

ENSURING ZERO HUNGER- THE INDIAN PERSPECTIVE

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ABSTRACT

This Article is an effort by the Author to analyze the reason behind the failure of various International as well as national bodies in ensuring zero hunger in the globe and the approach of India, the second largest populous country of the world to deal with the issue. The underlying principle of human rights is to ensure people to live with dignity having all the basic needs fulfilled. It is in fact obligatory upon the International Organizations as well as the national bodies to be instrumental in assuring people the means to live with dignity- the fundamental of which being freedom from hunger. Still the States fall short in fulfilling their commitments in defending the individual's right to food and such failure gives rise to long term crisis of hunger and malnutrition. India too adopts various welfare measures through statutory provisions like other progressive countries, still somewhere the efforts are lagging behind in providing proper justice to the marginalized sections of the society in entirety.

Key words: Food, Freedom, Hunger, Right

INTRODUCTION

The very basis of all human rights principles is to assure dignity of the individuals, which is anchored upon their rights to be free from hunger. As such it is an established principle under both international and national laws to ensure people of their right to food by making them able to feed themselves either by producing it or by procuring it. Right to food is such an essential right to individual's sustenance that denial or incapability to fulfill such right leads to infringement of one's right to live with dignity. Even today in the era of globalization, though food is considered as the basic human need for sustenance, still millions of people throughout the globe, are daily struggling with life and death being deprived of having a day's meal. "For hundreds of millions, both human rights and prosperity are no more than myths. For them, life is still "nasty, brutish, and short". As per the U.N. World Food Programme (WFP), World Hunger Series 2007: Hunger And Health 22 (2007), "the world produces more food than is needed to feed every person on the planet. Then why around a billion people go hungry every day?" Though every case of hunger and malnourishment may not be caused due to infringement of human rights, but it definitely happens in cases where the States fail in fulfilling their responsibilities in respecting, protecting and fulfilling the individual's right to food. The callousness of the State in fulfilling such right gives rise to continuous cases of victims of hunger and malnutrition. The best way to eradicate hunger is to ensure food security a reality for the marginalized sections of the society and to make sure that nobody is deprived of getting adequate food for sustenance.

Though in strict sense 'hunger' doesn't have any specific definition, still at different times it has been defined by different authors taking into consideration its causes and effects. Whereas Thomas Malthus believed 'hunger' to be a 'natural tragedy' being caused when food production is outpaced by human reproduction, Karl Marks was of the view that 'hunger' was caused due to class exploitation, not for overpopulation. Amartya Sen, though not completely disapproved the above two views, but was also not convinced to contribute the cause of 'hunger' solely to a single monolithic one. He was of the opinion to consider more keenly each factor responsible for individual's capability of acquiring enough food. George Kent considered 'hunger' to be a kind of violence created by human society in opposition to nature.

Freedom from hunger directs towards right to food which is so deeply knitted with right to life that no question can arise against it. Right to food ensures that food as a basic human need be made available, accessible and adequate for one and all without any prejudice. As a basic human right, right to food is acknowledged under both International and national laws those safeguard individual's right to gain access to food and to have it either by producing with their own effort or by procuring it from other sources. "The human rights approach to the right to food and nutrition is increasingly becoming popular as against policy oriented programmatic approach to development as it introduces normative basis and provides for an element of accountability by virtue of which State can be compelled to protect certain vital interests of subjects".

Responsibilities of the States in Ensuring Right to Food

Right to food imposes certain basic responsibilities upon the States of which the principal being the responsibility to act expeditiously to completely eradicate hunger at all times including the times of natural disasters and other calamities. As per the view of the 'Committee on Economic, Social and Cultural Rights' (CESCR) the "core content" of the right to

adequate food implies ensuring: Availability, Adequacy and Accessibility of food. Availability refers to the production of sufficient amount of food for both the existing and forthcoming generations thereby making it available for long term. Adequacy speaks for the nutritional requirements of an individual for sustenance that has to be fulfilled not only by quantity but also by the wholesome quality of the food available. Accessibility entails the monetary expenditure sustained for the acquisition of food for a proper diet. Right to food cannot be thought without reference to other rights including right to health, education or life as all these rights are mutually dependent upon each other. That's why right to food can only be assured by enforcement of these rights. Keeping many such issues in view in 2002, in the World Health Summit, it was resolved by all the 179 participating States to bring about a change in the approach from an anti-hunger movement aiming towards food security to the one aiming to ensure right to adequate food.

The right to food as a component of human right inflicts three kinds of responsibilities on the States, which is now a widely used framework for analyzing States' human rights obligations generally. These include: the duty to admire, the duty to safeguard, and the duty to fulfill or facilitate human rights. The duty to admire right to food points towards the duty to not interfere with the existing availability of adequate food. It expects the States not to adopt any such measures that would become barrier to such access. The duty to protect the right to food expects the States to make sure that any enterprise or individual should not be able to deprive other individuals of their right to access to required food. The duty to fulfill the right to food is somehow a positive obligation that the CESCR has imposed upon the States to assist and to provide the availability of food. The duty to facilitate requires the States to take constructive steps to make people's access to food more stronger and to ensure better access of resources thereby enabling them better nutrition along with adequate land, schooling, jobs etc.

Efforts by the International Agencies to ensure Zero Hunger

Keeping many such ideals in view, all the Member States of the United Nations agreed upon certain Sustainable Development Goals in 2015 as an ultimate action to eradicate poverty and to save the world by ensuring peace and prosperity to all the people by 2030. The very Preamble of the Sustainable Development Goal, 2030 acknowledges extreme poverty as the greatest challenge for the globe, the eradication of which is the most important requisite for sustainable development. Poverty and hunger are so closely related that one cannot be explained without the reference of the other. Of the 17 Goals enshrined in the Sustainable Development Goal, 2030, the second one speaks for ending Hunger by achieving food security and improved nutrition and encouraging sustainable agriculture. The Member States of the United Nations took a vow to put an end to poverty and hunger in all their forms and magnitudes and to guarantee all the people to live with dignity in a healthy surrounding.

The right to food and to be free from hunger as basic human rights is recognized by the international law, for which many nations have inserted it in their corresponding constitutions. As the United Nation's Committee on Economic, Social and Cultural rights appropriately acknowledges "the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the other human rights enshrined in the International Bill of Human Rights. It is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies at both the national and international levels, oriented to the eradication of poverty and the fulfillment of human rights for all.... The right to adequate food is realized whenever every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement".

'Right to food' as a basic human right is also recognized by the Universal Declaration of Human Rights under Article 25 that speaks for the right to a standard of living for everyone with adequate health and well being including food and other basic amenities for a person and his family. The Article puts stress on food as the basic requirement necessary for a decent standard of living for any human being. As per the observation of the Ex- UN Special Rapporteur on 'Right to Food', Mr. Jean Ziegler, "the right to food does not mean handing out free food to everyone. However, governments are obliged not to prevent access to adequate food by, for example, forced eviction from land, destruction of crops or criminalization of poverty. Governments also have to take adequate steps to ensure that private sector activities do not impinge on people's right to food. And, similarly, private water services cannot compromise equal, affordable and physical access to sufficient, safe and acceptable water supplies".

It is, in fact an observation of a number of experts globally that in reality there is no scarcity of food as the world produces sufficient amount of food to fulfill its requirement, but the suffering of millions of people from hunger is due to the inequitable allocation of resources and wealth that makes them unable to procure food or to have their own lands to produce it either. The present Director General of the World Health Organization, Dr Tedros Adhanom Ghebreyesus, who took charge on 1st July, 2017 rightly observes "Half the world's population is missing out on essential health services, and 100 million are pushed into poverty each year trying to pay for them. This is a violation of the human right to health."

A recent report of the Food and Agricultural Organization of the United Nations claims, about twenty two States expressly declare 'right to food' as a Constitutional right in their national Constitutions making it available for the public at large, whereas many other States ensure right to food as a part of right to life with dignity or other connected social welfare rights.

Ensuring Zero Hunger- the Indian Perspective

Even though having a huge population, still India was very clear in its stand to deal with the issues relating to ensuring right to food and to eradicate hunger of its citizens by making it obligatory on the part of the government through Constitutional

provisions. The Supreme law of the land both expressly and impliedly ensures right to food to its citizens much better than other analogous protections provided by many other international bodies. Part IV of the Indian Constitution under the heading of Directive Principles of State Policy expressly makes it obligatory on the part of the States to take necessary steps for raising the level of nutrition and the standard of living and for improving public health under Article 47. However due to the non enforceable character of the Directive Principles under the Indian Constitution, the provision doesn't impose right to food upon the State mandatorily. With a view to overcome such technical impediment, the judiciary has included right to food within the purview of Article 21 of the Fundamental Rights through judicial interpretations as a part of right to life, thus making it enforceable by law.

With a view to eradicate poverty and free its people from hunger, India too adopts various welfare measures through statutory provisions like other progressive countries, still somewhere the efforts are lagging behind in providing proper justice to the marginalized sections of the society in entirety. Though India claims to be one of the fastest growing economies of the World, still it is struggling in clearing its position in the Global Hunger Index amongst other developing countries. However, by efflux of time, a situation has reached now when a common man can enforce his right to food through judicial intervention.

Time and again the word 'Life' under Article 21 of the Indian Constitution was stretched by the judiciary to its maximum limit to include 'to live with dignity'. Obviously freedom from hunger is a precondition for leading a dignified life having right to food and other basic necessities. In *Maneka Gandhi v. Union of India*, the Apex Court has rightly pointed: "Right to life enshrined in Article 21 means something more than animal instinct and includes the right to live with human dignity; it would include all these aspects which would make life meaningful, complete and living". The first case specifically filed to ensure 'Right to food' in India is the case of *Kishen Pattnayak and ors. v. State of Orissa*, where the petitioner brought it to the notice of the Supreme Court regarding the starvation deaths caused in different districts of the state of Orissa. The petitioner sought interference of the Hon'ble Court to give direction to the State government for taking expeditious steps in ameliorating the dejected condition of the people. Taking serious note on the issue, Justice P.N. Bhagavathi remarked 'No one in this country can be allowed to suffer deprivation and exploitation particularly when social justice is the watchword of our Constitution'.

Likewise in *Shantistar Builders v. Narayan Khimalal Totame*, the Supreme Court while protecting interests of the weaker sections of the society from being deprived of their basic needs held: "The right to life is guaranteed in any civilized society. That would take within its sweep the right to food, the right to clothing, the right to decent environment and a reasonable accommodation to live in."

In 2001, when most of the parts of the country were engulfed by severe drought and the state governments failed to deal with such situation and to fulfill their commitments towards the victims as per the provisions of the respective food schemes and famine codes, the Supreme Court of India has proved itself as a champion of food security by setting up an example for attainment of the right to food in India through a landmark judgment. In this case, a public interest litigation was filed by the People's Union for Civil Liberties (Rajasthan) to get a direction compelling the government to act as per the provisions of the famine code to deal with the situation by distribution of reserved food stocks to the victims of the draught affected areas. The very objective of the petition was not only to highlight the particular situation, rather was to advocate a move towards maintaining 'Right to food' as a basic human right of which no one should be deprived. Hearing the petition, various interim orders were passed by the Hon'ble Supreme Court for two years and finally gave a judgment of far reaching consequence in 2003. The court held "Article 21 of the Constitution of India protects for every citizen a right to live with human dignity. Would the very existence of life of those families which are below poverty line not come under danger for want of appropriate schemes and implementation thereof, to provide requisite aid to such families? Reference can also be made to Article 47 which inter alia provides that the State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties." The outcome of the case not only created a widespread movement nationwide for implementation of several food schemes, but also become a much discussed movement on 'right to food' globally.

Freedom from hunger being embedded in 'Right to food' is quite distinctly visible in many other express provisions of the Indian Constitution- Like the principle imposing obligation upon the state to maintain social order for promoting welfare of the people under Article 38, 'right to livelihood' under Article 39, 'right to work, education and public assistance in cases of unemployment, old age, sickness etc.' under Article 41, 'right to living wages for workers' under Article 43, and the duty imposed upon the State to increase the level of nutrition and standard of living of the people as the foremost responsibility under Article 47 of the Directive Principles of State Policy.

During the last one decade, judicial activism has not only given shapes to different food related schemes as legally binding entitlements for the marginalized sections of the society, but has also identified the government officials to be held responsible for non compliance of the schemes. Among many, the important schemes of the government are- the provision for mid-day meals for school children, the pension schemes for the elderly persons, provision for highly subsidized food for the millions of poor below poverty line and several other

nutrition based schemes. The latest development in this regard is the enactment of the **National Food Security Act, 2013**. The Act, applicable to the whole of the country, ensures a change in the approach of food security from completely being a welfare approach to rights based ones. As per the provisions of the Act about three fourth of the rural populace and half of the urban populace are entitled to obtain subsidized food grains under Targeted Public Distribution System.

Even though having so many Constitutional provisions as well as judicial interpretations still the country is witnessing large number of people being the victims of starvation death. Recently giving a direction to both the Central and State Governments, the National Human Rights Commission has emphasized that right to free from hunger is a fundamental right. As Right to Food is intrinsic to lead a life with dignity, Article 21 of the Constitution of India which guarantees fundamental right to life and personal liberty should be read including Articles 39(a) and 47 which highlights the obligations of the State to ensure the effective recognition of such rights.

The Commission is of the view that starvation death establishes the fact that there is serious refusal and infringement of fundamental rights of the people depriving them their right to be free from hunger. The Commission found that even in some cases where starvation could not in strict sense be called as the causes of death, still the ground reality remains that in most of such cases the cause of death is due to prolonged malnutrition and the continuum of suffering, which made them unable to resist common diseases such as malaria and diarrhea.

The Commission showing its concern as per the provisions of the Protection of Human Rights Act, 1993 observed that the misgovernance is caused due to the callous attitudes of the public servants leading to the rise of starvation deaths in most parts of the country. The Commission in its considered opinion has held "The Right to Food implies the right to food at appropriate nutritional levels and the quantum of relief to those in distress must meet those levels in order to ensure that this right is actually secured and does not remain a theoretical concept".

CONCLUSION

The study reveals that like most of the progressive nations and International Organizations, India too adopts various remedial measures to achieve the goal of ensuring zero hunger, still somehow or other it lags behind. May be due to diversified demographic structures or adverse climatic conditions, the schemes adopted for alleviating hunger completely, become a myth, a goal far away to reach especially for the people of bordering states living in dense forests or hilly regions. One more disadvantage of the Indian sub-continent is that due to its peculiar demographic structure, it always remains prone for the intrusion of illegal migrants, who subsequently get settled in the country. When the country's economy is not plenty enough to feed its own people, accommodating large number of foreign nationals time and again on humanitarian ground becomes a burden on the economy. This creates a sense of insecurity amongst the citizens of India, especially for those residing in the bordering states. It is high time now for the country to clear its stand on the refugee issue as the hungry bellies of its own nationals is becoming a threat to its progress. Lack of political will also adds another impediment to ensure zero hunger. Enactment of statutory provisions and ensuring its implementation are two completely different phenomenons, which can only be converted into reality by strong political will. Time and again successive governments in India tried to streamline the procedure for ensuring food for everyone through statutory provisions, still due to administrative lapses many people do not get the benefit of the schemes meant for them. In some places some intermediaries taking advantage of the ignorance and illiteracy of the marginalized sections of people do not allow certain benefits provided by the government to reach them and tries to convince them of the government's inaction towards their cause. It is one of the major problems in the country now giving rise to several anti social activities by the vulnerable groups especially those living in the tribal and hilly areas, which is a major threat to the country's security.

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