

NATIONAL FOOD SECURITY ACT: A CRITICAL ANALYSIS

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PREFACE

While India is also the world's second largest producer of wheat and rice, food insecurity continues to be a pressing challenge within the country. Despite the production of food grains, an estimated 269.3 million Indians are living in poverty and India contributes a large share of the world's undernourished people. The problem is not that there isn't enough food produced but that food grains rot in warehouses while many go hungry due to inefficient distribution, storage, and accessibility. Food security is a condition in which all people at all times have access to adequate food that is sufficient, safe and nutritious to maintain an active and healthy life, and to which they have access. Availability (adequate food supply), accessibility (ability to obtain food without discrimination) and affordability (economic capacity to purchase nutritious food) are all multidimensional elements that constitute this concept. In order to overcome these challenges, the National Food Security Act (NFSA), 2013 was enacted bringing about a change in approach towards food distribution from a welfare to a rights based approach. The Act is meant to give subsidized food grains to about two thirds of India's population, to make them nutritionally secure. Urban beneficiaries are entitled to 5 kg of food grains per person per month at highly subsidized rates while the poorest households entitled to 35 kg of food grains per household per month under Antyodaya Anna Yojana (AAY). Other provisions include maternity benefits and the mid-day meal scheme for children that serve as another safety net for the social. But the Food Security Act is beset with a number of hurdles in its implementation. Often, identification of eligible beneficiaries is faulty, resulting in exclusion errors and leakage of benefits. Under the Targeted Public Distribution System (TPDS), the main channel of distributing subsidized food, corruption, inefficiency, and poor infrastructure create huge post-harvest losses and weaken the impact of food security programs. Food insecurity is exacerbated by price volatility, poverty, unemployment and the impact of climate change especially for women and children.

In conclusion, India has achieved significant progress in legislating food security, but distribution, beneficiary identification, and governance are systemic in being unable to realize universal food security. These challenges can only be addressed with policy reforms, robust implementation, modernized storage and distribution infrastructure, as well as efforts to reach the most vulnerable populations.

SYNOPSIS

Enacted on September 12, 2013, the National Food Safety Act is a key piece of legislation that aims to protect food and nutrition for all Indian citizens using a lifestyle cycle approach. The primary objective of the Act is to guarantee that every individual has the right to access adequate high-quality meals at affordable prices so they can live honorably. The law was passed in response to widespread hunger and food insecurity brought on by a confluence of social, economic, and political circumstances. Its goal is to protect you, ladies, men, and children from the perils of starving and malnutrition. The NFSA's conversion of current food security programs, such as the Mid-Day Meal Scheme, Public Distribution Device (PDS), and Included Child Improvement Offerings (ICDS), into legal entitlements is another crucial feature. About three-quarters of India's population is covered by this Act, which lawfully permits 50% of urban and 75% of rural residents to receive supported grains. Under Antyodaya Anna Yojana, the poorest households receive 35 kilograms per household per month, while the remaining eligible households purchase 5 kilos per person per month at shockingly low costs.

The Act also places a strong emphasis on providing dietary support to vulnerable men and women by guaranteeing that children and pregnant or nursing girls receive free, wholesome meals along with maternity benefits. It will empower women by designating the oldest female relative as the head of the family for the purpose of issuing ration cards, and it will establish new benchmarks for social welfare package accountability and transparency. Every other fundamental right, including the right to life, which is outlined in Article 21 of the Indian Constitution and which the Supreme Court has said includes the ability to live with dignity, derives from the right to meals, which is guaranteed by the national NFSA. A variety of judicial interventions additionally came into play just like the *Ami Prabal vs. Union of India* case which underlined the administrative gaps within the identification of beneficiaries and distribution of food grains, thereby disturbing for the legislative movement to root out aberrations and enable the benefit reach proper at the door of the individuals in want. Basically the NFSA represents a paradigm shift from a welfare primarily based to a rights based totally approach to meals security, aiming at lower back to back quit of all the hunger and malnutrition through legally making sure get admission to adequate and nutritious meals for the people most susceptible throughout the country.

CHAPTER 1

INTRODUCTION

1.1 Abstract:-

The concept of food security in India needs to be understood as one that is driven by distress; the fact is that any marginal increase in household income is indeed often spent on non-food items—especially health and education, both of which are priorities that have been raised over the years—but it is both urgency and excess desire that needs to be curbed. Despite impressive food production data and enviable growth rates,

food security in India has not improved much, especially in rural areas where the crisis is the most severe. Food security as an objective is complex, linked to shelter, safety, health and self-esteem, reflecting the rungs on the ladder of livelihood opportunities many Indian households face that are often precarious.

This is not a new challenge for India in terms of food insecurity historically. Eat and drink, for you have become fat and robust, says the Lord. While the Green Revolution increased agricultural productivity through the introduction of high-yielding variety (HYV) seeds, there continues to be a considerable gap between buffer food grain production and buffer food grain consumption, largely owing to distribution, storage, and access-related system issues. The sector has also faced pressure from rapid population growth, fragmented land holdings, and forces of climate change, widening yawns between regions and communities.

The government has reacted with raft of policy interventions and development schemes. The National Food Security Act (NFSA) 2013, a landmark legislation replacing the earlier ordinance, was aimed at providing subsidized food grains to around two-thirds of the population through the Public Distribution System (PDS). Other measures aimed at providing nutritional support include the Integrated Child Development Scheme and the Mid-Day Meal Scheme, both of which focus on those most vulnerable, particularly children and women. Nonetheless, the problems of inefficient supply chains, poor storage facilities, price fluctuations, and the identification of beneficiaries, remain.

The multidimensional aspects of food security require policy to focus on a holistic, multi-dimensional narrative incorporating improvements in agricultural productivity, sharpening storage and distribution infrastructure, climate resilience and focused social safety nets. Though it is unlikely that any government can ever have complete information to adequately tackle all the facets of food insecurity in their jurisdiction, a solid focus on data collection and policy responsiveness to local needs can increase their capacity to meet individuals where they are at. In conclusion, ensuring food security in India over the long term requires collaboration between government, private sector and civil society, with emphasis on immediate assistance and long term sustainability.

1.2 Concept of Food Security:-

India also has a food security issue. The world's second-largest producer of rice and wheat is India, yet many people remain hungry, poor and malnourished. The Food and Agriculture Organization defines food security as the ability of all people to consistently obtain enough safe and wholesome food to give them the nourishment they require to live healthy lives. This is a major problem in India. About 13.4 per cent of people are not eating

enough regularly, which is more than 194.6 million people¹. More than 74 percent cannot afford a healthy diet. Surprising, India has enough grain to produce, but they still suffer issues with distributing, storage and making food affordable, causing hunger.

²The NFSA of 2013 was a big change in India's approach to food security. It went from simply helping people to acknowledging food as a right. This law provides 50% open to urban people and 75% to rural people cheap food grains. The Antyodaya Anna Yojana (AAY) provides 35 kilograms to the poorest households of food grains per month while 5 kg per month is provided to each person in the specific households. It also provides special dietary assistance for pregnant women and children under 14 years of age through program like Integrated Child Development Services and Mid-Day Meals. It is not solely to supply food but also to guarantee nutritional safety and to safeguard vulnerable teams from the dangerous consequences of hunger and poor nutrition. Notwithstanding its ambitious nature, the rollout of food security in India can encounter numerous issues. The Targeted Public Distribution System (TPDS), which is the main vehicle for subsidized food grain delivery, is generally blamed for ineffectiveness, corruption and leakage, leading to exclusion and inclusion errors; mainly because there is confusion in identifying the beneficiaries, and ineffective delivery is made worse by the absence of coordination between central and state government.³ Furthermore, although the NFSA confers a legal right to food, it does not confer a constitutional right to food as its dependent on policy and could easily change for political reasons in the future. Another long-term problem is food grain wastage because of poor storage facilities, with significant food grain stocks being wasted as they rot away in government silos while millions starve.

Apart from the Mahatma Gandhi National Rural Employment Guarantee Scheme, the Public Distribution System, and the Integrated Child Development Scheme, the food security policy in India has several other schemes underpinning it. One of the major issues, however, is that interior weaknesses within the institutions as well as all kinds of things around inequality that make life harder from one community to another have blunted planned developments. Therefore, the challenge to the government of India is not only limited to the availability of food but also the accessibility, affordability, and utilization of food supplies, particularly for disadvantaged communities.⁴ Additionally, to achieving food security involves tackling agricultural productivity; state and private actors distributing food; short-term social safety nets; and longer-term nutrition-based responses. But India's food security setup would seem to be very different given the social and political effects of the National Food Security Act (NFSA). Millions of poor people have been given power to claim their rights by the Act that recognizes the right to food, so helping to balance injustices and justify social

¹ "Food and Agriculture Organization, Press Release, Trade Reforms and Food Security"

² "Asian Human Rights Commission, INDIA: Food Security Bill – A welcome but grossly inadequate step towards eradication of Hunger"

³ "[Asian Human Rights Commission, INDIA: Food Security Bill – A welcome but grossly inadequate step towards eradication of Hunger](#)"

⁴ KPMG, Food and Nutritional Security in India, 2025-02-20; Statista, Food security in India - statistics & facts

inclusion. However, it is still not clear how well this legal system has been upheld in reality by means of thorough checking by local authorities and responsibility from the civil society. Historically beset with exclusion failures and corrupt activities, a Public Distribution System runs best with local participation, honesty in beneficiary identification, and grievance redressal programs. Emphasizing additionally the requirement of an integrated approach to fighting malnutrition with health and education along food security, the NFSA concentrates on nutritional security.⁵ With great focus on economic disparity and climate pattern change, all players in India's urban development must strengthen institutional systems and come up with innovative supply chain management solutions to ensure everyone has access to food.

⁶To summarize, food security is an ongoing policy problem in India, which requires continued effort to lessen the gap between food production and food access. The National Food Security Act has been an important legislative movement, but its inherent success rests on implementation, good governance, and adaptation to the realities of climate change, economic shocks, and population pressures. Achieving the objective of a zero-hunger India means providing food security to the populations is not only a function of policy, but is fundamentally linked to human dignity and national development..

1.3 Background:-

The Right to Food Movement:-

National attention came to the question of food security in India in April 2001 when the People's Union for Civil Liberties (PUCL) filed a writ petition in the Supreme Court of India, asking the right to food be recognized as a basic part of the "right to life" under Article 21 of the Indian Constitution. "PUCL vs. UOI," formally asking for is Launched when the country had record food grain reserves, "Writ Petition (Civil) 196 of 2001," called for still suffering hunger and starvation, especially in areas struck by drought. The PUCL's main point was that the government's neglect to appropriately react to the drought catastrophe—including by not distributing surplus food stocks and by allowing breakdowns in the Public Distribution System (PDS) and inadequate relief from drought—constituted a violation of the right to life relief from drought—constituted a violation of the right to life and dignity. Although the petition started aimed at Six state governments, the Indian government, and the Food Corporation of India, it later grew to cover chronic undernutrition and hunger throughout the country. The petition particularly asked the Supreme Court to instruct the government to offer instant, ongoing employment in villages impacted by drought, to provide gratuitous relief to those unable to work, to increase food entitlements under the PDS, and to subsidize or even free food grains to vulnerable

⁵ Ministry of Consumer Affairs, Food and Public Distribution, Government of India, "National Food Security Act, 2013: Implementation Status Report," <https://dfpd.gov.in>

⁶ Food and Agriculture Organization, "The State of Food Security and Nutrition in the World 2023," <http://www.fao.org/state-of-food-security-nutrition>

families. With regular hearings and many interim orders over the years, the Supreme Court has declared a statutory right for several food and nutrition initiatives and confirmed the government's duty to stop famine and starvation as part of its constitutional responsibilities under Article 21. With the "continuing mandamus" of the Supreme Court guaranteeing continued oversight and responsibility of government action on food security, the case is still going and is generally seen as a milestone in the legal recognition and implementation of socioeconomic rights in India. The petition argues that central and State Gov'ts have violated the right to food by failing to respond to the drought situation, and in particular by accumulating gigantic food stocks while people went hungry. The petition continues by highlighting two particular instances of official negligence: the insufficiency of drought relief efforts and the failure of the public district system (PDS). In the final "prayer", the petition requests the SC to issue orders directing the Gov't:

- (a) To provide immediate open-ended employment in drought-affected villages;
- (b) To provide "gratuitous relief" to persons unable to work;
- (c) To raise food entitlements under the PDS; and
- (d) To provide subsidized food grain to all families and the central Gov't to supply free food grain to these programs.⁷

1.4 Legislative History:-

In India, legal measures and legal strategies have been employed several times to address poverty and malnutrition. One major change came in 2001 when With assistance from the Human Rights Law Network (HRLN), the People's Union for Civil Liberties (PUCL), filed a PIL before the Supreme Court of India. This pill highlighted the stark contradiction of government warehouses' huge stocks of food grains remaining unused while millions of individuals lived in want and starvation. Government statistics indicate over 360 million individuals lived below the poverty line and over 50 million were malnourished. The petition alleged that food security is a natural component of the fundamental right to life assured under Article 21 of the Indian Constitution and thus sought legal enforcement of the 'Right to Food.'

Reacting in advance, the Supreme Court ruled that the right to food is an essential element of the right to dignity of life. To guarantee better implementation of welfare programs, the Court issued several judgments to revamp the Public Distribution System (PDS). It gave the states&' responsibility for running several important programs including the Employment Assurance Scheme, Midday Meal Scheme, Integrated Child Development Scheme, National Maternity Benefit Scheme for Below Poverty Line (BPL) women, National

⁷ SC orders on right to food :- A tool for action, available at <http://www.google.co.in/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0CCcQFjAA2017&url=http%3A%2F%2Fwww.righttofoodindia.org%2Fdata%2Fscordersprimer.doc&ei=8MVkU9HtCseNrQemslC4BA&usg=AFQjCNGxO6AM-H2oGL902pEjKRIK08mspw&bvm=bv.65788261,d.c2E> last visited on 9th April 2017

Elderly Pension Scheme, Annapurna Scheme, Antyodaya Anna Yojana, National Family Benefit Scheme, and PDS for households in both BPL and Above Poverty Line (APL).⁸ Additionally told the Food Corporation of India was to see to it the lowly profited from the correct use of food grains by stopping loss of them. These judicial interventions turned the right to food from a mere guarantee into a legally binding entitlement, therefore strengthening India's social safety net and advancing the goal of food security for its most needy people.

Two major state shortcomings in ensuring food security were noted in the 2001 PUCL case to the Supreme Court: the Public Distribution System's (PDS) malfunction and the lack of relief efforts in regions hit by drought. In order to do this, the appeal asked the Supreme Court to order the government to provide all households with subsidized food grains, improve employment opportunities, and provide free food grains for welfare schemes. The legal effort soon became one of the most intricate and vast public interest litigations in India, with numerous affidavits, interim petitions, and judicial directions that guided its course.⁹

In 2005, the Supreme Court issued a number of historic interim orders, including directing all primary schools to provide cooked midday meals, providing 15 million impoverished families with 35 kilograms of food grains per month at subsidized prices through the Antyodaya Anna Yojana, increasing funding for the Sampoorna Grameen Rozgar Yojana (the largest rural employment program at the time), and extending the Integrated Child Development Services (ICDS) to all. A landmark order on November 28, 2001, redefined these food and employment-based schemes as legal rights, thus drastically changing the social welfare architecture of India. The environment provided by this persistent litigation also assisted the National Rural Employment Guarantee Act (NREGA) in being enacted. For enforcement of these orders, the Supreme Court provided an independent mechanism by way of appointment of Commissioners, who are required to file bi-annual reports with the Court, thus provoking additional reactions from both central and state governments to rectify shortcomings and provide accountability in the operation of these schemes.

These requirements have been significantly expanded and consolidated by PUCL's periodic interim applications. Although the original petition concentrated on the drought condition that was prevalent at the time, particularly in Rajasthan, the litigation now covers a far wider range of issues. Establishing long-term measures to stop hunger and starvation is the primary goal in order to realize the right to food.

The case has shown that states cannot avoid their need to protect the right to food, and it is still working to improve the design and execution of social security programs pertaining to food. One of the main driving causes for the national food security bill is the case. In order to ensure that everyone has access to enough food, the Congress pledged in its 2009 national election agenda to pass a Right to Food law. About 75% of the population would have legal entitlements under the National Food Security Bill, which was written by the National Advisory Council (NAC) in October 2010. An Expert Committee appointed by the Prime

⁸ "People's Union for Civil Liberties v. Union of India & Others, Writ Petition (Civil) 196 of 2001, Supreme Court of India."

⁹ PUCL vs UOI 2001 – RIGHT TO FOOD CASE

Minister and chaired by Dr. C. Rangarajan reviewed the Bill in January 2011 and issued a number of recommendations. In September 2011, the Ministry of Food, Consumer Affairs, and Public Distb distributed a draft bill for public comment. In December 2011, the measure was first presented in Parliament. An previous plan for distinct beneficiary groups in urban and rural areas was dropped when the Indian government tabled an altered food security bill in the lower house of Parliament in May 2013. In September 2013, following more revisions, discussions, and deliberations in both chambers of parliament, the bill was eventually signed into law.

1.5 International Recognition of Right to Food:-

International law clearly states that everyone should have the right to enough good food. This is explained in a document called the International Covenant on Economic, Social and Cultural Rights (ICESCR). According to Article 11.1 of the ICESCR, everyone should have a decent standard of living, which includes enough food, clothes, and a home, and always working towards better living conditions¹⁰. Article 11.2 underlines the urgent need for action to make sure everyone can live without hunger and malnutrition. Having enough food is crucial not only for enjoying other human rights but also for respecting every person's dignity. This is an important part of the International Bill of Human Rights. The 172 countries that have agreed to the ICESCR have a legal responsibility to respect, protect, and ensure the right to food. They must take real steps to prevent hunger, make sure there is enough food available for everyone, and ensure that people receive proper nutrition.¹¹

¹²The Committee on Economic, Social, and Cultural Rights believes that everyone should have access to enough nutritious food. Regardless of whether they live alone or with others, this holds true for men, women, and kids. Enough high-quality food must be available to satisfy people's nutritional needs in order for this right to be realized. The meal should suit people's cultural tastes and be devoid of dangerous ingredients. Access to food entails that people should be able to purchase it and obtain it without encountering any discrimination or obstacles. Countries have a duty to ensure that people can access food and to help provide food, especially during emergencies or for those unable to obtain it on their own. The right to food is also supported by major international agreements, such as the Universal Declaration of Human Rights, the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of

¹⁰ "International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), entered into force Jan. 3, 1976."

¹¹ "Committee on Economic, Social and Cultural Rights, General Comment No. 12: The Right to Adequate Food (Art. 11), U.N. Doc. E/C.12/1999/5 (1999)."

¹² "Convention on the Rights of the Child, G.A. Res. 44/25, U.N. Doc. A/44/49 (1989), art. 24(2)(c)."

Discrimination against Women. These agreements underline the importance of the right to food and its respect all over the world.

CONCLUSION

The National Food Security Act of 2013 was enacted and includes a number of measures to guarantee benefits to the nation's needy people. Its broad reach and encouraging goals appear to offer some optimism for the nation's food security. However, a thorough examination of the aforementioned Act reveals that certain of its provisions are unconstitutional and unlawful in certain circumstances. Under the Act, it is necessary to include the "eligible households" based on statistical data from various states according to their unique circumstances and conditions. Along with the State Government, the Central Government should also be in charge of identifying the qualified households and supplying the necessary food supplies. The wellbeing of the less fortunate segments of society may suffer if fruits, vegetables, and other foods of high importance are not included. Excessive spending on food security may jeopardize the sustainability of other vital aspects of people's lives, such as decent housing, drainage systems, and adequate sanitation systems, particularly in rural areas where people need to live with dignity and in a pleasant environment for their upbringing. The Act is a bane and could have severe national and international repercussions due to a number of external obstacles, such as the lack of ration cards and coarse grains, the escalation of the fiscal deficit, and certain problems under the Agreement on Agriculture. This necessitates making ration cards necessary for all low-income households, and the only way to speed up this process is to make them easily accessible. It should be taken seriously to make sure that the households that have applied for cards receive them without any delays. Additionally, the process of obtaining these cards should be made easier for low-income households that lack education and skills. This can be achieved by the government establishing the necessary help centers to make the ration card application process more convenient and easy. The development of other economic sectors will not be impacted by such increased spending. However, considering the costs associated with the Act's passage, the essential spending required in sectors like infrastructure development, drainage systems, and sanitation systems would remain a pipe dream.

From an international standpoint, since India has ratified the Agreement on Agriculture (AoA), it is necessary for it to follow its regulations. However, the expanded supply of foodgrains, which would be in violation of the Agreement's terms, has not been taken into account. This necessitates that the nation take the required steps to resolve the dispute and prevent future discontent by talking with the member nations and changing the Agreement. These arguments demonstrate how the Act's detrimental impacts outweigh its beneficial ones for a number of reasons, making it ineffective in the current national environment. It is remarkable that a potentially

game-changing legislation like the National Food Security Act (NFSA) has become the subject of many criticisms, with public discourse often focusing on deficiencies of the Act rather than intended outcomes. Many critics see the Act not as a serious response to hunger and malnutrition, but as a populist political gesture of the UPA government to gain electoral bonuses. There are also concerns about the economic costs of the Act, especially while growth has stagnated and deficits, both internal and external, are increasing. These criticisms are likely to grow as the scale of the bill—nearly two thirds of the population receiving some form of subsidy and huge government procurement and distribution decisions—could be costly to the exchequer, affect grain markets, and risk WTO obligations. Plus, the operational constraints of the public distribution system (PDS), concern over continuing leakages, and the difficulty of identifying ‘genuine’ beneficiaries will not help to alleviate skepticism that the Act will deliver and not deepen the problems.

Nevertheless, this doubt may also be distilling a deeper dissatisfaction—rooted in ongoing economic discontent and the lack of trust in political leaders embracing longer-term progressive changes over shorter-term electoral gains. Although the NFSA enters a challenging context of implementation, economic viability, and political change—that is also a significant milestone for those with extreme poverty and food insecurity as it embodies the acknowledgement of food as a legal right of the most vulnerable. Proponents of the NFSA maintain that if, and only if, it is properly implemented and is combined with continued progress in targeting recipients, reducing leakage, and providing better quality and variety of food, there may be an important role for the Act to significantly reduce chronic under nutrition and food insecurity in India. Finally, only time will tell whether or not the current sentiment of cynicism and doubt is warranted, or if in time and with sustained commitment, the NFSA will be acknowledged as a reference point in the evolution of India's social welfare system providing immediate and long-lasting human development.

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