CHAPTER-7
CONCLUSION, SUGGESTIONS AND FUTURE
PROBABLE TRENDS

I. Conclusion

The forgoing study reveals that the right to food is better protected legally at the national level than one would assume from simply counting the number of direct and explicit mentions of the right to food in the various constitutions of the world. Currently, 56 Constitutions protect the right to food either implicitly or explicitly as a justifiable right, or explicitly in the form of a Directive Principle of State. In addition, through the direct applicability of international treaties, the right to food is directly applicable, with a higher status than national legislation, in at least 51 countries,\(^1\) thus reaching a total of 106 countries in which the right to food is applicable. Finally, ten countries have already adopted a legal framework on the right to food or food security recognizing the right to food, and a further nine countries are in the process of drafting such legislation. This development is likely to gather momentum in the coming years.

Legal protection is a necessary step for the realization of the right to food as a legal right. While food security - a situation where all people at all times have access to sufficient, safe and nutritious food for an active and healthy life - cannot 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 rule of law continues to be evasive in many countries throughout the world, and legislation frequently gathers dust on shelves while life goes on as before. Therefore, it is not enough to recognize the right to food constitutionally and to enact law on it; such law needs to be ‘owned’ by those who are most in need of its enforcement. Successful

\(^1\) This number does not include the countries that recognize the right to food already, explicitly or implicitly, in their constitutions.
legislation should be employed after a thorough process involving all stakeholders, government and civil society alike. Legislation also needs constant follow up from all sides, in order to be effective. Furthermore, judges and lawyers need to be fully cognisant of the right to food if cases are to be brought to court and dealt with successfully.

The Right to Food, as defined under Article 11 of the International Covenant on Economic, Social and Cultural Rights, has not been effectively operationalized in India. As a party to the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child, India has committed itself to honouring the Right to Food. Indeed the Indian government has formulated many schemes and policies to ensure food and nutrition security and has time and again reiterated its commitment to fight hunger. However, still there exists a wide gap between the rhetoric and reality.

At its core, widespread hunger is the result of inequitable distribution, widespread poverty and non-accountability of government. Inequitable distribution has resulted from distorted food policies, lack of infrastructure, corruption and lack of political will. The inverse relationship between food grain procurement and distribution in India is reflected in stocks rising to unmanageable levels. However, given its politically sensitive nature it may be difficult to drastically cut down stockholdings. Thus, centre will have to employ a combination of policy changes and support prices for farmers and poor families in order to promote the interests of both the groups.

Furthermore, people are hungry in India because they do not have the resources to purchase an adequate diet. That roughly 230 million people in India are food insecure, and that half of those who are hungry live in households where at least one member works, reveals that India has failed to create the conditions necessary for
individuals to adequately feed and care for themselves. Creating the conditions where individuals and families have the resources to feed themselves is the ultimate objective of a social and economic human rights approach. This must be the minimal objective of all their social policies.

One of the positive developments with regard to ensuring economic security to poor families is the extension of the on-going Right to Food campaign to demand the “right to work.” A nationwide vigorous campaign has been initiated demanding gainful employment. An important step towards the realization of the right to work was made in one of the states, Maharashtra, by way of “Employment Guarantee Scheme” in the early 1970s. Under this scheme, every citizen had a right to be gainfully employed on public works at a basic wage, if he or she demands it. In practice, Maharashtra’s Employment Guarantee Scheme falls short of an actual work guarantee, as state authorities often succeeded in evading their responsibilities in this respect. Nevertheless, the scheme has considerably strengthened the bargaining power of the rural poor in demanding gainful employment. On an average day, Employment Guarantee Scheme work sites employ about half a million labourers, most of whom belong to the poorest sections of the population. Thus, the government should further build on Maharashtra’s experience in this respect.

Under international human rights law, governments are committed to take all appropriate measures, including particularly the adoption of legislative measures, for full realization of the rights guaranteed under the Covenant. Indeed every State has a margin of discretion in choosing its own approaches to ensure that everyone is free from hunger and as soon as possible can enjoy the right to adequate food. However, Committee on Economic, Social and

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3 Ibid.
4 ICESCR., Article 2.1,
5 General Comment 12, para.21.
Cultural Rights recognizes that in many instances legislation is highly desirable and in some cases may even be indispensable. There has been an increasing endorsement at the international level for adoption of the framework legislation by the States to facilitate effective realization of the Right to Food.

The existing policies in India do not provide a specific plan of action on how food security will be progressively realized. The development of a legislative framework will not only assist in defining clearly the different roles that should be played by the different government departments, as the provision of the Right to Food requires the involvement of more than one department. The framework will also assist in defining the obstacles and how they should be addressed in order to ensure better provision of food. Furthermore, it will also enable individuals to hold institutions accountable and claim their rights when they have been infringed upon. As the government works progressively to realize that goal, it has an obligation to immediately repair the existing food assistance schemes to help end hunger at once.

The Special Rapporteur on the Right to Food, Olivier De Schutter, states:

*The right to adequate food is not a slogan. It imposes obligations on states and non-state actors alike which are grounded in international law. Putting it at the center of our response to the global food crisis...leads us to fundamentally*

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6 General Comment 3, para.3.
7 The FAO Legal Officer's article sets out some of the possible content of framework law in India, for instance general principles of the right to food (for instance inspired by the NGO Code of Conduct); obligations to respect, protect and fulfill; identification/establishment of institution and definition of its role, responsibilities and authority; benchmarks to be achieved etc. A complete list of elements are discussed in the document.
rethink the nature of the challenge we are facing, and what it requires to make progress towards addressing it.⁹

Wicked problems have no single answer, though they can be tamed by locking down the problem definition and specifying the parameters for success.¹⁰ The major lesson of the 2008 food crisis is that a coherent, collective policy approach is needed and that it must be oriented towards long-term, global sustainability and justice. Distributional issues need to discuss and goals specified more clearly, identifying the most vulnerable and designing strategies to reach them. Investment in agriculture is essential to boost food production, requiring public sector support; the international community should contribute to official development assistance in this respect.¹¹

Efforts to work on such coordinated global policies may at last be finding footholds at national and multilateral levels. A high level panel on what Ireland and the European Union can do to speed up progress towards the Millennium Development Goals, held in Dublin in April 2010, identified three main actions: delivering finance, tackling policy incoherence and adopting a human rights-based approach to the Millennium Development Goals.¹²

Complementing these policy developments on international assistance, Food and Agriculture Organisation and World Bank have recently completed the International Assessment of Agricultural Knowledge, Science and Technology for Development which recognises that the right to food can be used to re-orient agricultural development. Its findings emphasise the promotion of small-scale agricultural systems and local government, support for co-operatives,

¹² Trócaire, Countdown to 2015: How can Ireland and the EU help save the Millennium Development Goals? April, Dublin, (2010),
farmer organisations and local business associations and unions to support small-scale farming and ensuring greater and more effective involvement of women.

Whether the right to food is seen as a means to achieve food security or whether it is the key to redefining food security, food is a primary area of convergence between human rights practice and rights-based approaches to development. During the Cold War, human rights and development appeared as two distinct islands, with socio-economic issues comprising "a vast channel that put great distance between human rights and development". However, that situation began to change in the 1990s as development has taken on human rights concepts, while human rights advocates have begun to address socio-economic rights more seriously. In security thinking, the concept has redefined human security to put the human being at the centre, refocusing security concerns on how poverty, hunger, disease and environmental degradation threaten the vital core of human existence. Three interrelated themes provide common ground for development and rights; Recovery of the principle of indivisibility in human rights; Democratisation of development to remove discrimination and enable people to participate; and Humanizing human rights with an emphasis on dignity and what is humanly desirable and acceptable.

While governments hold the primary obligations to respect, protect and fulfill the right to food, the obligations of corporations

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involved in food and agriculture are also important. Even in the direst humanitarian emergencies, the need to appear in public without shame must be taken into account. Hunger and deprivation also have manifestly gender dimensions, which require broader socio-cultural transformation as well as targeted economic and welfare policies. The right to development integrates these dimensions of the right to food because it is a vector of interdependent and indivisible rights, with food being one of three complementary immediate action areas (food, health and education) for realizing all human rights. This approach affirms the principle that the human being is the rightful subject of development and principles of justice and equity must apply, ensuring meaningful participation in, and benefits from, development, particularly in respect of marginalized, discriminated and disadvantaged individuals and groups.

India is a country where right to food is far from being realized for all. Despite economic growth and policies aimed to ensure food availability and access by the poor, hunger is still widespread. Some social and ethnic groups are more vulnerable than others, in particular Adivasis and Dalits, while women’s social status remains low, despite legal reform. On the other hand, India is among the countries where there has been most in-depth discussion on right to food, at least within legal and non-governmental circles. The use of

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17 M. Brady, “Holding corporations accountable for the right to food”, (2008); in George Kent( Editor), Global Obligations for the Right to Food, Maryland: Rowman and LittlefieldDe Schutter (2010)

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public interest litigation for the right to food is one way of ensuring access to justice for the poor.

The Supreme Court has not only acknowledged that the right to food is a fundamental right under the Indian Constitution, but has issued detailed orders of a quasi-legislative nature. This is of the utmost importance: it sets an example for lawyers and judges worldwide to be creative and work within the legal system of a country while taking a leadership role in promoting the progressive realization of the right to food in the country concerned. Long-term engagement with the right to food is integral to the methodology of the Supreme Court.

It is clear that legal action with strategic objectives can have a great impact on the ground, particularly if linked to public campaigning. Aside from the Right to Food Campaign, India has a variety of schemes under way for promoting food security and nutrition. Nevertheless, considering the size of the country, it is not easy to coordinate these schemes and ensure their coherence.

The main problems encountered relate both to the design of the schemes in place as well as to duplication, inefficiency, leakage and corruption – all of which are hindering the implementation of the different programmes. With proper coordination of policies and programmes, convergence of delivery of services and entitlements at local levels, and stronger accountability mechanisms, the fight against hunger and malnutrition in India could be much more successful.

It is also important to note that in the case of India, the constitutional protection of right to food is strong and inherent in several constitutional provisions. In fact, the Supreme Court has included the right to food under the right to life in Article 21, thus giving it constitutional enforceability. Therefore, while Parliament play a key role in promoting policies and adopting legislation on social programmes that guarantee the right to food, courts also perform the
paramount function of protecting the right through a wider interpretation of other fundamental rights

The Right to Food, Food Security and Discrimination are closely-knit and interrelated issues, which require constant vigilance by the government, the stakeholders, and matter related Non-Governmental Organizations. Whereas the Right to Food, universally accepted as one of the social Rights, forms the basis or starting point for further emanating thoughts, the governments through its policies and directions will have to safeguard for all its citizens a high degree of security. It can also be observed that inspite of the existing legal framework, which clearly addresses the problem of food security; the legislation itself does not ameliorate any of the dreadful situations. Neither are they really taken care of by court decision or directives, may they be also pro-poor or pro-discriminated, as they can only heal individual grievances with no wider meaning for the society at large. The blatant refusal of legislated entitlements can be seen in an exemplified way in the discrimination against Dalits regarding access to food and food-related programmes which is widespread evil in varying degree across India. This is not the only kind of discrimination to be faced by the needy people, but also there are various kind of discrimination regarding the Right to Food against tribal families, women and children especially the female children.

The Constitutions of India and its underlying ideas provide a sound framework for thinking about the right to food and food security. In this framework, the right to food is one of the basic economic and social rights that are essential to achieve "economic democracy", without which political democracy is at best incomplete. Indeed, there is an obvious sense in which mass hunger is fundamentally incompatible with democracy in any meaningful sense of the term.

The right to food is nowhere near being realized in India. In fact, under nutrition level in India are among the highest in the world.
Further, the improvement of nutrition indicators over time is very slow. There is also some evidence of increasing disparities in nutritional achievements (between rural and urban areas as well as between boys and girls) in the nineties. The recent accumulation of nearly 70 million tons of grain against a background of widespread hunger is a particularly starting violation of the right to food.

The nutrition situation in India is a sort of “silent emergency”; little attention is paid to it in public debates and democratic politics. This illustrates a more general feature of Indian democracy-its tremendous lack of responsiveness to the needs and aspirations of the underprivileged. Against this background, economic and social rights have a crucial role to play as built-in safeguards against the elitist biases of public policy.

Food security right is a somewhat complex right that does not seedily translate into well-defined entitlements and responsibilities. The scope for enfacing it though the courts can be significantly enlarged (e.g., by consolidating legal provisions for the food security and right to food), but serious difficulties are involved in making it fully justifiable. Nevertheless, the right to food can bring new interventions within the realm of possibility in at least three ways; through legal action, through democratic practice, and through public perceptions.

If the right to food is to be achieved, it 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 may not even be realizable within the present structure of property rights. Taken together, however, they hold the promise of radical change in public priorities and democratic politics. This is why it is so important to revive the Directive Principles of the State as well as the visionary conception of democracy that informs them.
The Supreme Court had appointed a Commission to look into the food security provisions and schemes and its latest report observed that despite the fact that starvation deaths were confining to occur across the country, there was little proof to indicate that the states were taking effective measures to improve the situation. India does not seem to have a problem in terms of physical availability, as the production of food grains is more than adequate. To reiterate, corruption is eroding the well-designed schemes, so there is a need to check this practice.

Starvation deaths and the high prevalence of hunger clearly show that India needs to wake up. The judiciary cannot monitor the implementation of the schemes forever. The government needs to review policy from time to time and take connective measures for effective implementation of different schemes and programmes, establish effective mechanisms of accountability and ensure the right to food for all.

As the problem of food insecurity relates to both the demand and supply of food, a solution could be to empower people towards greater purchasing power, as well as addressing the inadequacy of the distribution system, and checking corruption and leakages. Awareness among the people with regard to their right to food can escalate the process of equitable distribution and thus help to realize the right to food for all citizens. The right to food is not just a basic human right; it is also a basic human need. It essentially requires the state to ensure that at least people do not starve. Implementation of the Right to food and food security measures does not imply that impossible efforts be undertaken by the states. The obligation to protect and respect the people compels the state to implement the right to food effectively, without recourse to extensive financial means.

The foregoing research reveals that the root causes of the hunger is poverty. So it indeed is very essential to eliminate hunger
and 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 does not at the household level. Though incidences of poverty have declined to some extent, significant regional disparity is visible (with the help of Rozgar Guarantee Programme etc.)

There is a need to look into the functioning of Public Distribution System. It is revealed from research 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 35 per cent of the budgetary subsidies on food are siphoned off the supply chain and another 21 per cent reaches the Above Poverty Line households. The implementation of Public Distribution System is played by targeting error, prevalence of ghost cards and unidentified households. Secondly, the government machinery has not done well in identifying the poor. As the government works progressively to realize that goal, it has an obligation to immediately repair the existing food assistance schemes to help and hunger at once.

The study disclose that Food security is an issue of significant importance for a country like India where still a high proportion of people are reported below poverty line and malnourishment and hunger is still widely prevalent. The need for food security and the awareness and consciousness about the right to food has been growing over the years with efforts from various quarters making us more conscious of the fact that maintaining food security is important and it is nothing but human security in the long run. For ascertaining whether a state is food secure or not, certain aspects or parameters have to be considered. These are food availability, accessibility and food absorption. Along with these three that states about the current food security situation, sustainability of food security is equally important for the long term.
But, one has to place the aspect of food security in the context of rural development as it helps in improving all aspects of food security i.e. schemes on food based programmes and programmes for development of natural resources, poverty alleviation and employment generating programmes along with development of rural infrastructure, provision of nutritional programmes, better health, water supply and sanitation facilities. Rural development is crucial for achieving a food secure India. All these aspects can only be maintained well if one has good governance & a balanced governance requires that one has government, private sector, Non-Governmental Organizations, Panchyati Raj Institutions and Cooperatives working harmoniously to preserve, promote and protect the interests of the common man.

Availability of foodgrain in adequate quantities needs to be ensured, now and in the future. Keeping in mind the need to ensure livelihoods in rural areas, the strategy for increasing availability must place emphasis on increasing small-farmer production and productivity. For this purpose, we need to step-up public investment in irrigation and rural infrastructure and provide other forms of State support including credit and postharvest storage facilities such as rural warehouses. Such public investment should also strive to address the issue of regional inequalities. With respect to irrigation, there should be a special focus on revitalisation of existing local water storage systems and water bodies and on decentralised community controlled systems of water use. The Mahatma Gandhi National Rural Employment Guarantee Act and similar schemes could be utilised for this purpose. All these steps will simultaneously help address availability and access.

With a view to ensuring assured and remunerative price for produce, the government must expand the Minimum Support Price system, based on the cost of production including a reasonable rate of return on investment and ensuring prompt and open-ended purchase
for all major crops including foodgrains other than paddy and wheat. This will serve as an incentive to increase availability and improve access by enhancing the purchasing power of farmers.

The economic policies should be reoriented to provide adequate support for India's agriculture and its vast rural population. In particular, policies must provide adequate rural infrastructure (including power), and promote employment besides ensuring credit facilities and remunerative prices for produce for our farmers. The unfinished agenda of land reforms must be completed and distribution of ceiling surplus land must be done on a priority basis. Appropriate attention should be paid to conservation of common property and biodiversity resources and rehabilitation of wastelands. These steps will address availability, access and sustainability concerns.

There should be substantial increase in public investment in agriculture-related infrastructure such as irrigation and drainage, land development, water conservation, development of road connectivity etc. Such investments are specially needed in the poorer and low rainfall areas of the country.

In the context of food security in India, when one examines the parameters of food availability and food accessibility, then one studies the agricultural sector as it affects not only food availability through its production and its overall performance but it also provides employment, thereby influencing the incomes and the economic accessibility i.e. purchasing power to buy food. When one looks at the agriculture sector one finds that it has been at the center of a lot of debate recently. It has been affected by the 'Agreement on Agriculture' thus global policies have permeated into our local agriculture and affected its functioning through provisions of market access, domestic support and export subsidies. All these provisions have given rise to not only differences between developing and developed countries but
also within India between Centre and states. India's federal system has acted as an institution, which has been mediating between

The sustainability of food availability is very much affected by ecology but when one examines the ecological scene one finds that there has been an overexploitation of natural resources with areas under forest depleting, the level of groundwater going down and the degradation of prime agricultural lands. This definitely would affect the future of food availability. Further for analyzing food availability, export and import policies and procurement and buffer stock has been seen. From a centralized procurement system with the Food Corporation of India at the head, there have been certain initiatives taken by some states towards a decentralized procurement and distribution structure at the state level. However, the role of Food Corporation of India continues to be crucial.

Agriculture also is instrumental in providing employment and thus can play a crucial role in reducing poverty and food insecurity as it has been seen that the poor people are most likely to face threat of hunger and malnourishment, as they are likely to have low purchasing power to buy food. If one looks at rural employment and rural poverty one finds that Unemployment levels seem to have increased.

Food security is facing a number of problems not only in terms of food availability but also in terms of accessibility mainly on account of the crisis that agriculture is currently passing through Government has provided various kind of support to promote growth and to fulfill its distributional objectives. It has tried to affect the parameters of food availability by supporting agricultural production through giving subsidies and Minimum Support Price. It has also tried to improve physical food accessibility - by the Public Distribution System and making the Public Distribution System work efficiently for the poorer sections of the population. Subsidies are provided for the main
II. Suggestions

The foregoing study throws a flood of light that food security is a "wicked problem" and suggests that the rights-based approach addresses some of the impasses by shifting the key concern from food to hunger, and placing the human person at the centre of development. The Food and Agriculture Organisation's Voluntary Guidelines on the Right to Food provide clarification on the rights-based approach and point to how the right to food can be incorporated into government strategies and institutions. A landmark legislative example (Peoples Union for Civil Liberties case) of our country illustrates how the rights approach can empower a range of detailed programmatic actions on hunger, which in turn reinforce other socio-economic rights. The conclusion reflects on how the right to food and food security laws bring important substantive dimensions to the current agenda for policy coherence in development assistance and cooperation.

#- The need of the hour is that the government should acknowledge the obligation to respect, protect and fulfill the human right to food and food security provisions. The government should ensure that bureaucratic error does not result in benefits being arbitrarily and erroneously cut off. The Central Government should provide a comprehensive policy and technical support to the State Governments and administrative staff to ensure accurate and fair implementation of food assistance policy in the welfare reform environment.

#- One needs to rationalize the subsidies and increase the support structure commensurate with the increase in input costs. In addition, developed regions seem to be benefiting more and this regional inequality is accompanied by inequality among the farmers. Thus along with rationalization, proper equitable
distribution is equally necessary. Also while giving subsidies, it needs to be seen that subsidies given for agricultural inputs are utilized properly and no wastage takes place. Excessive use of water, power and fertilizers can be ecologically disastrous and it can affect future production. For sustainability of food security, it is necessary to maintain an ecological balance between the available natural resources and their use to ensure optimum benefit in the long run. Having said the above, there is also the need to create a level playing field as far as developed countries are concerned. Domestic support given to the farmers in the developed countries of West and East Asia is much higher and we should try to bring down their high level of support if the aim is to compete in an equal environment in the international arena. Matching their level of support is difficult for us as we have a much larger number to cater to and less monetary resources.

Thus, even while continuing with subsidy, we need to rationalize it. Food subsidies need to continue as it is an important safety net. The government provides Minimum Support Price and these Minimum Support Prices have been consistently higher than the Minimum Support Price recommended by Commission on Agricultural Costs and Prices. Also the excessive attention to wheat and rice has distorted the cropping pattern in favour of these two foodgrains & has led to adverse environmental impact. The Minimum Support Prices have however increased more than the production costs. One should continue with giving Minimum Support Prices but one need to rationalize the Minimum Support Prices to reflect the actual production costs incurred by farmers. Also high generous Minimum Support Prices continue to be provided to a tiny percentage of well off farmers & to rice and wheat. This needs to be made more equitable not only in terms of farmers but also in
terms of crops in order to protect ecology and encourage different cropping pattern

If one looks at the distribution network set up by the government through the Public Distribution System, one finds that the Public Distribution System through Fair Price Shops providing foodgrains at affordable prices have been the key element of the food security system in India. In 1997 the Government of India introduced the Targeted Public Distribution System - the policy initiated targeting of households on the basis of an income criterion i.e. used the income poverty line to make a distinction between 'poor' and 'non-poor' households. However the Targeted Public Distribution System has faced several criticisms, the important one being its failure to serve people below poverty line (Below Poverty Line families). Targeting has excluded the needy ones as targeting is done based on the poverty line defined by the Planning Commission whereas poverty figures seem to be much higher thus excluding many of those who deserve to be in the Below Poverty Line category. Targeting has affected adversely the Public Distribution System network and its viability. The analysis of the Public Distribution System and its functioning, has built a well-argued case for replacement of the Targeted Public Distribution System by a universal Public Distribution System with uniform prices affordable to the poor. The centralisation that took place under the Targeted Public Distribution System should be reversed and State governments should, in the first instance, have the right to determine the required allocation under Public Distribution System for their State.

Further, the allocation per household in the Public Distribution System should be based on the number of consumption units in the household. Besides rice and wheat, other relevant and
nutritious food grains and pulses may be distributed through Public Distribution System at subsidised rates, in order to enhance nutritional outcomes. Further, in order to improve viability of Fair Price Shops, and simultaneously enhance the purchasing power of the incomes of the poor, commodities like edible oil, cloth and other daily use items may be sold in the Fair Price Shop. Ration shops should be strengthened and made viable through the provision of appropriate margins or subsidies. To ensure effective utilisation of the Public Distribution System, the public must be free to draw their allocations on a weekly basis. Migrants should be able to access Public Distribution System allocations in the area where they work.

Despite a hefty increase in annual food subsidy. Targeted Public Distribution System does not seem to have made an impact in the poorest north-north-eastern states, such a Uttar Pradesh, Bihar and Assam. Although the allocation of poorer states was more than doubles, yet there is poor off take by the states and even poorer actually lifting by the Below Poverty Line families. There is lack of infrastructure and shortage of funds with the government parastatals in most states except a few in the west and south. Thus, the Government of India should ensure that adequate infrastructure capacity is available at the district and block levels. Programs such as the public distribution of food grains can be entrusted to the Local level institution, with higher-level institutions at the district, state and union levels taking up the balancing sole, i.e. bridging the gap between demand and supply of food grains at respective levels.

Panchayati Raj Institutions may also be actively involved in the monitoring of the Public Distribution System. These Panchayati Raj Institutions should be empowered, trained and facilitated in monitoring hunger, and malnutrition as well as the schemes
implemented to reduce hunger/malnutrition such as Public Distribution System, Mid-Day Meal Scheme, Integrated Child Development Scheme and Food-For-Work programme. This will help strengthen the delivery mechanisms. While a universal Public Distribution System, appropriate supplementary programmes and other safety nets funded by the government are critical to ensuring food security, there is also an important role for community-based food security systems, such as community grain banks. Community food security systems appear especially relevant in socially cohesive communities characterised by limited inequality and found in locations, where they find it difficult to access other delivery mechanisms such as Public Distribution System. Community food security systems may also be encouraged so that production of nutritious millets and other local food grains receive much needed support. To ensure sustainability, such initiatives must work closely with elected local bodies.

The overall approach of the food delivery system should be lifecycle based and involve appropriate supplementation programmes to ensure that all stages of the lifecycle are addressed. Horizontal integration of vertically structured programmes is urgently called for. While food and nutrition insecurity needs to be addressed at all stages of the lifecycle, certain groups such as pregnant and lactating mothers, adolescents and children under three years of age need to be given special attention because of their physiological needs. The Mid Day Meal Scheme and Integrated Child Development Scheme are crucial programmes in this regard and their effective implementation can contribute to the better health and food security of the population. Food and nutrition security needs to be addressed through integrated complementary strategies, namely dietary diversification, supplementation, food fortification and community and public health measures.
Substantial investments need to be made in health and education especially for the rural population. Improvement in basic infrastructure like ensuring access to safe drinking water, toilets and healthcare facilities will have a positive impact on health and nutrition of the population, a fact highlighted by the States with better facilities. Education will lead to greater awareness and understanding on practices to be adopted, which is highlighted by the experience of States like Kerala.

Changes in macroeconomic policies so as to enhance aggregate demand will enhance the prospects of the growth of rural employment. Quality employment has to be promoted. This requires enhancing the skill levels of the labour force on a large-scale through massive training and capacity-building programmes both by the government and by the private sector.

Besides food availability, accessibility and absorption, the aspect of rural development is also very important. Utsa Patnaik says 'due to drastic reduction in the state's spending in rural development, there has been loss of purchasing power and this is reflected in a steep fall in the per-head food grains absorption.'

Panchayats, Cooperatives & Non-Government Organisations - all play an important role in rural development. There are various aspects of rural development, which are important in their own way in promoting food security. Rural development schemes have been started i.e. poverty alleviation and employment-generating programmes in order to generate employment & increase purchasing power.

The Mahatma Gandhi National Rural Employment Guarantee Act is important as it promises to be a legal right and the

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Utsa Patnaik, "It is time for Kumbhakarna to wake up", The Hindu, Delhi, (August 5, 2005).
responsibility of funding it rests with the Central government rather than with the states. In addition, the gram panchayats have been given an important role and the scheme most importantly would cover all rural households and will not be limited only to poor or Below Poverty Line households. Muster rolls will also be available with the panchayat office with periodic report of work done and there is provision of daily unemployment allowance.

Along with the above scheme, there are also direct food based programmes like Annapurna, Antyodaya, Grain Bank Schemes, Mid-day meals and Integrated Child Development Scheme. Both foods based and poverty alleviation and employment generating schemes serve two different objectives - the former dealing with the physical distribution of the foodgrains and the latter aims at increasing employment and purchasing power, reducing poverty and increasing the capabilities for securing a livelihood for themselves. Both these categories of schemes are needed and should work harmoniously and in synchronization with each other. However these schemes do suffer from lack of adequate infrastructure, lack of resources and awareness among target groups. Training of officials as well as people involved with the Panchayati Raj Institution structure needs improvement. In case of direct food based programme, the distribution network needs to be enhanced. Along with the above, also other areas need to be necessarily developed.

In the context of rural development, programmes for development of natural resources, education, social security also needs to be improved. Ecological degradation can affect the sustainability of food security, therefore programmes for development of natural resources is necessary. There are already many programmes for watershed development but there is need for convergence for better efficient performance. Drought
prone Areas Programmes are being implemented for development of wastelands/degraded land. Land and forest regeneration, capacity building & training & revival of traditional water harvesting structures have been identified for attention during the Plan Period. Also allocation for the education sector has been increased and Sarva Shiksha Abhiyan continues to be implemented and allocation for this programme has been increased. As far as decentralized institutions are concerned, Panchayati Raj Institutions can be useful for rural development by making development programmes work for the rural people at the grassroots and transferring decision-making authority to the villages. They are also responsible for raising consciousness among the rural people. Cooperatives have been organized in various areas such as dairy, sugar, poultry, credit, marketing, distribution, housing, fishing etc.

#- The Non-Government Organizations supplement the role of the government in social welfare through rural development schemes. They know the local conditions well and this helps in designing and monitoring the programmes. They help in targeting of the poor (identifying beneficiaries), raising consciousness, allocating local resources and delivery of necessary services. Non-Government Organisations help in decentralized development and often Panchayati Raj Institution and Non-Government Organisations work in close collaboration at the grass root level for the betterment of conditions. They work not only for distributing food but also in areas like health, education, agriculture, land and water management etc.

#- Along with the present food availability, ecological factors contribute to the sustainability in the long run. Sustainable states are those with sufficient resources to continue food security at existing levels and that have the capacity to enhance
food security in the future. States that are low in food security but high in sustainability should lay emphasis on improving livelihood access. On the other hand, states that are food secure but low on substance should try to ensure conservation of natural resources. The Atlas of Sustainability of Food Security in India comments that 'the balance between future sustainability & present security is important.'

The National Food Security Act required universalization coverage. For that, it also needs nutritional security, bottom up approach, removing corruption, more area under irrigation, balancing between the farmers' income and the cost of agriculture produce and hence overall financial burden for the government, the real effectiveness of the programme. The most haunting question in 65 years of Independent India exists in the form of hungry and malnourished masses in India. The Parliament needs a minimal face saving political will by passing a Food Security Act, where food rights are guaranteed to all and that no one is denied the right to food. 75% coverage in rural areas and 50% in urban areas are to high targets. Further, the Supreme Court hearing the case of Right to Food has given a series of orders without allowing itself to be bogged down by affordability arguments. In the process of consistently ignoring the economic cost of universalisation, they have managed to read up the food entitlements into the Right to Life. The public policy makers need to take inspiration from this stance. Food inflation created insecurity. Without income switching policy and inflation control right to food will remain a distant dream.

Poor governance is at the root of many ills associated with the food administration, as well as other programs for the poor. The reasons for poor governance are both political and administrative. Tackling leakages and corruption requires

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participative, accountable and transparent governance practices to make efficient use of available resources while avoiding corruption and favoritism. For instance, publication in newspapers or a press note about the date and amount released to various schemes and to different blocks and offices will improve transparency.

### The quality of the food grains supplied through food security schemes leaves much to be desired. Hence, the lower nutrition levels result in undernourishment and malnutrition. The problem has arisen partly due to the relaxed specification of quality during procurement. Such relaxation should be avoided in the interest of achieving long-term food security for all. In addition, food assistance schemes should maintain the desired nutrition standards.

### Legal action is strongly recommended as a tool particularly when coupled with a strategic objective to promote the right to food and when linked to public advocacy campaigns. Constitutional enforceability of the right to food is recommended as a strong form of protection of rights. However, when the right to food is not listed as an explicit constitutional right, it can still be protected by an active Court’s interpretation of fundamental rights in the Constitution that inherently protect the right to food.

### The judicial intervention by the Supreme Court has provided impetus to policy change as well as to ensure effective implementation of the governmental obligations. However, it is not normally available to ordinary people on a local basis. Therefore, government should establish effective mechanisms for assuring the realization of the right to adequate food in India.

### Where there are a variety of schemes to promote food security, it is key to find a mechanism for coordination of schemes to
ensure coherence in policymaking and implementation. A careful analysis of programme design and examination of the risks of duplication, inefficiency, leakage and corruption should be priority concerns that guide the implementation of right to food policies. Coordination of policies and programmes is best in the form of convergence in the delivery of services and entitlements at the local levels with accountability mechanisms to ensure transparent implementation processes.

Food availability, food accessibility and food absorption - all three are interlinked and crucial for food security. Measures need to be taken in order to improve the food security situation in the long run. The need is to improve foodgrain production and increase productivity through improved technology that is environment friendly and increase investment in agriculture. A strong agricultural base and growth in agriculture is one of the important policies to reduce poverty and achieve food security. Since majority are small and marginal farmers, the need of increasing the productivity of small farms is a must. As M.S. Swaminathan said "increasing the productivity and profitability of small farms in an ecologically sustainable manner is the single most effective step for reducing poverty and hunger in our country."24 More money needs to be pumped in to have technology upgradation and agricultural research. Research should be undertaken to create more options for the poorer regions and for small and poorer farmers.

Agricultural scientists should work in collaboration with farmers' groups - each group representing an area so that programmes can be chalked out depending on the inputs from the farmers. One needs more public investment, easy availability of credit, marketing and extension services. These

24 M.S. Swaminathan, India's Greatest Living Industry, Hundred Years Later, IARI Centenary lecture. New Delhi, Indian Agricultural Research Institute, (March 16, 2005), p. 3.
also need to be improved in order to make the shift to diversification successful. Fruits (horticulture), vegetables, milk and milk products, livestock products (dairying and poultry), and agro industry - all these sectors provide opportunities for export and increasing employment opportunities & incomes. However, one needs to remember that diversification for export requires an infrastructure that the states do not have.

Thus it becomes necessary not only to provide support (in the form of capital, technology, credit and marketing facilities, infrastructure and storage facilities) but also make sure that the farmers have a level playing field in the international arena by demanding for more market access in developed countries and lowering of tariffs. If not, then one should raise one's own tariff rates to protect our farmers from cheaply imported products, which are destroying our domestic market. One has to take care that the balance between foodgrains and non-foodgrains production is maintained; lowering of the former can result in problems.

One has to remember that self-sufficiency at home and proper foodgrains availability and accessibility is a necessary pre condition before we diversify or export. Because of the low buffer stock, the government in 2006 was forced to import huge quantities of wheat. After being self-sufficient for a couple of decades, such an alarming act has raised many questions on the management of foodgrains. With regard to access to land, there is a need for detection and distribution of surplus land (through ceiling laws) for optimum allocation of land resources amongst the rural poor. The agenda of land reforms need to be brought to the forefront again.

Non-farm sector should be promoted, as it is a channel through which employment can be generated, poverty reduced and growth in agriculture stimulated. In addition, rural people need
to be provided with proper skills in order to make a paradigm shift from unskilled to skilled sector to make it easier for them in a liberalized competitive world, which favours people with skills.

In order to improve the food absorption- areas of health and nutrition should receive more priority as well as more funds. The Central Government not only needs to provide assistance to state government, but also the role of state government needs to be strongly re-established *vis-a-vis* the private agencies with regard to healthcare. Awareness should be created regarding balanced dietary standards & nutritional requirements and programmes that improve the nutritional levels of the poor, should get priority. ¹

The universalization of Integrated Child Development Scheme needs to be reaffirmed and the performance of Mid-Day meal schemes should be monitored properly and management supervision mechanisms should be improved. In addition, since India is producing more fruits and vegetables, one could promote the cultivation and consumption of the above two to check micro-nutritional deficiencies. Safe drinking water and sanitation facilities should be provided and existing facilities improved. Implementation of the *Bharat Nirman* can go a long way in the betterment of conditions in rural infrastructure. Rural development schemes specially the schemes of poverty alleviation and employment-generating ones, schemes for rural infrastructure should receive proper attention. They need to be implemented with people's participation and not in a bureaucratic manner.

In the larger food security context, good governance should continue to be emphasized with legislations and civil society organizations helping the process. The Government needs to take specific steps to protect the agricultural interests at the
World Trade Organisation since it has a direct link to the food security situation in the country.

The government should acknowledge the obligation to respect, protect and fulfil the human right to food. The government should ensure that bureaucratic errors do not result in benefits being arbitrarily and erroneously cut off. The Central government should provide a comprehensive policy and technical support to the state governments and administrative staff to ensure accurate and fair implementation of food assistance policy in the welfare reform environment.

The most appropriate ways and means of implementing the right to food and food Security laws will vary from country to country and every State will have a margin of discretion in choosing its own approaches. However, each State that has committed itself to realizing the right to food must take immediate steps to realize the right to food for all as soon as possible. The implementation of the right to food will require the adoption of a national strategy to ensure food and nutrition security for all, based on human rights principles that define the objectives, and the formulation of policies and corresponding benchmarks.

Here are some criteria that such a strategy should meet:25

(a) Its formulation and implementation should comply with human rights principles, such as accountability, transparency and participation;

(b) It should be based on a systematic identification of policy measures and activities derived from the normative content of the right to adequate food and the corresponding State obligations;

25 Committee on Economic, Social and Cultural Rights, general comment No. 12, paras. 2–28.
(c) It should give particular attention to preventing and eliminating discrimination in access to food or resources for food and to the needs of the marginalized population groups. This requires a systematic analysis of disaggregated data on the food insecurity, vulnerability and nutritional status of different groups in society;

(d) It should address all aspects of the food system, including production, processing, distribution, marketing and consumption, as well as other relevant areas, such as health, water and sanitation, education, employment, social security, and access to information;

(e) It should clearly allocate responsibility for implementing the necessary measures and lay down a precise time frame;

(f) It should define institutional mechanisms including the coordination between relevant ministries and between the national and sub-national levels of government;

(g) It should also identify the resources available to meet the objectives and the most cost-effective way of using them, including in times of severe resource constraints;

(h) It should identify steps to ensure that activities of non-State actors are in conformity with the right to food.

#- The national legal and institutional framework is decisive for the implementation of the right to food. Many countries have included the right to food in their constitutions, either specifically or as part of the provisions on the right to an adequate standard of living.26 Several countries are developing a legal framework on the right to food. This is useful for fleshing out any constitutional provisions, clarifying rights and

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obligations, as well as elaborating on institutional roles and coordination for the realization of the right to food. It can also provide for remedies for violations of the right to food and strengthen the mandates of national human rights institutions. The legal framework for institutional coordination is particularly important for the right to food, responsibilities for which typically go well beyond the mandate of any one sectoral ministry.

#- Sectoral legislation is also important because it regulates the economic environment in which people are, or are not, able to feed themselves in dignity and the adequacy of the food marketed and sold, determines how markets function, regulates access to natural resources, and provides for entitlements to State support. These must be reviewed to ensure there is nothing that hinders people’s ability to feed themselves or their right to social assistance.27

#- National Human Rights Commissions and Ombudsmen, can also be mandated to promote and protect the realization of the right to food. Their functions include monitoring the realization of human rights, advising the Government and recommending policy or legislative changes, handling complaints, carrying out investigations, ensuring the ratification and implementation of international human rights treaties, and providing training and public education.28

#- Monitoring is an essential part of the effort to realize the right to food. During the implementation of national strategies on the right to food and food security provisions, the monitoring process enables Governments and other stakeholders to assess the impact of legislative, policy and programmatic measures on

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28 Principles relating to the status of national institutions ("Paris Principles"), General Assembly resolution 48/134.
the enjoyment of the right to food, to track and evaluate the achievements in the progressive realization of the right, to identify the challenges and obstacles affecting it, and to facilitate corrective measures.

To monitor the implementation of the right to food, States should set verifiable benchmarks to be achieved in the short, medium and long term, and develop a set of indicators. Furthermore, to maximize its effectiveness, the monitoring process needs to be based on human rights principles. For example, information gathering, management, analysis, interpretation and dissemination should be transparent and conducted with the participation of a broad range of stakeholders, particularly those groups and individuals who are the most affected by food insecurity and the most marginalized.²⁹

Various actions can be taken to monitor the realization of the right to food and food security provisions. Reviews of policy, budgets or public expenditure and public monitoring mechanisms (for example, inspection of food safety, nutritional status surveys and land registration) are important administrative mechanisms to this end. Assessments of various kinds, such as impact assessments, offer a way for policymakers to anticipate the likely impact of a projected policy on the enjoyment of the right to food and later to review its actual impact. In addition to the Government's self-monitoring, monitoring by National Human Right Institutions and civil society organizations also contributes to holding the Government accountable for the realization of the right to food, including monitoring individual violations of food security measures.

Any person or group that is a victim of a violation of the right to adequate food should have access to effective judicial or other appropriate remedies. All victims of such violations are entitled to

adequate reparation, which may take the form of restitution, compensation, satisfaction or guarantees of non-repetition. Recourse mechanisms can include courts, administrative tribunals, complaint mechanisms through administrative procedures as well as complaint mechanisms provided by National Human Rights Institutions.

In most countries, courts, including Supreme Courts safeguard human rights and provide remedies for violations. Domestic courts are increasingly hearing cases relating to the right to food. Court proceedings may not be the easiest way to seek remedies, as they can be time-consuming, costly and difficult to access for individuals (e.g., by requiring a high level of legal expertise and setting strict eligibility criteria for filing cases). However, the judiciary is often a country's ultimate guarantor of human rights, including the right to food, and plays a crucial role in protecting them. Other recourse mechanisms could provide cheaper, speedier, simpler and more accessible remedies than formal court proceedings.

Food Security and Discrimination are closely-knit and interrelated issues which require constant vigilance by the government, the stakeholders and matter related Non-Government Organisations. Whereas the Right to Food, universally accepted as one of the Social Rights, forms the basis or starting point for further emanating thoughts, the government through its policies, directions, and its manifested will has to safeguard for all its citizens a high degree of security. It can also be observed that in spite of the existing legal framework, which addresses the problem of food security, the legislation itself does not ameliorate any of the dreadful situations. Neither are they really taken care of the court decisions or directives, may they be also pro-poor or pro-discriminated, as they can only heal individual grievances with no wider meaning for the society at large. The blatant refusal of legislated entitlements can be seen in an exemplified way in the discrimination against Dalits regarding access to food and food-related programmes which is a widespread evil in
varying degrees across India. This is not to say, that this is the only kind of discrimination to be faced by the needy people. One can at least name also discrimination of various kinds regarding the Right to Food against tribal families, women and children, especially the female children.

Although large parts of this research may suggest a sense of helplessness and frustration, there are also signs of understanding and improvement in the Indian society. Wherever there is a political will or a stark will and interest of a stakeholder, food-related situations do change and improve, however slow and unwilling the dominant stakeholder may concede a share of the most common and inalienable Right to Life in form of Right to Food. The observation regarding the crucial role of the "will" is shared by eminent scientists and should be an incentive towards pressure groups, Non-Government Organisations, stakeholders and well-meaning politicians to pursue this will towards securing the Right to Food to as large a number of people as possible. The will to implement the existing laws plays such an imperative role, because the problem lies within the social set-up of the diversified Indian society where custom-based and age-old behaviour cannot be wiped out with the stroke of a pen. While on the one hand this research suggests that through the abundance of food stock which has been accumulated through mostly wrong policies and is now gradually being reduced, food is secured towards everybody in principle. India could otherwise not justify its net exports. However, as these deliberations suggest; it is a long way from the legislated right via the state machinery to the actual exercise of the right. This situation is even more aggravated in a country like India whose society was rather driven by duties than by rights.

III. Future Probable Trends:

Hunger and poverty are still predominant factors of peoples life in many developing and transitions countries and will likely remain so for. A lot has been done with encouraging but insufficient results.
From the past experience one can learn the mistakes not to repeat, one can build new approaches. The future of food security is probably already written but one cannot read it. The efforts to implement the right to food will probably be the more visible part of the actions undertaken during the coming years but a lot of grass root work will also take place.

New tools that have already been created, such as those invented by Amartya Sen, will progressively be utilized and give the opportunity to an increased number of people to decide what their situation will be, or to improve it. Under the direct leadership of the people representative, themselves interdisciplinary teams of experts, under contractual terms, will, no doubts, contribute to improving their food security situation.

In the end, it is hoped that in a world of globalization and rapid transmission of information, the knowledge will also move more quickly in order to reduce the suffering of those in situation of food insecurity.