

The Role of the National Food Security Act in Achieving Nutritional Justice in India

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Abstract: *Food is a basic human need that each and every person needs to survive. It is common to refer to the right to food as the most basic human right, and this recognition is widespread. The accomplishment of the right to food is a prerequisite for the fulfillment of all other rights. The Constitution places a great deal of importance on the right to food. According to a ruling of the Indian Supreme Court, it is an essential component of the right to life, which is protected by Article 21 of the Indian Constitution. The right to sufficient and nourishing food is an essential part of the right to life, as stated in Article 21 of the Indian Constitution. In terms of the right to food, the Indian Supreme Court has adopted a firmly pro-people position. Courts in developed nations interpret and defend basic rights, including the right to eat. Every citizen of the nation is entitled to be free from hunger and malnutrition. The most important problem is having financial access to food. At the national level, self-sufficiency has risen, but not at the household level.*

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

I. INTRODUCTION

Food is a basic human need that each and every person needs to survive. It is often said that the right to food is the most basic human right, and this is a universally acknowledged fact. The accomplishment of the right to food is a prerequisite for the fulfillment of all other rights. The Constitution places a great deal of importance on the right to food. According to a ruling of the Indian Supreme Court, it is an essential component of the right to life, which is protected by Article 21 of the Indian Constitution.

Aside from that, the Constitution's Part IV emphasizes nutrition and public health, which include the right to food. There are alarming gaps between laws and commitments made on paper and their actual implementation, despite the Indian Supreme Court's favourable case law and an extensive programme run by the Court to force Indian States to distribute food in line with welfare schemes and to legitimise and secure the right to food as a legal entitlement through the passage of the National Food Security Act. India's economy has been praised as one of the fastest-growing in the world, yet the nation still behind most other rising nations when it comes to the Global Hunger Index.

The right to food is a human right that is protected by both domestic and international law. It enables individuals to eat and be nourished, regardless of whether they buy or cultivate it. The right to adequate, affordable, and readily available food for all people, regardless of their financial situation, is a fundamental human right that is linked to the rights to life and dignity. Taking a human rights approach to the right to food and nutrition, rather than a policy-oriented programmatic approach to development, is becoming more and more popular because it introduces a normative basis and offers an accountability mechanism that allows the state to be compelled to protect specific vital interests of subjects. A rights-based approach won't always be required to address the issues that cause hunger and malnutrition since not all individuals who are hungry or undernourished are victims of breaches of their human rights. Nonetheless, governments incur violations when they neglect to uphold, protect, or provide for the right to food; this kind of state neglect is a major contributing factor to the world's hunger and malnourishment.

RIGHT TO FOOD IN INDIAN CIRCUMSTANCE

The right to sufficient and nourishing food is a basic aspect of the right to life, as stated in Article 21 of the Indian Constitution. The most recent edition of the Indian Constitution, Part-III of Fundamental Rights, does not specifically recognize the right to food. In contrast, the Indian Constitution contains human rights protections that are similar to those contained in the Directive Principles of State Policy and the Articles of the Fundamental Rights. The Indian Constitution's Article 21 ensures everyone's basic right to life protection and freedom of movement.

This article specifically states that the state must provide individuals with at least two wholesome meals a day in order to defend their right to life, which includes the right to live in dignity. The definition of "life" in a legal context is considered to mean "a life of human dignity," not "merely surviving or existing." Given this, the state has a duty to ensure that everyone has access to the basic needs for a dignified life, such as food, shelter, healthcare, education, and respectable working conditions, as well as protection against and prevention of exploitation.

In compliance with Article 39 and Article 47 of the directive, the state is required by the Directive Principle of State Policy to enhance public health, raise living standards, and promote nutrition. For almost 20 years after the country's independence, food insecurity existed in India. The nation had its greatest famine during this time, with several instances of starvation deaths documented. But with the beginning of the green revolution in the middle of the 1960s, things have drastically altered, and the nation today has an abundance of healthy grains in addition to being self-sufficient in food grains.

Ironically, considering that India produces enough food to sustain its entire population, there is an increase in hunger and malnutrition in some regions of the nation. The government often points to famine and drought as the main causes of malnutrition and starvation-related mortality. On the other hand, academics and organizations that study the right to food hold the view that a number of factors, such as an unfair distribution of food at the national and household levels, general government indifference, widespread poverty, a lack of individual purchasing power, and a defective public distribution system all contribute to hunger and malnutrition.

JUDICIAL INTERVENTIONS IN THE RIGHT TO FOOD

The Indian Supreme Court is firmly in favor of people's rights when it comes to food. Some declarations claim that the right to food and the right to life are interchangeable, and that the "right to life" that every civilized society guarantees include the rights to food, water, housing, medical treatment, education, and a suitable environment. Concerning Francis Coralie Mullin V. Bhagwathi J., the Administrator of the Union Territory of Delhi, noted that among other things, the right to live with human dignity encompasses the right to the bare necessities of life, which include enough food, clothing, shelter, and facilities for reading and writing. The Supreme Court ruled in the Olga Tellis case that the "right to livelihood" is a part of the right to life protected by Article 21, meaning that no one is entitled to exist if they do not have a means of sustenance.

Taking away a person's means of sustenance is the most direct approach to deny them their right to live if it is not acknowledged as a component of the constitutional right to life. Notwithstanding the aforementioned, the Supreme Court of India has conveyed in a number of recent orders its grave concern that large segments of the impoverished population who face starvation as well as the elderly, sick, crippled, and destitute men and women receive "food." The Indian Constitution does not specifically recognize food as a basic right. Conversely, the cases brought before the Supreme Court that claim violations of this right have been based on a far broader basis—the "right to life and liberty," as protected by Article 21 of the Constitution. The Supreme Court emphasized in the Chameli Singh Case that the basic requirements of clothing, food, and shelter are included in the right to life guaranteed by Article 21 of the Constitution. In the Kishen Pattnayak Cases, the petitioner wrote a letter to the Supreme Court highlighting the extreme poverty of the people living in Kalahandi, Orissa, where many were being forced to sell their children and hundreds were starving to death.

The letter specifically asked that the State Government be instructed to act immediately to relieve the terrible circumstances that the people of Kalahandi are facing. In response to this ruling, the Supreme Court adopted a strongly pro-government stance and ordered the government to take broad steps to address the issue of starvation, including the

establishment of irrigation projects across India to lessen the region's drought, policies to guarantee a fair price for paddy, and the creation of a Natural Calamities Committee.

The petitioner's urgent requests to save people from dying of hunger in the first place were unaffected by any of these actions. The Court acknowledged the close connection between the right to life and the right to food, while upholding its earlier stance that the right to food is an essential byproduct of the basic right to life guaranteed by Article 21. The Indian Council of Legal Aid and Advice filed a writ petition⁵¹ under Article 32 of the Constitution with the Supreme Court of India on December 23, 1996, in another intriguing case regarding the hunger fatalities in Orissa. The petition said that malnutrition-related fatalities were still happening in a number of Orissan areas. The Supreme Court of India said on July 26, 1997, that the petitioner might get in touch with the National Human Rights Commission since the NHRC had been tasked with handling the matter and was expected to issue a direction. This was not done by the petitioner.

KEY ASPECTS OF THE RIGHT TO FOOD

1. Food must be Available, Accessible and Adequate

Food must be created or gained by other ways, such as fishing, hunting, or collecting, or it must be gathered from natural resources, such as farming or animal husbandry.

Food must, in order to be considered available, be obtained from natural resources in one of the following ways: either by food production, land cultivation, animal husbandry, or other means like fishing, hunting, or gathering; on the other hand, food must be sold in markets and retail stores.

Ensuring both physical and economic access to food is essential for ensuring accessibility. For food to be economically available, it must be reasonably priced. People need to be able to buy enough food for a healthy diet without having to compromise on other aspects of their life, such housing, schooling, or prescription drugs. To guarantee that food is cheap for everyone, for instance, it might be ensured that the minimum salary or social security benefit is high enough to pay for wholesome food and other essentials.

In order to satisfy nutritional needs, food must be sufficient while taking into account a person's age, gender, living situation, health, and profession. If children's diet lacks the nutrients required for their physical and mental development, it is insufficient. Food that is rich in calories but poor in nutrients is another form of insufficient nutrition, and it may lead to obesity and other health problems. Food should ideally be safe for human consumption and devoid of any potentially dangerous materials, such as hormones or pesticide residues from agricultural or industrial activities, or hormones and drugs used in veterinary medicine. Sufficient food must not only meet nutritional needs but also cultural norms.

2. Misconceptions about the Right to Food that are widely held

The right to eat does not include the right to be fed, it is crucial to remember this. Many individuals think that governments have a duty to feed everyone in need for free in order to uphold the right to food. They conclude that this may lead to dependence or that it is not feasible. There was a misunderstanding. According to the United Nations, the right to food is essentially the right to feed oneself with dignity rather than the right to be fed. In general, people are expected to fulfill their own obligations on their own time, within their own means, and with their own resources. Someone must reside in a place where they may either produce their own food or buy it if they want to be able to accomplish this. To produce food on their own, a person needs land, seeds, water, and other resources to buy food, they need money and access to the market. Governments must provide an environment that allows individuals to use their full potential in order to produce or get adequate food for themselves and their families, in compliance with international norms, as part of the right to food. On the other hand, the state is required to personally provide food to inmates who are unable to sustain themselves because of armed conflict, natural disasters, the potential for climate change, or a lack of natural resources.

It is untrue to say that a lack of food on Earth leads to a person's right to eat being denied. Many people think that since there isn't enough food for everyone, people are denied their right to nourishment. This isn't always the case, however. But the world produces enough food to feed everyone, according to the Food and Agriculture Organization of the United Nations. Hunger and malnutrition are mostly caused by a lack of access to nutrient-rich food sources rather than

food instability. Even when there is an abundance of food accessible, poor food is often hindered by poverty, social isolation, and prejudice. This is true not just in developing countries but also in some of the most economically developed nations. To ensure that there will be food for future generations, state initiatives to support a sustainable food production must be long-term, taking into consideration factors like population growth and the effect of natural resources.

3. Act Relating to Food Entitlements and Food Security

It specifically says that the state is in charge of making sure that every kid has access to a healthy diet. The constitution calls for the creation of a human rights commission, whose duties include keeping an eye on all human rights, investigating complaints of violations, pursuing compensation on their behalf, and educating the public about human rights. Courts in developed nations interpret and defend basic rights, including the right to eat. The results of the 1998–1999 Second National Family Health Survey indicate a serious issue. According to this survey, the percentage of undernourished Indian children is 47 percent; the percentage of anemic adult women is 52 percent; and the percentage of people with a body mass index below the threshold of 18.5 points, which is often associated with chronic energy insufficiency, is 36 percent. Dietary deficiencies have a catastrophic impact on the future and general well-being of Indians. First of all, being hungry or malnourished are inherent deficiencies that negatively affect a person's capacity for survival and function. Moreover, among other effects, undernutrition is linked to a decline in learning ability, an increase in the risk of disease, and a number of restrictions on social and personal opportunities. From a global standpoint, India is among the poorest and most malnourished nations in the world.

It is certainly true that the nation now produces enough food to feed everyone. Rapid increases in hunger in certain regions of India are now more often attributed to transient natural disasters like storms or droughts than to human activities. This event is referred to as "temporary divergence from the norm". Large-scale famines no longer affect India the way they did in the past.

However, this upbeat depiction of India's food situation misses the fact that chronic malnutrition is a significant problem across the whole nation. For a vast number of people, who already live on the edge of catastrophe on a daily basis, natural disasters' temporary disruptions in the food chain are especially devastating. India is capable of feeding its whole people, but it doesn't. Regarding the basic requirements of human dignity, the long-term circumstances which are regarded as typical to which millions of Indians are subjected are intolerable.

To address these issues, the New Agricultural Strategy was implemented, along with policies of local price support, market isolation from foreign markets, and input subsidies. It was a huge success and helped to establish the historic Green Revolution. Food production or output is no longer a cause for worry in India. In terms of food production, India is now self-sufficient. The Soviet development model started to lose favour with Indian policymakers. A number of alternatives were put out, such as dismantling the Public Distribution System and disinvesting in public sector organizations. However, other worries have started to surface in the developed economies of the West, such as worries about the security of needs like food. In reality, these global concerns may be linked to the current anxiety in India around food security.

II. CONCLUSION

It is the basic human right for everyone, regardless of color, religion, or country of birth, to have access to food and water. Every citizen of the nation is entitled to be free from hunger and malnutrition. The most important problem is having financial access to food. At the national level, self-sufficiency has risen, but not at the household level. Given the correlation between work and both buying power and food security, it is imperative to construct a national social security system and implement job guarantee programs in order to ensure everyone's access to a sufficient diet. Therefore, establishing legal protection is a necessary first step in establishing the right to food as a basic human right. Strategies and action plans aimed at ensuring national food security should be based on comprehensive socio-economic evaluations and programs that specifically target vulnerable and food insecure populations. First and foremost, national human rights institutions are in charge of monitoring and documenting the application of the right to food, as well as receiving and considering complaints from individuals and organizations.

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