
The Right to Food and Food Security in India

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Over half of the children in India are malnourished and about one-quarter are so severely malnourished that they have shrunken brains and stunted bodies. A new generation of millions of Indians will grow to adulthood disabled. More than half of all women are anemic during pregnancy and lactating women suffering severe anemia and malnutrition. Food security is a complex issue linked not only to malnutrition, but also to sustainable economic development, environment and trade.

INTRODUCTION

Ensuring food security has become an issue of great importance for our country where more than one third of the population is estimated to be absolutely poor and one half of all children are malnourished in one way or another. The world food summit 1996 defined food security as “when all people at all times have access to sufficient, safe and nutritious food to maintain a healthy and active life”. It involves strengthening the livelihood security of all members within a household by ensuring physical and economic access to balanced diet including the needed micronutrients, safe drinking water and environmental sanitation, basic health care and primary education. At this [World Food Summit](#), governments reaffirmed the right to food and committed themselves to half the number of hungry and malnourished from 840 to 420 million by 2015. However, the number has increased over the past years, reaching an infamous record in 2009 of more than 1 billion undernourished people worldwide. Furthermore, the number who suffers from hidden hunger micronutrient deficiencies that may cause stunted bodily and intellectual growth in children amounts to over 2 billion people worldwide¹. In India, this situation is intolerable because we are a surplus producer of grain. This grain however, is often exported or sold on the open market but the poor of our country cannot afford to buy it at market rates. Thus, it is a complex issue linked not only to malnutrition, but also to sustainable economic development, environment and trade.

Over half of the children in India are malnourished and about one quarter are so severely malnourished that they have shrunken brains and stunted bodies. A new generation of millions of Indians will grow to adulthood disabled. More than half of all women are anemic during pregnancy and the lactating women suffering severe anemia and malnutrition. Particularly, the hard hits are the dalits i.e. the Scheduled Castes and the Scheduled Tribes as the level of

¹ Ahluwalia, Pooja (2004), ["The Implementation of the Right to Food at the National Level: A Critical Examination of the Indian Campaign on the Right to Food and the Operationalization of Article 11 of ICESCR"](#)

malnutrition is highest among this section. About 3000 starvation deaths every year are documented by NGOs. It describes the current and real situation of food security in our country and it is when we have achieved self sufficiency in growing grain around thirty years ago through dramatic investments in technology, institutions and infrastructure. Presently India is seen as a rising economic power and it is hoped that a trickle down will benefit the poor and marginalized, but in reality, the gap between the rich and the poor is growing. Here we are ranked way below our south Asian neighbours Pakistan, Sri Lanka and China in the global hunger index 2011 released by the international food policy and research institute.

Food is the most fundamental of all requirements to ensure life. Without food there can be no life. When there is no food to sustain life all other rights becomes meaningless and obsolete. This right to food interrelates and interlinks with different human rights i.e. right to life, right to livelihood, right to health, right to property, freedom of expression, freedom of information, right to education, freedom of association, right to water, right to work, right to social security, right to social welfare² and the right to an adequate standard of living. In fact the absence of this right results in the increased vulnerability of individuals to violation of most, if not all of the rights they are entitled to as humans. Thus, this right to food, and its variations, is a [human right](#) protecting the right for people to feed themselves in [dignity](#), implying that sufficient food is available, that people have the means to access it, and that it adequately meets the individual's [dietary](#) needs. This protects the right of all human beings to be free from [hunger](#), [food insecurity](#) and [malnutrition](#)³. It does not imply that governments have an obligation to hand out free food to everyone who wants it, or a right to be fed. However, if people are deprived of access to food for reasons beyond their control, for example, because they are in detention, in times of war or after natural disasters or due to inflation, the right requires the government to provide food directly⁴.

At International level Article 25(1) of Universal Declaration Human Rights provides that 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 etc. The Convention on the Rights of Children obliges State under Article 27 that States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. The [International Covenant on Economic, Social and Cultural Rights](#) which is part of International Bills on Human Rights ensure this right under Article 11 that the States Parties "recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing... In paragraph 2 of the same article, the States

² Golay, C. (2006), "[The Right to Food: A fundamental human right affirmed by the United Nations and recognized in regional treaties and numerous national constitutions](#)", M. Özden, *Part of a series of the Human Rights Programme of the Europe-Third World Centre (CETIM)* (Europe-Third World Centre (CETIM)), archived from [the original](#) on 20 July 2012.

³ [Ziegler, Jean](#) (2012), [Right to Food. Website of the former Special Rapporteur](#), archived from [the original](#) on 6 June 2012.

⁴ [Special Rapporteur on the Right to Food](#) (2012a), [Website of the United Nations Special Rapporteur on the Right to Food, Olivier De Schutter](#), retrieved 24 May 2012.

Parties to the Covenant recognize the fundamental right of everyone to be free from hunger and list measures to be taken individually and through international cooperation in order to bring hunger to an end. Here the "right to adequate food" is a much higher standard, including not only absence of [malnutrition](#), but to the full range of qualities associated with [food](#), including safety, variety and dignity, in short all those elements needed to enable an active and healthy life⁵. Thus this right to food requires full compliance with the principles of accountability, transparency, people's participation, decentralization, legislative capacity and the independence of the judiciary. The States should identify and address critical issues in regard to all aspects of the food system, including the food production and processing, food storage, retail distribution, marketing and its consumption besides giving particular attention to the need to prevent discrimination in access to food shops and retail network, or alternatively to resources for growing food. As part of their obligations to protect people's resource base for food, States should take appropriate steps to ensure that activities of the private business sector and civil society are in conformity with the right to food. However all nation states recognize that every individual has the right to life and its natural corollary should be that all individuals have right to food that ensures continuity and existence of life. However only a handful nations recognize this right as a justifiable right, a right that can be enforced against the state.

India is an active member of the United Nations and is a state party to International Covenant on Economic, Social and Cultural Rights (ICESCR). Hence there is an obligation to respect, protect and fulfill the right to food for every citizen of India. The Indian Constitution does not expressly recognize the fundamental right to food. However, comparable human right provisions are found in some articles of the fundamental rights as well as the Directive Principles of State Policy. Article 21 of the Indian Constitution provides the fundamental right to the protection of life and personal liberty. This article mandates the state to ensure the right to life of citizens. This includes the right to live with dignity with at least two decent meals a day. Article 47 of Directive Principle of State Policy specifies that 'the duty of the state to raise the level of nutrition and the standard of living and to improve public health'. The state, however, seems to have forgotten these principles and its duty to eliminate hunger and starvation deaths. However, recently, the result of public interest litigation and justified intervention of the Supreme Court of India has monitored the battle for the right to food. It interprets the right to food as part of the right to life, which is a fundamental right as per the Indian Constitution. Today, the directions issued by this Court are one of the major components for implementing the right to food. In brief, the credit of nutrition-related schemes, policy of cooked midday meal for all children in government-assisted schools and of ensuring public awareness and transparency about these programs goes to the apex court. Our national and local governments should recognize and ensure food security as its primary responsibility and accountability. Besides it, there is a requirement of collective efforts of civil society organisations and nongovernmental organisations to take this issue on the same line of the right to work and right to information, and in particular, to campaign for the awareness about and effective implementation of this right to food. Only this participatory

⁵ [Committee on Economic, Social and Cultural Rights](#) (1999), *General Comment No. 12: The right to adequate food (Art. 11) (E/C.12/1999/5)*, United Nations, archived from [the original](#) on 6 June 2012.

approach will give the government's policies on food security a more humane shape and a much-needed impetus.

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