

STARVING INDIA: FOOD SECURITY VIS-À-VIS RIGHT TO FOOD IN INDIAN CONTEXT

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Abstract: Hunger and malnutrition are the twin problems that plague the world at large and continue to be a blemish on the graph of development. Though many countries have pledged their allegiance to the task of eradicating hunger, so far it has proved to be a utopian dream. Even though food is the most basic requirement for survival, it still seems to be a luxury which millions barely have access to. The only way that hunger can become a thing of the past is to make food security a reality, and to respect every individual's right to adequate food and ensuring that no one is denied the same. Right to food and Food Security is the need of the hour. The law of our land, that is the Constitution of India, has paid tribute to the Right to Food by giving it the status of a fundamental right and encompassing it within the purview of Right to Life guaranteed under Article 21.

This paper begins with explaining as to what constitutes hunger and malnutrition and showcases the grim scenario prevailing all over the world by depicting estimates provided by the FAO. It then goes on to delineate the concept of food security and exhibits how food insecurity is rampant in every nook and corner of India. Despite being touted as one of the fastest growing economies in the world, India is still lagging behind most of the other developing countries in the radar of the Global Hunger Index. An attempt has been made to explain the concept of right to food and the difference between the right to food and food security has been brought about. The paper then traverses through various international conventions, declarations and summits which endorse the Right to Food and enunciates the importance of incorporating the same by the countries in their national legislations. The various constitutional provisions safeguarding the right to food have been highlighted in the next segment followed by the positive role played by the judiciary in taking this right to the next level. The Supreme Court has done some commendable work in this regard and the PUCJ case is one such example which has been dealt with in detail by the paper. The next part of the paper

exhaustively deals with the various schemes enacted by the government to further this right to ensure that the under-privileged sections of the society can exploit its full potential. Furthermore, these governmental schemes have been critically analyzed to weigh their pros and cons and it has been observed that there is still a long way to go which is not an easy taskmaster owing to the rampant corruption. Towards the end, the authors have tried to give suggestions which might come in handy in curbing the menace of hunger and starvation in India. This paper has been prepared through theoretical methodological approach wherein various journals, books and newspapers have been referred to.

Keywords: Food Security; Hunger; Malnutrition; Right to Food, People's Union for Civil Liberties

INTRODUCTION

On 24th July, 2013, in a shocking incident in the tribal dominated Jawahar tehsil, 110 km from Mumbai, a 11-month-old Priya Ajay Kirkira died due to severe malnutrition while she was being taken to the sub-district hospital at Jawahar[1]. This is merely one of such incidents; India has witnessed many more shocking episodes of similar nature. The ground reality about hunger and starvation is very grim; scourge of hunger and malnutrition continues to haunt large sections of the population in India[2]. After the enactment of the Constitution, President Dr. Rajendra Prasad gave the pledge "To all we give the assurance that it will be our endeavor to end poverty and squalor and its companions, hunger and disease, to abolish distinctions and exploitation and to ensure decent conditions of living. We are embarking on a great task[3]." However, millions of Indians are still crying from starvation, with all the promises nowhere near being fulfilled. Food has been considered as the most basic necessity of life since time immemorial. In 4th century BC, starting from the premise that "none of us is self-sufficient, but we all need many things", Plato proceeds to list the most basic needs as food,

shelter, clothing, and health[4]. To deprive a person of food is one of the most appalling violations of his human right. Deprivation of food and other necessities of living have consistently been among the casual antecedents of the brutishness and brevity of human life (Sen Amartya, Dreze Jean, 1993)[5].

Hunger, malnourishment and undernourishment are the remarkable features of the life of an average poor Indian. Hunger is usually understood as an uncomfortable or painful sensation caused by insufficient food energy consumption. Scientifically, hunger is referred to as food deprivation[6]. Malnutrition results from deficiencies, excesses or imbalances in the consumption of macro and/or micro-nutrients. Malnutrition may be an outcome of food insecurity, or it may relate to non-food factors, such as inadequate care practices for children, insufficient health services and an unhealthy environment[7]. The status of persons whose food intake regularly provides less than their minimum energy requirements is said to be undernourished. The average minimum energy requirement per person is about 1800 Kcal per day. The exact requirement is determined by a person's age, body size, activity level and physiological conditions such as illness, infection, pregnancy and lactation[8]. According to the report of United Nations Food and Agricultural Organization (FAO), in 2011-2013, 842 million people- or one in eight of the people in the world, were estimated to be suffering from chronic hunger, regularly not getting enough food to conduct an active life. This figure is lower than the 868 million reported with reference to 2010-2012. The total number of undernourished has fallen by 17 percent since 1990-92[9]. Modern hunger differs from past hunger and the following are some of the distinguished features: First, the persistence of hunger in many countries in the contemporary world is not merely related to lack of affluence but also to substantial inequality in the society[10]. Second, in a market economy, individual or some group's ability to command food will be frequently affected by fluctuations of food prices in the market. Third, large majority of people by virtue of low wage structure cannot earn an adequate income to buy enough food; the acute vulnerability of wage laborers in market economy which applies even to rich countries when unemployment develops suddenly[11]. Fourth, in recent years, advances in agriculture technology have increased the potential for improving the living condition of the rural poor; but in many countries environmental degradation poses grave threat to the livelihood of rural population. It has been established that many famines, starvation deaths, hunger and malnutrition in the world have actually arisen from and been sustained by inflexible government policies undermining the power of particular sections of the

population to command food (Dreze & Sen, 1993)[12]. In the current scenario, it is imperative for the whole world to address the menace of hunger, malnourishment and undernourishment.

FOOD SECURITY: DEFINITION

Food security, as a concept, originated in the mid nineteen seventies. World Food Summit, 1974 defines food security as "availability at all times of adequate world-food supplies of basic food stuff to sustain a steady expansion of food consumption and to offset fluctuations in production and prices[13]." In 1983, FAO expanded its concept to include securing access by vulnerable people to available supplies, implying that attention should be balanced between the demand and supply side of the security equation. It defined food security as "ensuring that all people at all times have both physical and economic access to the basic food that they need[14]." In 1986, the highly influential World Bank report "Poverty and Hunger" focused on the temporal dynamics of food insecurity. The concept of food security was elaborated in terms of "Access of all people at all times to enough food for an active, healthy life[15]." The 1996 World Food Summit defined food security as "food security, at the individual, household, national, regional and global levels(is achieved) when all people, at all times have physical and economic access to sufficient, safe and nutritious food to meet the dietary needs and food preferences for an active and healthy life[16]." The definition of food security was again refined in The State of Food Insecurity 2001: "Food security (is) a situation that exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life[17]." Essentially, food security can be described as a phenomenon relating to individuals. It is the nutritional status of the individual household member that is the ultimate focus, and the risk of that adequate status not being achieved or becoming undermined. The latter risk describes the vulnerability of individuals in this context. Food insecurity exists when people do not have adequate physical, social or economic access to food as defined above[18].

FOOD INSECURITY IN INDIA

The studies on poverty and economic status of marginalized sections indicate that India's food security situation continues to rank as alarming and its rank is 67 of the 81 countries of the world with the worst food security status[19]. India continues to trail behind Pakistan and Bangladesh on the index as shown in Fig. 1. which has been prepared from the data of International Food Policy Research Institute's Global Hunger Index(IFPRI GHI)[20].

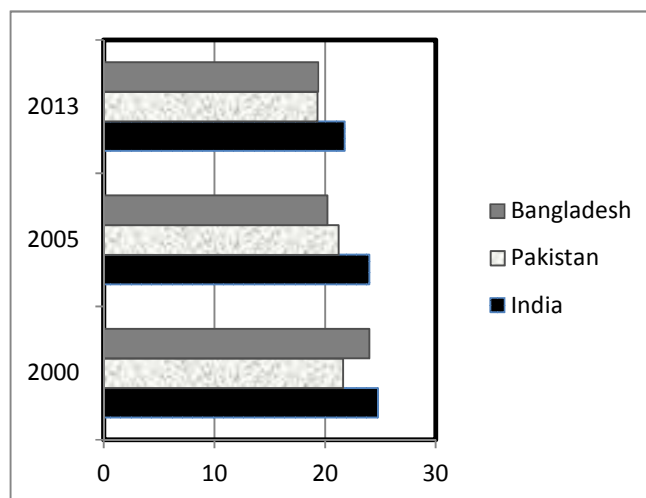


Figure 1: Global Hunger Index Scores 2000-2013

The United Nations World Food Programme's Report indicates that India, which is considered to be one of the fastest growing economies of the world and an emerging super-power paradoxically tops the global hunger chart with more than 27 percent of the world's undernourished population; making pertinently evident that food insecurity is a reality in India where every third adult has a low body mass index at less than 18.5 and at the same time 43 percent children aged below 5 are underweight[21]. The UNICEF website points that over 20 percent of our population suffers from chronic hunger. Worse, close to half the children under three years of age are underweight[22]. The National Family Health Survey in 2005-2006 points out that in India 46 percent of children below three are underweight, 33 percent women and 28 percent men have a below normal body mass index; 79 percent of children aged 6-35 months; 56 percent married women aged 15-49 and 24 percent similar men have anemia[23]. Ensuring food security to the needy ought to be an issue of importance for a country like India where more than one-third of population is estimated to be absolutely poor and half of all children are malnourished in one way or the other[24].

RIGHT TO FOOD

Right to food is one of the most paramount and cardinal rights that is vested in any individual. A person cannot reach his zenith unless he is armed with this right. Broadly speaking, the right to food can be interpreted as a claim of individuals on society (starting but not ending with the state). It is an entitlement to be free from hunger, which derives from the assertion that the society has enough resources, both economic and institutional, to ensure that everyone is adequately nourished[25]. Right to

food is a basic human right which cannot be twisted or ignored by the sweet will of the politicians. As per special Rapporteur on the Right to Food, Mr. Jean Ziegler, Right to Food means "the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear[26]." According to the United Nation's committee on economic, social and cultural rights "the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the other human rights enshrined in the International Bill of Human Rights. It is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies at both the national and international levels, oriented to the eradication of poverty and the fulfillment of human rights for all.... The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement[27]." The three main elements of the right to food are availability, adequacy and accessibility of food. Availability refers to enough food being produced for both the present and future generations therefore entailing the notions of sustainability, or long term availability and the protection of the environment. Adequacy refers to the dietary needs of an individual which must be fulfilled not only in terms of quantity but also in terms of nutritious quality of the accessible food. Accessibility implies that the financial cost incurred for the acquisition of food for an adequate diet does

not threaten or endanger the realization of other basic needs[28]. Right to food cannot be ghettoized from other rights such as right to health, education or life and these rights are interdependent. In order to achieve right to food these rights also need to be reinforced.

In 2002, a decision to bring about a paradigm shift from an anti-hunger approach based on food security to one based on the right to adequate food was adopted in World Food Summit, when 179 participating states reaffirmed the right to adequate food and tasked an FAO inter-governmental working group with developing Right to Food Guidelines in order to provide practical guidelines for achieving the goals established in 1996[29]. The right to food is different from food security. While the food security can be achieved in theory without the adoption of legal measures, the addition of legally enforceable rights makes the future of food security more secure. The concept of food security itself is not a legal concept per se and does not impose obligations on stakeholders nor does it provide entitlements to them whereas the right to food places legal obligations on States to overcome hunger and malnutrition and realize food security for all. Food security is a pre-condition for the full enjoyment of the right to food[30].

INTERNATIONAL COMMITMENT TO RIGHT TO FOOD

The right to food has a global recognition and its importance has been buttressed by various international conventions, declarations and summits. The most notable amongst them is the Universal Declaration of Human Rights (UDHR) which provides under Article 25 paragraph (1) that, everyone has the right to standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. The International Covenant on Economic, Social and Cultural Rights recognizes under Article 11 paragraph (2), the right of everyone to be free from hunger as a fundamental right. The article also provides measures to be adopted individually or collectively by States to achieve the above mentioned object. Article 12 of the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) provides the right of pregnant and lactating women to special protection with regard to adequate nutrition. Article 14 of the same convention incorporates the right of rural women to equal access to land, water, credit and other services, social security and adequate living conditions. Another

important convention which recognizes the right to an adequate standard of living is the Convention on the Rights of the Child (CRC) under Article 27. One of the most significant declaration to make right to food an actual reality was the Rome Declaration on World Food Security whereby the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right to everyone to be free from hunger was reaffirmed. In this declaration, a pledge was made to reduce the number of undernourished people to half their present level no later than 2015[31]. Voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security were adopted by the 127th session of the FAO Council, 2004. Its objective was to provide guidance to States in their implementation of the progressive realization of the right to adequate food in the context of national food security, in order to achieve the goals of the World Food Summit Plan of Action[32]. Again in the Declaration of the World Summit on Food Security, 2009, the urgent need for national, regional, global action to fully realize the target of Millennium Development Goal 1 and the 1996 World Food Summit Goal, namely to reduce respectively the proportion and the number of people who suffer from hunger and malnutrition by half by 2015 was stressed upon[33]. Thus it would suffice to say that the right to food has gained a predominant position in the International milieu.

CONSTITUTIONAL COMMITMENT TO THE RIGHT TO FOOD

The law of the land, i.e., the Constitution of India, circumscribes within itself the right to food through a plethora of provisions that spread throughout Part III and Part IV of the Indian Constitution. Article 21 of the Constitution guarantees right to life to all persons and right to life incorporates within itself the right to adequate standard of living which is not possible without the right to food. One of the key provisions in the constitution pertaining to the primary duty of the State to raise the level of nutrition, the standards of living and to improve public health which may be regarded as the basis of right to food is Article 47. Though this directive principle is non-justifiable, but the courts should make every attempt to reconcile the fundamental rights with the directive principles remembering that the reason why the directive principles were left by the fathers of constitution as non-enforceable in the courts was to give the government sufficient latitude to implement these principles from time to time according to capacity and circumstances that might arise. A fundamental right may be read together with the directive principles in order to enforce the directives through the fundamental rights[34]. Certain directive principles such as right to an adequate means of

livelihood under Article 39, right to work, education and public assistance in cases of unemployment, old age, sickness and disablement and in other cases of undeserved want under Article 41, living wages for workers under Article 43, and the principle relating to the duty of the state to secure social order for the promotion of welfare under Article 38 are thought to be sufficient to ensure right to food[35].

JUDICIAL COMMITMENT TO THE RIGHT TO FOOD

Supreme Court has used Article 21 in a very creative manner to improve the quality of life and to imply there from a bundle of rights for the people[36]. Indian Judiciary has done a laudable job in promulgating the right to food. It has broken all the barriers and has emerged as a champion of human rights. A magnificent step was taken by the court in expanding the scope of Article 21 when it observed that right to life does not merely mean 'animal existence' but living with 'human dignity'. Supreme Court observed in *Francis Coralie* (1981)[37]: "But the question which arises is whether the right to life is limited only to the protection of limb or faculty or does it go further and embrace something more. We think that the right to life includes the right to live with human dignity and all that goes along with it, viz., the bare necessities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and mingling with fellow human beings. Of course, the magnitude and content of the components of this right would depend upon the extent of economic development of the country, but it must, in any view of the matter include the right to the basic necessities of life and also the right to carry on such functions and activities as constitute the bare minimum expression of the human self." The Court while dealing with Article 21 in *Chameli Singh v. State of Uttar Pradesh* (1996)[38] held that the need for a decent and civilized life includes the right to food, water and decent environment. The court has observed in this connection: "In any organized society, right to live as a human being is not ensured by meeting only the animal needs of man. It is secured only when he is assured of all facilities to develop himself and is freed from restrictions which inhibit his growth. All human rights are designed to achieve this object. Right to live guaranteed in any civilized society implies the right to food, water, decent environment, education, medical care and shelter. These are basic human rights known to any civilized society..." Another broad promulgation of the right to life with dignity is found in *Bandhua Mukti Morcha v. Union of India* (1984)[39]. The Court observed- "to live with human dignity, free from exploitation. It includes protection of health and strength of workers, men and women, and of the

tender age of the children against abuse, opportunities and facilities for children to develop in a healthy manner and in conditions of freedom and dignity, educational facilities, just and humane conditions of work and maternity relief. These are the minimum conditions which must exist in order to enable a person to live with human dignity. No government can take any action to deprive a person of the enjoyment of these basic rights. In *Kishen Pattanayak and ors. v. State of Orissa* (1989)[40] a letter by a social worker was considered as the petition by the Supreme Court. It was mentioned in this petition that the people of Kalahandi, a district of Orissa, are so poor that in order to survive and to get food they are forced to sell off their land and they are even selling their children. It was mentioned that there are many people dying there due to hunger. The Court made enquiries and found that the government has taken measures to tackle this problem but the court also ordered various further relief measures like formation of committees and holding of meetings every two months and enunciated the importance of the right to food. In *Shantistar Builders v. Narayan Khimalal Totame* (1990)[41], it was held that "the right to life includes within its sweep the right to food..." Furthermore, in *Olga Tellis and ors v. Bombay Municipal Corporation and ors* (1985)[42], and *Samatha v. State of Andhra Pradesh* (1997)[43], the Supreme Court has impliedly voted for the right to food as an aspect of right to life but this was not sufficient to protect the interest of vulnerable groups of people suffering from hunger and malnutrition.

The decisive moment in the history of right to food came about in 2001, when People's Union for Civil Liberties (PUCL) filed a writ petition in the Supreme Court praying for directions to central government to release food grains from Food Corporation of India (FCI) godowns to the people who were starving to death in the State of Rajasthan. But later on all the states and union territories were made party to the writ petition. The Supreme Court took the matter seriously and observed: "in our opinion, what is of utmost importance is to see that food is provided to the aged, infirm, disabled, destitute women, destitute men who are in danger of starvation, pregnant and lactating women and destitute children, especially in cases where they or members of their family do not have sufficient funds to provide food to them. In case of famine, there may be shortage of food, but here the situation is that amongst plenty there is scarcity. Plenty of food is available, but distribution of the same amongst the very poor and the destitute is scarce and non-existent, leading to malnourishment, starvation and other related problems... by way of an interim order, we direct the states to see that all the PDS shops, if closed, are reopened and start functioning from today and regular supply is made..."

The anxiety of the court is to see that the poor, the destitute and the weaker sections of the society do not suffer from hunger and starvation. The prevention of the same is one of the prime responsibilities of the government- whether central or the state. How this is to be ensured would be a matter of policy, which is best left to the government. All that the court has to be satisfied of and which it may have to ensure is that the food grains which are overflowing in the storage receptacles, especially of FCI godowns and which are in abundance, should not be wasted by dumping into the sea or eaten by the rats. Mere schemes without any implementation are of no use. What is important is that the food must reach the hungry[44].” The court has sharply criticized the attitude of the government in not taking adequate measures in storage, transportation and distribution of food grains from FCI godowns, which has resulted in the wastage of the food grains, which were meant for food related schemes benefitting the poor and the needy; on 28th November, 2001, the court focused on eight food related schemes: (1) the Public Distribution System (PDS), (2) the Antyodaya Anna Yojana (AAY), (3) the National Programme of Nutritional Support to Primary Education, also known as Mid-day Meal Scheme (MDM), (4) the Integrated Child Development Services (ICDS), (5) Annapurna, (6) the National Old Age Pension Scheme (NOAPs), (7) the National Maternity Benefit Scheme (NMBS), and (8) National Family Benefit Scheme (NFBS). Essentially, by this interim order, the benefits of these eight schemes were converted into legal entitlements. In 2002, the court setup institutional mechanisms independent of the executive, in the form of Commissioners to monitor and report on the implementation of court orders, and suggest ways to promote food security rights of the poor; the commissioners have given eight reports on issues related to various food related scheme so far[45]. On May 2, 2003, the Supreme Court found the approach of the government as distressing and observed “Article 21 of the Constitution of India protects for every citizen a right to live with human dignity. Would the very existence of life of those families who are below poverty line not come under danger for want of appropriate schemes and implementation thereof, to provide requisite aid to such families? Reference can also be made to Article 47 which inter-alia provides that the state shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties.” The court also made an interim order to include six classes of the people in the AAY scheme and directed the government for the same. In 2011, the court expressed its doubts on the method of identifying people below poverty line and also ordered to ensure proper distribution of food grains and suggested the Union of India to consider

distributing food on an individual basis rather than on a family basis and directed to reserve more food grains stored in FCI.

The Supreme Court’s ruling that the right to food is a justiciable, reviewable, expandable, legally enforceable, constitutional and inviolable- right opened up new avenues both for political discourse and for concrete action[46]. PUCL’s case has brought about a marked footprint on the lives of millions of people in India. Never before has the world witnessed such a dynamic character of the judiciary.

GOVERNMENT SCHEMES AND POLICIES

There are various governmental policies which endorse the right to food. The most primary amongst them are Mahatma Gandhi National Rural Employment Guarantee Programme (MGNREGP), 2005, Targeted Public Distribution System (TPDS), 1997, Integrated Child Development Services (ICDS), 1975, Midday Meal Scheme(MDMS), and Food Security Act, 2013.

MGNREGP

It aims to augment the livelihood security of people in rural areas by guaranteeing 100 days of wage employment each financial year to every rural household whose adult members require work under the scheme. The scheme is a vital livelihood option for poor households without productive land or marketable skills, because it ensures non-discriminatory access to work and the timely payment of fair wages[47]. MGNREGP has provided around Rs 1,10,700 crore (66 per cent of the total expenditure of around Rs 1,66,000 crore) as worker wages from Fiscal Year (FY) 2006 up to FY 2011–12. Studies note a positive impact of this transfer on household income, monthly per capita expenditure, food security and health of the beneficiaries. Overall, while there are several indications of the significant impact of the Scheme, it has even greater potential in terms of poverty alleviation at scale, that can be realized[48]. MGNREGP has contributed towards ensuring a higher intake of food and food availability. In Andhra Pradesh, a study compared the number of meals foregone by households and found that this number had reduced significantly as a result of MGNREGP. Those who worked in the programme gave up 1.6 fewer meals per week[49].

TPDS

Government of India introduced the TPDS scheme with effect from 1st June, 1997. To streamline the public distribution system (PDS) by issuing special cards to the family below the poverty line and selling essential articles under PDS to them at specially subsidized prices with better monitoring of the delivery system. This quantity is issued as rice or

wheat or a combination of both at BPL prices. The State fixes Consumer End Prices (CEP) at Fair Price Shops (FPS) level at not more than 50 paise per kg over the Central Issue Price (CIP) particularly for the population below the poverty line. The states are also free to add the quantum coverage and the subsidy from their own resources. Common varieties of rice are exclusively reserved for the population below poverty line. The TPDS today supports over 40 crore Indians below the poverty line with monthly supply of subsidized food grains. It has become a cornerstone of government development policy and is tied to the implementation of most rural development programmes and also provides gainful employment for 4.78 lakh FPS owners, their employees and hired labor who work at the FCI and state warehousing godowns[50].

ICDS

ICDS was launched on 2nd October, 1975, and it is one of India's largest programmes towards child development. Its objectives are to improve the health and nutrition amongst children below six years of age and lactating mothers; to lay the foundation for proper psychological, physical and social development of the child; to reduce the incidence of mortality, morbidity, malnutrition and school dropout; to achieve effective co-ordination of policy and implementation amongst the various departments to promote child development; and to enhance the capability of the mother to look after the normal health and nutritional needs of the child through proper nutrition and health education[51]. The scheme aims at providing integrated package of services. These services include supplementary nutrition, immunization, medical check-ups, recommendation services, pre-school non-formal education and nutrition & health awareness. The purpose of providing these services as a package is that each of these issues is dependent on the other. In order to ensure that the overall care and education of the child is addressed, the MWCDD (Ministry of Women and Child Development) envisions the scheme as a complete package of provisions[52].

Midday Meal Scheme

With the object of promoting food security, nutrition and access of education to children, midday meal scheme was introduced as an initiative by the Human Resource Development (HRD) Ministry on 15th August, 1995 to provide every child in every public and assisted primary school hot cooked meal. It guarantees free supply of food grains worth 100 grams per child per school day at primary level and 150 grams per child per school day at upper primary school level[53]. Mid Day Meal Scheme envisages supply of adequate quantities of micro nutrients such as iron, folic acid, zinc, etc[54]. Midday meal scheme

boosts school attendance, provides protection to children from classroom hunger, enhances child nutrition and contributes to social equity[55].

Food Security Act

This Act ensures food security to enable assured economic and social access to adequate food, and life with dignity to all persons in the country at all times in pursuance of their fundamental right to live with dignity. It defines food security as the supply of the entitled quantity of food grains and meal specified under Chapter 2[56]. The Act categorizes the population into AAY group, a priority group and an excluded category. The excluded category is retained at 25 percent of the rural and 50 percent of the urban population. The AAY group will receive 35 kg of food grain per family per month while others, i.e., the priority group will receive 5 kg of food grain per family per month [57]. The Act specifies that up to 75 percent of the rural population and 50 percent of the urban population shall be entitled to food grains[58]. All beneficiaries will have to pay Rs. 3 per kg for rice, Rs. 2 per kg for wheat and Rupee 1 per kg for coarse grains[59]. The Central Government will be responsible for determining the total number of persons to receive food security in each state. Each state government will be responsible for specifying criteria for identifying households. AAY households will be identified according to the scheme guidelines. The Act provides for some reforms to the TPDS which include using technology, introducing cash transfer and food coupons to ensure food grain entitlements for beneficiaries. It also allows for the use of Aadhar Cards to identify the beneficiaries and for the delivery of food grains to the doorstep of each ration shop[60]. In case of non supply of the entitled quantities of food grains or meals to the beneficiaries, such persons shall be entitled to receive such food security allowance from the State Government as prescribed by the Central Government[61]. If this scheme is successful, it will be one of a kind and it will be the largest food security programme that the world has witnessed.

PROBLEMS AND SHORTCOMINGS OF GOVERNMENTAL SCHEMES AND POLICIES

Analysis of the various schemes and policies of the government indicate that none of these programmes have been able to exploit their full potential and corruption has seeped in to every nook and corner. In this section, an attempt has been made to bring about the various shortcomings and scams involving the right to food programmes.

The studies on MGNREGP indicate that the programme has encountered several problems in the implementation. They are: wages paid are lower than minimum wages; distressing delays in the payment of

wages; demand for work is not properly captured; dated receipts for work applications are not properly given; the payment of unemployment allowance is a rarity; shortage of staff; irregular flow of funds; leakages and corruption, etc are the main problems faced by the state[62]. Recently, India witnessed MGNREGA scam in UP which caused a loss of Rs. 10,000 crore to the exchequer. The scam included payment of wages against fake card holders and fake construction works, creating fictitious purchase invoices, payment to ghost firms against the procurement of various items including hybrid seeds, calendars and publicity material, purchase of instruments used by laborers for construction work and purchase of photocopy machines and computers. UP has received Rs. 20,000 crore under MGNREGA, but only 40 percent of the fund has reached the targeted beneficiaries[63].

Studies have shown that TPDS has neither benefitted the poor nor has helped in reducing the budgetary food subsidies. Modified targeting has affected the functioning and economic viability of the PDS network adversely and led to the collapse of the delivery system. Large scale leakages from the PDS, that is, grain being diverted and not reaching the final consumer is another problem[64]. It was found that 67 percent of the wheat meant to reach the poor ended up missing the target, being pilfered or sold in the open market en route. Many a times, the godown authorities send less grain to the ration shops than they are supposed to get, which forces PDS outlet managers, in turn, to distribute less grain to the card holders, etc[65]. In North India, half of the grain meant for distribution to poor households through PDS system seems to end up in the black market, rising to 80 percent in Bihar and Jharkhand[66]. TPDS has not succeeded in achieving its medium and long-term objective, namely, economic health and sustained food security for the poor. It exploits blatantly the opportunities for rentierism that the system provides. The poor complain of being deprived of the benefits of a policy intended to support and help them on a sustained basis[67]. With the TPDS, in 2004-05, only 35.5 percent of the households, in the bottom quintile, purchased rice or wheat from PDS. Khera (2011) found that for the year 2004-05 and 2007-08, there was an estimated 23.9 percent diversion of PDS grains. With TPDS the difference between market price and ration price increased and that may have provided greater incentives for diversion[68].

ICDS too has many shortcomings. First of all, the coverage of the programme is very low. Funding patterns for obtaining at present and conditionalities make the operation difficult[69]. There is lack of trained staff and helpers; lack of anganwadi buildings; storage facilities; lack of drinking water,

sanitary and electricity facilities; lack of holding of meeting of coordination committees as per the prescribed norms; lack of hundred percent checkup of beneficiaries and lack of involvement of elected persons[70].

The midday meal scheme was also marred by various scams which have been unearthed recently. On July 16, 2013, 22 students were killed after consuming poisoned midday meal in Bihar[71]. Furthermore, in December 2006, The Times of India busted a scam involving government schools that siphoned off food grains under the midday meal scheme by faking attendance. The *modus operandi* of the schools was simple- the attendance register would exaggerate the number of students enrolled in the class. The additional students would not exist- they were 'enrolled' to get additional food grains which were pocketed by the school staff[72]. This shows that even a noble scheme like MDMS has turned into Satan's tool due to corruption.

The hurry in passing of Food Security Bill gives rise to the suspicion that it was enacted to suit the political interest and to secure the vote bank. The required groundwork was not completed before the enactment of the Food Security Act. The major concerns for the success of this Act are- (i) the method of dividing the poor into below and above poverty line groups leads to significant errors of exclusion, (ii) the system of cash voucher or transfer in the place of distribution of food sometimes compel the beneficiaries to divert the amount to areas other than food items, (iii) lack of emphasis on access to safe drinking water, sanitation, health care education which are complementary conditions for nutritional absorption, (iv) inadequate budget allocation for the implementation of bill(79,800 crore), which is not even about two-thirds of what is actually needed[73]. (v) A significant shortcoming of the Act is that the scheme could upset the budget with the subsidies on food doubling to a whopping 23 billion dollars. This will not help India as it won't be able to afford such huge costs. (vi) Another important concern is that the food under this act has to be distributed through India's notoriously corrupt and leaky state owned cheap food ration shops which might prove to be catastrophic[74].

CONCLUSION

India, being a welfare state, has the duty to ensure that every person has the right to access adequate food and should deal austerely with those who try to infringe this right. Though there are massive and abundant government schemes and programmes which involve crores and crores of rupees, they are not able to achieve the requisite result and the dream to convert India into a country free from hunger and starvation remains a utopian dream. The reason for

the same is corruption flowing through the veins of each and every one of these schemes. The political class in India seems to be oblivious to the plight and misery of the millions of unfortunate and underprivileged Indians and has converted these noble schemes into money making businesses.

Since corruption seems to be the root of the problem, better mechanisms and machinery for accountability may be able to nip the evil in the bud. The efficacy of schemes like midday meals and PDS can be elevated by impromptu visits and the testing of equipments and quality standards by the government officials, scrutinizing the audit books and penalizing the wrong-doers sternly. The Right to Information might also come in handy while dealing with this problem. Most of the people are unable to participate in the major policy making decisions due to economic insecurity, social discrimination, lack of education and other forms of disempowerment. The real beneficiaries of these schemes are not involved in the formulation and implementation of these problems. Better participation of people and NGO's; especially in rural and tribal areas will help to augment the food security schemes in India. The face of right to food has completely changed in India due to the efforts of NGO's like PUCL, Right to Food Campaign etc. Seminars, workshops etc., should be conducted so as make the rural poor people of India aware about their various rights which would in turn help to spread these schemes to the grass root level. Furthermore, the Government needs to bring about a transparent and lucid mechanism for identifying the various categories of the beneficiaries of PDS, Food Security Act etc. Better vocational training and job opportunities to the people will go a long way in freeing India from the vices of starvation and hunger.

The right to food also needs to be allied with other rights, such as the right to education, right to work, right to health, etc and a holistic approach must be taken while dealing with this right. These economic and social rights balance and buttress each other. If we want to fulfill the ambition of becoming the next super power, the first step towards that realization would be to help the vast population of our country to come out of this quagmire. Towards the end, it would be appropriate to conclude with a quote by the astronaut Buzz Aldrin:

"If we can conquer space, we can conquer hunger too."

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