

Available, accessible, but not stable

“While the National Food Security Act addresses issues of access, availability and utilisation, it is largely silent on the issue of stability.” A scene from a market in Ahmedabad. | Photo Credit: [AP](#)

The right to food is a well established principle of international human rights law. It has evolved to include an obligation for state parties to respect, protect, and fulfil their citizens’ right to food security. Our current understanding of food security includes the four dimensions of access, availability, utilisation and stability. As a state party to the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, India has the obligation to ensure the right to be free from hunger and the right to adequate food.

Broadly speaking, attitudes towards food security in India can be divided into two generations subsequent to Independence. While the demarcation is far from exact, it indicates how the importance given to different elements of food security altered over time.

The years post-Independence were turbulent for India. Memories of the Bengal famine remained fresh and fears of a food shortage were rampant. Hunger was thought to be a function of inadequate food production. In 1974, the World Food Conference defined food security primarily in terms of production — as the “availability at all times of adequate world food supplies.”

It is arguable that the framing of food security in quantitative terms sparked India’s determination to initiate the Green Revolution to boost food production. While the programme achieved dramatic increases in rice and wheat production in some parts of the country, its devastating environmental impact has also rightly been critiqued.

Two occurrences over the 1980s and 1990s set the stage for what we understand as food security in India today. The first was when the Supreme Court dramatically expanded the ambit of rights that citizens could claim against the state. While no explicit ‘right to food’ could be made out, there was an increased mention of food as being among a cluster of basic rights integral to human dignity. The second was a shift of the frame from the problem of availability to the problem of access.

The 1980s and 1990s saw an increasing acknowledgement that India’s focus on increasing food supplies was falling short of actually ameliorating hunger. Even as the data showed that India had transformed from a food deficit nation to a food surplus one, seminal research by Amartya Sen and others revealed that hunger and food security were tied to the issue of access — that is, in spite of ample quantities of grain, and a variety of government efforts such as the Public Distribution System, people were dying of starvation because they were unable to physically or financially (or both) reach this food. This view of food security was mirrored at an international level too. In 1996, the World Food Summit stated that food security was achieved “when all people, at all times, have physical and economic access to sufficient, safe and nutritious food.”

This focus on access culminated in India in a 2001 case brought by the People’s Union for Civil Liberties, in which the Supreme Court evolved a right to food and read it into the right to life provisions of the Constitution. Following that, a host of court orders and directions ultimately resulted in the 2013 National Food Security Act (NFSA), which has been lauded for guaranteeing a quantitative “right to food” to all Indians. However, the NFSA suffers from serious lacunae in its drafting, which severely undermine its stated objective of giving legal form to the right to food in India.

The NFSA surprisingly does not guarantee a universal right to food. Instead, it limits the right to

food to those identified on the basis of certain criteria. It then goes on to further restrict the right to 75% of the Indian population. It also specifies that a claim under the Act would not be available in times of “war, flood, drought, fire, cyclone or earthquake” (notably, it is within the Central government’s remit to declare whether such an occasion has arisen). Given that a right to food becomes most valuable in exactly these circumstances, it is questionable whether the Act is effective in guaranteeing the right that it is meant to.

Another problematic aspect of the NFSA is its embrace of certain objectives that are to be “progressively realised”. These provisions include agrarian reforms, public health and sanitation, and decentralised procurement, but they make no mention of the need to reconsider fundamental assumptions about our agricultural systems and look at food security in a more comprehensive manner. It is arguable that the rubric of “progressive realisation” actually retards food security reform in the country. This is because some of the elements mentioned under this head are already incorporated in laws and policies at the State and national levels. Demarcating them as obligations to be realised “progressively” will lead to counter-intuitive results where the States will simply refrain from doing any more than what the NFSA explicitly requires them to do.

Worryingly, the framing of the NFSA as being the final word on government commitments to provide food security to citizens might instead have the result of limiting the courts with respect to how far citizen entitlements can be extended. This fear was borne out in the recent *Swaraj Abhiyan* cases that address the impact of government failures in tackling consecutive drought years in India. While the court took a strong stance in ordering the executive to implement the provisions of the NFSA, it was reluctant to go beyond the provisions of the NFSA in terms of what it could order the government to give citizens. Given that the NFSA predominantly mentions just rice and wheat, and that too for only some citizens, this has worrying implications.

Finally, while the NFSA addresses issues of access, availability and, even tangentially, utilisation, it is largely silent on the issue of stability of food supplies — a startling omission given India’s vulnerability to climate change impacts, to name one impending threat to food security.

Thus there is a need to frame a “third generation” food security law and recognise and mainstream issues including increasing natural disasters and climate adaptation. Such a framework would robustly address the challenges facing the country’s food security across all four dimensions and make a coordinated effort to resolve them instead of the piecemeal efforts that have characterised such attempts so far.

Food security brings together diverse issues such as inequality, food diversity, indigenous rights and environmental justice. Given the current crises in India, it is time we prepare a third generation right to food legislation that recognises that a climate-as-usual scenario no longer exists. Such a legislation would ideally be rooted in the principle of a right to food security in its true spirit and not merely as a sound bite.

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