

POLICIES AND LAW RELATED TO FOOD IN INDIA

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ABSTRACT

Food is that basic component of life without which human existence is impossible. Plants and animals are the major source of food for humans. Food has numerous functions which includes

1. To provide energy to the body.
2. To build new cells and tissue for growth.
3. To prevent and fight infections.
4. To development and proper working of organs.

The research aims to discuss various policies and law related to food in India. India ranks 101st out of 116 according to global hunger index. ¹India also ranks 73rd in Global Food Security Index. ²The research paper also elucidates about the judicial interpretation of right to food in India with numerous supreme court judgements. It also explain about the National Food Security Act, 2013 which is an act to ensure food safety in India. It also talks about various schemes related to food in India to save people from starvation. The food crisis in India is increasing day by day with increase in population. In order to ensure food security in India, people should be made aware of various benefits and schemes so that we can strive for hunger free India.

INTRODUCTION

The origins of human civilisation may be traced back to food. Because of food, man became cultured. The desire for sustenance created a foundation for later human creations and advancements. A group's, a community's, and a society's culture and description are determined by food. Food also serves as a basis for both broad and narrow privileges. It is the existence of

¹<https://www.globalhungerindex.org/>

²<https://currentaffairs.adda247.com/>

food that has triumphed over other life's demands. It also has a significant impact on ethical decision-making. Furthermore, food has been well received by all. Food is a means of obtaining sustenance as well, but it also conveys life, sensations, and new developments in the most eternal way possible. Food is not just a social science, but also a science. Food in our bellies is linked to a variety of human thinking judgments. Food, according to science, causes your body to work, grow, and mend itself. The effectiveness of one's body functions is influenced by the food one consumes. Because of our food intake, we are able to do all of our mental and physical tasks well. Food provides the body with numerous vital nutrients such as minerals, vitamins, and proteins. The human body's function, as well as the food that nourishes it, is infinitely complicated. Food is, in reality, one of the most complex chemical systems ever devised. Food is unavoidable; it is life itself. Food is a fundamental human right, and everyone should have access to it. The Right to Food under Article 21 of Indian Constitution is a vital right which guarantees right to safe, nutritious and adequate amount of food to all its citizens. There are three basic necessities without which human life cannot sustain- food cloth and shelter.³

Food means any substance, whether processed, partially processed or unprocessed, which is intended for human consumption and includes primary food to the extent defined in clause (zk), genetically modified or engineered food or food containing such ingredients, infant food, packaged drinking water, alcoholic drink, chewing gum, and any substance, including water used into the food during its manufacture, preparation or treatment but does not include any animal feed, live animals unless they are prepared or processed for placing on the market for human consumption, plants, prior to harvesting, drugs and medicinal products, cosmetics, narcotic or psychotropic substances.⁴

In *Keshavnanda Bharti vs Union of India*⁵, Justice Mathew had made an observation that the nation cannot be developed nation if starvation prevails in the country.

According to FAO estimates in *The State of Food Security and Nutrition in the World, 2018* report, about 14.8% of the population is undernourished in India. Also, 51.4% of women in reproductive age between 15 to 49 years are anaemic. Further according to the report 38.4% of children aged under five in India are stunted (too short for their

³Chameli singh vs State of UP

⁴FSSA Act, 2006

⁵AIR 1973 SC 1461

age), while 21% suffer from wasting, meaning their weight is too low for their height. India ranked 76th in 113 countries assessed by The Global Food Security Index (GFSI) in the year 2018, based on four parameters—affordability, availability and quality and safety.

FOOD POLICIES IN INDIA

To ameliorate the food condition of Indian government has been enacting different schemes and act in order to ensure that its citizens don't die of starvation.

1. The national food security mission was initiated in 2007 with an aim to expand agriculture area and enhance productivity of daily household grains including rice wheat and coarse grain. It also aims to avail the vegetable oils and edible oils.
2. Rastriya Krishi Vikas Yojana-For three years, from 2017-18 to 2019-20, the Rashtriya Krishi Vikas Yojana (RKVY) has been renamed Rashtriya Krishi Vikas Yojana- Remunerative Approaches for Agriculture and Allied Sector Rejuvenation (RKVY-RAFTAAR). It was established in 2007 and allows states to determine their own agriculture and allied sector development initiatives in accordance with their district/state agriculture plans. In 2014-15, it was turned into a Centrally Sponsored Scheme, with 100 percent central funding. Its main objective is to make farming a profitable economic activity by enhancing farmer effort, reducing risk, and encouraging agri-business entrepreneurship. Pre- and post-harvest infrastructure, as well as Agri-entrepreneurship and innovation, are all priorities.

The National Food Security Act was enacted in 2013 in order to grant food security within the country. Food security, as defined by the United Nations' Committee on World Food Security, means that all people, at all times, have physical, social, and economic access to sufficient, safe, and nutritious food that meets their food preferences and dietary needs for an active and healthy life.

Food security is the combination of the following three elements:

1. Food availability, or the availability of food in sufficient quantities and on a regular basis. It takes into account local stock and production as well as the ability to import food from elsewhere via commerce or help.
2. Food Access: People must be able to obtain enough quantities of food on a regular basis, whether through purchase, home production, barter, gifts, borrowing, or food help.
3. Food utilization: Food consumed must have a beneficial nutritional effect on individuals. It includes household cooking, storage, and hygiene behaviors, as well as personal health, water and sanitation, feeding, and sharing practices.⁶

Chapter 2 of food security act provides provisions for food security. The various schemes which are under the ambit of this act are:⁷

1. Antodaya Anna yojana: On December 25, 2000, the Antyodaya Anna Yojana (AAY) was inaugurated. Under the TPDS, it was established to provide food grains at a heavily subsidized rate of 3 per kg for rice, 2 per kg for wheat, and 1 per kg for coarse grains (Targeted Public Distribution System).

Every BPL family was given 25 kg of grains per month at first. Since 2002, each family's monthly allowance has been doubled to 35 kg. These are BPL cardholders' families:

- A. Landless Agricultural Labourers, Marginal Farmers, Rural Artisans, etc.
- B. Households with Widows, or terminally ill patients as the head of the family.
- C. Widows or terminally ill patients living alone.
- D. BPL families of HIV positive persons.
- E. Primitive tribal households.

⁶<https://www.drishtiiias.com/to-the-points/paper3/food-security-1>

⁷National Food Security Act,2013

2. The Midday Meal Program (under the Ministry of Education) is a federally funded programme that began in 1995. It is the world's largest school food programme, with the purpose of achieving primary education universalization. Cooked lunches are provided to every child aged six to fourteen years old who enrolls and attends the school in grades I to VIII. Reduce starvation and malnutrition, enhance school enrolment and attendance, improve caste socialisation, and create employment at the grassroots level, particularly for women. According to the Research findings (2010) of Pratichi trust of Prof. Amartya Kumar Sen, implementation of MDM has been a success throughout the country. They have also proposed that the quality of food needs to be improved. The report by PROBE (Public Report on Basic Education) indicated that 84% of households reported that the children get cooked mid-day meal in schools and children enjoy varied menu. Good practices like washing hands before eating, & after eating are imparted in the schools.
3. National Maternity Benefit Scheme i.e.; PMMVY (Pradhan Mantri Matru Vandana Yojana) is a maternity benefit scheme that went into force on January 1, 2017 in all districts of the country. The Ministry of Women and Child Development is in charge of implementing this federally funded programme. Pregnant Women and Lactating Mothers (PW&LM), except those in regular work with the Central Government, State Governments, or Public Sector Undertakings (PSUs), or those receiving equivalent benefits under any current law. All pregnant women and lactating mothers who are expecting their first child on or after January 1, 2017 are eligible. Beneficiaries receive a cash benefit of Rs. 5,000 in three installments on fulfilling the following conditions:
- Early registration of pregnancy
 - Ante-natal check-up
 - Registration of the birth of the child and completion of first cycle of vaccination for the first living child of the family.

The eligible beneficiaries also receive cash incentive under Janani Suraksha Yojana (JSY). Thus, on an average, a woman gets Rs. 6,000.

4. Targeted Public Distribution System-The Public Distribution System (PDS) is a food security system run by the Ministry of Consumer Affairs, Food, and Public Distribution in India. PDS began as a strategy for coping with scarcity by distributing food grains at reasonable prices. The PDS is managed jointly by the federal and state governments. The Food Corporation of India (FCI) has taken over the acquisition, storage, transportation, and bulk allotment of food grains to state governments on behalf of the central government. State governments are in charge of operational obligations such as allocation within the state, identification of eligible households, issuance of Ration Cards, and oversight of the operation of Fair Price Shops (FPSs), among others. PDS was a generic entitlement mechanism for all consumers before to 1992, with no defined aim. The Revamped Public Distribution System (RPDS) was inaugurated in June 1992 with the goal of strengthening and streamlining the PDS while also expanding its coverage into far-flung, hilly, isolated, and inaccessible areas where a significant portion of the disadvantaged population lives. The Targeted Public Distribution System (TPDS) was started by the Indian government in June 1997 with a focus on the disadvantaged. Beneficiaries of the TPDS were classified into two groups: those living below the poverty level (BPL) and those living above the poverty line (APL).

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5. Anganwadi Scheme: Anganwadi is a centrally funded scheme in India that is implemented by the states and union territories and functions as a rural child and maternal care centre. It was started by the Indian government. To tackle child hunger and malnutrition, the Integrated Child Development Services programme was established in 1975. Supplementary nutrition, pre-school non-formal education, vaccinations, health check-ups, nutrition and health education, and referral services are all provided by anganwadi centres. The Aadhaar number is used to identify the beneficiaries of the Anganwadi Services Scheme.
6. AnnaPurna Scheme: To provide 10 kgs of food grains to eligible old age persons.

JUDGEMENTS RELATED TO RIGHT TO FOOD

1. In *Keshavnanda Bharti vs State of Kerala* 1973, Justice Mathew made an observation that right to live can only be made effective if we have right to freedom from starvation.
2. In *Kishan Patnaik vs State of Odhisa* 1989, issue of right to food was discussed for the first time. The petitioner wrote a letter to the Supreme Court bringing to the Court's notice the extreme poverty of the people of Kalahandi in Orissa where hundreds were dying due to starvation and where several people were forced to sell their children. The letter prayed that the State Government should be directed to take immediate steps in order to ameliorate this miserable condition of the people of Kalahandi. In this judgment, the Supreme Court took a very pro-government approach and gave directions to take macro level measures to address the starvation problem such as implementing irrigation projects in the State so as to reduce the drought in the region, measures to ensure fair selling price of paddy and appointing of a Natural Calamities Committee. None of these measures actually directly affected the immediate needs of the petitioner, i.e. to prevent people from dying of hunger. More importantly, the Supreme Court did not recognize the specific right to food within this context of starvation.
3. In *Shantisar Builders v Narayanan Khimala Totame*, the Court held that basic needs of man have traditionally been accepted to be three – food, clothing and shelter and considered it as part of right to life.
4. In *Dena Nath vs. National Fertilizers Ltd.* 1992, the Court observed that the enforcement of the provisions to establish a canteen in every establishment under Section 16 is to supply food to workmen at the subsidized rates as the right to food is a basic human right
5. In *Peerless General Finance and Investment Co. Ltd. vs. Reserve Bank of India*, the Court quoted Article 25 of Universal Declaration of Human Rights and held that right to life includes the right to live with basic human dignity with the necessities of life such as nutrition, clothing, food, shelter over the head, facilities for cultural and socio-economic well-being of every individual.
6. In *Kapila Hingorani vs. State of Bihar*, it was held that The State Government of Bihar thus, had a constitutional obligation to protect the life and liberty of the employees of the government-owned companies/corporations who are the citizens of India.

ARTICLES RELATED TO RIGHT TO FOOD

As Right to Food and Right to Life are correlated, articles which are covered in Directive Principles of State Policy are as follows:

The State is also required to take steps for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of under served want under Article 41 of the Constitution. Article 42 deals with just and human conditions of work and for maternity relief. • Article 43 deals with a living wage, conditions of work ensuring a decent standard of life and full enjoyment of social and cultural opportunities. • Article 45 provides for free and compulsory education for all children until they complete the age of fourteen years. Article 46 provides for the promotion of educational and economic interest of the weaker sections of the people and also protection from social injustice and all forms of exploitation. • According to Article 47 it is the duty of the State to raise the level of nutrition and the standard of living and to improve public health.

CONCLUSION

Hence, in conclusive parlance, there are many schemes and acts which are assisting to improve the food security in India. The government is also trying to achieve the goal of zero hunger which was given in Sustainable Development Goals (SDGs) to make a hunger free country. The only requisites are to make people aware of their rights so that they can execute their rights. Food security exists when everyone has physical and economic access to enough nutritious and secure food for an active and healthy life at all times and is not at risk of losing it. When one or more of the elements of food security — availability, access, utilisation, and stability – are disrupted, people become food insecure. Depending on which aspects of food security are damaged and why, food aid may or may not be part of a suitable response. Despite having these policies, India is still facing challenges related to food securities and many citizens are still don't accommodate one time of food in a day. The right to food is an essential right incorporated in Article 21 of Indian constitution to provide food security to all the citizen of India.



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