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# RIGHT TO FOOD: A SOCIO-LEGAL INTERPRETATION OF NATIONAL FOOD SECURITY BILL

Dr. G.L. Sharma

There are some fundamental things that people require if they are to live in dignity, and therefore they should be recognized as having rights to those things. These rights are spelled out in international human rights law. While every individual and every organization has certain obligations with regard to the human rights of the people they affect, it is national governments that carry the primary obligation to assure that people are able to live in dignity.

The right to food is one of the most basic human rights, closely linked to the right to life. No government practice or action can be allowed to deny this right to people. Human Rights are indivisible and inalienable. The denial of one right inevitably affects the enjoyment of other rights, but also the inherent relationship between the rule of law and the protection of all human rights, including the right to food. Effective rule of law does not include only legal provisions on paper, but their adequate implementation and room for redress. The right to food in particular, must be made justiceable in courts of law. All those suffering from the pangs of hunger are also being denied other basic human rights, be they civil and political rights, or economic, social and cultural rights. And in all the cases, these rights are not affected by natural causes or a lack of resources, but rather by systemic negligence and ineffective distribution. The objective of this paper is to see that the Right to Food is legally recognized as a fundamental right in India thereby putting an end to death due to hunger, malnutrition and starvation.

From a nation dependent on food imports to feed its population, India today is not only self-sufficient in grain production, but also has a substantial reserve. The progress made by agriculture in the last four decades has been one of the biggest success stories of free India. Agriculture and allied activities constitute the single largest contributor to the Gross Domestic Product, almost 33% of it. Agriculture is the means of livelihood of about two-thirds of the work force in the country. It is true that the country now produces enough food to feed its entire people. India no longer suffers through large-scale famines as it has in the past. When there are rapid increases in hunger in some parts of India, it is now usually attributed to short-term natural events such as hurricanes or droughts. These are described as transitory, episodic events, temporary deviations from normal. However, this upbeat version of the food situation in India neglects the reality of widespread chronic malnutrition in the country. Temporary disruptions in the food system by natural calamities are disastrous for so many people only because they live so close to the edge of disaster



under normal conditions. India could feed its entire people, but it doesn't. The chronic conditions that are normal for many millions of people in India are unacceptable in terms of the basic requirements of human dignity.

The problems are not rooted in the vagaries of natural phenomena, but in deeply embedded political and economic patterns. There are massive governmental programs for feeding poor children, providing subsidized foods, etc. but still the problems persist. Enormous amounts of money are spent on such programs. Yet, somehow, the benefits don't reach the people who need them most. There is a story now unfolding that helps us to understand how things can go so wrong. The central government of India has been storing many millions of tons of grain while people are starving. That is not new. What is new is that a human rights organization in India, the People's Union of Civil Liberties (PUCL, an NGO of Rajasthan), has challenged this practice in the Supreme Court of India. Light is being shined into places that had been well hidden, and the scandal is being thoroughly aired in Indian media.

Article 21 of the Constitution of India guarantees a fundamental right to life liberty. The expression in this Article has been judicially interpreted to mean a life with human dignity and not mere survival or animal existence. In the light of this, the State is obliged to provide for all those minimum requirements which must be satisfied in order to enable a person to live with human dignity, such as education, health care, just and humane conditions of work, protection against exploitation etc. In the view of the Commission, the Right to Food is inherent to a life with dignity, and Article 21 should be read with Articles 39(a) and 47 to understand the nature of the obligations of the State in order to ensure the effective realisation of this right. Article 39(a) of the Constitution, enunciated as one of the Directive Principles, fundamental in the governance of the country, requires the State to direct its policy towards securing that the citizens, men and women equally, have the right to an adequate means to livelihood. Article 47 spells out the duty of the State to raise the level of nutrition and the standard of living of its people as a primary responsibility.

The reading of Article 21 together with Articles 39(a) and 47, places the issue of food security in the correct perspective, thus making the Right to Food a guaranteed Fundamental Right which is enforceable by virtue of the constitutional remedy provided under Article 32 of the Constitution. The requirements of the Constitution preceded, and are consonant with, the obligations of the State under the 1966 International Covenant of the Economic, Social and Cultural Rights to which India is a party. That Covenant, in Article 11, expressly recognises the right of everyone to an adequate standard of living, including adequate food.

Despite its strong economic growth, rapid development of information technology and the claim of being the largest democracy in the world, India remains one of

the worst human rights violators in Asia. Being discriminated on the basis of caste is unfortunately a common occurrence for a large number of India's population demonstrates how this discrimination violates many of their fundamental human rights, including their right to food. The practice of caste discrimination, by its very nature, is one that affects the right to food, and many other rights, as described above. In this case then, hunger is caused by social practices, not any natural causes. Furthermore, there is a strong link between the protection of the right to food (and other rights) and the rule of law. While there are legal provisions available (as will be shown in the section below) for the protection of both the rights to food and non-discrimination, these rights are clearly still being violated.

The orders issued by the court clearly established that the court understands the right to life, affirmed in article 21st of Indian constitution, as implying the right to food. While the court has been guided entirely by national law, it could also draw on recent advances made in understanding the right to food at the global level. There is increasing recognition worldwide of the human right to adequate food. There is a legal obligation to assure that all people are adequately nourished. The articulation of the human right to adequate food in modern international human rights law arises in the context of the broader human right to an adequate standard of living. The Universal Declaration of Human Rights of 1948 asserts in article 25(1) that *"everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food."*

The human right to adequate food was subsequently reaffirmed in two major binding international agreements. In the International Covenant on Economic, Social and Cultural Rights (which came into force in 1976), article 11 says that *"The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing."*

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 adequate food. It follows, therefore, that there is a fundamental right to be free from hunger. Starvation constitutes a gross denial and violation of this right. As starvation deaths reported from some pockets of the country are now invariably the consequences of mal-governance resulting from acts of omission and commission on the part of public servants, they are of direct concern to the Commission under the provisions of the Protection of Human Rights Act, 1993.

Universally, there is a demand that every effort be made by the State and by civil society to eradicate the poverty and hunger that constitute an affront to the dignity and worth of the human person. First and foremost among the United Nations Millennium



Development Goals (MDG) is the pledge made by all Heads of State and Government to halve, by the year 2015, the proportion of the world's poor and of people who suffer from hunger. Given the circumstances of our country, India has a special responsibility in this regard. The prevalence of extreme poverty and hunger is unconscionable in this day and age, for not only does it militate against respect for human rights, but it also undermines the prospects of peace and harmony within a State.

**Conclusion** -The cases described throughout the Right to Food series have also clearly pointed to the indivisibility of all human rights. All those suffering from the pangs of hunger are also being denied other basic human rights, be they civil and political rights, or economic, social and cultural rights. And in all the cases, these rights are not affected by natural causes or a lack of resources, but rather by systemic negligence and ineffective distribution.

The right to food is implicitly recognized in such provisions as the right to life, the right to health and the right to economic, social and cultural development, which are expressly recognized under the Constitution of India. The right to food is inseparably linked to the dignity of human beings and is therefore essential for the enjoyment and fulfilment of such other rights as health, education, work and political participation.

Therefore, we as responsible and enlightened citizens should contribute to enforce the Right to Food without any compulsions. Though the proposed Bill has been passed by lower house (Lok-Sabha) of parliament yet it has to go through the touch-stone. It is the duty of the state, as a welfare state, to ensure adequate food and nutrition for its people. There is a saying in *awadhi (brij)* that "**Bhookhe Bhajan Na Hoyen Gopala**" which means that hungry stomachs can't even worship properly let alone achieving other feats in life. Our government should first ensure food for all, and then only the people of this country would be able to contribute to the progress and development.

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