

A STUDY OF RIGHT TO FOOD IN INDIA AS A PART OF RIGHT TO LIFE

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Abstract: The “Right to food” is a fundamental human right that is essential for the well-being and sustainable development of people. It encompasses not only food availability and accessibility but the quality and nutritional value of the food as well. Ensuring the “Right to food” requires comprehensive strategies which go beyond mere food distribution to address underlying issues such as poverty, inequality, and access to resources. The Supreme Court of India has recognized the “Right to food” under the “Right to life” stipulated in Article 21, with reference to “Directive Principle of State Policy” concerning nutrition, contained in Article 47. This interpretation implies that the state has a duty to ensure access to adequate food for all individuals within its jurisdiction. This duty includes implementing policies and programs that address food security, nutritional values, and the improved health of the public.

Keywords: Right to Life, Article 21 of the Constitution of India, Right to Food, Food security Act, 2013.

1.0 Introduction

“The Right to life”, as per Article 21 of the Indian Constitution, has been interpreted specially to include right to food.ⁱ The Supreme Court of India has given legal recognition to the right to food under the right to life enshrined in Article 21. Furthermore, the “Right to food” is not specifically discussed in any constitution at European level, but there have been some advancements in this regard.

The “Right to food” is absent from every constitution at the European level, but some progress has been made, such as in Lombardía where a Law on the right to food has been passed, although enforcement is still lacking. However, there have been examples at the judicial level where “Right to food” has been recognized. E.g., in the cases of Kishen Pattanayak and another and State of Orissaⁱⁱ and “People's Union for Civil Liberties v. Union of India and others”, the Apex Court acknowledged the “Right to food” under the right to life guaranteed in Article 21 of the Indian Constitution, with reference to the Directive Principle of State Policy concerning nutrition in Article 47. The recognition of this right under Art. 21 has resulted in establishing legal obligations & standards for ensuring access to adequate nutrition for all individuals, thereby addressing the issue of food security and promoting the overall well-being of the populationⁱⁱⁱ.

This recognition under the constitution of the right to food sets an important precedent for other nations to prioritize and uphold this fundamental human right. By delving deeper into the complexities to guarantee food security and nutrition, societies can work towards creating a more equitable and just world. “Therefore, the Right to life under Article 21 of the Indian Constitution encompasses not only the protection of physical existence but also includes the right to access adequate and nutritious food to sustain that life.”

2.0 The Right to Food Under Article 21: Ensuring Access To Adequate Nutrition

Recognizing Right to food under Article 21 of the Indian Constitution has played very significant position in addressing food security as well as promoting well-being of the population.

Right to food, derived from the right to life under Article 21, is crucial for ensuring access to adequate nutrition for all individuals. It is a fundamental right that guarantees the economic & physical access to food, thus addressing issue of food security in India.

The right to food, as recognized under Article 21, is very important component of the right to life. It guarantees individuals the fundamental right to get enough nutrition as food security. This recognition has prompted the Indian Supreme Court to set forth requirements for the expansion and implementation of social programs, aiming to ensure that the population is guaranteed a basic nutritional floor and prevent starvation deaths. Furthermore, “the right to food under Article 21 of the Indian Constitution has been extended to encompass the right to food quality information and promote healthy eating practices, as stated in the Federal Constitution.”^{iv}

These measures aim to address issues of food security and promote the overall well-being of the population. The recognition of the right to food under Article 21 has resulted in establishing legal obligations & standards for ensuring access to adequate nutrition for all individuals, irrespective of their socio-economic background.

2.1 The Intersection of Right to Life and Right to Food under Article 21

This recognition acknowledges that the right to life contains not only removing of physical harm or violence but also the fulfillment of basic needs such as food. “Under Article 21 of the Indian Constitution, the right to life includes the right to food.”^v

3.0 International Recognition of the Right to Food

“The right to food” is recognized internationally, with many constitutions and human rights frameworks acknowledging the importance of ensuring access to adequate nutrition for all individuals.^{vi}

“The Indian Supreme Court, recognizing the right to food as an integral part of the right to life under Article 21 of the Constitution, established requirements for the expansion and implementation of social programs to guarantee a basic nutritional floor for the population.”^{vii} The right to food is recognized internationally, with many constitutions and human rights frameworks acknowledging the importance of ensuring access to adequate nutrition for all individuals.

The Indian Supreme Court, recognizing the right to food as an integral part of the right to life under Article 21 of the Constitution, established requirements for expansion and implementation of social programs to guarantee a basic nutritional floor for the population thereby upholding the right to life. For ensuring the realization of the right to life under article 21 of the Constitution of India, the right to food is recognized as an essential component.

The right to food, derived from the right to life under Article 21, includes guarantee of reach to get enough nutritious food that provides for health and quality as per the customs. Traditions and culture of the people.

4.0 The Need for Protection and Implementation of the Right to Food

The vary need for protecting and implementing food security rights arises from the recognition that reach to adequately nutritious food is essential for the survival, well-being, and dignity of individuals. In the context of Article 21 of the Indian Constitution, the right to food is seen as an inseparable component that cannot be separated from the overall concept of a right to life. Therefore, ensuring access to food is not just a matter of addressing hunger, but also a fundamental aspect of promoting and protecting human rights. This is particularly important because food is not only a basic necessity for physical sustenance, but it also holds cultural and social significance. Food plays a crucial role in social cohesion, cultural identity, and community resilience.

This includes not only the physical aspect of food security, but also the cultural and social dimensions of food. In conclusion, the right to food under Indian Constitution is a crucial aspect for ensuring that individuals have the opportunity to live a life with dignity and have access to adequate and culturally appropriate nutrition. The right to

food being a part of right to life, ensures that individuals have reach to sufficient and nutritious food for their overall well-being and dignity, taking into account their cultural practices and traditions.

5.0 The Right to Food as a Human Right

It has been acknowledged that food is not just a basic need for survival, though holds cultural & social significance. Therefore, the right to food is very much need for promoting and protecting human rights, encompassing not only physical sustenance but also cultural identity, social cohesion, and community resilience.^{viii}

5.1 Right To Food As A Fundamental Right Under Article 21 Of The Indian Constitution

There has been highlighted the State's responsibility to maintain the appropriate level of nutrition to people and improve public health, as stated in Article 47 of the Constitution. Therefore, the right to food under Article 21 of the Constitution ensures the individuals to have ability to access sufficient and nutritious food. The right to food under is a crucial component of the right to life and guarantees access to adequate and nutritious food as a fundamental right.

The Indian Supreme Court, recognizing the importance and necessity of getting the access to food for maintaining the right to life, has set out requirements in order to ensure that social programs are expanded and implemented effectively to guarantee a basic nutritional floor for the population. The Indian Supreme Court, while considering the right to life under Article 21 of the Indian Constitution, has derived a right to food and outlined specific requirements regarding the expansion and implementation of social programs to ensure that the population is guaranteed a basic nutritional floor.

Food schemes in India have been implemented to address the right to food under Article 21 of the Indian Constitution, aiming to provide their reach to get food i.e., adequate and full of nutrition, for all citizens regardless of their socio-economic status.

The right to food under Article 21 of the Indian Constitution acknowledges that access of adequate and nutritious eateries is necessary for individuals to lead a dignified life and protect their overall well-being, and the implementation of various schemes for ensuring the right to food in India reflects the commitment to ensure this right for all citizens.

5.2 Food Security Bill

The implementation of the Food Security Bill in India is a testament to the commitment towards ensuring the right to food for all citizens, as it aims to provide affordable and quality food to large number of people, particularly those who are vulnerable and marginalized. The right to food under Article 21 of the Indian Constitution recognizes that access to sufficient and nutritious eateries is essential for individuals for living a life.

In India, The Food Security Bill's implementation is a significant step towards fulfilling the right to food under Article 21 of the Indian Constitution, because its moto is to guarantee access to affordable and quality food to all citizens.

The implementation of the Food Security Bill in India is a crucial measure to fulfill this right by providing affordable and nutritious food to a large section of the population, especially those who are vulnerable and marginalized. The right to food of the Indian Constitution guarantees individuals access to sufficient and nutritious food.

"The right to food under Article 21 of the Indian Constitution recognizes importance of access to sufficient and nutritious food for individuals to live a life with dignity and ensure their overall well-being. The implementation of the Food Security Bill in India is a significant step towards fulfilling this right and ensuring that all citizens have access to affordable and quality food, because the aims of this right is to provide subsidized food grains for a large number of people, particularly those who are vulnerable and marginalized.^{ix}

6.0 Conclusion

Food is an essential for leaving creatures therefore, right to food for all the people is secured by our constitution under Right to life. Appropriate Nutrition is required for a person to stay healthy. Thus, it is recognized as a human

right. “The Fundamental Right to life enshrined in Article 21 of the Constitution has been interpreted by the Supreme Court and National Human Rights Commission to include right to live with human dignity, which includes the right to food and other basic necessities.” “Under Directive Principles of State Policy, it is provided under Article 39(a) and 47 the duties of state ensure the right to an adequate means to livelihood and regard raising the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties.” Further Government of India enacted many laws for the purpose of protection and ensure food security for the people of India.

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