

RIGHT TO FOOD AS HUMAN RIGHT: SOCIO-LEGAL PERSPECTIVE**Ms. Madhuri D. Kharat**PhD Research Scholar, Department of Law, Savitribai Phule Pune University, Pune,
Maharashtra, India.**Abstract**

Access to the right to food is one of the most important basic Human Rights in the world. The significance of food is equal for every human being. Therefore the government at the national international level have made several attempts and initiated several schemes and programs so that every individual will enjoy his or her right to food in a true spirit. However there are various challenges and he shows associated while exercising the right to food. These issues are specially faced by the people who belong to the vulnerable and disadvantaged sections of the society. To reduce this problem, this paper has made an attempt to understand the real issues and hurdles in realisation of access to right to food as a human right. This paper also focuses on pragmatic implementation of various laws and schemes at the national level from socio-legal perspective.

Keywords: Food, human rights, schemes, implementation, poverty

Introduction

The concern for human rights in India has always been a deep challenge from socio-legal perspective. Human beings can never imagine a life without the presence of recognition and protection of human rights. This is an area where various nations have long fought for the equal treatment of different types of human rights. The presence of human rights makes an impact on the life of an individual from the inception of life till the end. In the history of mankind it has always been mentioned that the concerns and basic necessity of human beings such as food, shelter and clothes. But most of the sections of the country have been struggling to achieve this basic necessity of life and therefore it has become imperative for the legal and social fraternity to protect and recognise these rights from different challenges. When one has to survive in life and that too without providing him food as a basic necessity then life would result in tyranny. In the national international legal region the right to food has been considered as one of the basic fundamental and natural rights of human beings. However it is considered as a human right that its enforcement in true spirit is still a dream. Therefore this article attempts to understand various issues and challenges associated with the protection of the human right to food.

Right to food as human rights

The basic law of the land has assigned an obligation on the state to provide a reasonable quality and quantity of food to everyone, regardless of his caste, race, religion etc. In this regard, the state has made an attempt by introducing various schemes for helping the people who are most disadvantaged in relation to the right to food. The reason for challenges for protection of the right to food has always been such as, the limited resources, weak infrastructure, slow rate of production of foods and other social economic shortcomings. The various provisions of the Constitution have been interpreted by the judiciary in an innovative manner and in the interest of

the public. Similarly, in the international arena, the legal documents like ICESCR i.e. “International Covenant on Economic, Social and Cultural Rights” has expressly recognised the right to food as human rights. But its incorporation in the domestic laws has been done by very few. India has enacted a separate independent legislation for protection of right to food, wherein its provisions are very strict and focussed with fulfillment of right to food. The legislation name is “National Food Security Act, 2013”. The prime goal of this act is to strive for the new techniques and procedures for fruitful implementation for the benefits of all sections of the society. Because it is very evidence that if the right to food is not protected then that would directly affect health, growth and overall development of human beings from child to elder stages of life. As it is ensured by the “Universal Declaration of Human Rights” that right to have a reasonable standard of living must be with adequate food and nutritional quality food.

In many regions of the nation, access to sufficient food is also a fundamental component of human rights. It doesn't matter from which country or which part of the world that you belong. The recognition of human rights of food at the international level gives a strong message to the entire world that treating a human as a human being by providing adequate food and nutritional food is a fundamental necessity and the truth. The state or any government cannot deny the goal of adequate food for all. The right to food may be a single term, but that includes the right to know about the quality of food, right to get a fair trial in case of dispute, right to get the highest standard of health, and other such demands with respect to food. "Respect, protect and fulfil" is the state's duty in this matter. This means that states cannot deny their citizens access to adequate food on their own. Second, states must take measures to prevent their citizens from being deprived of food in any other way. Third, when citizens are indeed without enough food, states must proactively create conditions that allow them to become self-sufficient or, failing that, guarantee that food is provided. The right to demand that the state carry out these responsibilities belongs to every person.

Right to Food : Indian Perspective

India has witnessed a serious threat of food hunger during a pandemic situation of COVID-2019. India has already suffered from the burning issues of poverty and its situation during Covid-19 has also increased food hunger as similar as a pandemic. In India, the menace of poverty has been a biggest problem in the development of contemporary society. The existence of poverty implies a condition in which a person gets difficulty to maintain his minimum living standard in an adequate manner because of his physical and mental inability. even the inadequate supply of food items that are essential for a healthy and comfortable life. in the history of different part of the world and no country has been immune from it. Even today in most of the developed countries, there have been various sections still struggling to get basic necessities of life Such as food, shelter and clothes. Dynamics of poverty have been changed from time to time and society to society. It means that there has been a struggle for a balanced diet, also healthy life with proper care and getting basic facilities. Such a situation has also arisen because of the disparity between rich and poor. Rich people are getting more benefits in their lifestyle which includes

healthy food, modern facilities and other important infrastructure, and acquaintance with technology. On the other side the poor remain poor because of no access to such facilities. This problem directly affects the growth of nation building. On the other side, this has also directly affected people who are working in the unorganized sector or people who have left their home or work place due to lockdown, other major vulnerable and disadvantaged people of various parts of the country. The right to exist and eat is jeopardized in rural areas due to a lack of food infrastructure, education, and information. However, the Indian government made an effort to announce different policies and measures for the people who are living in the poverty and marginalized section of the society. It also became imperative on the part of India to incorporate provisions of ICESCR. The Committee on Economic, Social and Cultural Rights has also made very pertinent observations and recommendations to inculcate at domestic level for nation-states. They have clearly emphasized that to use available resources to guarantee that everyone should have a means to obtain the bare minimum of food that is both nutritionally sound and safe for consumption, so that no one goes hungry. It has also stressed that people should not be biased or discriminated against because of their race, color, gender, age, religion, political beliefs, socioeconomic status, marital status, disability, sexual orientation, or gender identity when trying to get food. The committee has also focused on specific sections of the people who are most disadvantaged in society shall be given priority while exercising access to food. The committee had issued these guidelines in tune with protection of basic human rights of the people who were suffering during the hunger of Covid-19.

In India the basic law of the land that is the constitution of India has always been considered as an organic living document. It denotes that the provisions of the constitution are subject to interpretation by understanding the transformation in the society and also to protect human rights. To achieve these ideals the Apex Court i.e. the Supreme Court of India had contributed immensely for the protection of human rights through their various precedents. The Supreme Court of India had interpreted fundamental rights with such liberal and just manner so that they can recognise, protect and also enforce the rights which exist in the society. these rights may not expressly mention in the law of the land i.e. The Constitution of India but the innovative Interpretation by the Honorable judges led the foundation for various other basic and natural rights. in the famous case of PUCL v. Union of India, Public Interest Litigation was filed against the Union of India on the ground that the government had not been protecting basic rights to food by not distributing food when people were hungry and starving in affected areas. In this case the court had taken serious steps and The breakdown of food public distribution system and inadequacies of drought relief efforts. In addition, the highest court in the land ordered the government to protect the vulnerable by ensuring that they do not go hungry. Special consideration was also extended by the Supreme Court to males experiencing homelessness, pregnant and lactating women, and children experiencing homelessness, particularly in situations where food was insufficiently provided by family members.

Prime initiatives of the Government

More important parameters, such as food availability, access, stability, and food utilization, should be considered when the state seeks to achieve the right to adequate food. These goals can be achieved by adhering to certain principles such as active participation by the public officials, Public accountability, transparency, recognition of human dignity, empowerment of people who are in the disadvantaged positions and strict adherence to the rule of law. If the government remains consistent with these approaches then this will definitely strengthen the government institutions in serving towards protections and strengthen the right to food as a human right.

Several schemes have been introduced and implemented with all means by the government. The public distribution system and the integrated child development services and the mid day meal scheme are very popular programs to achieve food security which are enshrined in the national food security act 2013. These schemes made an attempt in order to assist the marginalised sections of the society in the price of food, to get free meals as well as a mother who is pregnant then various benefits shall be provided to them. In addition to that the children who are till they are achieving the age of 14, they will have easy access to the meals so that they can have a healthy life. if there are violations of rights mentioned under the act, this act also made a redressal mechanism at the state and district level where in, this non accessibility or injustice can be challenged. Apart from this, the government also has extended their support towards achieving food security by introducing Antodaya Anna Yojana. One of the primary goals of this program is to ensure that low-income families, specifically those in the BPL category, have access to nutritious food.. The state or union territories would bear the distribution cost which will be inclusive of margin to the dealers and the retailers as well as transportation cost. The government also initiated Eat Right India. In this scheme the government has initiated and promoted the easy supply and continuous demand of various categories of food which are healthy and nutrition and also sustainable. They have also introduced various sub programs to achieve the goal of the Food Safety and Standards act 2006. The tagline of Sahi bhojan Behtar Jivan also Promotes the foundation and sustainable message to the upcoming generation so that they can adhere to this goal. This scheme also creates awareness, capacity building, collaboration and empowerment with a collective approach and with the help of various stakeholders including public and private sectors and the organisation which has been established at the society level, the people who have served in this area at various stages.

Conclusion

In conclusion, It can be said that the issues pertaining to access to food are still alarming. The international and the national region are still struggling to provide security to access to food throughout the world. The manners of poverty and other social legal problems are main hurdles in achieving a fundamental human right to adequate nutrition. To make the country self-reliant in agriculture and food security, instead of providing a specific quantity of food grains every month, Attention should be paid to ensuring that villages themselves fulfill their needs, which will in eliminating food shortage. There is a need for a strategic plan and their proper implementation to make contemporary India capable of food production. In this regard the government has already introduced several schemes but their implementation needs to be

improved more for the balanced distribution of food items to the most disadvantaged sections of the society. Vulnerable sections of the society need more attention to get better facilities and access to food facilities for the achievement of ideals of the constitution. It is also a duty of a human being to support and assist the government in achieving the goals that are mentioned in the Preamble and the various other provisions of the constitution.

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