



Right to Food in the Constitution of India

KEYWORDS

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INTRODUCTION

The Indian Constitution does not expressly recognize the fundamental right to food. However, Article 21 of the Constitution of India guarantees a fundamental right to life and personal liberty. The expression 'Life' in this Article means a life with human dignity and not mere survival or animal existence. The Right of 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 realization 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 citizen's right to be free from hunger enshrined in Article 21 is to be ensured by the fulfillment of the obligations of the State set out in Articles 39(a) and 47.

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. Therefore it is the obligation of the state to be proactive in strengthening people's access to food. The state must fulfill the right directly whenever an individual or group is unable, for reason beyond their control to enjoy the right to adequate food with the means at their disposal. The state's role in strengthening the food security is more prominent in ensuring availability of food and ensuring access to the households. Particularly for poor households. And also it is the duty of the state to improve the food through its policies. The Report of National Commission to Review the Working of the Constitution (NCRWC) stated that; "particularly significant has been the increase in agricultural production between 1650-2000, the index of agricultural production increased more than four fold. Between 1960-2000, wheat production went up 11 million tons to 75.6 millions to 89.5 million tones. This is no mean achievement for a country that relied on food aid until 1960s.'² Therefore the subject of hunger and food security has the highest priority in social sciences research. To meet the scourge of persistent hunger formulation of food policy to be practical to relieve suffering is necessary. Amartya Sen observed that, "millions of lives depend on the adequacy of the policy response to the terrible problem of hunger and starvation in the modern world. Past mistakes of policy have been responsible for the death of many millions of people and the suffering of hundreds of millions, and this is not a subject in which short cuts in economic reasoning can be taken to be fairly costless."

In May 2001, the People's Union for Civil Liberties (PUCL) filed a landmark public interest petition in the Supreme

Court. The case revealed that over 50 million tones of food grains were lying idle in the premises of the Food Corporation of India (FCI), although there was widespread hunger in the country. The petition alleged that the State was negligent in proving food security. It was argued that the public distribution system (PDS) was restricted to families living below the poverty line (BPL). The Supreme Court found as a fact that surplus food stocks were available and, at the same time, that deaths from starvation were occurring in a number of locations. The Supreme Court passed an interim order on 28th November 2001 demanding that large stocks of food grains in Food Corporation of India (FCI) warehouses be released with immediate effect. This is a immoral neglect of the constitutional obligation, against the article 21 of the constitution, which gives a right to protection of life from deprivation. While moving the objectives resolution Nehru observe, in constituent assembly that, "Most important question is how to solve the problem of the poor and the starving. Wherever we turn, we are comforted with this problem. If we can not solve this problem soon, all our paper constitution will become useless and purposeless"⁴.

Jean Dreze and Amartya Sen say that, "when millions of people die in a famine, it is hard to avoid the thought that something terribly criminal is going on. The law which defines and protect our rights as citizens, must somehow compromised these dreadful events. Unfortunately, the gap between the law and ethics can be a big one. "⁵Further they emphasized that; "hunger is however intolerable in the modern world in a way it could not have been in the past. The enormous expansion of productive power that has taken place over the last few centuries has made it, perhaps for the first time, possible to guarantee adequate food for all, and it is in this context that the persistence of chronic hunger and recurrence of virulent famines must be seen as being morally outrageous and politically unacceptable. If politics is 'the art of the possible' then the conquering world hunger has become a political issue in a way it could not have been in the past,"

Article 47 of the Constitution imposes on the state to regard as among its primary duties, the raising the levels of nutrition and the standard of living of its people and the improvement of public health in particular to bring about the prohibition of the intoxicating drinks and drugs which are injurious to the health except for medical use. The health of the majority of human beings depends more on their food security and nutrition. The problem of insecurity of food, malnutrition is widely prevalent across the various socio-economic groups, particularly among those who are living below poverty line, landless agricultural labour, people in slum and remote tribal areas, those who are affected by constant calamities like drought are more vulnerable to this. National Commission to Review the Working of Constitution (NCRWC) pointed out that, "Over 260 million people living below poverty line in India are chronically hungry. Hunger and poverty forces families to make trade offs. Trade offs between hunger and meet-

ing other basic needs. Trade offs for who goes to school and who doesn't. In such tradeoffs women and children are often the suffers. Poorly-fed and malnourished pregnant women give birth to stunted and unhealthy babies who are prone to diseases. ... The Scheduled Castes, Scheduled Tribes and Backward Class are an easy prey of poverty, hunger and women of these categories are its worst victims."

CONCLUSION

Today, the nation inured to scarcity of food and starvation, the nature of this problem is ironic, in spite of the increasing number of starvation deaths amidst overflowing food grain god owns of the government. The obvious affirmation to the query necessitates that a single starvation death in the midst of several millions of food policy and public distribution system. There is a great need for state intervention for the realization of the right to food by ensuring equality of opportunity for all in their access to basic resources. In this Direction the proposed Right to Food (Guarantee of Safety

and Security) Bill has the potential to serve as a means for action and an instrument for eradication of hunger. The issue of food security is dominating the electoral agenda today. At the national level both the Congress and BJP in their election manifestos promised 25KGs of rice or wheat to families living below poverty line at Rs.3 a KG every month and subsidized community kitchens will be set up in all cities for homeless people and migrants with the support of the Central government. The BJP in its manifesto promised 35KGs of rice or wheat every month at Rs.2aKG. This will be available against 'Food Coupons' redeemable at both Public Distribution System (PDS here after) and private outlets. After elections, Congress led United Progressive Alliance (UPA) Government retained power in centre winning majority seats in Lok Sabha. UPA government proposed to enact Right to Food (Guarantee of Safety and Security) Bill that guarantees access to sufficient food for all people, particularly the most vulnerable sections of society.

REFERENCE

The Constitution of India completed fifty years of working on 26 January 2000. The BJP led National Democratic Alliance (NDA) government appointed a National Commission to Review the Working of the Constitution of India (NCRWE) under the chairmanship of justice M N Venkatachalaiah, in the light of experience of the past fifty years² NCRWC report, Chapter-II Para-2. 13. 1 Amartya Sen, 'Food Economics and Entitlements' in Political Economy of Hunger(eds) Jean Dreze, Amartya Sen & Athar Hussain. Oxford university press. p.50 Constituent Assembly Debates v ol-II:99 Jean Dreze & Amartya Sen; 1993, Hunger and public Action, Oxford university press. p.20 Ibid.p.pl-2 NCRWE 2001; A Consultation paper on Socio-economic Change under Constitution. New Delhi. pp.101.