

National Human Rights Commission

NATIONAL CONFERENCE ON RIGHT TO FOOD

Date : 28 & 29 April 2016
Venue : Seminar Hall (F.F.), Kamladevi Block,
India International Centre, Max
Mueller Marg, New Delhi

(Background Note)

Right to food is an essential component of right to life, which is a Fundamental Right under Article 21 of the Constitution of India. Article 47 of the Constitution also states that it is the primary duty of the State to raise the “level of nutrition and the standard of living of its people” and “the improvement of public health”. Article 21 read along with Article 47 of the Constitution makes the State duty bound towards its obligations in effective realization of right to food of people of the country. India is an active member of the United Nations and is a State Party to the International Covenant on Economic, Social and Cultural Rights. This all the more casts an obligation on the Government to respect, protect and fulfil the right to food of every citizen of India.

2. It would be relevant here to mention the United Nations Sustainable Development Goals (SDGs) for transforming the world by 2030 and endorsed by the Government of India. These, 17 goals, offer a vision of more prosperous, peaceful and sustainable world in which no one is left behind. They seek to build on the 2000 Millennium Development Goals and complete what they did not achieve. Not only this, they seek to realize the human rights of all and achieve gender equality and the empowerment of all women and girls. They are integrated and indivisible and balance the three dimensions of sustainable development : the economic, social and environmental.

3. SDG 1 (End Poverty), SDG 2 (Zero Hunger) and SDG 12 (Sustainable Consumption and Production) are specific goals towards ending poverty in all its forms; ending hunger, achieving food security and improved nutrition, and promoting sustainable agriculture; and ensuring sustainable production and consumption patterns, along with its prescribed targets, thereby ushering in a new era of sustainable development. Without these, the full range of SDGs

cannot be achieved. At the same time, achieving the other SDGs will pave the way for ending hunger and extreme poverty. In addition, the battle to end hunger and poverty must be principally fought in rural and tribal areas, which is where almost 80 percent of the hungry and poor live.

4. The Government of India is implementing food, livelihood and social security programmes, such as the Integrated Child Development Services (ICDS) Scheme, Mid-day Meal Scheme (MDMS), Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), National Social Assistance Programme (NSAP) and Public Distribution System (PDS), supporting vulnerable people so that they can have access to basic needs, especially food.

5. The *People's Union for Civil Liberties vs. Union of India and Ors.* case in the Supreme Court of India till date is an important case protecting the right to food. The case challenged the Government's failure to address hunger and starvation deaths. The Supreme Court expanded the original reach of the case by focusing on larger systemic issues of food insecurity, poverty and unemployment. The Supreme Court issued a series of interim orders recognizing the constitutional right to food as flowing from the right to life and providing directives on proper implementation of various programmes like the MDMS, ICDS and the PDS. The Supreme Court also ordered the creation of a new accountability mechanism, like Commissioners, for monitoring and reporting on compliance with the court orders.

6. The above case made a significant impact on realization of right to food in India thus paving the way for the Government of India to enact the National Food Security Act (NFSA), 2013. As per the NFSA, every eligible household is entitled to receive five kilograms of foodgrains per person per month at subsidized prices (₹3, ₹ 2 and ₹ 1 per kg for rice, wheat and coarse grains respectively) under the Targeted Public Distribution System (TDPS). Households covered under *Antyodaya Anna Yojana* (AAY) shall be entitled to thirty-five kilograms of foodgrains per household per month at the prices specified. The NFSA also makes provision for nutritional support to pregnant women and lactating mothers as well as children through the ICDS and MDMS. In case of non-supply of the entitled quantities of foodgrains or meals to entitled persons, a provision has been made to give food security allowance to each of

them from the concerned State Government as prescribed by the Central Government. The NFSA called upon each State Government to prepare guidelines in order to identify priority households including those to be covered under the AAY. The timeframe given for this was one year, which was extended by three months and again extended by six months, that is, up to 4.4.2015.

7. As per information provided by the Department of Food and Public Distribution, Ministry of Consumer Affairs, Food and Public Distribution, Government of India to the NHRC on 22 January 2015, “So far, 11 States/UTs viz., Haryana, Rajasthan, Delhi, Himachal Pradesh, Punjab, Karnataka, Chhattisgarh, Maharashtra, Chandigarh, Madhya Pradesh and Bihar have informed their readiness to implement the Act, and, foodgrains under the Act have been allotted to them”. As per latest information available on the website of Department of Food and Public Distribution (<http://dfpd.nic.in/writereaddata/images/COMPILATION-E-BOOK.pdf>) elucidating its significant activities and achievements, it is stated that “By the end of 2015, the number of States/UTs implementing the Act has increased to 25”. It is further stated that “During 2015, digitization of ration cards has been completed in 34 States while it was just 19 in the beginning of the year, the number of States with online foodgrains allocations increased from 9 to 19 during the year and online grievance redressal has been introduced by 36 States/UTs. Direct cash transfer of food subsidy to the beneficiaries started in Chandigarh and Puducherry in September, 2015”.

8. In consonance with the constitutional provisions, the National Human Rights Commission, ever since it came into existence in October 1993, has consistently maintained that the right to food is intrinsic to living a life with dignity. Moreover, it has expressed that right to food includes nutrition at an appropriate level and these levels must be met and not remain a theoretical concept. There is thus an accompanying need for a paradigm shift in public policies and relief codes in this respect. In 1996, it took cognizance of starvation deaths in Kalahandi, Bolangir and Koraput (KBK) Districts of Odisha as these constituted a gross denial and violation of right to life. From 2008 onwards, the Commission embarked upon Human Rights Awareness and Facilitating Assessment and Enforcement of Human Rights Programmes in Selected 28 Districts of India, wherein one of the essential components is monitoring of the

food security system. It has also constituted a Core Advisory Group on Right to Food comprising experts from across the country. The Core Group has deliberated upon many issues of concern impacting on right to food from time to time including the draft National Food Security Bill.

9. The NHRC had also organized a one-day Conference on Right to Food in New Delhi on 4 January 2013. The Conference made recommendations under two specific heads: (i) Food Availability including PDS & National Food Security Bill, and (ii) Nutritional Issues including Programmes like ICDS, MDMS, etc. These were later forwarded to all concerned including State Governments for information and necessary action.

10. As part of the second cycle of the universal periodic review undertaken by the Human Rights Council of the United Nations in 2012, the NHRC as a follow-up towards that has taken the responsibility of monitoring all the 67 recommendations accepted by the Government of India which includes two specific recommendations on right to food. These two recommendations are – (i) “Introduce a strategy to promote food security”, and (ii) “..... continue efforts and undertake measures to adopt the bill on food security and strengthen the Public Distribution System (PDS)”.

11. As the NFSA was enacted in 2013, the NHRC intends to rigorously monitor the implementation of the provisions of the Act in the country. NHRC is also monitoring several cross-cutting recommendations focusing on “poverty eradication” and “provision of more resources to the vulnerable groups”.

12. The NHRC has held a meeting with the Joint Secretary of the Department of Food & Public Distribution, Ministry of Consumer Affairs, Food & Public Distribution on 22 January 2015. In the said meeting, the concerned Joint Secretary apprised the Commission about the developments that had taken place after the enactment of the NFSA, 2013 such as computerization of TDPS in the country, measures to strengthen its monitoring and vigilance, along with sharing of best practices in implementation of TDPS in States and Union Territories. However, there is need for a comprehensive discussion with all the stakeholders, especially, the States/UTs on the obstacles and hurdles being faced in the way of effective implementation of the Act, which is so important to ensure food and nutritional security to the people of the country.

13. Keeping the above facts in view and the existing reality on the ground where many are still struggling with the problem of poverty, hunger and malnutrition in the country, the NHRC has decided to organize a two-day Conference on Right to Food at India International Centre, New Delhi on 28-29 April 2016.

Objectives

14. The main objectives of the Conference will be :

- (i) To make a State-wise assessment of the implementation of the National Food Security Act, 2013 across the States/UTs in the country with special reference to:
 - (a) Ensuring access to adequate quantity of quality food at affordable prices to people.
 - (b) Functioning of the targeted public distribution system for the priority households and under the Antyodaya Anna Yojana (AAY) and need for reforms, if any based on good practices observed in some States.
 - (c) Identification and listing of good practices in implementation of TPDS. Use of biometrics and G.P.S. in prevention of leakages and diversions.
 - (d) Methodology/guidelines in place for proper identification of priority households including AAY for their entitlement under the legislation. Shortcomings in the methodology, if any, and likely solutions.
 - (d) Nutritional support to pregnant women, lactating mothers and children upto the age of 14 years through the local anganwadies.
 - (e) Prevention and management of child malnutrition.
- (ii) Use of information technology and other available tools to prevent diversions of food grains and other corrupt practices prevalent in TPDS.

- (iii) To identify gaps/shortcomings State-wise in the effective implementation of the National Food Security Act, 2013 and finalization of recommendations for the Central and State/UT Governments to cover these gaps.

Date and Venue

15. The two-day Conference will be held on 28-29 April 2016 in the Seminar Hall (First Floor), Kamladevi Block of India International Centre, 40, Max Mueller Marg, New Delhi – 110 003.

Participants

16. The participants will be senior officers from the Union Ministries, States and Union Territories dealing with the subject, members of the Core Advisory Group on Right to Food, representatives of other National and State Commissions, State Human Rights Commissions, technical institutions, international organizations, non-governmental and civil society organizations working at the grassroots and subject experts.
