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# Effect of India's Food Security on Children Human Rights

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## ABSTRACT

*Since our Independence, India has launched so many schemes to tackle the issue of malnutrition and also made rapid strides in improving the rates of malnutrition and also put efforts for achieving the Sustainable Development Goals (SDGs). But still, we continue to have one of the world's highest child undernutrition rates, impacting the child's health and development. Schemes and policies are not able to produce their full potential due to corruption and lack of transparency and accountability. Food insecurity affects the children because it affects their physical and mental growth. World has just experienced the biggest shock since World War II and Covid-19 has touched all segments of the population around the globe and it affects the world's poorest and most vulnerable sections of the society. It also highlighted the profound inequalities existing in the society. During these periods, children are at risk not only of infection, but they are also affected by the disruption of essential preventative and food essential supplies given by the government.*

**Keywords** - Children, Malnutrition, Sustainable Development Goals, Covid-19, Food Security.

## I. INTRODUCTION

The Children healthcare system is the need of the present time and it required fundamental reform in India. More attention is required on the part of the state for improving the nutrition status for children. Children are future of every country and country development substantially dependent upon child growth. Child status can be described as a "silent emergency" in India situation because half of the children are undernourished, irrespective of the fact that we use weight-for-age or height for age criterion. Malnutrition is a major contributor to disease burden in India. In India, 3 out of 10 children are stunted, over 80 percent of infant and young children do not get minimum dietary requirement<sup>3</sup>. To inform sub national action, we aimed to assess the disease burden due to malnutrition and the trends in its indicators in every state of India in

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<sup>3</sup> United Nations in India, *SDG 2: Zero Hunger* (Feb 2020) < <https://in.one.un.org/page/sustainable-development-goals/sdg-2/>>

relation to Indian and global nutrition targets.<sup>4</sup>

Malnutrition can only be eradicated, if we focus not only on child health but also on the women's health because child health is directly related to the mother's wellbeing and health. Healthy mother delivers the healthy child therefore the state is under the obligation to provide best health and nutrition support to the women because most of the women are not able to get the proper nutrition support during the pregnancy period. Sustainable Development Goals of the United Nations also recognize early childhood and adolescence as a significant phase of development throughout the lifespan of an individual and their future development is dependent on the present development. Sustainable Development Goals on poverty (Goal 1), zero hunger, (Goal 2), good health and well being (Goal 3), quality education (goal 4), gender equality (goal 5), clean water and sanitation (goal 6), reduced inequality (Goal 10), Sustainable cities and communities (goal 11). Overall Development of children and adolescent is dependent upon the country growth towards the achievement of SDGs<sup>5</sup>.

Food and Agriculture Organization (FAO) defines food insecurity as “not having adequate physical, social or economic access to food for an active and healthy life”. The FAO, the World Health Organization (WHO), and peer reviewed research demonstrates that food insecurity and under nutrition do not have to be severe to have long-lasting consequences. Even the slightest forms of food insecurity (with or without clinical manifestation of malnourishment) can affect a young child's development and learning potential. India is home to the largest number of children in the world. In 2011, there were 135.5 million children and adolescents (0-19 years) in urban India comprising over one-third (35.9%), of the total urban population<sup>6</sup>. The Largest number of children and adolescents in the world resides in the urban part of India. It highlighted the significant role played by the state and political party in improving the status of children. The Global Hunger Index released the report in 2020 ranked India at 94 among 107 countries. India Score is 27.2 out of 50, and India situation still continues to be as serious. It is also should be noted that India situation at the Global Hunger Index is improving since 2000 (38.9). 2006 (37.5) and 2012(29.3). India ranked 102 among 117 countries in 2019<sup>7</sup>.

Food security exists when all people, at all times, have physical and economic access to

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<sup>4</sup> The Lancet Child and Adolescent Health, *The burden of child and maternal malnutrition and trends in its indicators in the states of India the Global Burden of Disease Study 1990–2017* (Sep 17, 2019) <[https://doi.org/10.1016/S2352-4642\(19\)30273-1](https://doi.org/10.1016/S2352-4642(19)30273-1)>

<sup>5</sup> Transforming our world: the 2030 Agenda for Sustainable Development, *Resolution adopted by the General Assembly on 25 September 2015* (Oct 25, 2019) <[https://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1&Lang=E](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E)>

<sup>6</sup> Global Hunger Index, *One Decade to Zero Hunger, living health and Sustainable Food System*, 2020

<sup>7</sup> Global Hunger Index, *One Decade to Zero Hunger Linking Health and Sustainable Food System* (<https://www.globalhungerindex.org/pdf/en/2020.pdf>)

sufficient safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life<sup>8</sup>. It's high time to realize that right to health is the basic fundamental human rights and every individual is entitled without any discrimination on the basis of race, religion, political, economic or social condition. Good health can only be achieved when all the human being is able to access to the safe drinking water and sanitation, nutrition foods, adequate housing, education and safe working condition<sup>9</sup>. It provides all the human being to live a dignified life, free from hunger, malnutrition and food security. This right is not about giving charity to people, but to ensure that all people have the capacity to feed themselves with dignity<sup>10</sup>. It represents peace and prosperity for people and the planet, today and also for the future.

In 2015, the Sustainable Development Agenda was adopted to end poverty and set the world on a path where peace, prosperity and opportunity for all can be established. There are 17 Sustainable Development Goals (SDGs), which requires an urgent call for action by all countries developed and developing in a global partnership and to ensure that no one is left behind. Goal 1 of the Sustainable Development (SDGs) is to end poverty and Goal 2 of SDGs deals to end hunger and all forms of malnutrition and to double the agriculture productivity to provide nutritious food to all at all the time universally, which require sustainable food production and agriculture practices and to end hunger by 2030.<sup>11</sup> Convention on the Rights of the Child also recognizes and give equal importance to all the rights of child (civil, political, economic, social and cultural) which enables the children to develop their mental and physical abilities, personalities and talents to the fullest possible. Right to health is indispensable right and it is the important right for the enjoyment of other right provided under this Convention.<sup>12</sup> The Hon'ble Supreme Court in *Sheela Barse and another v. Union of India*<sup>13</sup> has declared that a child is a national asset. It is the duty of the state to look after the child with a view to ensuring full development of its personality. Widespread malnutrition in India is due to the dietary inadequacy and unhealthy lifestyle. The other factor which contributes are poor purchasing power, wrong eating habits, large family size, frequent infections, poor health care and low agriculture production. These situations get worse in the rural areas and urban slum<sup>14</sup>.

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<sup>8</sup> 1996 World Food Summit

<sup>9</sup> Health is a fundamental human right, *Human Rights Day 2017* (Dec 10, 2017) <<https://www.who.int/news-room/commentaries/detail/health-is-a-fundamental-human-right>>

<sup>10</sup> *Constitution of India* Art 21

<sup>11</sup> UNDP, *Sustainable Development Goals* <<http://www.undp.org/content/undp/en/home/sustainable-development-goals.html>>

<sup>12</sup> General comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health (art. 24), Convention on the Rights of Child, Committee on the Right of Child, (2013)

<sup>13</sup> JT 1988 (3) 15

<sup>14</sup> Dietary guidelines for Indians - A Manual 2011, National Institute of Nutrition

It can be eradicated when the various policies and programs for food security that adequate amount of food is available and accessible to all without any discrimination especially the children.

Due to COVID-19, unprecedented health, economic and social crisis is threatening lives and livelihood which makes SDG's Goals more challenging and push back millions of children into extreme poverty and hunger. This pandemic affects every section of society especially the poor vulnerable people like women and children the most. Eradicating hunger and achieving food security is always remains a challenge even at the time of COVID-19 crisis. Hunger and food insecurity have been rising not in India but across the globe. This situation is going to worse because of economic slowdowns and disruptions caused by lockdown, and pandemic triggered the recession. Chronic malnutrition or stunting puts growth and development of children at greater risk during the current crisis which puts constrains access to the nutrition diets and essential nutritious diets and essential services. In India also School is not only the place of learning but also a place where they receive free meals, and health and nutrition services (mid-day meal). School closures during pandemic due to which many children missed out on school meals which directly threatens their immune system and their capacity to cope with diseases.<sup>15</sup>

## II. EVOLUTION OF FOOD SECURITY UNDER THE INDIAN CONSTITUTION

Right to food is one of the essential rights to live a dignified life and it is also vital for the realization of other fundamental rights such as right to life and right to health. Food is important not for survival only but for the full development of one's physical and mental capabilities. Right to health is yet to be considered as the basic human right to all people. We do not contain any specific provision which directly provides Right to food and health, but we are securing this right indirectly through Article 21. Under Article 21 of the Constitution lays down that "no person shall be deprived of his life and deprived of his personal life or personal liberty except according to the procedure established by law." Article 21 interpreted in such a way that its variety of rights, also include Right to health. Right to health is not only the fundamental right but is also the social and economic right under the Directive Policy of State Policy.<sup>16</sup>

Article 21 of the Indian Constitution provides not only guarantees the Right to life, but it also guarantees the quality and dignifies life. As per this Article 21 it is the obligation of states to

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<<https://www.nin.res.in/downloads/DietaryGuidelinesforNINwebsite.pdf>>

<sup>15</sup> UNDP, *Sustainable Development Goals, 2020*< <https://unstats.un.org/sdgs/report/2020/The-Sustainable-Development-Goals-Report-2020.pdf>>

<sup>16</sup> Jean Drèze, *Democracy and Right to Food, Economic and Political Weekly*, Vol. 39, No. 17 (Apr. 24-30, 2004), pp. 1723-1731

provide for all the minimum basic necessities which is necessary for the human being to live with human dignity such as education, healthcare, just and humane condition of work, protection against exploitation. 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. Article 15 (3) of the Indian Constitution, it gives the power to the state for making laws which is discrimination in the favor of women and children.

Justice Bhagwati observed in *Francis Coralie*<sup>17</sup> : “We think that the Right to life includes the right to life with human dignity and it come along with the basic minimum facilities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading writing and expression oneself in diverse forms, freely moving about and mixing and commingling with fellow human beings”. Firstly, Right to Food is not always justifiable and some aspect of this right requires legal enforcement. When the writ petition was filed in the Supreme Court by People’s Union for Civil Liberties in 2000, various interim orders were issued by the Supreme Court when the case was pending like directing all the state government to introduce the cooked mid-day meal in primary school.

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In *State of Punjab v. Ram Lubhaya Bagga*<sup>19</sup>, Justice A.P Mishra observed that Article 21 and 47 of the constitution provides the right to the citizen and it casts duty on the state. Right to health as a fundamental right of every citizen of India and to secure health to its citizen. Best health of the citizen shall benefit the state in achieving its social, political and economical goal.

### III. PUBLIC’S UNION OF CIVIL LIBERTIES (PUCL) VS. UNION OF INDIA<sup>20</sup>

PUCL approached the Supreme Court on behalf of starving people on the Right to food under Article 21 of the Constitution of India and this case also highlighted the right to food as a justifiability of the right to food as a human right. Supreme Court passed 44 interim orders to direct the government to fulfils the previously enacted scheme as legal entitlements. The

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<sup>17</sup> *Francis Coralie v. Delhi*, AIR 1981 SC 746.

<sup>18</sup> *Francis Coralie v. Delhi*, AIR 1981 SC 746.

<sup>19</sup> AIR 1998 SC 1703

<sup>20</sup> Writ Petition 196 of 2001.

various order issued by the Supreme Court of India for the various food related schemes like Public Distribution System, Antyodaya Anna Yojana, National Programme of Nutrition Support to Primary Education also known as “mid-day meal scheme, The integrated Child Development Services, Annapurna, National Old Age Pension Scheme. The order issued by the 28th November 2001, which converted the benefit of these eight “schemes” into legal entitlements. Supreme Court order under these cases provide life to the dead scheme like mid day meal and started the lively “campaigns” for mid day meal. The implementation of the order issued by the Supreme Court is being a long and arduous process, but over time most government not able to implement this order. Various incidents of the mid-day meal tell us that it remains poor and inadequate, health safeguard lacking and social discrimination still lacking. It acts as a catalyst in ensuring that the state administrative machinery responds to the people and making accountable to the government for failure the basic minimum requirements of food. Supreme Court order directing the State Government to identify the food schemes constituted legal entitlements under the constituted legal entitlements under the constitutional right to food.

#### **IV. FOOD SECURITY UNDER INTERNATIONAL SCENARIO**

Right to food is an internationally recognized human rights. It is a right which is protected under various convention and also put the obligation on the states for the full realization of these right.

This right is protected through various convention and treaties globally. It was first recognized for the first time at the international level in the Universal Declaration of Human Rights under Article 25. Right to food under UDHR is linked to individual’s health and well being of each person. It refers that right to food is one of the aspects of the right to a standard of adequate living. The importance of the Universal declaration of Human Rights lies in its being accepted today by all countries. Article 11(1) of the ICESCR recognizes the right of everyone to an adequate standard of living for himself and his family and it encompasses adequate food, clothing and housing, and to the continuous improvement of living conditions. The right to an adequate standard of living, including the food, housing and clothing is of paramount importance. The International Covenant on Economic, Social and Political Rights is treaty, legally binding for the countries that have ratified it. The right to food, and freedom from hunger, requires steps taken by the state parties to improve methods of production, conservation and distribution which clearly laid out in Article 11 of the International Covenant on Economic, social and cultural rights. Under Article 12 of the Convention on the Elimination of all forms of Discrimination Against Women, access to health care which also includes the reproductive

health. Under this Convention, states are required to take all appropriate measures for eliminating discrimination which the women is facing in the society for accessing the health facility and to provides all nutrition services and support during pregnancy and post natal period<sup>21</sup>.

In 1996 World Food Summit took place at Italy. It was organized by the Food and Agriculture Organization of the United Nation. This Declaration reaffirms the “Right of everyone to have access and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger. They pledge that State should make commitment for achieving food security for all and efforts should make to eradicate hunger in all countries. This Declaration also adopted few commitments for food security. Food and Agriculture Organization (FAO) was founded in 1945. It is specialized agency of the United Nations that leads international efforts to defeat hunger, malnutrition and poverty in a sustainable manner. Their goal is to food security for all and make sure that people have regular access to enough high-quality food to lead active, healthy lives. It is a specialized agency that leads international efforts to defeat hunger. In 2014 FOA adopted guidelines for improving the practical guidance to the states for the progressive realization of the right to adequate food in the context of food insecurity for achieving the plans of food summit.

## V. CHILDREN

The Government of India has evolved a various national policy for the welfare of the children. The policy sets out measures, which the government of India seeks to adopt for the welfare of children and to protect them from cruelty and exploitation. In *Lakshmi Kant Pandey v. Union of India*<sup>22</sup> the Court emphasized that the welfare of the entire community depends on the health and welfare of its children. Nutrition is a basic human need and a prerequisite to a healthy life. Health and nutrition for children is determined by the various factors, including child feeding practices, micronutrient and mineral deficiency, under nutrition in mothers, healthcare services and government services such as public distribution system<sup>23</sup>. To achieve its true potential, India needs to focus more on to overcome under and malnutrition so that our coming generation will be more productive and having higher potential.

The major food issues of concern are insufficient/ imbalanced intake of foods/nutrients. The

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<sup>21</sup> Dr. Carmel Shalev, Rights to Sexual and Reproductive Health, ICPD and the Convention on the Elimination of All Forms of Discrimination Against Women, presented at the International Conference on Reproductive Health, Mumbai (India), 15-19 March 1998

<sup>22</sup> AIR1984 SC 469

<sup>23</sup> Deepika Swami, Anjula Gurtoo and Bitra Afsharia, Impact on Nutrition Through Mid Day Meals: Building A Comprehensive Assessment Model, Akshaya Patra Reseach Lab@ Indian Institute of Science



common nutritional problems of public health importance in India are low birth weight, protein energy malnutrition in children, chronic energy deficiency in adults, micronutrient malnutrition and diet-related non-communicable diseases. Protein Energy Malnutrition (PEM), micronutrient deficiencies such as vitamin A deficiency (VAD) , Iron Deficiency Anemia (IDA), Iodine Deficiency Disorders(IDD) and vitamin B-complex deficiencies are the nutrition problems frequently encountered, particularly among the rural poor and urban slum communities. Various Schemes and Programmes have been launched by the Indian Government to eradicate this problem like Aganwadi, Rashtriya Poshan Maah, Integrated Child Development Schemes, National Health Mission, Mid Day Meal, Indira Gandhi Matritva Yojana, National Nutrition Policy, 1993, Poshan Abhiyan and National Rural Drinking water Programme<sup>24</sup>. This Programme is one of the world largest and unique programmes for early childhood care and development. Its main focus was to improve the nutrition and health status of children in the early age up to 6 because it lays down the foundation for proper psychological, physical and social development of the child<sup>25</sup>.

Right to health is one of the fundamental human rights and which is applicable to all, children in our society is the most neglected segments. Moreover, children are mostly dependent on parents because prior to 19th century health, welfare, education and economy was not the responsibility of state. In the absence of parental care, state is responsible for meeting the needs by making policies for their development. Indian Judiciary also addressed several issues that include work in hazardous situations, bonded labor and employment of children below the age of 14 years. Failure on the part of government for the implementation and execution of this programmes fully and due to this we are not able to reach the target for eradicating the hunger and malnutrition in India. These schemes and policies are not able to produce their full potential due to corruption and lack of transparency and accountability. There is a urgent need of a uniform policies and programs and also to educate the people about various policies so that children should get the maximum benefit.

## VI. CONCLUSION

Right to adequate and nutrition food is one of the most basic human right mention under various international treaties such as Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women. Right to food realized when every man, women and child,

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<sup>24</sup> Ministry of Women and Child Development, Policies, <https://wcd.nic.in/policie>

<sup>25</sup> Ministry of Women and Child Development Government of India, *Integrated Child Development Services (ICDS) Scheme* <<https://icds-wcd.nic.in/icds.aspx>>

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 is one of the vital human right that, if denied, renders human life stunted, painful and null. India's progress towards achieving right to food to all, adequate measures taken by the government public schemes for food and nutrition. Constitution of India both explicitly and implicitly provides for a right to food under Article 21, 39 and 47. Supreme Court also plays a vital role in expanding the scope of Article 21 through various judgments. But still, we are not able to tackle this issue effectively, which clearly reflect in the India ranking in the Global Hunger Index 94 out of 107 countries<sup>26</sup>. which is calculated on the basis of four indicators, undernourishment, child wasting, the share of children under the age of five who are wasted, child stunting and children under the age of five who have low height for their age, reflecting chronic malnutrition and child mortality and mortality under the age of five. It highlighted that we require proper implementation of the various schemes to secure food security because it is the responsibility of the State to take care of the health and well-being of the Children in the early age of life which not only enriches the individual potential but also contributes to the overall development of the country. Enactment of the National Food Security Act, 2013, where we make Right to Food as a right based approach and through this, we are making the efforts for improving the food security by uplifting the families from poverty and increase their dietary diversity. We are in the long run to curb the issue of malnutrition and protecting the right of children from hunger and provide the life with dignity and facilities to develop in a healthy manner. The Covid -19 highlighted the important issue related to food security and living condition in our country. Effective steps is required from the government to maintain the distribution chain of food and provide the healthy food to the children otherwise this pandemic will have lifelong consequences on their health. It requires the effective and targeted measures to guarantees the mainly for vulnerable children and household's to guaranteed the basic rights for the optimum nutrition, health and development.

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<sup>26</sup> Global Hunger Index, *One Decade to Zero Hunger linking Health and Sustainable Food Systems, 2020*