

**Segurança alimentar na Índia**

Ranjana Ferrão\*\*

**ABSTRACT**

The world faces problems of hunger and malnutrition. The world must feed nine billion people by 2050. This is a huge challenge. The roots of the problem of hunger and malnutrition are not lack of food but lack of access to available food. Most legal system around the globe have codified the right to food. Right to food does not mean right to free food. The State must respect and protect the rights of individuals to feed them. Food Insecurity occurs when people have no access to food or food is not affordable for them to buy it. Food security means eliminating all kinds of hunger present and future. India is country which developed the ideology of 'Grain is God'. It was a land of food security but in the 20<sup>th</sup> century this food security was transformed into food insecurity. This Article discusses a Historical perspective of food management in India. The Article dwells on the legislative changes made to ensure right to food, the setting of administrative bodies and creation of public welfare schemes. The Article discusses the National Food Security Act, 2013 and outlines the problems in enforcing this legislation. Though India has legislative and administrative bodies yet the problem of food insecurity is not resolved the Article outlines the possible challenges to the government. The Article offers useful suggestions which may guide legislators to solve the problem of food scarcity. The "right to food" is a fundamental human right. Right to food can be interpreted as right to adequate food. This right is of crucial importance for the enjoyment for all other rights i.e right to life and right to health. It applies to everyone.<sup>1</sup> Hunger and undernourishment directly or indirectly account for over half of the deaths in the world.<sup>2</sup> Hunger is a violation of human dignity and an obstacle to social, political and economic progress of a country. International law recognizes that everyone has the fundamental right to be free from hunger.<sup>3</sup> Right to food does not mean right to free food. The State must respect and protect the rights of individuals to feed them. Direct food assistance can be provided by the State in an emergency situation like natural disasters or war. When a country cannot meet this need through its own resources, the State must request international assistance.<sup>4</sup> India is home to 194.6 million undernour-

\* Recebido em 03/11/2016  
Aprovado em 07/02/2017

\*\* Assistant Professor, V.M. Salgaocar College of Law, Miramar Goa . India B.Sc Chowgule College (University of Goa), LL.B Kare College (University of Goa) , LL.M V.M.Salgaocar College of Law (University of Goa), Ph.D V.M.Salgaocar College of Law (University of Goa). E-mail: ranjanaferrao@gmail.com

1 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No.12 : The Right to Adequate Food (Article 11 of the Covenant) 12<sup>th</sup> May 1999. Available at: <<http://www.refworld.org/docid/45388389c11.html>>. Access on: 17 Oct. 2016

2 The State of Food Insecurity in the World (SOFI) 2002. Available at: <<http://www.fao.org/docrep/005/y7352e/y7352e03.htm>>. Access on: 5 Oct. 2016

3 The right to food. Available at: <<http://www.fao.org/worldfoodsummit/english/fsheets/food.pdf>>. Access on: 5 Oct. 2016

4 The Right to Adequate Food, Office of the High Commissioner Human Rights. Available at: <[www.ohchr.org/Documents/Publications/FactSheet34en.pdf](http://www.ohchr.org/Documents/Publications/FactSheet34en.pdf)>. Access on: 17 Oct. 2016.

rished people, the highest in the world.<sup>5</sup> India is placed at 97<sup>th</sup> among 118 countries<sup>6</sup> and its score is 28.5 which are considered a serious level. 51% of women in the age group of 5 to 59 years are anaemic and 44% of children under 5 are underweight. Malnourished children have a higher risk of death. India produces enough food to feed its hungry people. However there are no mechanisms to check the loss of food. India lacks storage and transport facilities for food grains. As a result 50% of the Food is lost before it reaches the poor. India is still struggling to alleviate poverty and unemployment.

## 1. FOOD INSECURITY

The World Food Summit in 1996 defined food security thus: “Food security exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food which meets their dietary needs and food preferences for an active and healthy life.” The official definition of food security embraces nutrition; in fact, the accepted definition is of food security and nutrition and not just food security.<sup>7</sup> The Global food security challenge is the world must feed nine billion people by 2050.

Food insecurity is created because of problems in food distribution, not food production.<sup>8</sup> The important question would be: what determines distribution of food between different sections of the community. Food insecurity is measured as a household level concept that refers to uncertain, insufficient, or unacceptable availability, access or utilization of food. It is therefore households that are classified as secure or insecure. When the household contains one or more food insecure persons the household is considered food insecure.<sup>9</sup> Food

insecurity is caused by poverty rather than food scarcity.

## 2. THE RIGHT TO FOOD UNDER INTERNATIONAL LAW

The right to food was initially codified in the United Nations Declaration of Human Rights. It refers to the right to food as one aspect of the right to a standard of adequate living to ensure the health and wellbeing of each person.<sup>10</sup> The right to food is thus explicitly linked to individuals’ health and wellbeing.

Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>11</sup> stipulates that the states must recognize and take steps to ensure the realization of the right of adequate standards of living for individuals and families. Adequate standards of living, requires adequate food, clothing and housing.<sup>12</sup> The focus of the Article is on combating hunger. It invokes an array of means by which food production, conservation and distribution is to be improved. It calls for use of scientific and technical methods, nutritional education, agrarian reforms, and global trade practices, problems of both food-importing and food-exporting countries and equitable distribution of food supplies.<sup>13</sup>

The Convention on the Rights of the Child<sup>14</sup> (CRC), recognizes “the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.<sup>15</sup>” The CRC requires states to combat child malnutrition<sup>16</sup>; and to “take appropriate measures” to assist parents in fulfilling their primary responsibility to implement children’s right to an adequate standard of living, “particularly with regard to nutrition.<sup>17</sup>”

5 India tops world hunger list with 194 million people. Available at: <<http://www.thehindu.com/news/national/india-is-home-to-194-million-hungry-people-un/article7255937.ece>>. Access on: 29th May, 2015

6 India has made considerable improvements since 1992. In the year 1992 its score was 46.5.

7 Committee on Food Security. Also See NARAYANAN, S. Food Security in India: The Imperative and Its Challenges. *Asia and Pacific Studies*, v. 2, Issue 1, Jan. 2015.

8 SEM, A. *Poverty and Famines An Essay on Entitlement and Deprivation*. Oxford: Clarendon Press Oxford, 1981. p. 17

9 Panel to Review U.S Department of Agriculture’s Measurement of Food Insecurity and Hunger, Committee on National Statistics, Division of Behavioural and Social Sciences and Education, National Research Council *Food Insecurity and Hunger in the United States*:

*an Assessment of the Measure*, The National Academic Press, Washington p. 3

10 See Article 25

11 This treaty was opened for signature in 1966 and came into force in 1976

12 Article 11 para.1

13 SAUL, B.; KINLEY, D.; MOWBRAY, J. *The International Covenant on Economic, Social and Cultural Rights Commentary, Cases Materials*. Oxford: Oxford University Press, p. 867

14 Hereinafter referred to as CRC. India acceded to the Convention on 11 December 1992.

15 See Article 21(1). India signed CEDAW on 0 July, 1980. Ratified it on 9th July 1983.

16 See(Article 24(2)(c))

17 See (Article 27(3))

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), requires states to ensure that women have “adequate nutrition during pregnancy and lactation<sup>18</sup>” and to “take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular [...], to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications<sup>19</sup>”.

### 3. FOOD INSECURITY IN INDIA

India has two recurring problems huge population and uncertain monsoons. One year of drought severely affects food production in the country. There is a large section of food insecure people in India. These are landless people with no land. Traditional artisans, people who provide traditional service, petty self-employed workers, labourers, beggars and destitute.<sup>20</sup> Women and children specially belonging to economically backward classes and are most vulnerable. People may face chronic hunger when they do not have enough money to buy food. Some people may face seasonal hunger. This happens farmers who have small lands have not benefited from the harvesting season and not made any profit.

In urban areas laborers do not have enough work throughout the year they may face hunger. Some Indian states Odisha, Bihar, Uttar Pradesh, West Bengal, Jharkhand, Chhattisgarh, Madhya Pradesh, and Maharashtra have extreme levels of food insecurity. Districts of Kalahandi and Kshipur districts of Odisha. Palamu district of Jharkhand, Baran district of Rajasthan have permanent food insecurity and famine like conditions.

India's Tryst with Famines - Historical perspective of food management in India

Ancient man saved food grains. Records from Indus Valley civilization show that man developed agricultural practices, produced food grains and saved food grains.

18 See Article 12(2)

19 See (Article 14(2)(h))

20 MEHTA, A. et al. *Towards Solutions and New Compacts in a Dynamic Context India Chronic Poverty Report*. India: Indian Institute of Public Administration and Chronic Poverty Research center, p. 26

In the period of 321-301 BC kings were advised to provide seeds and make provisions for people during a famine.<sup>21</sup> The King may either distribute his own collection or income from the rich to the poor.

In the Vedic period of c. 1500 – c. 500 BC the teacher instructed his students to go and grow food grains. Thus grew the ideology of ‘Grain is God’.<sup>22</sup> The Hindus worship Annapurna who is considered the Goddess of nourishment. Anna means food and grains and Purna means full, complete and perfect.<sup>23</sup> During this time precaution against famines was considered a logical solution to solve food problems. In the period of 342 and 185 B.C the Maurya Empire issued instructions to higher officials to deal with famines and natural calamities. Villages were encouraged to have their own grain reserves and the King had to maintain his own stock of grain to meet emergencies. There were 14 famines between 11th and 17th century. There was no shortage of food grain recorded.

The first severe famine, the Bengal famine of 1770, wiped out nearly one-third of the population of the region.<sup>24</sup> During this period the frequency of famines increased. The British government did not act against famines. British famine policy in India was influenced by the arguments of Adam Smith. Hence the government remained unaffected and made no changes in the grain market in times of famine. They kept the famine relief as heap as possible with minimum cost to the colonial exchequer. Famines in British India were not caused by the lack of food in a particular geographical area. They were caused by inadequate transportation of food, which in turn was caused due to an absence of a political and social structure.

The Famine Commission was set up in the year 1880. The Famine Commission of 1880 observed that each province in British India, including Burma, had a surplus of food grains, and that the annual surplus amounted to 5.16 million metric tons. The Famine Commission studied the cultivation patterns, practices

21 Kautilya in his chronicle Arthashastra. See BHATTIA, B. M. *Food Security in South Asia*. Oxford: Oxford & IBH Publishing Co. New Delhi, 1985.

22 HALLEGUA, M. Z. *100 Desi Stories: Wisdom from Ancient India*. Jaico Publishing House, 2015. p. 40.

23 GODDESS Annapuna. Disponível em: <<https://journeying-tothegoddess.wordpress.com/tag/grains/>>

24 NANDA, R. *History of India upto 8th century*. Available at: <<https://sol.du.ac.in/mod/book/view.php?id=1611&chapterid=1633>>. Access on: 28 Dec. 2016

and agricultural production practices in India. The result of the Famine Commission was a series of guidelines and regulations on how to respond to famines and food shortages, which were termed as the Famine Code. The Famine Code was passed in the year 1883. The Famine Codes defined three levels of food insecurity, which were near scarcity, scarcity, and famine. Scarcity was defined as three successive years of crop failure, crop yields of one-third or one-half normal and large populations in distress. Famine code was one of the first attempts to predict famine.

In 1947 when India got independence, the Food Grain Corporation was set up. The Food Grain Corporation recommended import of food grains. This could guard against crop failure and also provide for food reserves. The Commission also recommended that the indigenous food grains production should be increased by 10 million tons per annum till self-sufficiency is achieved. The Food Corporation of India<sup>25</sup> is responsible for the execution of food policies of Central Government. FCI purchases food grains like wheat and rice from the farmers in states where there is surplus production. The food grains are purchased at pre-determined rates. This rate is fixed by the Government. This price is known as Minimum Support Price. Later, the government makes the food grains available to the areas where the production of food grains is insufficient and to the poor section of the society. The system through which FCI makes the food grains available to the poor society is known as Public Distribution System.

Food grains Policy Commission was followed by a number of Commissions which examined the food policy from time-to-time. The Food Corporation of India and the Agriculture Prices Commission were set up in the year 1965. The former was to provide price support to farmers by purchasing quantities that could not fetch minimum support prices in the market, store the grains scientifically, move grains from surplus to deficit areas and make available gains to states to feed poor through the public distribution system.<sup>26</sup> The Agricultural Prices Commission (now known as the Commission for Agricultural Costs and Prices (CACAP), a body on which farmers are also represented, was to advise the Government on price policy for agricultural commodities and

evolve a balanced and integrated price structure in the perspective of the overall needs of the producers and the consumers.

#### 4. GREEN REVOLUTION IN INDIA

Prime Minister Indira Gandhi launched the Green Revolution in India.<sup>27</sup> The Green Revolution had a series of special agricultural innovative programs which transformed India into surplus production of wheat, rice, cotton and milk. The country was able to become one of the world's biggest agricultural producers and a food exporter. Sadly Green Revolution could not last long. Green Revolution suffered many problems. The owners of large farms were the main adopters of the new technology. Hence Green Revolution benefited the large farmers. The small farmers lagged behind. Since the rich farmers were already better equipped, Green Revolution accentuated the income inequalities between rich and poor. Green Revolution resulted into lower product price and higher input prices which also encouraged landlords to increase rents or force tenants to evict the land. The mechanization pushed down the wages of and employment opportunities for unskilled labor in the rural areas thereby further widening the income disparities.<sup>28</sup>

#### 5. FOOD SECURITY AND GOVERNANCE

The high levels of food insecurity forced the Indian Government to introduce three food intervention programmes during the 1970s. The programmes are Public Distribution System (PDS) for food grains, Integrated Child Development Services (ICDS), Food-for-Work (FFW).

#### 6. PUBLIC DISTRIBUTION SYSTEM

Public Distribution System evolved as a system of management of scarcity and for distribution of food

25 Hereinafter referred to FCI

26 BASU, K. India's Foodgrain Policy: An Economic Theory Perspective. *Economic & Political Weekly EPW*, v. XiVi, n. 5, Jan. 2011

27 The Green Revolution lasted for a decade from 1967- 1978

28 SEBKY, K. *The Green Revolution of the 1960's and Its Impact on Small Farmers in India*. Nebraska: University of Nebraska at Lincoln, 2010. Environmental Studies Undergraduate Student Theses, p. 9

grains at affordable prices. Allocation of food grains under TPDS<sup>29</sup> is made by the Government of India to States/Union Territories for APL<sup>30</sup> and BPL<sup>31</sup> including Antyodaya Anna Yojana (MY) families. The Central Government has to procure, store, transport food grains from one State to another. The grains are distributed to the poor sections of the society through the Fair Price Shops. The State Governments have to regulate the amount of food grains distributed to fair price shops in different areas. The State Government must identify families below poverty line, issue of ration cards, supervise and monitoring the functioning of Fair price shops.

To streamline the system, Central Government has issued *Public Distribution System (Control) Order 2001*. The main purpose of the Public Distribution System was to act as a price support programme for the consumer in 1960s. Those were the years of food shortage. The basic items covered were rice, wheat, sugar, edible oil, and kerosene to be sold at subsidized prices.

In spite of the existing targeted public distribution system, Rajasthan was hit by drought in the year 2001. The Government had failed to implement the Public Distribution scheme, hence people were dying of starvation. The Food Corporation of India (FCI) had godowns which were overflowing with grains. The grains were kept outside the godowns. Due to heavy rains the grains were rotting. To fight hunger people were eating in rotation. Some members eat food on one day while others ate on the other day. The amount of food needed to feed the hungry was 20 million tonnes. The Government had an access of 40 million tonnes. In spite of this people were dying of starvation, distribution of food was irregular.

Different sections of society filed a PIL in the Supreme Court of India asking to Court to intervene in this situation. The Supreme Court of India in *People's Union of Civil Liberties v. Union of India*<sup>32</sup> directed food grains in government godowns to be used to feed people affected by extended drought in the state. The court observed that it is essential to protect the vulnerable groups from starvation. The court directed for imple-

mentation of various schemes.<sup>33</sup> The court reiterated that right to life guaranteed under the Constitution of India includes right to food. The Court appointed Commissioners to monitor implementation of its orders and make suggestions. It asked for introduction of a range of social protection programmes like providing subsidized food-grain for the needy; feeding schemes for the destitute; school feeding programmes; mother and child nutrition programmes; and programmes guaranteeing employment to all those in rural areas who wanted work.

## 7. INTEGRATED CHILD DEVELOPMENT SCHEME (ICDS)

India has the largest food supplementation programme called Integrated Child Development Scheme (ICDS)<sup>34</sup>. This programme was aimed to improve the health and nutrition status of children in the age group of 0-6 years by providing supplementary food. The food is supplied to children through Aanganwadi Centers.<sup>35</sup> The problem was there were no sufficient number of Aanganwadi Centers to implement the scheme. The Supreme Court of India while hearing the public interest litigation filed by *People's Union For Civil Liberties vs. Union of India & Ors*<sup>36</sup> directed to increase the number of AWCS. The Court asked the Government of India to increase the amount to be spent on food for every child. The Court further directed that food must be supplied to children and lactating mothers for 300 days in a year. Mid-Day meal must be provided to all primary schools.

33 The court directed for implementation of various schemes namely (a) Targeted Public Distribution Scheme, (b) Antyodaya Anna Yojana, (c) Mid-Day Meal Scheme, (d) National Old Age Pension scheme, (e) Annapurna Scheme, (f) Integrated Child Development Scheme, (g) National Maternity Benefit Scheme, (h) National Family Benefit Scheme.

34 a. provide necessary conditions for pre-school children to ensure their psychological and social development through early stimulation and education. b. To provide pregnant and lactating women with food supplement. c. To enhance the mother's ability to provide proper child care through health and nutrition education; d. To achieve effective coordination of policy and implementation among the various departments to promote child development.

35 Aanganwadi centers are set up one center for the population of 1000 (700 in case of tribal area).

36 Dated 29/04/2004

29 Targeted Public Distribution System

30 Above the Poverty Line

31 Below the Poverty Line

32 Public interest litigation Petition (Civil) No. 196/2001

## 8. FOOD FOR WORK

Right to be free from hunger implies that the State must not interfere with individuals' livelihoods. Any such legislation found in national law must be corrected. In India in order to enable people to earn their food the state has passed the *Mahatma Gandhi National Rural Employment Guarantee Act, 2005*<sup>37</sup> which aims at enhancing the livelihood security of people in rural areas by guaranteeing hundred days of wage-employment in a financial year to a rural household whose adult members volunteer to do unskilled manual work. It aims to enhance livelihood security in rural areas by providing at least 100 days of wage employment in a financial year to every household whose adult members volunteer to do unskilled manual work. This has provided employment to 1 in 4 in rural household.

## 9. LEGAL CONTROL FOR FOOD SECURITY

India is a party to the International covenant on Economic, Social and Cultural Rights.<sup>38</sup> India has ratified all international treaties on right to food. The International Covenant on Civil and Political Rights,<sup>39</sup> The Convention on the Rights of the Child<sup>40</sup> and the Convention on elimination of all forms of Discrimination against women.<sup>41</sup> The Government of India has an international commitment to ensure right to food for everyone. Participation, accountability, access to information and access to effective remedies must be ensured at all levels of the implementation of the right to food. The Government of India has an obligation to respect right to food without any discrimination.<sup>42</sup>

Accordingly the Government must respect its citizen's right to food and not take any action that arbitrarily deprives people of their right to food. The Government must protect and enforce appropriate laws

37 Act No. 42 of 2005

38 India is a state party to the Covenant and ratified it on 10<sup>th</sup> April 1979. India is not a party to the Optional Protocol on the to the International Covenant on Economic, Social and Cultural Rights, 2013.

India has yet to submit a report to the Committee of Economic, Social and Cultural Rights which is over due by 15 years.

39 See Article 6

40 See Article 24 and Article 27

41 See Article 12 and Article 14

42 See General Comment No .12

to prevent third parties, including powerful people and corporations from violating right to food of others. The Government should take positive steps to identify vulnerable groups. Implement appropriate policies and programs to ensure their access to adequate food and water to those who cannot feed themselves for reasons beyond their control. To fulfil the obligation of right to food the government must use all its maximum available resources in every circumstance to ensure the minimum essential level required to be free from hunger.<sup>43</sup>

## 10. CONSTITUTIONAL PROVISIONS

The Constitution of India prohibits discrimination and recognizes human rights. Right to Life is protected as a Fundamental Right under Article 21 of the Constitution of India. The expression 'Life' in this Article has been judicially interpreted to mean a life with human dignity and not mere survival or animal existence. The Supreme Court of India has interpreted the term right to Life as, the right to food, water, decent environment, education, medical care and shelter."<sup>44</sup> Right to life protected under Article 21 of the Constitution includes Right to water<sup>45</sup> and the right to live with human dignity and all that goes with it namely bare necessities of life namely adequate nutrition, clothing and shelter over the head.<sup>46</sup> The right to life includes right to food.

The Directive Principles of State Policy serve to guide interpretation of fundamental rights, including right to life protected by Article 21. Right to Food is inherent to a life with dignity. The State has an obligation to ensure food security to see that the citizens are free from hunger. The state must strive to raise the level of nutrition and the standard of living of its people and improve public health among other primary duties.<sup>47</sup> The State must direct its policies towards securing adequate means of livelihood for its citizens.<sup>48</sup> The State must raise the level of nutrition and standard of living and improve public health.<sup>49</sup> The Right to Food a guaranteed

43 SRIVASTAVA, A. Kumar; TIWARY, M. *Right to Food*. 4<sup>th</sup>ed. India: HRLN, 2009.

44 *Chameli Singh and Others .v. State of Uttar Pradesh* (1996)2S.C.C 549

45 *Narmada Bachao Andolan .v. Union of India A.I.R 2000 S.C3741*

46 *Francis Corrali Mullin .v. Union Territory of Delhi*

47 See Article 47 of Constitution of India

48 See Article 39(a) of Constitution of India

49 See Article 47 of Constitution of India

Fundamental Right is enforceable under Article 32 of the Constitution.<sup>50</sup>

## 11. NATIONAL FOOD SECURITY ACT, 2013

The Government of India has a legislation to ensure that right to food is made available to everyone *the National Food Security Act, 2013*.<sup>51</sup> This legislation follows a life cycle approach. The word food is codified in Indian law. Food has been defined as any substance, whether processed, partially processed or unprocessed, which is intended for human consumption and includes primary food.<sup>52</sup> Food also includes genetically modified or engineered food or food<sup>53</sup> containing such ingredients, infant food, packaged drinking water, alcoholic drink, chewing gum, and any substance, including water used into the food during its manufacture, preparation or treatment but does not include any animal feed, live animals unless they are prepared or processed for placing on the market for human consumption, plants, prior to harvesting, drugs and medicinal products, cosmetics, narcotic or psychotropic substances.<sup>54</sup>

The Act defines “food security” as a means to supply entitled quantity of food grains and meal.<sup>55</sup> The law address all vulnerable groups of people and provides that eligible households are given priority which are place under the Antyodaya Anna Yojana Scheme.<sup>56</sup> Individuals in the following priority groups are entitled to an AAY card, including: (i) landless agricultural labourers, (ii) marginal farmers, (iii) rural artisans/craftsmen such as potters and tanners, (iv) slum dwellers, (v) persons earning their livelihood on a daily basis in the informal sector such as porters, rickshaw pullers, cobblers, (vi) destitute, (vii) households headed by widows or terminally ill 4 persons, disabled persons, persons aged 60 years or more with no assured means of subsistence, and (viii) all primitive tribal households. Such families identified as beneficiaries under this scheme can receive 35kg of rice at the rate of Rs.3 and Rs.2 per k.g res-

pectively. Coarse grains are distributed at Rs. 1 per k.g. The State government has to identify people belonging to the Antyodaya Anna Yojana. Once the beneficiary is identified they are issued ‘Antyodaya Ration Cards’ so that they can obtain grains from the fair price shop.<sup>57</sup>

The National Food Security Act, 2013 provides for payment of food security allowance to persons identified by the State Government in case grains are not supplied. The amount of food security allowance admissible to entitled persons is determined by multiplying the difference between the 1.25 times the minimum support price of the relevant food grain for that marketing season.<sup>58</sup> The State Government can also wheat flour in lieu of the entitled quantity of food grains.<sup>59</sup> The Central Government allocates food grains to State Governments at protected prices under the Targeted Public Distribution System.<sup>60</sup> The distribution percentage is 75% for rural population and 50% for urban population.<sup>61</sup>

The law has provisions to provide for nutritional support to pregnant women and lactating mothers. Pregnant and lactating mothers are entitled to meal, free of charge, during pregnancy and six months after the child birth, through the local Anganwadi centers.<sup>62</sup> Women are to be provided with maternity benefit of Rupees six thousand.<sup>63</sup> The eldest woman in a household can be considered the head of the household for issue of ration cards which is an identity for distribution of food grains. The law covers food security for people living in remote, hilly and tribal areas.<sup>64</sup>

Nutritional needs of children are their basic rights. Children in the age group of six months to six years,

50 See Article 32(1) of Constitution of India

51 Act No. 20 of 2013

52 See Section 2(j) National Food Security Act, 2013

53 India has only one genetically modified crop BT Cotton.

54 See Section 2(zk) National Food Security Act, 2013

55 See Section 2(1) and Section 2(6) National Food Security Act, 2013

56 See Section 2(3) of the National Food Security Act, 2013

57 ANTYODAYA Anna Yojana. Available at: <<http://www.pradhanmantriyojana.co.in/antyodaya-anna-yojana/>>. Access on: 28th Dec. 2016

58 See Section 2(7) and Section 8 of National Food Security Act, 2013. FOOD security allowance in case of non-supply of entitled food grains. Notification issued by Ministry of Consumer Affairs, Food & Public Distribution. Dated 28-April, 2015. Available at <<http://pib.nic.in/newsite/mbErel.aspx?relid=119855>>.

59 Section 3(3) National Food Security Act, 2013.

60 See Section 3 National Food Security Act, 2013

61 TARGETED public distribution system. Available at: <<http://dfpd.nic.in/public-distribution.htm>>. Access on: 20 Oct. 2016.

62 Anganwadi centre provides basic health care in Indian villages. It is a part of the Indian public health-care system. Basic health-care activities include contraceptive counseling and supply, nutrition education and supplementation, as well as pre-school activities. See <https://data.gov.in/dataset-group-name/anganwadi-centers>

63 See Section 4, National Food Security Act, 2013

64 See Section 30, National Food Security Act, 2013

age are to be provided with meal, free of charge, through the local Aanganwadi centers. Children, up to class VIII or within the age group of six to fourteen years, are to be provided free mid day meal except on school holidays. Every school and Aanganwadi center must have facilities for cooking meals, drinking water and sanitation.<sup>65</sup> The State Government, through the local Aanganwadi, must identify and provide meals, free of charge, to children who suffer from malnutrition.<sup>66</sup>

## 12. MONITORING BODIES

Central Government must allocate required quantity of food grains from central pool to State Governments.<sup>67</sup> Central Government must bear the costs of transportation of food grains, pay for intra-state expenses, provide assistance to state governments and create modern storage facilities. The Central Government has to make funds available while the State Governments must provide food grains when there is short supply or provide food allowance to the people. Central Government must provide assistance to the States towards cost of intra-State transportation, handling of food grains and Fair price deals.

There are provisions for creating an internal grievance redressal mechanism. Every State Government must put in place an internal grievance redressal mechanism which may include call centres, help lines, designation of nodal officers. The State Government must appoint or designate, for each district, an officer to be the District Grievance Redressal Officer.<sup>68</sup> State Government shall, by notification, constitute a State Food Commission.<sup>69</sup> Odisha is the first state in India to set up a State Food Commission to monitor the implementation of the National Food Security Act.<sup>70</sup> Any public servant or authority found guilty, who fails to provide relief is liable to pay a penalty of Rs. 5000.<sup>71</sup>

65 See Section 5, National Food Security Act, 2013

66 See Section 6, National Food Security Act, 2013

67 See Section 22, National Food Security Act, 2013

68 See Section 15, National Food Security Act, 2013

69 See Section 16, National Food Security Act, 2013

70 ODISHA to set up State Food Commission. Available at: <http://www.thehindu.com/news/national/other-states/odisha-to-set-up-state-food-commission/article8353728.ece>. Access on: 8 Oct. 2016

71 See Section 33

## 13. RIGHT TO SAFE FOOD

Right to adequate and safe food needs regulations to make food safe. These regulations must cover food hygiene, quality and labelling standards, labour conditions and land tenure. Regulations must also protect against unfair market practices, such as withholding price information or creating monopolies. States must take action to identify vulnerable groups and design policies that improve their access to food-producing resources or income.

In *Centre for Public Interest vs Union Of India & Ors* the Supreme Court of India held that the right to life and human dignity also encompasses the right to have food articles and beverages which are free from harmful residues such as pesticides and insecticides. The Court asked the Food Safety and Standards Authority of India (FSSAI) to conduct periodical inspection and monitor fruit and vegetable markets. The Court held;

Enjoyment of life and its attainment, including right to life and human dignity encompasses within its ambit availability of articles of food, without insecticides or pesticides residues, veterinary drugs residues, antibiotic residues, solvent residues.

India passed the *National Food Safety and Standards Act, 2006*.<sup>72</sup> This law covers food safety which is defined as the assurance that food is acceptable for human consumption according to its intended use. The Food Safety and Standards Authority of India<sup>73</sup> has been created for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import to ensure availability of safe and wholesome food for human consumption. Ministry of Health & Family Welfare, Government of India is the Administrative Ministry for the implementation of FSSAI. A consumer can complain to the Food Safety Officer or a Designated Officer of the area or Food Safety Commissioner of the State. The FSSAI has power to recall and remove marketed food from distribution, sale and consumption any food which is unsafe.

## 14. Problems in Making Food Security a Reality

Food Security is a comprehensive term that includes availability of food, accessibility and affordability.

72 Act No.34 of 2006

73 Hereinafter referred to as (FSSAI)



Country should be able to produce or import food required by it for its citizens. There should be enough stock of food in store in granaries for emergencies. A situation of non-availability of food should not arise. People should not be forced to go in search of food. The food that is available with the government must be easily accessible to its citizens. The Food that is available and accessible with the government must be affordable to the poorest of the citizens.

India has a legislation, the world's best schemes and yet it cannot feed its hungry people. The fundamental problem with the National Food Security Act is the law delegate's power to the State Government and there is often conflict with the Central Government and State Government over the allocation of food grains to states. Hence many states suffer from shortage of food grains. There are huge costs in procuring food grains. State Government are unable to bear costs. States do not have storing facility and transport facility to transfer the food grains.

People are unable to benefit from the Targeted Public Distribution system. People do not have employment hence they have no regular income. The Ration shops close by the time the poor laborers reaches home. The laborer has make a tuff decision of forfeiting work and to go and buy food grains.<sup>74</sup> Food grains are not distributed in the required quantity to the Ration shops. There are times when food grains are not available at the fair price shops. In some areas there is a nexus between private mill owners and corrupt civil supply officials. Hence only the very inferior food grains are supplied to the ration card holders.

The Fair price shop dealers are not appointed on a fair basis. There are errors in the manner of identification of target groups. Fraudulent names are including which denies benefits to the needy sections of society.<sup>75</sup> Procedure for obtaining food grains is long. No monitoring body and no one supervision process exists to check loopholes within the system. There is no punishment for those found guilty of diversion or wasting

public resources.

The law does not act as a permanent poverty alleviation measure. While it does provide some immediate relief, it fails to provide enduring food security to the poor. It would be more appropriate to focus on strategies that reduce poverty and stabilize prices of food grains.

## 15. REFORMS NEEDED

India needs to encourage co-operative Marketing societies which can sell food grains to consumers directly. This will eliminate the middlemen and also eliminate profiteering and black marketing. Bigger societies could have their own storage and warehousing facilities. This will go a long way in reduction of storage losses. The Food Corporation of India should buy food grains from co-operative marketing societies.

Cooperative marketing have made good progress in states like Maharashtra, Andhra Pradesh, Tamil Nadu, Uttar Pradesh and Bihar. The sugarcane marketing societies in Bihar and Uttar Pradesh protect the interests of the members. Cooperative societies in Maharashtra specialize in the sale of tobacco, fruits and vegetables.<sup>76</sup> Attempts have to be made to use technological solutions to track wastage and rotting of food grains.<sup>77</sup> In Tamil Nadu, consumers can obtain the stocks position via SMS, and in Chattisgarh, the timing of the arrival of the supplies to the fair price shop. Chhattisgarh has a system for tracking the entire chain from farmer to consumer. Andhra Pradesh has issued smart cards to beneficiaries at fair price shops and Rajasthan issues coupons.

## 16. FINAL CONCLUSIONS

India has to work on making food procurement program and food assistance program more effective. India

74 BALANI, S. *Functioning of the Public Distribution System An Analytical Report*. December 2013. Available at: <<http://www.prsindia.org/administrator/uploads/general/1388728622~TPDS%20Thematic%20Note.pdf>>. Access on: 30th Dec. 2016

75 PUBLIC Distribution System, functioning, limitations, revamping. Available at: <<http://www.civilserviceindia.com/subject/General-Studies/notes/public-distribution-system-functioning-limitations-revamping.html>>. Access on: 28th Dec. 2016

76 ASSESSMENT of State Implementation of Business Reforms. September 2015. Available at: <[http://dipp.nic.in/English/Investor/Ease\\_DoingBusiness/StateAssessmentReport\\_14September2015.pdf](http://dipp.nic.in/English/Investor/Ease_DoingBusiness/StateAssessmentReport_14September2015.pdf)>.

77 PUBLIC Distribution System & Food Security. Available at: <<http://planningcommission.nic.in/plans/mta/mta-9702/mta-ch8.pdf>>. Access on: 28th Dec. 2016

needs an effective system to identify poor families which will help in making the targeted public distribution system a success. The other area is India needs reforms for farmers. Support must be provided to farmers. Farmers need training in agricultural best practices and access to inputs, credit, storage and technology to increase their productivity in a sustainable way. This will raise their own living standards and produce surpluses to help nourish others. Farmers need reliable markets into which they can sell their crops each season and an adequate price to compensate them for their efforts and provide incentive to continue production the following year. Farmers need to be provided with crop insurance and other risk management tools so they can rebound from crop failures or other growing season fluctuations. Farmers must be able to own their land and pledge it. India needs investment to make right to food a reality. This investment is required to build better state of the art facilities to store food grains. The Government of India must encourage private sector investment. Private Companies must use their funds under corporate social responsibility and invest in all areas be it transportation, distribution, storage and energy infrastructure; agricultural research and development; agricultural science, extension, education and the promotion of best practices.

## REFERENCES

- BASU, K. India's Foodgrain Policy: An Economic Theory Perspective. *Economic & Political Weekly EPW*, v. XiVi, n. 5, Jan. 2011
- Committee on Food Security. Also See NARAYANAN, S. Food Security in India: The Imperative and Its Challenges. *Asia and Pacific Studies*, v. 2, Issue 1, Jan. 2015.
- HALLEGUA, M. Z. *100 Desi Stories: Wisdom from Ancient India*, Jaico Publishing House, 2015.
- Kautilya in his chronicle Arthashastra. See BHATIA, B. M. *Food Security in South Asia*. Oxford: Oxford & IBH Publishing Co. New Delhi, 1985.
- MEHTA, A. et al. *Towards Solutions and New Compacts in a Dynamic Context India Chronic Poverty Report*. India: Indian Institute of Public Administration and Chronic Poverty Research center.
- Panel to Review U.S Department of Agriculture's Measurement of Food Insecurity and Hunger, Committee on National Statistics, Division of Behavioural and Social Sciences and Education, National Research Council *Food Insecurity and Hunger in the United States: an Assessment of the Measure*, The National Academic Press, Washington.
- SAUL, B.; KINLEY, D.; MOWBRAY, J. *The International Covenant on Economic, Social and Cultural Rights Commentary, Cases Materials*. Oxford: Oxford University Press.
- SEBBY, K. *The Green Revolution of the 1960's and Its Impact on Small Farmers in India*. Nebraska: University of Nebraska at Lincoln, 2010. Environmental Studies Undergraduate Student Theses.
- SEM, A. *Poverty and Famines An Essay on Entitlement and Deprivation*. Oxford: Clarendon Press Oxford, 1981.
- SRIVASTAVA, A. Kumar; TIWARY, M. *Right to Food*. 4<sup>th</sup>ed. India: HRLN, 2009.

## WEBLIOGRAPHY

- Anganwadi centre provides basic health care in Indian villages. It is a part of the Indian public health-care system. Basic health-care activities include contraceptive counseling and supply, nutrition education and supplementation, as well as pre-school activities. See <https://data.gov.in/dataset-group-name/anganwadi-centers>
- ANTYODAYA Anna Yojana. Available at: <<http://www.pradhanmantrijojana.co.in/antyodaya-anna-yojana/>>.
- ASSESSMENT of State Implementation of Business Reforms. September 2015. Available at: <[http://dipp.nic.in/English/Investor/Ease\\_DoingBusiness/StateAssessmentReport\\_14September2015.pdf](http://dipp.nic.in/English/Investor/Ease_DoingBusiness/StateAssessmentReport_14September2015.pdf)>.
- BALANI, S. *Functioning of the Public Distribution System An Analytical Report*. December 2013. Available at: <<http://www.prsindia.org/administrator/uploads/general/1388728622~TPDS%20Thematic%20Note.pdf>>.
- FOOD security allowance in case of non-supply of entitled food grains. Notification issued by Ministry of Consumer Affairs, Food & Public Distribution. Dated 28-April, 2015. Available at <<http://pib.nic.in/newsite/mbErel.aspx?relid=119855>>.
- GODDESS Annapuna. Disponível em: <<https://>>

journeyingtothegoddess.wordpress.com/tag/grains/

India tops world hunger list with 194 million people. Available at: <<http://www.thehindu.com/news/national/india-is-home-to-194-million-hungry-people-un/article7255937.ece>>.

NANDA, R. *History of India upto 8th century*. Available at: <<https://sol.du.ac.in/mod/book/view.php?id=1611&chapterid=1633>>.

ODISHA to set up State Food Commission. Available at: <http://www.thehindu.com/news/national/other-states/odisha-to-set-up-state-food-commission/article8353728.ece>>.

PUBLIC Distribution System & Food Security. Available at: <<http://planningcommission.nic.in/plans/mta/mta-9702/mta-ch8.pdf>>.

PUBLIC Distribution System, functioning, limitations, revamping. Available at: <<http://www.civilserviceindia.com/subject/General-Studies/notes/public-distribu->

[tion-system-functioning-limitations-revamping.html](http://www.civilserviceindia.com/subject/General-Studies/notes/public-distribution-system-functioning-limitations-revamping.html)>.

TARGETED public distribution system. Available at: <<http://dfpd.nic.in/public-distribution.htm>>.

The Right to Adequate Food, Office of the High commissioner Human Rights. Available at: <[www.ohchr.org/Documents/Publications/FactSheet34en.pdf](http://www.ohchr.org/Documents/Publications/FactSheet34en.pdf)>. Access on: 17 Oct. 2016.

The right to food. Available at: <<http://www.fao.org/worldfoodsummit/english/fsheets/food.pdf>>.

The State of Food Insecurity in the World (SOFI) 2002. Available at: <<http://www.fao.org/docrep/005/y7352e/y7352e03.htm>>.

UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No.12 : The Right to Adequate Food (Article 11 of the Covenant) 12<sup>th</sup> May 1999. Available at: <<http://www.refworld.org/docid/45388389c11.html>>.