

Mapping the Implementation of the National Food Security Act 2013 In Ensuring Food Security in Sikkim

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Abstract

Food security has been recognized as a human right in several International human rights instruments such as the Universal Declaration of Human Rights , International Covenant on Economic, Social and Cultural Rights etc. Food security as defined by the Food and Agriculture Organization is built on four pillars i.e., food availability, accessibility, utilization and stability. India enacted the National Food Security Act, 2013, as a commitment to respect international obligations relating to food and elimination of hunger. Consequently, Sikkim passed the Sikkim Food Security Rules 2014 and implemented the National Food Security Act, 2013 on 1st January 2016 with an objective to provide subsidized food grains under the Antyodaya Anna Yojana and Priority Household beneficiaries. Though there were initial setbacks in the implementation of the Act, due to geographical, administrative, logistic limitations etc., Sikkim through its various reforms has been successful in implementing the law and realizing food security in the State. The State has been performing well amongst the special category states; however, it still has to strive towards strengthening its logistical issues and accomplish equitable access to food for all eligible citizens and nutritional security for the beneficiaries in the State to live a life with dignity.

Key words: Food Security, Public Distribution System, Antyodaya Anna Yojana and Priority Household, human rights.

Introduction

Sikkim is a small landlocked state located in the eastern Himalayan region. Sikkim shares border with three countries i.e., Nepal to the west, Tibet Autonomous Region of China to the north, Bhutan in the east, and the state of West Bengal to the south. Sikkim is known for its rich biodiversity, including an alpine and subtropical climate. Sikkim has a total population of 610,577 according to the 2011 census. The predominant communities of Sikkim comprise of three ethnic groups: Lepcha, Bhutia and Nepali. These three ethnic communities constitute a homogeneous group and share a bonding between them. Different places of worship of Hindus, Sikhs, Buddhist, Muslims and Christians have a peaceful existence.

The study of the food habits of the people of Sikkim shows that 11.7 % of people in Sikkim are vegetarian, and 88.3% are non-vegetarians¹. The people of Sikkim prepare and consume a variety of traditional food prepared with locally grown grains, cereals and vegetables including fermented and non-fermented food products². Traditional foods of Sikkim are a combination of Nepalese, Tibetan, Lepcha and Bhutia cuisines. Bhat dal-tarkari-

¹Jyoti P. Tamang, Barun Mukhopadhyay, et al., "Food Consumption In Sikkim With Special Reference to Traditional Fermented Foods And Beverages: A Micro-Level Study", 20(1) *Journal of Hill Research* (2007)

²Jyoti P. Tamang, "Dietary Culture And Antiquity Of The Himalayan Fermented Foods And Alcoholic Fermented Beverages".30 *Journal Of Ethnic Foods*, (2022)

achar (rice-legume soup-curry-pickle) form the Sikkimese meal³. Sikkim has a non-vegetarian culture and as a part of their traditional diet, consumption of meat such as pork, beef, dominantly by the Bhutia and Lepchas; mutton, chicken etc., are commonly consumed by other communities⁴. The food habits influenced by Nepalese, Tibetan, and indigenous Lepcha/Bhutia cuisines include momo, thukpa, selroti, rice with a variety of locally grown or wild edible vegetables and fermented delicacies.

The State has a rich biodiversity.⁵ The wild edible plants are an important component of traditional diets in the Himalaya and are highly valued. A total of 190 wild plant species have been identified in the region. The wild edible plants found in Sikkim account for nearly 15% of the total edible wild plant resources of India. Within Sikkim the North and East districts have the maximum diversity of edible wild plants⁶. However, it is important to mention that the wild edible plants in Sikkim are on the decline⁷. The reasons identified for the decline in the edible plant in Sikkim are the effects of climate change, rise in temperatures, and a variation and decrease in the total annual rainfall⁸.

In Sikkim, 80% of the rural population practices agriculture since they do not have any other significant livelihood options, the farmers largely depend upon agricultural land⁹. Only 15% of the agricultural land is irrigated and is mainly rainfed. The farmers in Sikkim have been encountered with various challenges in recent years, including erratic weather, land degradation, climate change, less access to quality seeds and socio-economic problems. Several indigenous techniques and agricultural methods are practiced in Sikkim, however, the quantity and quality of the agricultural production system are weakening¹⁰. The mountains are difficult terrain to cultivate. Though the people of the region have resorted to terrace cultivation, it requires constant maintenance. Apart from the irrigational constraints, connectivity issues are present. Roads are few and narrow, making it difficult to reach markets for inputs. The process of turning Sikkim into an organic state has made agriculture a high-value crop sector. The pattern of growing crops has changed over the years. The problem has been coupled with a change in rainfall patterns. Dry spells are experienced in the

³Supra note 2.

⁴Supra note 3

⁵H. Rahman and R Karuppayan, "Agrobiodiversity of Sikkim available at [inproceedings {Rahman2011AGROBIODIVERSITYOS,title={AGROBIODIVERSITY OF SIKKIM},author={H. Rahman and R. Karuppayan},year={2011},url={https://api.semanticscholar.org/CorpusID:150385944}}](https://api.semanticscholar.org/CorpusID:150385944); Sikkim has an amazing natural environment, with a wide variety of fauna and flora within a very small geographical area. Indeed, such is the variety that the area is termed a biodiversity 'hotspot' – one of only two in India (and thirty-four worldwide). Much of this amazing diversity can be attributed to the enormous altitudinal range found within the State – from about 300m to over 8,500m, and the contiguity of habitats, which range from sub-tropical forests to high altitude cold deserts available at [Biodiversity - All creatures great and small.pdf](#) (Last visited on 06.08 2022)

⁶Manju Sundriyal, R. C Sundriyal, et al., "Dietary Use Of Wild Plant Resources In The Sikkim Himalaya, India", 58(4) *Economic Botany*, 626-638.(2004).

⁷Ibid

⁸Mahendra Tamang, P Krishan et al, "Traditional Use of Wild Plants For Food In West Sikkim", India, 5(4) *Int J Life Sci*, 730-741(2017).

⁹Prabuddh K Mishra, Aman Rai et al., "Analysing Challenges and Strategies in Land Productivity In Sikkim Himalaya, India". 13(19) *Sustainability*, (2021).

¹⁰Ibid

state where winter rainfall has reduced and the number of rainy days has also declined. These factors adversely affect the crop production, livestock and poultry production.¹¹

Food Security: An Overview

The current widely accepted definition of food security came from the Food and Agriculture Organization (FAO) Annual Report on Food Security that states “Food security is a situation that exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life”¹² The definition of food security is contentious because the term embodies multiple dimensions, i.e., “availability, access, utilization, and stability” and different stake holders prioritize these aspects in a different way which suits to their interpretation of the term.¹³ For instance, the Government may emphasize on the quantity of the food production in the country. At the same time, development organizations focus on access to food and poverty, and activists highlight rights, justice, and local control of the food.¹⁴ Cultural differences in the acceptability of the food and other evolving global challenges, such as climate change, natural disasters and unsustainable land use, also have an important bearing on what counts as “adequate” or “secure” food¹⁵. As a result, the concept is politically, socially, and ethically contentious, reflecting diverse perspectives on how people have access to sufficient and appropriate food¹⁶. In an era of globalization, where food production, trade, and distribution are closely linked, policymakers need to define food security to tackle these complex issues, foster sustainable food system, and ensure that everyone has steady access to safe, sufficient, and culturally acceptable food¹⁷. In the twenty-first century, the definition of food security has become increasingly important as global challenges affecting food security have grown more severe and interconnected. So, conceptual clarity on the definition of food security is essential to address the issue of food insecurity.

While numerous definitions exist, the most widely accepted international consensus was established at the World Food Summit in 1996, later reaffirmed by the FAO and other global bodies.

Food Security: A Human Rights Perspective

¹¹Raghavendra Singh, Ravikant Avasthe, et al., *Climate Resilient Cropping Systems for Sikkim*, (ICAR-National Organic Farming Research Institute, Sikkim, 2021).

¹²Food and Agricultural Organization, 2002. The State of Food Insecurity in the World 2001. FAO, Rome.

¹³ Patrick H. Mooney and Scott A. Hunt, “Food Security: The Elaboration Of Contested Claims To A Consensus Frame” 74(4) *Rural Sociology* 469-497(2009); Geoffrey Lawrence and Philip McMichael, “The Question Of Food Security” *The International Journal of Sociology of Agriculture and Food*, 19(2), 135-142(2012).

¹⁴Gerda R. Wekerle, “Food Justice Movements: Policy, Planning And Networks” 23(4) *Journal of Planning Education and Research*, 378-386(2004); Patricia Allen, “Realizing Justice In Local Food Systems” 3(2) *Cambridge Journal of Regions, Economy and Society*, 295-308(2010).

¹⁵Ian Christoplos and Adam Pain, (ed), *New Challenges To Food Security: From Climate Change To Fragile States*. (Routledge, London 2014); Andre M.N. Renzaho and David Mellor, “Food Security Measurement In Cultural Pluralism: Missing The Point Or Conceptual Misunderstanding?” 26(1) *Nutrition*, 1-9 (2010)

¹⁶William Ramp, “Complicating Food Security: Definitions, Discourses, Commitments”, 41 *Special Issue on Global and Canadian Population* (2014)

¹⁷. Mark Gibson, *The Feeding Of Nations: Redefining Food Security For The 21st Century* (CRC Press, 2016)

Food security is considered a human right because it is vital for survival, health, and human dignity. Universal Declaration of Human Rights and International Covenant on Economic, Social and Cultural Rights explicitly recognise everyone's right to adequate food as part of a decent standard of living. Declaring food as a human right ensures that access to safe, sufficient and nutritious food is not merely a policy goal but a binding obligation on the state, holding governments responsible for protecting, promoting and fulfilling this right. It also gives right to individuals to enforce their access to food and seek redress when their rights are violated. The right to food is interconnected with other human rights, including health, education, and work, making it a foundation of human dignity and necessary for the full enjoyment of all rights. Therefore, food security is a basic human right¹⁸. This right is recognised and enforced through various international human rights instruments.

- The Universal Declaration of Human Rights(1948) establishes the right to an adequate standard of living, including food, as essential to health and well-being.
- The International Covenant on Economic, Social and Cultural Rights (1966) explicitly recognises the right to adequate food and obliges states to take efforts to progressively realise it.
- The Convention on the Rights of the Child (1989) ensures children's access to adequate and nutritious food.
- CEDAW (1979) emphasises women's right to sufficient nutrition, particularly during pregnancy and lactation.
- Additionally, FAO instruments, such as the Right to Food Guidelines (2004) and the Rome Declaration on World Food Security (1996), provide guidance and affirm food security as a fundamental human right.
- International and regional instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and regional charters like the African Charter on Human and Peoples' Right, further reinforce the obligation of states to ensure access to adequate food as part of the broader human rights framework.

India recognises food security as a human right, even though it is not expressly enumerated as a fundamental right in the Constitution of India. Food security is recognised under the constitution provisions and legislation. Judicial interpretations have also recognised the right to food as a human right. The Supreme Court has interpreted Article 21 of the Constitution of India, embodying the right to life, the right to live with dignity, which incorporates access to adequate food¹⁹. The Directive Principles of State Policy mandate this responsibility:

- Articles 39(a) and (b) direct the state to ensure citizens have adequate means of livelihood and equitable resource distribution,

¹⁸. Kerstin Mechlem, "Food Security and the Right to Food in the Discourse of the United Nations", *European Law Journal*, 10(5), 631-648 (2004)

¹⁹PUCL v. Union of India (2001) Writ Petition (Civil) No. 196 of 2001. Known as the "Right to Food case," it transformed government food schemes into legal entitlements, focusing on preventing starvation and malnutrition.

- Article 41 provides for public assistance in cases of need, and Article 47 directs the state to improve nutrition and public health. Complementing these provisions, the
- National Food Security Act, 2013, recognises the right to subsidised food grains for eligible populations, making access to food a rights-based obligation of the State rather than a welfare measure. Judicial decisions, such as *People's Union for Civil Liberties v. Union of India*²⁰, have further reinforced the state's duty to ensure food security, positioning it as an important element of human dignity and the right to life.

An Overview of the National Food Security Act, 2013

The National Food Security Act, 2013, was enacted as part of India's commitment to respect international obligations related to the right to food and the eradication of hunger. By enacting this law, India has shown its respect for the international commitment and transformed it into domestic legislation, ensuring that access to food become a legal right.

²¹The Parliament enacted the National Food Security Act in September 2013. The Act is entirely dependent on the existing targeted public distribution system to deliver food grains as legal entitlements to poor beneficiaries. While the centre plays a big role in implementing the targeted public distribution system, states have been given the flexibility to customize the Targeted Public Distribution System according to their own requirements and priorities.²² Food security is essential for pregnant women, where adequate nutrition is necessary during these cycles of life to prevent nutrient deficiencies within the mother and child, saving the mother and child from various health issues.²³

The Act directs the identification of children suffering from malnutrition and provides nutritious, free meals to children in need of higher nutritional norms.²⁴ The Act provides that nutritional standards for children within the age group of 6 months to 3 years, the age group of 3 to 6 years, pregnant women and lactating mothers need to be met by providing "Take Home Rations" or nutritious hot cooked meals in accordance with the Integrated Child

²⁰. Ibid

²¹ Lauren Birchfield and Jessica Corsi, "Between Starvation And Globalization: Realizing The Right To Food In India". *Mich. J. Int'l L.*, 31, 691. (2009)

²² Sakshi Balani, "Functioning of The Public Distribution System: An Analytical Report", *PRS Legislative Research, New Delhi*, (2013); Section 3 of the National Food Security Act, 2013. Right to receive food grains at subsidised prices by persons belonging to eligible households under the Targeted Public Distribution System.

²³. Section 4. Nutritional support to pregnant women and lactating mothers—Subject to such schemes as may be framed by the Central Government, every pregnant woman and lactating mother shall be entitled to— (a) meal, free of charge, during pregnancy and six months after the child birth, through the local anganwadi, to meet the nutritional standards specified in Schedule II; and (b) maternity benefit of not less than rupees six thousand, in such instalments as may be prescribed by the Central Government.

²⁴ Section 5 Nutritional support to children.—(1) Subject to the provisions contained in clause (b), every child up to the age of fourteen years shall have the following entitlements for his nutritional needs, namely:— (a) in the case of children in the age group of six months to six years, age appropriate meal, free of charge, through the local anganwadi to meet the nutritional standards specified in Schedule II: Provided that for children below the age of six months, exclusive breast feeding shall be promoted; (b) in the case of children, up to class VIII or within the age group of six to fourteen years, whichever is applicable, one mid-day meal, free of charge, everyday, except on school holidays, in all schools run by local bodies, Government and Government aided schools, to meet the nutritional standards specified in Schedule II. (2) Every school, referred to in clause (b) of sub-section (1), and anganwadi shall have facilities for cooking meals, drinking water and sanitation: Provided that in urban areas, facilities of centralised kitchens for cooking meals may be used, wherever required, as per the guidelines issued by the Central Government.

Development Services Scheme and nutritional standards for children in lower and upper primary classes under Mid-Day Meal Scheme are as follows:

Serial number	Category	Type of meal	Calories (Kcal)	Protein (g)
1	2	3	4	5
1.	Children (6 months to 3 years)	Take Home Ration	500	12-15
2.	Children (3 to 6 years)	Morning Snack and Hot Cooked Meal	500	12-15
3.	Children (6 months to 6 years) who are malnourished	Take Home Ration	800	20-25
4.	Lower primary classes	Hot Cooked Meal	450	12
5.	Upper primary classes	Hot Cooked Meal	700	20
6.	Pregnant women and Lactating mothers	Take Home Ration	600	18-20

Source: Schedule II of the National Food Security Act, 2013

Food Security in Sikkim: An Assessment

The National Food Security Act, 2013 was officially implemented in the state of Sikkim on 1st January, 2016²⁵. It aimed to provide highly subsidized food grains, specifically rice, to 16,509 families under Antyodaya Anna Yojna (AAY) and 3,24,814 Priority Household (PHH) beneficiaries.²⁶ Due to various administrative reasons, geographical constraints and structural weakness initially, the implementation of the National Food Security Act, in Sikkim was not very successful. Through the Public Distribution System food grains such as rice and wheat and other essentials like kerosene and sugar were distributed to the underprivileged beneficiaries at reasonable prices in Sikkim. The list of beneficiaries of the Public Distribution System²⁷ under the National Food Security Act, 2013 was not updated from 2005-2016 which led to benefits not provided to deserving beneficiaries, instead some ineligible beneficiaries were extended the benefits under the schemes²⁸. The Public Distribution System of Sikkim lacked proper monitoring as fair price shops failed to maintain records, submit returns and ascertain the quality of the commodities issued under Targeted Public Distribution System. Delay in construction of food godowns and poor transport connectivity leading to remote villages severely affected the storage and distribution of the commodities. Low production of agricultural produce, led to greater dependence on supplies of various commodities from outside the state.²⁹ Grievance redressal mechanisms

²⁵The Sikkim Food Security Rules, 2014 was notified vide Notification No. 1166/FCS&CA dated 20/01/2015

²⁶Budget 2016-2017, Speech of Hon'ble Chief Minister/Finance Minister, March 21, 2016

²⁷Public Distribution System is a food subsidy mechanism ensuring everyday essential food and non-food items such as rice, wheat, sugar and kerosene at a subsidized rate and also to insulate the poor from rising market prices.

²⁸CAG Audit Report for the year ended 31 March 2016, available at [chrome-extension://efaidnbmnnnibpcajpcglefindmkaj/https://cag.gov.in/uploads/download_audit_report/2017/Chapter_1_Social_Sector_Sikkim_Report_No_3_of_2016_0.pdf](https://cag.gov.in/uploads/download_audit_report/2017/Chapter_1_Social_Sector_Sikkim_Report_No_3_of_2016_0.pdf)

²⁹Ibid

were not properly constituted and effective in parts of the state.³⁰ All these factors resulted in poor realization of food security in the state.

However, the system later became successful through comprehensive reforms, transforming into a reliable mechanism for food security, particularly for the rural poor. In the 2020-21 food security plan, with an effort to increase food production in Sikkim, the State Level Sanctioning Committee approved several initiatives under the Rashtriya Krishi Vikas Yojana which included promotion of organic farming, horticulture, dairy development, animal husbandry³¹. These reforms reflect the commitment of the State to increase productivity, provide highly subsidized food grains to eligible households under the Priority Households and Antyodaya Anna Yojana categories.

Sikkim is performing well compared to some North-Eastern States as far as the implementation of the National Food Security Act is concerned. According to the State Ranking Index for National Food Security Act of 2013, of 2022, Sikkim ranked fourth amongst the special category states (Northeastern, Himalayan and Island states) on parameters and indicators governing the implementation of the National Food Security Act through Targeted Public Distribution System. Despite facing logistic limitations in these special category areas, the states displayed a high degree of accomplishment in competing with the general category³². This is indicative of the fact that while Sikkim is performing better than the majority of its counterparts, there are still gaps in nutritional diversity and monitoring systems³³. However, Sikkim is striving towards achieving this goal and has brought great developments in improving nutrition through its commitment to organic farming and achieving nutrition for women and children through initiatives like POSHAN programme etc.³⁴ Focusing on enhancing the nutritional initiatives and addressing the exclusion errors could help it surpass the best-performing states in the region³⁵.

Initiatives such as 100% digitization of ration cards and Aadhar seeding³⁶ to create transparent Public Distribution System, digitizing Fair Price Shop with electronic Point of Sale devices³⁷ and proper monitoring and regulation of Fair Price Shops to ensure proper

³⁰Supra 27 at 27-28

³¹Available at <https://www.sikkim.gov.in/media/news-announcement/news-info?name=Cabinet+meeting#:~:text=CIVIL%20SUPPLIES%20DEPARTMENT-Financial%20sanction%20of%20Rs.,dealer's%20margin%20for%202020%2D2021> (Last visited on 02.07.2022)

³²Government of India, Department of Food & Public Distribution, *State Ranking Index for NFSA, Creating Resilient Food Systems to Optimize the Delivery of Benefits*, June 2022.

³³A. Roy, N.U. Singh, et al., "Food Security in North-East Region Of India-A State-Wise Analysis". 28 *Agricultural Economics Research Review*, 259-266(2015).

³⁴POSHAN, Improving Nutrition in Sikkim: Insights from Examining Trends in Outcomes Determinants and Interventions between 2006 and 2016, Nov 31, 2017, available at chrome-extension://efaidnbmnnnibpcajpcglelefndmkaj/https://cgspace.cgiar.org/server/api/core/bitstreams/fd7cd37b-ea93-401d-8659-34b387f4c1f7/content (Last accessed on 13.08.2022)

³⁵Shrayana Bhattacharya, Vanita L. Falcao, et al., "The Public Distribution System in India", 43 *The 1.5 Billion People Question* (2017)

³⁶Ministry of Consumer Affairs, Food & Public Distribution, Digitization of Ration Cards completed in all States/UTs; Nearly 19.5 Crore Ration Cards digitized, 20 July 2022.

³⁷Government of Sikkim, Food, Civil Supplies and Consumer Affairs Dept, Notification No 1560/FCS&CA, dated 03.01.2018, Sikkim Government Gazette

distribution of subsidized items has enhanced the Public Distribution System of the state³⁸. The State implemented the One Nation One Ration Card scheme in 2021 to enable migrant workers and beneficiaries to have access to their rations from any fair price shop from any state in the country.³⁹ In addition to the National Food Security Act provisions, the state has undertaken supplementary measures, including distributing rice free of cost to beneficiaries during the pandemic and conducting awareness programs to inform citizens about their entitlements. Quality control measures have also been strengthened to ensure proper monitoring of food-grain distribution. Despite these accomplishments, several challenges remain.

While Sikkim has achieved significant progress in implementing the National Food Security Act, addressing systemic and logistical issues is essential to ensure consistent and equitable access to food for all eligible citizens⁴⁰. If successful, the Sikkim model of the Public Distribution System can be useful for other sensitive regions in India.⁴¹

Conclusion and Suggestions

The state faces inherent challenges due to its rugged terrain, low land productivity, and high reliance on food imports. It continues to face challenges in balancing foodgrain production with its population's needs. To ensure the effective implementation of the National Food Security Act in Sikkim, several strategic efforts should be undertaken.⁴² These strategic efforts could be as follows.

- Awareness campaigns should be organized to educate people about their entitlements.
- Scientific monitoring and effective distribution mechanisms need to be established, including digital tracking systems and regular audits, to prevent corruption and wastage of the food grains.
- Capacity-building initiatives for local authorities and frontline workers are necessary to improve the efficiency of the Public Distribution System. There should be a greater involvement of the community.
- Better connectivity with the contiguous states should be established to bring down the cost of the available food grains.
- The public distribution system of the state should be incorporated in the school curriculum at least up to intermediate classes.

³⁸Available at <https://www.facebook.com/Sikkimorganic/posts/press-release-from-food-civil-supplies-department-government-of-sikkimgangtok-ju/3844158839022711/>.

³⁹.One Nation One Ration Card launched in Sikkim, Sikkim Express, Jul.29.2021.

⁴⁰ Debashis Sarkar, Jiban K. Ghosh, et al., "Facet of Food Security under NREGA in Sikkim", 63(1) *Economic Affairs*, 237-243 (2018)

⁴¹Jitendra Kumar, Meghan Pradhan et al., "Sustainable organic farming in Sikkim: An inclusive perspective" in *Advances in Smart Grid and Renewable Energy: Proceedings of ETAERE-2016*, 367-37 (Springer Singapore, 2017)

⁴²Sandeep Tambe, Murari Lal Arrawatia, et al., "Conceptualising Strategies To Enhance Rural Water Security In Sikkim, Eastern Himalaya, India" *Integrated Water Resource Management*, (2009)