



ISSUES AND CHALLENGES IN THE RIGHT TO FOOD AS A HUMAN RIGHT

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ABSTRACT

Inalienable human right to food. A state must provide enough food for all. Various government and non-government programmes work to provide food to those in need. Various causes contribute to the scarcity of food and food goods. India scores poorly on the global hunger index. Every year, malnourished children die from famine and lack of micro and macro nutrients in both rural and urban settings. The National Food Security Act of 2013 is one tool to give enough food grains to those in need. Many government programmes such as Annatodyay Yojana, Annapurna Yojana, and anganwadi strive to reduce hunger and malnutrition. Anganwadi, Midday Meal Schemes, etc. are major schemes that offer food and education to children aged 3 months to 14. Right to food is recognised in both national and international law. People's right to food is one of the basic rights guaranteed by the UDHR and other international human rights instruments such as the ICCPR, ICESCR, and UDHR.

KEYWORD: Human Right, Food, Right.

INTRODUCTION:

The right to food is one of the most basic human rights that the state must preserve for all people so that they can live in dignity. A number of people have died as a result of famine, whereas others have died as a result of obesity and obesity-related diseases. People are unable to feed themselves and their family in sufficient quantities and of sufficient quality. Food is thrown away at parties and celebrations, and no one seems to mind. Food waste in restaurants and receptions should be prohibited or reduced. The National Food Security Act of 2013 was enacted by the government to offer a handful of food grains to persons living below the poverty level at subsidised rates. However, due to leakages in the public distribution system and other factors, targeted beneficiaries are not receiving benefits from the Antodyaya and Annapurna Yojanas.

RIGHT TO FOOD AS A HUMAN RIGHT: INDIAN CONSTITUTION

"Right to food is addressed in Articles 21 and 39(a), 47, 51 A(j), 51A(h), and 243. The right to food is defined in the Indian Constitution's Fundamental Rights, Directive Principles of State Policy, and Fundamental Duties. Article 14: "The State shall not refuse to any individual within the territory of India equality before the law or equal protection of the laws." It establishes equality in the eyes of the law. People have a legal right to equal protection under the law."

"Article-21: "No one shall be deprived of his life or personal liberty until and until the procedure established by law is followed, and the procedure must be fair and reasonable."

If a person is unable or unable to obtain an acceptable amount of food using all of his resources, the state must ensure that people's fundamental right to obtain an adequate amount of food is protected.

Article 32(1): The right to bring an appropriate proceeding before the Supreme Court to enforce the rights given by this Part is guaranteed. "If a person's fundamental rights are violated, such as when he or she does not receive an adequate amount of food, he or she can seek constitutional remedies from the judiciary for the enforcement of basic rights or against violations of fundamental rights." Article 47: "The State shall regard raising the level of nutrition and the standard of living of its people, as well as improving public health, as among its primary duties, and in particular, the State shall endeavour to prohibit the consumption of intoxicating drinks and drugs that are harmful to health, except for medicinal purposes."

"Article-51A (h): It shall be the responsibility of every Indian citizen to foster scientific temper, humanism, and the spirit of inquiry and reform."

Article 51A (j): It shall be the obligation of every citizen to strive for excellence in all aspects of individual and collective activity so that the nation continues to advance to new heights of success and endeavour. "In nature, it is justiciable."

"The Supreme Court remarked in *PUCL v. Union of India*¹³ that it is the duty of a State to offer adequate food to all persons beyond their inability to obtain food, for example, the State shall provide appropriate food to the destitute, old age, sick, pregnant women, children, and breastfeeding mothers."

"The Supreme Court held in *Kishen Pattnayak & Anr. v. State of Orissa*¹⁵ that the right to food is a fundamental right of people, and that it is the duty of the state

to provide adequate food to people and to take necessary action to eradicate hunger, malnutrition, and starvation death from the district Kalahandi of Orissa."

RIGHT TO FOOD: LEGISLATIVE ASPECT

The National Food Security Act, 2013, was adopted by the federal government to protect a state's entitlement to food. It guarantees that selected recipients or individuals living in poverty receive enough quantities and quality of food. The key characteristics and provisions of the National Food Security Act of 2013 are listed below. It is relevant to the entire country of India. It provides adequate nutrition to youngsters ranging in age from 3 months to 14 years. Chhattisgarh is one of the states that has implemented new approaches in the public distribution system to eliminate fraud and corruption and ensure that cereal and grains are delivered to targeted beneficiaries without delay.

National Food Security Act, 2013:

"The Food Security Act, often known as the Food Subsidy Act, provides subsidised food grains to two-thirds of the country's population. Its major goal is to distribute obtained food grains to specific recipients. State, Central (Food Corporation of India), and other state private purchasing businesses buy food grains from farmers at the Minimum Support Price. It proposes providing 5 kilogrammes of food grains per person every month to 75 percent of the rural population and 50 percent of the urban population at issue prices of Rs. 2 for wheat, Rs. 3 for rice, and Rs. 1 for coarse grain. It covers the entire country of India. It is divided into 45 sections, 13 chapters, and four schedules. The National Food Security Act of 2013 combines all past government of India food security programmes, such as the Mid-Day Meal Scheme and Integrated Child Development Schemes. Beneficiaries will get Food Security Allowances if food grains are not available through the Targeted Public Distribution System (TPDS). Children under the age of fourteen, pregnant women, and breastfeeding moms have all received special attention. Anganwadi provides free food to pregnant women, nursing mothers, and children under the age of six months."

"The National Food Security Act also includes a framework for public grievance redress at the district and state levels." If a public servant or a defaulting authority fails to offer remedy as recommended by the District grievance redressal officer, a penalty may be applied. "In each state, a State Food Commission shall be constituted. The State Food Commission has the authority of a Civil Court, and any appeal against a State and Public District Redressal Officer's order may be submitted there."

LOOPHOLES IN IMPLEMENTATION OF RIGHT TO FOOD IN INDIA:

1. Public distribution system flaws: the public distribution system is broken. Culprits do not ensure that cereal grains flow smoothly from the public distribution system to the intended recipients.
2. People are unaware of their fundamental right to food: people are unaware of their fundamental right to eat. They have no idea how they will be able to obtain their rights to food. Destitutes, beggars, and homeless persons who do not have any knowledge or access to food do not benefit from the right to eat. It is a big challenge and issue for the Right to Food movement. There are no suitable systems in place to assist the poor and beggars in obtaining their right to food.
3. People are ignorant of the biometric technology that has been installed to

their ration cards: The Adhaar card has been attached to the ration card of selected beneficiaries in order to distribute cereals and grains. The National Food Security Act does not aid illiterate or poor people. Several incidences have been reported in several states where impoverished targeted beneficiaries died of malnutrition and hunger as a result of not having an Adhaar card linked to their public distribution account.

HUMAN RIGHT TO FOOD IN INDIA:

The Supreme Court Case:

On April 16, 2001, the PUCL submitted a "writ petition" to the Supreme Court of India asking three major questions:

1. Starvation deaths have become a National Phenomenon while there is a surplus stock of food grains in government godowns. Does the right to life mean that people who are starving and who are too poor to buy food grains free of cost by the State from the surplus stock lying with the State particularly when it is lying unused and rotting?
2. Does not the right to life under Article 21 of the Constitution of India include the right to food?
3. Does not the right to food which has been upheld by the apex Court imply that the State has a duty to provide food especially in situations of drought to people who are drought effected and are not in a position to purchase food.

Article 21 of the constitution, titled "Protection of life and personal liberty," states in part, "No individual shall be deprived of his life or personal liberty except in accordance with legal procedure." The Supreme Court has been issuing decisions as a result of the continuing procedures, directing government entities to identify the poor within their jurisdictions and ensure that they receive appropriate food. On July 23, 2001, the court issued the following statement:

What is most important, in our opinion, is to ensure that food is provided to the elderly, infirm, disabled, destitute women, destitute men in danger of starvation, pregnant and lactating women, and destitute children, particularly in cases where they or members of their family do not have sufficient funds to do so. There may be a food shortage in a famine, but there is scarcity in this condition. There is plenty of food, but it is scarce and non-existent among the poor and needy, resulting in malnutrition, famine, and other difficulties.

On September 3, 2001, the court ordered that 16 states and union territories that had not yet identified families living in poverty to do so within two weeks in order to offer food aid to those families. The court admonished them two weeks later, on September 17, 2001, adding, "we are not satisfied that any such exercise has been performed in the correct earnestness." They were given three weeks to comply with the ruling after that. The court further reminded the states that "certain Central Government programmes are stated that require State Governments to implement":

The Employment Assurance Scheme, which may have been replaced by a Sampurna Gramin Yojana, the Mid-day Meal Scheme, the Integrated Child Development Scheme, the National Benefit Maternity Scheme for BPL pregnant women, the National Old Age Pension Scheme for destitute persons over 65 years, the Annapurna Scheme, Antyodaya Anna Yojana, the National Family Benefit Scheme, and the Public Distribution Scheme for BPL and APL families are among these schemes. Within three weeks from today, the Chief Secretaries of all States and Union Territories are directed to report to the Cabinet Secretary, with a copy to the learned Attorney General, on the implementation of all or any of these Schemes, with or without modification, and, if none of the Schemes have been implemented, the reasons for the same.

All state governments were told to collect their "entire allotment of foodgrains from the Central Government under the various Schemes and disburse the same in accordance with the Schemes" from the federal government. The court further mandated that "the Food for Work Program in the scarcity areas be implemented by the several States to the degree possible." The court issued orders to eight of the biggest schemes on November 28, 2001, instructing them to identify the poor and provide them with grain and other assistance by early 2002. "The States are directed to complete the identification of BPL (below poverty level) families, issuing of cards, and commencement of distribution of 25 kgs. grain per family per month by 1st January, 2002," for example, for the Targeted Public Distribution Scheme.

CONCLUSION:

Because it applies to all humans, the right to food is one of the most basic human rights. Beyond their constraints, everyone has the right to food, which includes the availability and accessibility of a small amount of food. The National Food Security Act of 2013 ensures that everyone has enough food. The realisation of the right to food faces a number of obstacles. In one of the key cases, PUCL v. Union of India, the Supreme Court decided that it is the state's responsibility to secure adequate food for all people and to take appropriate steps to eliminate hunger, malnutrition, famine, and death from the state by implementing various social welfare initiatives. People should be aware of their fundamental rights and

adhere to the most up-to-date tactics in the public distribution system. The National Food Security Act of 2013 should be properly implemented. Hunger, malnutrition, famine, and mortality should all be eradicated from the country by government and people working together.

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