, Food, Security, Acts, Indian, Article, Etc.

### 1. INTRODUCTION

Food is a fundamental human demand that everyone requires in order to exist. The right to food is frequently referred to as the most fundamental human right [14], and it has been widely recognized as such. The fulfillment of all other rights is conditional on the realization of the right to food. The right to food is accorded a high level of significance in the Constitution [15]. The Supreme Court of India has ruled that it is an inherent aspect of the right to life, which is guaranteed under Article 21 of the Indian Constitution [21]. Aside from that, Part IV of the Constitution places an emphasis on public health and nutrition, which includes the right to food as part of its scope [13]. With favourable case law from the Indian Supreme Court and an intensive Court-run programme designed to force Indian States to distribute food in accordance with welfare schemes in place, and to legitimise and secure the right to food as a legal

entitlement through the passage of the National Food Security Act, there are concerning gaps between laws and commitments on paper and the actual implementation of these commitments. Despite the fact that India has been hailed as one of the world's fastest-growing economies, the country is still lagging behind the majority of other emerging countries on the Global Hunger Index radar screen.

The right to food is a human right recognized under national and international law that protects people's right to obtain food and nourish them, whether they do so by growing their own food or purchasing it. The right to food is intertwined with one's right to life and dignity, and it necessitates that food be available [13], accessible, and sufficient for everyone, without regard to their socioeconomic status. It is becoming increasingly popular to take a human rights approach to the right to food and nutrition as opposed to a policy-oriented programmatic approach to development because it introduces a normative basis and provides an element of accountability through which the state can be compelled to protect certain vital interests of subjects. In order to overcome the problems that lead to hunger and malnutrition, it will not always be necessary to take a rights-based approach, because not every hungry and malnourished person is a victim of human rights violations [14]. However, violations occur when states fail to comply with their commitments to respect, safeguard, or fulfill the right to food, and such state failure is one of the primary reasons for the existence of hunger and malnutrition in the world.

## **2. RIGHT TO FOOD IN INDIAN CIRCUMSTANCE**

A fundamental component of the right to life, as guaranteed by Article 21 of the Indian Constitution, is the right to adequate and nutritious food [15, 21]. The right to food is not explicitly recognised in the Indian Constitution's Part-III of Fundamental Rights, which is the most recent revision. The Indian Constitution, on the other hand, has human rights provisions that are comparable to those found in the Articles of the Fundamental Rights, as well as the Directive Principles of State Policy in the Constitution of India. Article 21 of the Indian Constitution guarantees the fundamental right to the protection of one's life and freedom of movement. Specifically, this article stipulates that the state protect citizens' right to life, which includes the right to live in dignity by providing them with at least two decent meals per day. When the term "life" is used in a legal context, it is understood to indicate "a life of human dignity," as opposed to "merely surviving or existing." In light of this, the state is obligated to provide for all of the bare necessities that must be met in order to live with human dignity, including food, education, health care, reasonable and decent working conditions, and protection against exploitation and exploitation prevention [20]. The Directive Principle of State Policy says that the state has a responsibility to elevate the level of nutrition and the standard of living, as well as to improve public health, in accordance with Article 39(a) and Article 47 of the directive. Indian food insecurity

persisted for about two decades following the country's declaration of independence. During this time period, the country had its worst famine, with a huge number of cases of starving death being reported. However, after the introduction of the green revolution in the mid-1960s, things have changed dramatically; now, the country has not only become self-sufficient in food grains, but it also has excess good grains. Despite the fact that India generates enough food to feed its whole population, hunger and malnutrition are on the rise in some areas of the country, which is ironic given the fact that the country produces enough food to feed its entire population. Drought and famine are often cited as the primary causes of starvation-related deaths and malnutrition by the government. Scholars and organisations working in the field of the right to food, on the other hand, believe that there are a variety of factors that contribute to hunger and malnutrition, including inequitable distribution of available food at the national and household level, general government apathy, general poverty, a lack of purchasing power on the part of individuals, and a flawed public distribution system (PDS).

### **3. JUDICIAL INTERVENTIONS IN THE RIGHT TO FOOD**

When it comes to the right to food, the Supreme Court of India has taken a strongly pro-people stance. According to some pronouncements, the right to life is synonymous with the right to food, and that the "right to life" guaranteed in any civilised society includes the rights to food, water, shelter, education, medical care and living in a suitable environment [17, 19, 20, 21]. In the case of Francis Coralie Mullin V The Administrator, Union Territory of Delhi, Bhagwathi J. observed that the right to life includes the right to live with human dignity and everything that goes with it, namely the bare necessities of life such as adequate nutrition, clothing, shelter, and facilities for reading and writing, amongst other things, While in the Olga Tellis case, the Supreme Court determined that the right to life guaranteed by Article 21 includes the "right to livelihood," which means that no one has the right to survive if they do not have a means of subsistence. If it is not recognised as a component of the constitutional right to life, the most straightforward method of depriving a person of his or her right to life would be to take away his or her means of subsistence. Despite the foregoing, the Supreme Court of India has expressed its deep concern in various orders passed in the last few years that the 'food' is provided to the elderly, infirm, disabled, destitute women and men, as well as to large sections of the disadvantaged population who are in danger of starvation. Food is not explicitly recognised as a fundamental right in the Indian Constitution [15]. The cases filed before the Supreme Court alleging infringement of this right, on the other hand, have been founded on a considerably larger ground, the "right to life and liberty," which is guaranteed by Article 21 of the Constitution [21]. In the Chameli Singh Case, the Supreme Court underlined that the right to life protected by Article 21 of the Constitution in its real meaning comprises the fundamental needs of food, clothes, and shelter. A letter to the Supreme Court was written in the Kishen Pattnayak Cases, by the

petitioner, in which he called the attention of the court to the extreme poverty of the people of Kalahandi, Orissa, where hundreds of people were dying of starvation and several people were being forced to sell their children.

Specifically, the letter requested that the State Government be directed to take immediate steps to alleviate the harrowing situation that the people of Kalahandi are in. As a result of this decision, the Supreme Court took a very pro-government stance and directed the government to take macro-level measures to address the starvation problem, such as implementing irrigation projects throughout India to reduce drought in the region, measures to ensure a fair selling price for paddy, and the appointment of a Natural Calamities Committee. None of these steps had a direct impact on the petitioner's immediate demands, which were to prevent people from dying of hunger in the first place. While affirming its previous position that the right to food is a necessary consequence of the fundamental right to life provided under Article 21, the Court recognised the strong relationship that exists between the right to life and the right to food. In another fascinating case involving the starving deaths in Orissa, a writ petition<sup>51</sup> was filed on December 23, 1996, before the Supreme Court of India under Article 32 of the Constitution by the Indian Council of Legal Aid and Advice. According to the petition, deaths as a result of malnutrition were still occurring in several districts of Orissa. On July 26, 1997, the Supreme Court of India noted that because the subject had been referred to the National Human Rights Commission (NHRC) and the NHRC was likely to deliver a directive in this case, the petitioner could contact the NHRC. The petitioner did not do so.

#### **4. KEY ASPECTS OF THE RIGHT TO FOOD**

##### **4.1 Food must be Available, Accessible and Adequate**

To be available, food must be produced or obtained from natural resources, such as farming or animal husbandry [16], or obtained through other means such as fishing, hunting or gathering.

- a. Availability necessitates, on the one hand, that food be obtainable from natural resources either through the production of food, through the cultivation of land or animal husbandry, or through other means such as fishing, hunting or gathering however, it should be available for purchase at markets and retail establishments.
- b. To ensure accessibility, it is necessary to ensure both economic and physical access to food. Food must be affordable in order for it to be economically accessible. Individuals should be able to purchase food for a sufficient diet without having to make sacrifices in other areas of their lives, such as school fees, medications, and housing. For example, ensuring that the minimum wage or

social security benefit is sufficient to cover the cost of nutritious food and other basic necessities can help to ensure that food is affordable for everyone.

It is necessary for food to be adequate in order to meet dietary requirements while taking into consideration the individual's age, living environment, health, occupation and gender [19]. In the case of children's food, it is not adequate if it does not contain the nutrients necessary for their physical and mental growth. Another example of inadequate food is food that is high in calories but low in nutrients, which can contribute to obesity and other ailments. Ideally, food should be safe for human consumption and free of potentially harmful substances, such as contaminants from industrial or agricultural operations, such as pesticide or hormone residues, as well as veterinary medications and hormones. In addition to being nutritionally adequate, adequate food should be culturally acceptable.

#### **4.2 Misconceptions about the Right to Food that are widely held**

It is important to note that the right to food does not imply the right to be fed. Many people believe that the right to food entails the obligation of governments to provide free food to anybody who is in need. They come to the conclusion that this is either not practicable or may result in reliance. There has been a miscommunication. The right to food is not primarily a right to be fed, but rather a right to nourish oneself with dignity, as defined by the United Nations. Generally speaking, individuals are expected to meet their own demands, with their own efforts, and with their own financial means. If someone wants to be able to do this, they must live in conditions that allow them to either create their own food or purchase it. A person requires land, seeds, water [17, 18], and other resources in order to create his or her own food, and in order to purchase it, he or she requires money and access to the market. As part of the right to food, governments must create an environment in which people can employ their full ability to produce or procure enough food for themselves and their families, in accordance with international standards. The state, on the other hand, must supply food directly to those who are unable to feed themselves through their own means due to armed conflict, natural disaster, or the possibility of climate change and the scarcity of natural resources while they are in prison.

It is NOT the case that there is a scarcity of food in the earth that result in the denial of one's right to food. Many believe that individuals are denied their right to food because there isn't enough food to go around. This is not necessarily the case. According to the Food and Agriculture Organization of the United Nations (FAO), however, the globe generates enough food to feed its entire population. Food insecurity is not the core cause of hunger and malnutrition, but rather a lack of access to nutritious food sources. Poor food is often hampered by poverty, social exclusion, and discrimination, not only in underdeveloped countries but also in some of the most economically developed countries, despite the fact that there is an abundance of food available. State efforts to

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enable a sustainable production of food must be made in the long term, taking into account issues such as population increase and the influence of natural resources, in order to assure the availability of food for future generations.

## **5. ACT RELATING TO FOOD ENTITLEMENTS AND FOOD SECURITY**

Specifically, it states that the state is responsible for ensuring that every child has right to proper nutrition. The constitution provides for the establishment of a human rights commission, which has the authority to monitor all human rights, examine complaints of infringement and seek restitution on their behalf, as well as to raise awareness of human rights among the general population [14]. Courts in industrialized countries interpret and protect the right to food, as well as other fundamental rights. According to the Second National Family Health Survey (conducted in 1998-99), there is a significant problem. This poll found that 47 percent of Indian children are undernourished, 52 percent of adult women are anaemic, and 36 percent have a body mass index below the 18.5-point threshold generally linked with chronic energy insufficiency, just to name a few statistics. Dietary deficits have disastrous effects for the well-being and future of the Indian people. To begin with, hunger and malnutrition are intrinsic deprivations that have a negative impact on one's ability to function and live well. Furthermore, undernutrition is related with decreased learning capacity, increased illness exposure, and various limitations of individual and social possibilities, amongst other consequences. When viewed from an international perspective, India is one of the world's poorest and most malnourished countries.

That the country currently produces enough food to feed its full population is undoubtedly accurate. Fast rises in hunger in some parts of India are now commonly linked to short-term natural catastrophes such as storms or droughts, rather than to human activity. The term "temporary divergence from the norm" is used to characterise this phenomenon. India is no longer plagued by large-scale famines on the scale that it was in the past. This cheerful portrayal of India's food situation, on the other hand, ignores the reality of widespread chronic malnutrition that exists throughout the country. Temporary disturbances in the food chain caused by natural disasters are terrible for so many people because they live on the precipice of disaster under normal circumstances, making them particularly vulnerable. India has the ability to feed its whole population, yet it does not. When it comes to the fundamental necessities of human dignity, the chronic conditions - the situations that are considered normal - that many millions of people in India are subjected to be intolerable there was an implementation of the New Agricultural Strategy, as well as a policy of local price support, market isolation from international markets, and input subsidizations. It was a resounding success, paving the way for the legendary Green Revolution. In India, the production or output of food has ceased to be a source of concern. India has reached self-sufficiency in terms of food production. The Indian policy-makers began to move

away from the Soviet model of development. Several proposals were floated, including disinvestment in public sector entities as well as the dissolution of the Public Distribution System (simply, rationing system). However, in the sophisticated Western economies, additional concerns have begun to be expressed, including concerns about the security of basic necessities such as food. In fact, the recent Indian worry over food security may be traced back to these worldwide worries.

## 6. CONCLUSION

Food and water [17] are fundamental human rights that should be enjoyed by all people, regardless of race, religion, or national origin. The right to be free of hunger and malnutrition is guaranteed to every person of the country. The most serious issue is access to food on a financial basis. The level of self-sufficiency has increased at the national level, but not at the level of the family. Because employment is connected to purchasing power and food security, the development of employment guarantee programmes and the establishment of a social security system throughout the country are essential for ensuring that everyone has right to adequate food. As a result, legal protection is an essential step in the achievement of the right to food as a fundamental human right. In order to ensure national food security, strategies and action plans must be founded on extensive socio-economic assessments, as well as programmes that target food insecure and vulnerable groups. Observing and reporting on the implementation of the right to food, as well as hearing complaints from groups and people, is the responsibility of national human rights institutions in the first instance.

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