

A STUDY ON FOOD SECURITY TO POOR

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ABSTRACT

The right to adequate food means that every man, woman and child alone and in community with others must have physical and economic access at all times to adequate food using a resource base, appropriate to its procurement in ways consistent with human dignity. Fight against hunger can be done only by increasing food production and not addressing root causes of hunger that is poverty. The term food covers not only solid foods but also the nutritional aspects of drinking water. The realization of basic rights such a right to food should be at the centre of a country's overall development programme. At the same time, people are reduced to poverty and maintained in poverty by human rights violations including the right to food. Universal Declaration of Human Rights recognizes the right to food as part of the right to an adequate standard of living "Everyone has the right to a standard living adequate for the health and well being of himself and of his family, including food, clothing, housing and medicare and necessary social services in the event of unemployment, sickness,oldage, disability, widowhood and others lack of livelihood in circumstances beyond his control". Substantial progress has been made towards the achievement of the right to adequate food and nutrition since the 1996 World Summit. These achievements include the right to adequate food by the Committee on Economic, Social and Cultural Rights in 1999, as well as the adoption of the in 2004 by the FAO of the voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security. Despite the progress made the right to food remains one of the most frequently violated of all human rights. In 2013, the government of India passed the National Food Security Act, designed to adequate food at affordable prices to the poor people. Government is also implementing schemes to specifically address the nutrition related concerns, especially among women and children, through schemes like Integrated Child Development Services, Mid-Day meals, etc. Keywords: Food security, public Distribution System, Fair price shop.

INTRODUCTION

The historical and political background of the Right to Food is much more than history and politics of malnutrition. It concerns the development of the notion of access to food as a right. 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 service of the people. Traditionally, people had no remedy other than revolt against a king or state that failed to meet its obligation. The idea of the human right to food is to establish procedural and legal means for seeking remedies against authorities when they fail to guarantee access to food. Right to food

has been playing a pioneering role in the renaissance of Economic Social and Cultural Rights.

Substantial progress has been made towards the achievement of the right to adequate food and nutrition since the 1996 World Summit. These achievements include the right to adequate food by the Committee on Economic, Social and Cultural Rights in 1999, as well as the adoption of in 2004 by the FAO of the voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security. Despite the progress made the right to food remains one of the most frequently violated of all human rights. In 2013, the government of India

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passed the National Food Security Act, designed to adequate food at affordable prices to the vulnerable community. Government is also implementing schemes to specifically address the nutrition related concerns, especially among women and children, through schemes like Integrated Child Development Services, Mid-Day meals, etc. By providing food security to 75% of the rural population and 50% of the urban population with focus on nutritional needs of children, pregnant and lactating mothers.

The problem is a very huge and a sensitive one which cannot be left with the agricultural scientist and policy makers alone. I am sure we can fulfill this dream. The day is not far off, when India will be known the world over for this important step towards eradication of hunger, malnutrition and resultant poverty.

METHODOLOGY:

The present paper is theoretical paper based on secondary data, sources are collected from various books, journals, gazetteers, magazines, Daily News papers, through observations etc. the present paper analyses how National food Security Act ensures food security to poor and vulnerable community, it also focus on how it eradicates poverty. The paper throws Light on the challenges of the right to food

In India, under the Indian Constitution, there is no fundamental right to food but the fulcrum of justifiability of the right to food comes from broader right to life and liberty as enshrined in 21. Indeed the Supreme Court has explicitly stated several times that the right to life should be interpreted as a right to "live with human dignity which includes the right to food and other basic necessities.

Article 21 "No person shall be deprived of his life or personal liberty except according to procedure established by law". Article 39(a) "the state shall direct its policy towards securing that the citizen

and women equally, have the right to an adequate means of livelihood.

Article 47 "the state shall regard to the raising level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties.

Article 32 " Right to move the Supreme Court by appropriate proceedings for the enforcement of the rights". Supreme court and Right to Food

In Maneka Gandhi Vs Union of India AIR 1978 SC 597, the Supreme Court stated "the Right to life enshrined in Article 21 means something more than animal instinct and includes the right to live with human dignity it would include all these aspects which would make life meaningful, complete and living.

Similarly in Shantistar Builder Vs Naravan Khimlmal Totame(1990)1SCC 520, the Supreme Court stated " the right to life is guaranteed in any civilized society. That would taken within the sweep the right to food. In the light of this, the state is obliged to provide 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.

While the Indian Supreme Court has reiterated in several of its decisions that the Right to Life in Article 21 of the Constitution in its true meaning included 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 Art.21 had never been articulated or enforced until 2001.

Prior to the Right to food petition filed by PUOL in 2001, the only other case concerning specifically the right to food, went up to the Supreme Court in 1986 was the case of Kishen Pattanayak Vs State of Orissa. In this petition, the petitioner wrote a letter to the Supreme Court bringing to the court's notice the extreme poverty of the

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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 the State Government should be directed to take immediate steps in order to ameliorate this miserable condition of people of Kalahandi. This was the first case specifically taking up the issue of starvation and lack of food. In this judgement 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.

In *Chameli Singh v State of UP*, it was held that right to life guaranteed in any civilized society implies the right to food, water, decent environment, education medical care and shelter.

PUCJ Petition: In April 2001, Peoples Union for Civil Liberties (PUCJ) filed a writ "petition" on the right to food in the Supreme Court. This petition was filed at a time when the country's food stocks reached unprecedented levels while hunger in drought affected areas intensified. Initially the case brought against the Govt of India, the Food Corporation of India (FCI) and six State Governments in the context of inadequate drought relief. Subsequently, the case was extended to the larger issues of chronic hunger and under nutrition and all the state governments were added to the list of respondents.

The basic argument of the petition is that since food is essential for survival, the right of food is an implication of the fundamental "right to life" enshrined in

article of the Indian Constitution. The first major interim order of the Supreme Court in this public interest litigation was issued on 28th Nov 2001. This order focuses on eight food related schemes. 1) The Public Distribution System 2) Antyodaya Anna Yojana 3) The National Programme of Nutritional Support to Primary Education also known as "Mid-day Meal Scheme" 4) The Integrated Child Development Services. 5) Annapurna 6) The National Old Age Pension Scheme 7) National Maternity Benefit Scheme 8) The National Family Benefit Scheme.

The basic idea of this order was that, at the very least, the government should be held accountable to what it claims to be doing to protect the right to food that is implementing these food related schemes. Many of the subsequent hearings were concerned with the implementation of the Public Distribution System.

The Public Distribution System is a means of distributing food grain and other basic commodities at subsidized prices through "fair price shops". In 1997 the PDS was "targeted": different ration cards were issued to households. "Below Poverty Line" (BPL) and those Above Poverty Line (APL) and each category has different entitlement. In 2001 Antyodaya Cards were introduced as a sub-category of BPL cards. Now Antyodaya have become a separate card, distinct from either BPL or APL. Some households have other card Annapurna cards.

Antyodaya Anna Yojana

The aim of this scheme launched in 2000, is to provide special food-based assistance to distribute household. These households are given special ration card (an "Antyodaya Card") and are entitled to special grain quotas at highly subsidized prices. The State and the Central Government shall formulate the scheme to extend the benefits of the Antyodaya Anna Yojana to the destitute section of the

population.

Mid-day Meal

Supreme Court order 28th Nov 2001 direct the State Government to start providing cooked mid-day meals in primary schools. Every child who attends a Govt. and Govt. assisted primary school is now entitled to a cooked, nutritious mid-day meal everyday. The provision of cooked mid-day meals in primary schools is an important step towards the right to food. Indeed mid-day meals help to protect children from hunger including class room hunger, a mortal enemy of school education and if that meals nutritious they can facilitate the healthy growth of children. In that way mid-day meal meals contribute not only to the right to food but are also to the right to education.

Integrated Child Development Services.

ICDS is the only major national programme that addresses the needs of children under the age of six years. It seeks to provide young children with an integrated package of services such a supplementary nutrition, health care and pre-school education because the health and nutrition needs of a child cannot be addressed in isolation from those of his or her mother, the program also extends to adolescent girls, pregnant women and lactating

International Instruments

Universal Declaration of Human Rights 1948 recognizes the right to food as part of the right to an adequate standard of living "Everyone has the right to a standard living adequate for the health and well being of himself and of his family, including food, clothing, housing and medicare and necessary social services in the event of unemployment, sickness, oldage, disability, widowhood and others lack of livelihood in circumstances beyond his control". (Article 25)

According to the Preamble of Constitution of FAO 1965, the nations accepting this constitution, being

determined to promote the common welfare by furthering separated and collective action on their part for the purpose of raising levels of nutrition and standards of living and thus ensuring humanity's freedom from hunger

Article 11 International Covenant on Economic, Social and Cultural Rights, 1966 envisages the right to adequate food and the fundamental right to everyone to be free from hunger and the state should give particular attention to implementation of full and progressive realization of this right as a means of achieving food security for all. The Convention also speaks on the measures including specific programmes which are needed to improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge by discriminating knowledge of the principles of nutrition and by developing or reforming agrarian system in such a way as to achieve the most efficient development and utilization of natural resources.

According to Article 24 of the United Nations Convention on the Rights of the Child, the State parties recognized the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. State parties shall pursue full implementation of this right and in particular, shall take appropriate measures to ensure that all segments of society, in particular parents and children are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition.

Food as a human right concern

Under nutrition and hunger are constitutive of poverty. Thus, the right to adequate food has a crucial role to play as a strategic tool in policies aimed at eradicating poverty. The importance of right to adequate food is underlined by the Millennium Development Goal that aims to halve, by the year 2015, the proportion of people who suffer from hunger. A right to

