CHAPTER-1
INTRODUCTION

I. Prelude

Food is one of the necessities of human life and existence. While at the global level nation States rejoice their success of achieving self-sufficiency in food production and the available food stocks, at the national level the state of food security is still dismal. The Special Rapporteur\(^1\) on the Right to Food\(^2\) in his report\(^3\) to the Commission of Human Rights expressed his concern that the number of undernourished people around the world has increased to 840 million. He further observed," over 2 billion people worldwide suffer from 'hidden Hunger'; or micronutrients deficiencies, that is, for instance, that children fail to grow and develop normally, their bodies are stunted and sometimes deformed, as are their intellectual capacities and immune system. Every day, every seven second, another child under the age of 10 dies from hunger or hunger related diseases."\(^4\) As Prof. Kent put it: "This is a silent holocaust, repeated year after year."\(^5\)

Every human being has a right to be free from hunger and to have access to safe and nutritious food. As a matter of law, the Food Security has at least in formal terms been accorded universal recognition as a human right. The food security is one of the most basic human rights, closely linked to the right to life. No government practice or action can be allowed to deny this right to people. Human

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\(^1\) Paul Hunt, UN Special Rapporteur on Right to Food.

\(^2\) The expression "Food Security," "Right to Food," "Right to Adequate food," "Human Right to Food" and "Freedom from Hunger" are used interchangeably in the texts and discussions, and are therefore used synonymously in this research as well.

\(^3\) Report of Special Rapporteur on the Right to Food to the General Assembly, A/RES/57/356, (27 August 2002), paras. 5 and 6, p. 4.


\(^5\) Retrieved fromhttp://www.2.hawaii/-kent/HRAF2003ENTRYWAY.doc on 23/03/2013/8:30 PM.
Rights are indivisible and inalienable. The denial of one right inevitably affects the enjoyment of other rights, but also the inherent relationship between the rule of law and the protection of all human rights, including the right to food.

Food Security to the people is an issue of great importance to the today’s welfare state. Food is the most important need, as it is indispensable for the maintenance of human life. Despite impressive food production in recent decades, such that enough food is available to meet the basic needs of each and every person, complete food security has not been achieved. It is more imperative in case of India where millions of poor suffer from persistent hunger and malnutrition. The concept of food security has evolved over the last few decades. Academics, policy-makers and activists have contributed substantially to the debates on what constitutes food security and how it can be ensured at the global, regional, state, household and individual levels. There are various definitions of food security. In addition, different approaches have been devised to tackle the problem of hunger and food insecurity. The present research analyses various themes and approaches of food security and in the process examines the various national and international covenants on food security. It also intends to analyse debates on food security and the issue of food as a human right.

Food is a fundamental basic need and should be treated as a universal human right. Food also has significant implications for the potential economic and social development. People without securing access to food are unlikely to progress economically or to contribute indirectly to the welfare of other populations through economic trade, cultural exchange, or social interaction. Thus, alleviating hunger and poverty is in the long-run interest of the human development. Hunger is generally not a question of sudden starvation but rather of chronic under nutrition that leaves populations vulnerable to disease and their members unable to lead active and productive lives. Food
security requires ensuring that foodgrains are physically and economically accessible to households. Physical accessibility of foodgrains in India for the poor mainly depends upon the public distribution that operates to a network of fair price shops. Economic accessibility depends upon the purchasing power of the people, which is primarily affected by two factors, the price of foodgrains and the income of the people. A state of food insecurity exists when the members of a household have an inadequate diet for part or all of the year or face the possibility of an inadequate diet in the future. Here two fundamental concepts are implicit, one, food insecurity is defined in terms of household, and two, food insecurity relates to both the current and future adequacy of the household diet.

Food security can be defined as the state in which all persons obtain a nutritionally adequate and culturally acceptable diet at all times. The notion that all people, especially the most vulnerable, have dignified and unthreatened access to the quality and quantity of culturally appropriate food that will fully support their physical, emotional and health, means that all people in the community have access to good nutritious food at all times. It means that food is available to all people, at all times, in order to have an active, healthy life. The World Food Summit held in 1996 in Rome, which took place at a time of growing international concern over food security gave a new impetus to the fight for food security by focussing attention on food issues. The Rome Declaration on World Food Security, convened by the Food and Agricultural Organisation defines food security as, “when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life.” Thus food security means that there should be enough food for people and they have the purchasing power to access the food so available, and also that the food available is culturally acceptable. It should fulfill adequate

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6 The World Food Summit held in Rome, (13-17 November 1996).
nutritional value for healthy life. The definition adopted at the World Food Summit has been referred to in numerous texts and resolutions since and forms the basis of the international consensus on actions required at global, regional and national levels to achieve world food security.

The discourse on hunger and food insecurity can be divided broadly into three stages based on the focus on the discourse. The first stage in the evolution of concept and practice of food security was characterised by a focus on the inadequacy of food supplies at the global and national levels. There have always been speculations and forecasts about the world’s capacity to feed itself. Malthus formally initiated the debate about whether food resources would be sufficient to feed an increasing world population in his ‘Essay on the Principle of Population (1978).’ Malthus saw the food problem in terms of the growth of food supply falling behind the expansion of population, and saw both these growths as being primarily determined by nature.

The various approaches to the food problem that can be found in the literature can be divided broadly into two categories. One group looks at the issue from the standpoint of natural sciences and engineering, and relates the food problem to various technological factors. The other group concentrates on social issues, including political economy, and sees the food problem primarily in social terms. As Amartya Sen explains, “At the risk of over simplification, the two classes of approach may be called 'nature-focused' and 'society-focused', respectively. These are not, of course, pure, unmixed categories; the classification reflects the relative emphasis that is placed on the different factors. It is really a question of focus rather than of coverage”.

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The various approaches to tackle the problem of food security in the late 1960s, concern about increasing population growth and poverty also resulted in the regular issuance of largely pessimistic predictions. Massive food aid shipments to stave off famine in India in the late 1960s, followed by the Green Revolution gains of the 1970s, and increased focus on natural resource constraints since the 1980s, each fuelled its own blend of optimism and pessimism when it came to predicting the food outlook. "Malthus did suggest checking population growth through 'moral restraint' to combat what he called 'the excessive and irregular gratification of the human passions, his scepticism of the actual possibility of achieving such a 'moral' solution is also abundantly clear. Malthusian pessimism reflects his view of a natural conflict, but more importantly, the Malthusian focus itself represents a far-reaching abstraction from various social influences on hunger, starvation and mortality, making the food problem turns on the ratio of two physical magnitudes."

Jean Dreze has suggested that public pressure may be vital in shaping government policy and in enhancing the governments political will to engage in sound development. The existence of democratic rights and freedoms are crucial in maximizing human capacity. The crux of these debates is that public security, well-being and protection against hunger, and food insecurity more specifically, is closely bound up with the existence of electoral democracy and the civil and political freedoms. In Sen's words, "Insofar as public policy to combat hunger and starvation including rapid intervention against threatening famines may be depend on the existence and efficiency of political pressure groups to induce the governments to act, political freedom too may have a close connection with the distribution of relief and food to vulnerable groups."
Aristotle highlighted\textsuperscript{12} the close association between public well-being and the role of state. Aristotle argued that all associations are formed with a view to promoting good life and the state is most sovereign among all associations best equipped to perform this role. Therefore, institutions of the state have to make conscious effort to become socially responsible, recognising that the role and functions they perform inevitably have an impact on society. Since they have assumed a greater role in larger governance issues of nation, it is not possible for them to retiring away from assuming different types of responsibilities depending on the society in which they work. Providing food security and eliminating hunger are important among such responsibility. Hence, it depends on the institutions of the state to determine policies for society. However, it will not be long lasting unless the institutions become organized and develop sound and sustainable policies to determine how they can contribute to eliminate social problems like food insecurity.

The Government of India has designed several policies and schemes to support the most vulnerable sections of the Indian society to overcome hunger and malnutrition. Schemes such as the Integrated Child Development Scheme, which, incidentally, is among the world's largest child development schemes, must be universalised and a transparent system instituted to fix accountability. The same goes for employment guarantee schemes, increased investment and political will is needed to stop the continuous slide into poverty and destitution that a large number of agriculture and other informal sector workers are facing in India today. The Public Distribution system too must be universalized and take care of both food grains needs as well as other nutrition needs. These are efforts by the Government of India, which have to be acknowledged. However, there

are still numerous shortcomings in the policies and schemes and with regard to their implementation. India has made a commitment to reducing mortality by two-thirds by 2015. While the National Rural Health Mission has made some headway in tackling child mortality in rural areas, the need for a similar programme such as the National Urban Health Mission for the urban poor is immediate.

In order to use the Food Security provisions effectively to fight hunger and malnourishment it is crucial to fully understand what does the provisions mean and entail and the obligations of the States under the provisions. The research sets out the existing formulations of food security provisions in various international and regional instruments, its definition in legal terms, the relationship with other human rights and outlines the legal obligations of the States: respect, protect and fulfil (facilitate and provide) and the implementation of the Food Security provisions at the national and international level.

The historical and political background of the food security is much more than the history and politics of malnutrition. It concerns the development of the notion of access to food as a right. Fighting the monster of 'world hunger' only by increasing food production and not addressing root causes of hunger (i.e. poverty), would not alleviate the conditions that create poverty in the first place. Hunger is primarily a problem of general poverty, and thus overall economic growth and its distributional pattern cannot but be important in solving the hunger problem.

The Supreme Court has asserted that in order to treat a right as a Fundamental Right, it is not necessary that it should be expressly stated as a Fundamental Right in the Constitution. As a right it sets obligations on the state, which have been established as 'enforceable' through centuries of social struggle for a democratic state in the serve of the people. Traditionally people had no remedy other than revolt against a king or state that failed to meet its obligations. The idea of the human right to food is to establish procedural and legal means for
seeking remedies against authorities when they fall to guarantee access to food. Food security has been playing a pioneering role in the resurgence of economic and social rights during the past fifteen years.

Why should the Food be considered a human right? The answer to this question is human being or animal cannot survive without food. In India, if a person attempts to commits suicide for lack of food, it is an offence; if he steals some food or other articles for getting food, it is an offence; begging is also an offence. All such acts for getting food are punishable under the law. If he is sentenced for committing such an offence, he is provided with the minimum necessities, i.e. food, shelter and clothing, in the prison. Should society encourage the commission of such offences or should it provide food as a concomitant to the right to life, which is a fundamental right? The obvious answer is positive to the latter part of the question.

From a nation dependent on food imports to feed its population, India today is only self-sufficient in grain production, but also has a substantial reserve. The progress made by agriculture in the last decades has been one of the biggest success stories of free India. Agriculture and allied activities constitute the single largest contributor to the gross Domestic Product, almost 33 percent of it. Agriculture is the means of livelihood of about two thirds of the work force of the country.

India has achieved self-sufficiency in food production; however, there are still widespread chronic malnutrition and starvation deaths. The Central and State governments violate the human right to food essentially due to their failure to ensure an equitable distribution system; to effectively utilise funds for social welfare schemes that could, and under the human rights law must, be used to help lift individuals and families out of hunger and poverty; to monitor and administer food security and poverty alleviation schemes; and to ensure means of the purchase of food.
Starvation deaths and widespread malnutrition raise, in addition to social, economic and political, many legal issues like whether there is a human right to food, what are the corresponding obligations and duties imposed upon States and the international community, whether the right is implementable, what amounts to violation, and how the right could be enforced? The research, however, endeavours to examine the legal issues relating to the implementation of Food Security provisions at the national level. The case study of Indian Right to Food Campaign is used to illustrate whether the Government of India has been able to operationalise the Right to Food guaranteed under Article 11 of International Covenant on Economic, Social and Cultural Rights and other binding international instruments at the national level. This analysis is undertaken with a multidisciplinary approach by tacking political and economic variables into Consideration.

It is true that now country produces enough food to feed its entire population. India no longer suffers through large-scale famines as it has in the past. When there are rapid increases in the hunger cases in some parts of India, it is now usually attributed to short-term natural events such as hurricanes or droughts. These are described as transitory, episodic events, temporary deviations from normal. However, this upbeat version of the food situation in India neglects the reality of widespread chronic malnutrition in the country. Temporary disruptions in the food system by natural calamities are disastrous for so many people only because they live so close to the edge of disaster under normal conditions, the conditions that are normal for many millions of people in India are unacceptable in terms of the basic requirements of human dignity.

The problems are not rooted in the vagaries of natural phenomena, but in deeply embedded political and economic patterns. There are massive governmental programs or schemes as they are called-for feeding poor children, providing subsidized food, etc. but the
problems persist. Enormous amounts of money are spent on such programs. Yet, somehow, the benefits do not reach the people who need them most. There is a story now unfolding that helps us to understand how things can go so wrong. The Central Government of India has been storing many millions of tons of grains while people are starving. That is not new. What is new is that a human right organisation in India, the People's Union of Civil Liberties, has challenged this practice in the Supreme Court of India. Light is being shined into places that had been well hidden and the scandal is being thoroughly aired in India's media. The case is being tried on the bases of Constitution of India and its federal and state laws, especially its Framed Famine Code. The study shows how the case fit into the framework of international human rights, and specifically the human right to adequate food. Viewing the case in the larger context, we can see that this case is relevant to food assistance programmes in every country and to international humanitarian assistance as well.

India is a country, which is commonly attributed to starvation and distress, not a country of plenty. According to Food and Agriculture Organisation figures, India still is a home to the largest number of malnourished people in the world. The planning commission of India announced in its tenth Five Year Plan that the State is holding food grain surplus in its storehouses, as monsoon were good and the agriculture methods have been improved. But on a more cautions not the commissions adds that: "Ironically, even as the godowns of the Food Corporation of India are overflowing, stray cases of starvation deaths are still being reported. A civilised society in the twenty first century cannot allow this to happen."

The abundance of food grains is a misleading indicator of the Indian food grain supply situation on at least two accounts: the fact, that the godowns are overflowing insinuate that the farmers must be well and at the same time, as India is a net exporter of food grains, the

13 People's Union for Civil Liberties v. Union of India, Civil Writ Petition (No. 196 of 2001).
population should be well-fed, which obviously (Non-Government Organisations) and at times the judicial machinery itself formulate every body's Right to Food. Many years after the "Green revolution" which brought India self-sufficiency, food security is once again widely discussed among various circles and on different levels.

Like many other developing countries, India has a wide variety of feeding programs, food subsidies, and other sorts of "schemes" to alleviate hunger, but somehow these programs are never quite enough. Lacking political power, marginalized people stay marginalized despite such efforts to help them. They can be empowered, however, through clear acknowledgment of their human right. Over the centuries, many millions of people have gone hungry in India. Now, for the first time, the claim has been made that government has a positive obligation to do something enforce this right and if government has does not meet its obligation, it can be called to account in the nation's Courts. However, by passing National Food Security Act, 2013 government kept his promise to provide food security to every citizen of the country.

The right to food is the right to be able to feed oneself through physical and economic access to food. Participation, accountability, access to information and access to effective remedies must be ensured at all levels of the implementation of the food security provisions. The Government of India has the obligation to respect, protect and fulfil the right to food without any discrimination. The obligation to respect means that Government should not take actions that arbitrarily deprive people of their right to food. The obligation to protect means that the Government should enforce appropriate laws to prevent third parties, including powerful people and corporations, from violating the right to food of others. Finally, the obligation to fulfil (Facilitate and provide) means that the Government should take positive steps to identify vulnerable groups and implement appropriate policies and programmes to ensure their access to
adequate food and water by facilitating their ability to feed themselves. As a last resort, the Government is required to provide adequate food and water to those who cannot feed themselves for reasons beyond their own control. To fulfil the food security provisions, the Government must use the maximum of its available resources and in every circumstance; it must ensure the minimum essential level required to be free from hunger.

Although Food Security issue has been a much talked and discussed about topic among the intelligentsia of the country. The most innovative thing about this research related to food security provisions in India, is that researcher has tried to analyse the Food Security issue with a purely legal view, above the terms of State's moral duty and responsibility to provide adequate food to its citizens. It has to make the paradigm shift from the domain of benevolence to that of the right of a citizen. It would imply that the beneficiaries of relief measures should be recognised as claim holders.

Viewed from this perspective, the prevalence of distress-conditions threatening starvation constitutes an injury requiring the imposition of a penalty on the State. The penalty would be claimed for affected groups as a whole rather than because of individual claims. Food Security implies the right to food at appropriate nutritional levels. It also implies that the quantum of relief to those in distress must meet those levels in order to ensure that the Right to Food is actually secured, and does not remain a theoretical concept.

Hence, the availability of food grains does not seem to be a problem. It is true that most of the state governments have fiscal problems and the full quota is not utilised. However, lack of political will rather than resources is the problem. Unfortunately, the institutional structure, which could ensure appropriate delivery system, has been eroded over the years, and there is an urgent need to reinvent it along the appropriate lines.
The human right to food has its contemporary origin within the United Nations' Universal Human Rights framework. The main reference point is located within the Universal Declaration of Human Rights, which clearly states, "Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food." The right to food was the first of the Economic Social and Cultural Rights to be studied by the United Nation Human Rights System. The right to food is a human right. It protects the right of all human beings to live in dignity, free from hunger, food insecurity and malnutrition. The food security is not about charity, but about ensuring that all people have the capacity to feed themselves in dignity. The food security is protected under international human rights and humanitarian law and the correlative state obligations are equally well established under the plethora of International Law instruments.

The food security is identified as essential part of process of the realisation of right to life under article 21 of Constitution of India. Food security is very important because it is the foundation of all rights. The evolution of the right to adequate food derives from the larger human right to an adequate standard of living set out in the Universal Declaration of Human Rights. Article 25 (1) stated that, "...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 preamble to the Constitution of the Food and Agricultural Organisation 1965, declares that ensuring humanity's freedom from hunger is one of its basic purposes. Article 11 of the International Covenant on Economic, Social and Cultural Rights enjoins state parties to recognise the right of every one to an adequate standard of living for himself and his family, including adequate food, clothing and housing. The same article recognises the fundamental right of every one to be free from hunger.
The United Nation's Convention on the Rights of Child 1989 goes beyond the hunger and addresses the issue of child nutrition. Article 24 (2), (C) expects the state parties to take appropriate measures to combat the disease and malnutrition through the provision of adequate nutritious food, clean drinking water and health care. Article 27 (3) of the Convention on the Rights of Children states that state parties shall in case of need, provide material assistance and support programme, particularly with regard to nutrition, clothing and housing.

According to Dreze and Sen, "When millions of people die in a famine, it is hard to avoid the thought that something terribly criminal is going on. The law, which defines and protect our rights as citizens, must somehow compromise these dreadful events. Unfortunately, the gap between the law and ethics can be a big one. The economic system that yields a famine may be foul and the political system that tolerates it perfectly revolting, but nevertheless there may be no violation of our lawfully recognized rights in the failure of large sections of population to acquire enough food to secure"\(^{14}\). Further they emphasised that; "hunger is however intolerable in the modern world in a way it could not have been in the past. This is not so much because it is more intense, but because widespread hunger is so unnecessary and unwarranted in the modern world. The enormous expansion of productive power that has taken place over the last few centuries has made it, perhaps for the first time, possible to guarantee adequate food for all, and it is in this context that the persistence of chronic hunger and recurrence of virulent famines must be seen as being morally outrageous and politically unacceptable. If politics is 'the art of the possible' then the conquering world hunger has become a political issue in a way it could not have been in the past.\(^{15}\)

Thus, identification of vulnerable, disadvantaged and marginalized groups and action towards removing the factors

\(^{14}\) Supra n. 10, at 20.

\(^{15}\) Supra n. 10, at 21-22.
determining vulnerability are paramount towards the realization of the food security measures. Governments agreed to guarantee that the food security measures would be exercised without discrimination on grounds of race, colour, sex, language, age, religion, political or other opinion, national or social origin, property, birth or other status. The principle of non-discrimination is a cardinal principle of international law. It plays a major role in the full realization of the food security measures not only at normative level, but also at practical level. As such, the Voluntary Guidelines recommend establishing food insecurity and vulnerability maps and the use of disaggregated data to identify the causes of food insecurity or malnutrition.

The Constitution of India does not expressly recognise food security as the fundamental right. However, cases brought before the Supreme Court alleging violations of this right have been premised on a much broader 'right to life and liberty', enshrined in Article 21 of the Constitution. Article 21 of the Constitution of India guarantees a fundamental right to life and personal liberty. The expression 'Life' in this Article means a life with human dignity and not mere survival or animal existence. In the light of this, the State is obliged to provide for all those minimum requirements which must be satisfied in order to enable a person to live with human dignity, such as education, health care, just and humane conditions of work, protection against exploitation etc.

The Food Security is inherent to a life with dignity, and Article 21 should be read with Articles 39(a) and 47 to understand the nature of the obligations of the State in order to ensure the effective realisation of this right. Article 39(a) of the Constitution, enunciated as one of the Directive Principles, fundamental in the governance of the country, requires the State to direct its policy towards securing that the citizens, men and women equally, have the right to an adequate means to livelihood. Article 47 spells out the duty of the State to raise the level of nutrition and the standard of living of its
people as a primary responsibility. The citizen’s right to be free from hunger enshrined in Article 21 is to be ensured by the fulfilment of the obligations of the State set out in Articles 39(a) and 47. The reading of Article 21 together with Articles 39(a) and 47, place the issue of food security in the correct perspective, thus making the Right to Food a guaranteed Fundamental Right that is enforceable by virtue of the constitutional remedy provided under Article 32 of the Constitution.

Therefore, it is the obligation of the state to be proactive in strengthening people’s access to food. The state must fulfil the right directly whenever an individual or group is unable, for reason beyond their control to enjoy the right to adequate food with the means at their disposal. The state’s role in strengthening food security is more prominent in ensuring availability of food and ensuring access to the households, particularly for poor households. Moreover, it is the duty of the state to improve the food production, conservation and distribution of food through its policies. No political and economic problem facing the developing countries today is more urgent than of hunger, starvation and food security. While this distressing state of affairs is not new, its persistence in spite of the technological and productive advances of the food grains is nothing short of outrageous.

Food security needs to be linked with other economic and social rights, such as the right to education, the right to work, the right to information and the right to health. These economic and social rights complement and reinforce each other. Taken in isolation, each of them has its limitations, and very difficult to achieve within the present structure of property rights and market economy. To put it another way, there is an urgent need to revive the vision of radical social change embodied in the Directive Principles of the Constitution of India. As Dr. Ambedkar, saw it, the realisation of economic and social rights was a paramount requirement of democracy in the full sense of the term. The Directive Principles were central to this project.
Specifically, their role was to bring about economic and social democracy, without which political democracy would remain ineffective if not hollow. Different provisions of Directive Principles of State Policy take care of the problem of establishing social and economic Democracy. Members of the Constituent Assembly emphasised importance to the Directive Principles. According to Ambedkar, "in enacting this part of the Constitution the assembly is giving certain directions to the future legislative and the future executive to show in what manner they are to exercise the legislative and executive power they will have. Surely, it is not the intention to introduce in this part these principles as pious declarations. It is the intention of the assembly that in future both the legislative and executive should not merely pay lip service to these principles, but they should be made the basis of all legislative and executive actions that they may be taking here after in the matter of the governance of the country".\(^1^6\)

In India, there is a deeply rooted tradition of reflecting of the fundamental right to food of human beings and on consequences of violating the right to food. The Indian concept of Dharma, which has been highlighted in the Vedas and Upanishads, stresses the importance of growing and sharing food. A very fascinating development in the Indian Constitution jurisprudence is the extended dimension given to Article 21 by the Supreme Court. In several of its decisions that the Right to Life guaranteed in Article 21 of the Constitution in its true meaning includes the basic right to food, clothing and shelter. It is indeed surprising that the justifiability of the specific right to food as an integral right under Article 21 had never been articulated or enforced until 2001.

The Indian judiciary, especially the Supreme Court, has on many occasions reaffirmed that the "right to life in Article 21 does not mean merely 'animal existence' but living with 'human dignity'; it

would include all aspects which make life meaningful, complete and living”. Other statutory constitutional institutions like the National Human Rights Commission have also stated: “There is a fundamental right to be free from hunger”.

One of the foremost cases which specially took up the issue of the starvation and lack of food was Kishen Pattanyak v. State of Orissa.17 However, the directions given by the Hon’ble court did not really help to prevent people from dying. More importantly, the Supreme Court did not recognise the specific right to food within this context of starvation. The Right to Food was reaffirmed closer to the present in Peoples Union for Civil Liberties v. Union of India18.

Furthermore, the Supreme Court in passed a detailed judgment regarding the obligations of the Food Corporation of India, an agent of the State and an important factor in the food grains trade of the country. The Court held that it must conform to the letter and spirit of Art.47 of the Constitution. Going a step ahead the Scheduled Caste in Paschim Banga Khet Mazdoor Samiti v. State of Bengal19 held that preservation of human life is of paramount importance. States cannot avoid their constitutional obligations in that regard because of financial constraints.

The research about food security provisions shows that one of the root causes of the hunger is poverty. So, it indeed very essential that to eliminate hunger poverty should be addressed at the first place because even if the availability of food grain is sufficient then also due to lack of purchase power poor people cannot access to food. The major problems relate to economic access to food, self-sufficiency has increased at the national level but not at the household level. Though incidences of poverty have declined to some extent, significant regional disparity is visible (with the help Rozgar Guarantee Programme etc.) We need to look into the functioning of Public

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18 Supra n.13.
Distribution System. The research finds that about 58% of the subsidized food grains issued from the central pool do not reach Below Poverty Line families owing to leakages and diversions. Over 36% of the budgetary subsidies on food are siphoned off the supply chain and another 21% reaches the Above Poverty Line households.

The implementation of Public Distribution System is plagued by targeting error, prevalence of ghost cards and unidentified households. Secondly, the government machinery has not done well in identifying the poor.

II. Definitions of Food Security

In the era of globalization, talking of food grain supply and its distribution is a common phenomenon, but food security is a broader concept it is very stiff to define in a lucid way. Here some of the definition made an attempt to brief about the concept of food security.

The World Food Summit of 1996 defined food security as “when all people at all times have access to sufficient, safe, nutritious food to maintain a healthy and active life.”

World Bank defines food security as “Access by all people at all times to enough food for an active, healthy life.”

The Rome Declaration on World Food Security defines access to food as “physical and economic access, at all times, to sufficient, safe and nutritious food for people to meet their dietary needs and food preferences for an active and healthy life.”

Similarly, the Planning Commission of India also defined food security as "a situation where everyone has access, at all times, to food needed for an active and healthy life."
In 1948, the United Nations Declaration of Human Rights included the right to an adequate standard of living including food.\(^\text{24}\)

In 1966, the International Covenant on Economic and Social Rights sought to ensure "an adequate supply of world supply in relation to need." \(^\text{25}\)

Then in 1974, the Universal Declaration on Eradication of Hunger and Malnutrition enunciated that "every man woman and child has an inalienable right to be free from hunger"\(^\text{26}\)

Jean Ziegler, the United Nations Special Rapporteur on the Right to Food, calls it "a silent mass murder", entirely due to "man-made actions."\(^\text{27}\) This process was carried further by the series of international conferences of the 1990s. In essence, food insecurity is now being seen as the eye of the storm of interlocking national and global concerns to which it contributes and whose solution lies in tackling those concerns holistically.\(^\text{28}\)

Smith, Pointing and Maxwell\(^\text{29}\) counted about two hundred different definitions of Food Security, we shall refer to the most commonly accepted definition that was approved by the 1996 World Food Summit and remains one of the important achievements of the meeting.

According to World Food Summit "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


\(^{28}\)Supra n. 24 at 383.

food preferences for an active and healthy life." The term Social was added to the 1996 definition in 2002.30

World Food Programme31 offers the following definition: A condition that exists when all people, at all times, and are free from hunger. Although World Food Programme utilizes a definition that seems much simpler, we shall refer to the original World Food Summit definition as it carries with it many elements important for the analysis.

i. Dimensions of Food Security

Food Security involves four aspects entitled the four dimensions of Food Security. Those four dimensions are easy to extract from the World Food Summit definition and are, together, equally useful as a tool for food security analysis.

a. Availability

The first dimension is the availability. In the World Food Summit definition, it refers to the term sufficient. It is defined by World Food Summit as the amount of food that is present in a country or area through all forms of domestic production, imports, food stocks and food aid.32 The definition obviously refers to net commercial imports, once deducted the commercial and other exports, further more the definition does not only apply to countries or areas but also to villages and households. A previous definition by World Food Programme did also refer to commercial imports including cross-border trade and is still part of their operational manual.

Although the final declaration adopted by the Food and Agriculture Organization Founding Conference stated that the first cause of malnutrition and hunger is poverty, for a long time it has been considered that food security was a synonym to availability of

30 Supra n. 20.
32 Ibid.
food. Most of the efforts undertaken by researchers, practitioners and teachers during the last three decades consist demonstrating and trying to convince that food security is not simply a question of availability of food. The conviction that food security consists in the availability of food commodities normally results in the believe that increasing food production would increase food security.

Again, during the last sixty five years or so, the agricultural production has continuously grown more quickly than the population, the amount of food commodities available on earth (at least in terms of macronutrients) is largely sufficient to feed more than today’s world population and still, some people do not have access to food.

b. Access

The second dimension of food security is the access. In the World Food Summit definition, it refers to "have physical, economical and social access..." Although Amartya Sen first presented the concept of access to food in the early 1980s, it is not yet necessarily common to refer to it as an important element of food security. Moreover, since the Niger food crisis in 2005 and the World food prices crisis in 2008, many are tempted to limit the access dimension of food security to its economical or financial dimension.

World Food Programme for example, defines the food access as "A household's ability to acquire adequate amount of food regularly through a combination of purchases, barter, borrowings, food assistance or gifts." In fact, there are three elements in the access to food: physical, financial and socio-cultural.

The physical aspect is in fact almost a logistical dimension. An illustration is provided by a situation where food is being produced in the concerned country or area but in another region with limited or no transport facilities between both regions and lack of information. In a

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33 Supra n. 28 at 4.
34 Supra n. 31.
situation of food security, the food is available at the location where people (households, etc.) actually need it.

The economic aspect of the access to food can be defined as World Food Programme does. In a situation of food security, thus, food commodities are available where people need it and households have the financial ability to regularly acquire adequate amounts of food to meet their requirements.

The understanding that food commodities being available but not affordable by people would determine a situation of food insecurity is still recent in the story of food security. During the least years, however, this has been increasingly recognized. Consequently, one could observe a sudden interest shown, towards the market by food security analyst and practitioners.

For many years, in fact, the problematic of food security had been perceived as that of rural population living in almost complete autarchy and some times, for climatic and other reasons, not producing enough food to meet their own requirements and hence suffering famines and malnutrition.

Today, likewise Oxfam India, many analysts have found out that: "Even in rural areas most people, and especially the poor, rely on market systems to provide food and essential goods and services but also for selling their produce".35

Finally, the last element of the access to food, as per the World Food Summit definition, is the social or socio-cultural access to food. This refers to the fact that food commodities may be available, physically near to the consumer that may have the required resources to acquire them but that there may be socio-cultural barriers limiting the access to food, in particular to some groups of the population for gender or social reasons for example.

35 Market Analysis tools for emergencies, Oxfam India working papers series, OIWPS - VII, Oxfam India Plot No. 1, Community Centre 2nd Floor (Above Sujan Mahinder Hospital) New Friends Colony, New Delhi - 110 025, (Sept. 2007). Website: www.oxfamindia.org.
c. Utilization

The third dimension of food security is food utilization. In the World Food Summit definition, it refers to "safe and nutritious food, which meets their dietary needs". It is not sufficient that food be available and accessible to households to ensure that people will have a safe and nutritious diet. A number of elements intervene here such as; the selection of food commodities, their conservation and preparation as well as the absorption of nutrients. Food has to be of good quality and safe.

It should not be taken for granted that all people, even in so-called traditional societies, know how to best utilize food commodities, not to mention the fact that dietary habits are changing very quickly, including in so-called traditional societies. This is even truer for displaced persons, refugees, and people victim of a shock that may have modified the commodities value chains.

Training may be required to help people optimizing their use of the food that is available and to which they have access. In fact, a number of observations have been made, including by World Food Programme of population living where food is available, having a full access to food and still suffering from malnutrition mainly because of a non-correct utilization of the food commodities.\footnote{Annalisa Conte, and Nathan Morrow, Mali: Rural Community and Household food Security Profiles, Vulnerability Analysis and Mapping, World Food Programme report, Rome, (2002). Retrieved from \url{http://documents.wfp.org/stellent/groups/public/documents/ena/w_fp035_967.pdf} on 4/6/2014/9:55AM.}

Food utilization is also related to clean water, sanitation and healthcare. This dimension, thus, not only refers to nutrition but also to other elements that are related to the use, the conservation, the processing and the preparation of the food commodities. It shows, however, how closely nutrition is linked to food security and therefore confirms that it is a useless repetition to speak about food security.
and nutrition as there could not be any food security without proper nutrition.

It further brings the attention to the problematic of food safety, which, unfortunately, has been dealt with mostly in the context of developed countries and needs to be fully recognized as an essential part of food security in general. Some research are being conducted in this respect to develop links between food safety and food security and insert in the food security practitioner tool box some elements directly related to food safety.37

d. Stability

The fourth dimension of food security is stability. In the WFS definition, it refers to 'at all times'. This stability applies in the first instance to the previously mentioned three dimensions of food security. Food security is a situation that does not have to occur a moment, a day or a season only but on a permanent basis with sustainability. Based on the stability dimension of food security, one speaks about chronic and transitory food insecurity: Chronic food insecurity is a long term or persistent inability to meet minimum food requirements. Transitory food insecurity is a short term or temporary food deficit. There is also cyclical food insecurity such seasonality.38

From the 1996 World Food Summit definition of food security, the elements that are not included in the four dimensions of food security as described above are the food preferences for an active and healthy life. The elements related to food preferences could be the object of some further thinking and research, which, at the household and individual level, could be comparable to what food sovereignty is at the country level.


38 Devereux Stephen, Distinguishing between chronic and transitory food insecurity in emergency needs assessments: Desk Review, Institute of Development Studies/WFP, SENAC, (January, 2006).
ii. **Food Insecurity**

Food security is hard to measure and therefore it is usually the food insecurity that is measured, assessed or analyzed with a view to determining the factors that may have caused this situation or may cause it in the future and decide on corrective measures.

a. **Definition**

Food and Agriculture Origination\(^\text{39}\) defines food insecurity as a situation where some people do not have access to sufficient quantities of safe and nutritious food and hence do not consume the food that they need to grow normally and conduct an active and healthy life.

Food insecurity may be due to;

- Lack of food : no availability
- Lack of resources : no access
- Improper use : no proper utilization
- Changes in time : no stability

Food security and food insecurity are both situations. In order to move from one to the other a movement is needed. When analyzing food security one will look at this change and at the probability that such change occurs.

b. **Vulnerability**

Vulnerability to food insecurity refers to the full range of factors that place people at risk of becoming food-insecure. The degree of vulnerability of individuals, households or groups of people is determined by their exposure to the risk factors and their ability to cope with or withstand stressful situations.

Food security as well as poverty is used to describe people's welfare now. Vulnerability complements this static picture with a

dynamic, forward looking perspective that is used to predict how the welfare of individuals and households may change in the future as a consequence of not being able to face adverse events that may happen to them. Vulnerability can be expanded to capture a more complex relationship between risks, ability to cope (actions taken before, during and after shocks) that affect food security. When viewed in relation to the probability of experiencing welfare loss caused by uncertain events, it also depends on the ability to reduce risks before a shock occurs (proactive) and responds effectively during and after they occur (reactive).

Food and Agriculture Origination defines vulnerability as the presence of factors that place people at risk of becoming food insecure or malnourished including those factors that affect their ability to cope. While World Food Programme retains the following definition: The vulnerability to food insecurity is made of all the factors that constitute a risk for people to become food insecure including factors that affect their capacity to face the difficulty they meet. In other words, vulnerability to food insecurity relates to situations where there is a risk in certain circumstances or following some events or shocks (drought, disease, civil disturbance, etc.) that future food intake will be inadequate but also the following definition more simple: Conditions that increase a household's susceptibility to the effects of hazards. It is a function of a household's exposure to a hazard and its coping capacity to mitigate the effect of that hazard.\textsuperscript{40}

The vulnerability, which is a risk, hence a probability, may be measured, but in relative terms. As there are no unique indicators to measure the three food security dimensions: availability, access and utilization, there is no unique indicator to measure vulnerability.

\textbf{III. Review of Literature}

The review of allied literature as well as previous research work is of paramount importance in research endeavour. Under this review

\textsuperscript{40} Supra n. 31.
of related literature, an attempt has been made to review literatures available to draw some meaningful guidelines for the present research work. The researcher finds few books and articles on the subject. Much to the credit of academic interest of the intellectuals in relation to the subject, the work of, M.P. Jain\textsuperscript{41}, Narender Kumar\textsuperscript{42}, N.V. Paranjape\textsuperscript{43}, J.N. Pandey\textsuperscript{44}, Kailash Rai\textsuperscript{45}, H.M. Seervai\textsuperscript{46}, V.N. Shukla\textsuperscript{47}, M.P. Singh\textsuperscript{48}, S.C. Tripathi\textsuperscript{49}, Amitava\textsuperscript{50}, Siamwalla\textsuperscript{51}, Hay and Rukuni\textsuperscript{52}, Tyagi and Vyas's\textsuperscript{53}, Radhakrishn\textsuperscript{54}, Khadka\textsuperscript{55}, Suryanarayana's\textsuperscript{56}, Sen\textsuperscript{57}, Narayanan, Neville\textsuperscript{58}, Hay\textsuperscript{60}, Tyagi, Bapna\textsuperscript{62}, Kabra's\textsuperscript{63}, Kabra and Ittyerah\textsuperscript{64}, Venugopal\textsuperscript{65}, Gopalan\textsuperscript{66}, Nawani\textsuperscript{67}, Swaminathan\textsuperscript{68}, Valdes's\textsuperscript{69}, World Bank Report\textsuperscript{70}, J. W. Mellor\textsuperscript{71}, Alamgir and Arora\textsuperscript{72}, Peter\textsuperscript{73}, Barker\textsuperscript{74}, Vyas\textsuperscript{75}, Sharma and

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Varant, Reutlinger and Bigman, Huddlestan, Johnson, Fonseca, Pinckney and Valdes, Terrant, Louis, Geetha and Suryanarayana, Shikha Jha, Mahendra Dev and Suryanarayana etc. deserve specific mention.

The literature is available on different issues of food security. However, the existing literature can be reviewed under some themes like constitutional, legislative, executive and judicial development, global and regional policies and programmes, agricultural production, food import/aid, food prices, and insurance and reserves. Food is a crucial determinant of the quality of life and productivity of the vast human resources. Nowadays, Food Security has become a matter of great concern not only at national level but also at the international level. Various Constitutions of the World have recognized “The Right to Food” as a “Fundamental Right” though the Indian Constitution has not yet recognized it. In spite, the Constitution of India was adopted after 1950 has been a progressive Constitution, which aimed at ensuring all its citizens social, economic and political justice, equality, dignity, yet food security does not find any substantial place among the Fundamental Rights.

The Constitution of India is the parent law upon which all other enactments are legislated in the form of Central Acts or State Acts. Therefore, any law to be valid in Indian Territory must be within the constitutional framework. While the Indian Constitution has recognized the civil and political rights as directly justifiable

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77 Feasibility, Effectiveness, and Costs of Food Security Alternatives in Developing Countries, (1981).
78 Responsiveness of Food Aid to Variable Import Requirements, (1981).
79 Insurance, Reserves, and Trade: Contributions to Food Security for LDCs, (1981)
83 Compensatory Financing for Fluctuations in the Cost of Cereal imports,(1981)
fundamental rights, the economic, social and cultural rights and thus, the "Food Security" is included in the certain provisions of Constitution but not as a separate right. An important milestone in clarifying the food security cover in the Indian context and the obligations of the State to support victims in realizing their right to food was the Public Interest Litigation filed by Peoples Union for Civil Liberties in April 2001 on behalf of the people starving from hunger in the State of Rajasthan, while excessive amount of food was rotting in the government storages.  

Article 21 of the Constitution of India lays down that "No person shall be deprived of his life or personal liberty except to procedure established by law." On the other hand, socialism is one of the signature tunes of the Constitution. The concept of democratic socialism aims to put an end to poverty in India. The principle of socialism is embodied in various provisions of Part III and Part IV of the Constitution. Socialism operates as an important tool in the campaign towards realizing the right to food of the people living below the poverty line. The concept of socialism empowers the Government to adopt measures to diminish the difference between the rich and the poor. Such measures will end poverty in India to a large extent. The reduction of poverty shall lead to a reduction in hunger and malnourishment and help realization of the right to food of the people.

Alberto Valdes edited book is a collection of papers presented in International Food Policy Research Institute Conference in 1976. Part one of the book focuses the nature and magnitude of food insecurity in Less Developing Countries and lay emphases on the various practical problems. The Part two presents various national and international approaches to overcome food insecurity. Valdes has

focused on the variability in agriculture caused by the impact of fluctuating weather on the size of harvests.

**Amartya Sen** has focussed on the causation of starvation in general and of famine in particular in his book *Poverty and Famine*. The author has used an alternative method of analysis - the entitlement approach - concentrating ownership and exchange. He has also provided general analysis of the characterisation and measurement of poverty. The various approaches used in economics, sociology, and politics are also critically examined.

The *World Bank Report* outlines the nature and extent of food security problems in developing countries extensively. The report has also explored the policy options available to the countries in addressing the problems, and indicates the solutions of international financial institutions. It suggests policies to achieve the desired goal in cost-effective methods.

**J. W. Mellor** has examines how the current global food surpluses can provide the basis for sustained growth in effective demand for food. He suggests that there are structural factors in high-income countries, and increasingly also in low-income countries, that are contributing to the supply of food grains, and that these are likely to remain in effect for the foreseeable future. In the short run, such surpluses can support carefully targeted food subsidies to meet the food needs of low-income households. For the longer term, they can support food-for-work efforts to create rural infrastructures needed for abroad rural growth strategy.

**Mohiuddin Alamgir and Poonam Arora** has made an endeavour to explore food security hinges as much on a lack of purchasing power and entitlement as on variable production and supply. To ensure food security, what is required is long-term solutions such as socio-economic, environmental and political factors. They have attempted to examine the food security for all through published and unpublished secondary data of food production,
entitlement through land and income generation, internal and external macro environment.

**S. Mahendra Dev and M.H. Suryanarayan** made an attempt to verify severe criticism leveled against the Public Distribution System in India that it was urban biased and it benefited, by and large, the middle and upper income groups. They used the criterion of Public Distribution System quantity per market dependent in rural and urban sectors found that Public Distribution System is rural biased at the all India level for rice, coarse cereals, sugar and cloth. They also found that at all India level the Public Distribution System is not favouring the middle or rich groups. More or less all sections of population depend uniformly to the same extent on the Public Distribution System with respect to all commodities in rural areas and in urban areas, the poor get slightly higher proportion than the rich. Thus, as the evidence shows, the Public Distribution System does not discriminate against the poor as commonly perceived.

**Shikha Jha** analyses the effectiveness of self-targeting in the Indian Public Distribution System and shows that the implicit targeting leaves considerable scope for improvement. There is wastage of consumer subsidy in the sense that a substantial amount goes to the non-targeted population, while a part of the deserving population is left out.

**IV. Statement of Problem**

"Starvation is the Characteristic of some People not having enough to eat. It is not the Characteristic of there being not enough to eat. While the latter can be cause of the former, it is but of Many Possible Causes."

- Amartya Sen on Poverty and Famines, 1981

The sixty-seven years of India's independence has witnessed immense growth and development, India as a developing nation has
achieved several milestones for the promotion of social welfare. In spite of reaching great heights, the nation faces the basic hurdle of providing the very necessities of life to its citizens. Despite the various promises of equality and justice provided under the Constitution either in form of Directive Principles of the State Policy or the Fundamental Rights provided to the citizens, the food is among the basic economic and social rights that were meant to lay the foundations for participatory democracy in India, this connection, however, has been largely ignored in public policy since independence. Endemic hunger has been passively tolerated, and is barely noticed in public debates and democratic politics.

The research focuses on determining the issues, need and the challenges faced in realizing the food security as a fundamental right along with other legislative and judicial developments made with regard the same. The research lays emphasis on the recognition of food as the most essential Human Right without which ones survival is at stake.

The concept of food policy and food security can be viewed at micro as well as macro level, i.e., at national as well as household level. It may be stated that each family with good food security system could be aggregated to result in a good food security system at the national level. However, this may not be true vice versa because, physical access and overall sufficiency does not ensure individual sufficiency. The individual sufficiency depends very much upon the family's entitlement relations. A family's ability to avoid starvation will depend on ownership and the exchange entitlement. Entitlement relation accepted in a private ownership market includes the following: (i) trade based entitlement (ii) production based entitlement (iii) labour based entitlement, and (iv) inheritance and transfer

90 A.K Sen, Poverty and Famine: An Essay on Entitlement and Deprivation, Clarendon Press, Oxford University Press Walton street, Oxford. 32 (1986): Increase in food supply has been faster than increase in population growth. This does not imply reduction or elimination of poverty and hunger.

91 Id. at 36.
entitlement. In a market economy, a person can exchange what he owns for collection of commodities. The set of all alternatives bundles that he can acquire in exchange for what he owns (including labour power) is termed as 'exchange entitlement' of what he owns.

There are various factors determining food security of a family. Firstly, land is an important source. The farmers produce at least a minimum requirement for their subsistence depending on the land available. Though this gives a broad picture, the intra-class differences need to be analysed. Secondly, employment pattern, which determines the income, is another source. Normally, own land is a major source of employment. Mainly cropping pattern and water resource availability determines the degree of employment generated on a given unit of land. In the rain fed region, employment opportunity on land is much less compared to irrigated region. This again varies with respect to farm size class. The intra-class differences exist due to non-homogeneity of factor endowments - soil condition and water resource. Where as in the irrigated region, cropping intensity is high. This enables to generate a high rate of employment. This is an important aspect with respect to landless labourers, whose livelihood depends to a considerable extent on employment in the primary sector. Since employment determines income, it is necessary to study the employment opportunities created indigenously as well as through government intervention. Thirdly, prices of food also determine the consumption levels. In the rain fed areas, especially with less than 1150 mm of rainfall per annum, the food crop is dominated by coarse variety. Superior cereals such as rice and wheat need to be purchased from the open market. This holds good for certain categories of people such as marginal farmers, but more relevant in the case of landless labourers. The market forces are not efficient to ensure proper food security to these sections of the people. The prices in the open market tend to fluctuate across the months in a year and vary from year to year. In the government-controlled system, the supplies and prices tend to be stable in the short run. The
consumption pattern of various categories of people needs to be linked to the above-mentioned factors.

Food management by households - which can be explained as making food available for daily consumption- over a year's period, is constituted by (i) farm production (ii) open market (iii) fair price shop and (iv) wages in kind. At the macro level, food management is constituted by domestic production, imports, procurement and maintaining of stocks. Thus, the components at the macro level need to be linked to the food management at the micro level. Factor endowments play an important role in the food management system. In the rain fed area, farmers with and without access to water resource can be noticed. In the irrigated areas, the agro-climatic conditions are relatively homogeneous.

V. Objectives of Study

The objectives of this research is to examine the laws relating to food security in the Indian Context. The researcher analyses the food security provisions in terms of availability, accessibility and sustainability. These provisions are also examined in terms of equality and justifiability. The research addresses the following questions:

A. What are the definitions, contents and obligations of the State to provide food security to its people?

B. How far India progress in providing food Security to its people?

C. What are the programmes and policies followed by India in achieving food security?

D. What should be done to achieve food security to all citizens of India?

Besides this, the researcher has examined the National Food Security Act, 2013 and discussed about various programmes policies and legislations, which are realizing the food security provisions in India.
VI. Research Hypothesis

Hypothesis is a tentative generalization the validity of which has to be tested. It provides a direction to the inquiry, aids in establishing a link between theory and practice and helps to delimit the field of inquiry by singling out the pertinent facts on which to concentrate. The study has been undertaken to put to test the following hypothesis:

Food Security is the part of Right to life enshrined in Article 21 of the Constitution of India as nobody can survive without food. The Legislations, Executive and Judicial Measures to implement Food Security provisions to the people are not sufficient. It cannot be properly implemented without necessary funds, proper utilization of existing schemes and programmes, proper monitoring and supervision of the scheme and programmes, curbing corruption, theft and manipulation of entitlement documents.

VII. Research Methodology

The ultimate aim of any research is to find out the solution to problem under research. Problem undertaken for the present research is “Law Relating to Food Security in India: Problems and Issues.” Researcher in this research has relied mainly on Doctrinal Method of research. The research mainly focussed on the primary sources like statutes and research commission, expert report and secondary sources like books, articles, journals, cases laws and websites. Internet has provided a major contribution of the most relevant and latest information on the websites, which has helped the researchers to explore the subject through various dimensions, opinion of experts published in websites also contributed to the great extent for conducting research in the subject. Data gathered from literature available in different Libraries, International Covenants and Summits Reports on Right to Food, Court Judgments, Newspapers, Reports, Articles and other relevant document including review of books have also been studied for the
VIII. Research Tools

This research has been carried out through different methods like access to legal material through Manupatra, Supreme Court Cases, All India Reporters through libraries etc. Researcher used internet for accessing different websites. Research data has mostly been derived through internet, legal database and e-sources. Every work has to its own limitations, and so is the case with this research work. During the research work non-availability of some of the e-sources, commission and expert reports, on the subject was the biggest impediment in the smooth progress. Researchers could only find out some scattered material on of the topic in some books. Although entire experience of the researcher during whole research was excellent, most of the people contracted gave their time and support. Time bound was another factor, which affected the research work to the extent.

IX. Scheme of the Study

The study undertaken has been divided into seven chapters including the present one on introduction.

Chapter 1 is devoted to general introduction of the concept of food security in India and gives an insight of the subject. This chapter also deals with brief introduction, review of literature, objectives of the research, hypothesis, methodology, and the scheme of study.

Chapter 2 of the study outlines the theoretical and conceptual background of the Food Security provisions and its inter-relation with the other rights, which led to the national and international recognition of this right as essential Human Rights. An emphasis has also been made to trace the historical development of the recognition of food security concept at national and international level.

Chapter 3 is devoted to explicit and implicit recognition of food security provisions under the Constitution of India and current
legislative policies that ensure food security in India. Besides, this Chapter also highlights international legal regime for food security.

**Chapter 4** delves into most of issues and their implications under National Food Security Act, 2013. The provisions of National Food Security Act, 2013 have been carefully studied and some of the weak links in the Act are brought out with a view to find and appropriate solution. An attempt has also been made to access the operational and financial challenges thrown up by the Act and its macroeconomic impact on the agriculture economy like India. This chapter suggests various options and instruments, which could be gradually dovetailed to make this Act much more effective and efficient.

**Chapter 5** is an attempt to deal with policies, programmes and schemes framed by the Government of India to ensure food security provisions of vulnerable communities. In addition, role of Food Corporation of India to fulfil these policies and programmes are also spelt out in this chapter.

**Chapter 6** is the heart of the study, which gives an account of judicial response and stand taken by it to the development of Food, which is basic and essential Fundamental Right. A detailed analysis have been made to study the development of food security issues with the help of the various case laws.

**Chapter 7** is an appreciation of the whole study and incorporate a few Suggestions.