



Navigating Challenges and Complying with International Obligations: The Path to Food Security in India

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1. INTRODUCTION :

In India's ongoing fight against hunger, malnutrition, and food insecurity, the National Food Security Act (NFSA) represents a significant turning point and an important milestone. The National Food Security Act (NFSA), which was passed into law in 2013, symbolizes the commitment of the government to fulfil the fundamental human right to food for its population. Since India is a signatory to a number of international agreements and conventions that highlight the significance of human rights, social welfare, and sustainable development, it is imperative that a critical examination of India's compliance with its international obligations be conducted within the context of the NFSA.¹ This examination must focus on whether or not India is meeting its commitments under these international agreements and conventions.

This article digs into the complex web of connections that exists between India's efforts to ensure its national food security by way of the NFSA and its commitment to fulfil its international duties. It examines the ways in which the numerous provisions of the Act are aligned with worldwide agreements promoting the right to food, and it investigates the difficulties that have been encountered as well as the progress that has been made in fulfilling these duties. Insight into the complexity of converting international commitments into effective domestic policies that assure food security and preserve the dignity of all citizens can be gained by analysing the dynamic interplay between these two factors, which is described here.

The article will continue to examine the underlying factors that comprise the link between India's compliance with international responsibilities and the NFSA in the following parts. It will go into the Act's most important provisions and compare and contrast those provisions with relevant international accords and conventions. In addition, this article will analyse the difficulties that were faced during the process of putting the NFSA into effect and highlight the steps that were taken to overcome these obstacles in a manner that is consistent with global norms. In addition, the article will go into the world of monitoring and accountability systems, investigating the ways in which domestic institutions, members of civil society, and international organizations work together to make certain that India stays true to the commitments it has made. It will highlight specific examples of innovative tactics and best practices that have emerged as guiding lights for successful implementation. This article will shed light on the significance that global partnerships play in reaffirming the nation's commitment to eradicating hunger and malnutrition by diving into the collaborative efforts that have been extended to India and the international support that has been extended to India. This article will shed light on the significance that global partnerships play in reaffirming the nation's commitment to eradicating hunger and malnutrition by diving into the collaborative efforts that have been extended to India and the international support that has been extended to India. In the end, as India makes progress along its path of economic growth and social development, adherence to international obligations through the NFSA becomes not just a legal responsibility but also a moral imperative. This is because adherence to international obligations becomes increasingly important as India moves further along its path. In its conclusion, the article imagines the potential future courses that can improve India's compliance, advocating for policy improvements, increased appropriations, and continuous attempts to reconcile domestic actions with global ambitions. We unravel a narrative that embodies both challenges and triumphs in the pursuit of a world where the right to food is unalienable and the promise of sustenance is realized for every citizen by dissecting the intricate tapestry of India's compliance with international obligations within the ambit of the NFSA. This

¹ NFSA, <https://nfsa.gov.in/portal/nfsa-act> (last visited Aug 26, 2023).



is accomplished by examining the intricate tapestry of India's compliance with international obligations within the ambit of the NFSA.

1.1. Right to Food as a Human Right

The term "food, clothing, and shelter" is frequently used to refer to the most essential requirements of humans. In essence, it relates to the three necessities for human survival and growth: food, weather protection, and clothing to cover one's body. Perhaps the most vital of these three things is eating. It gives our bodies the nourishment and energy they require to work properly and perform all of the survival-related tasks, like breathing, thinking, and moving. Without enough nourishment, we risk malnutrition, weakness, and increased susceptibility to disease.²

Food is important for our bodies, but it's also important for our social and cultural lives. People often relate and connect with one another through meals, and culinary customs and traditions vary greatly among countries and communities. Food is frequently linked to happiness, comfort, and emotional health. In summary, food is an essential part of human existence, serving as both a source of nutrition and a symbol of culture. For the sake of promoting health, well-being, and functioning communities, it is crucial to recognize the significance of food and to make sure that everyone has access to it.

One of the fundamental human rights, the right to food, has been recognized in precise terms under Article 21, the right to life and liberty. The fundamental right to a life with dignity is guaranteed under the Indian Constitution. As a result, the right to life guaranteed by the Constitution includes the right to a life that is worthy of dignity for humans as well as other animals. Food is one of life's fundamental needs because it is necessary for survival. As a result, a fundamental aspect of the right to life is the right to nourishment.

"The right to enough food is realized when 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 purchase."

Economic, Social, and Cultural Rights Committee

Numerous court rulings have acknowledged the right to eat as a fundamental freedom arising from the constitutionally protected right to life.³ The State is required by the right to life to make sure that the right to food is upheld. It is the duty of the nation state to ensure that all of its residents have access to sufficient and nourishing food, especially the weaker and more marginalized members of society like women, children, and the elderly.⁴

As a result, the State must take action to maintain food security for everybody, which includes developing regulations that ensure food is always available, enhancing access to food, and guaranteeing food's quality and safety. The State can guarantee that all of its inhabitants have the ability to live a life of dignity and respect by upholding its constitutional duty to preserve the right to food.

International law governs recognition, which is not limited to territorial boundaries. The Universal Declaration of Human Rights established the right to food as a legal right in 1948. In contrast, the term "food security," which first appeared in the 1970s, refers to government initiatives intended to guarantee the accessibility, sufficiency, and availability of food. The right to food is acknowledged in the constitutions of numerous nations. The right to eat encompasses more than just nutrition.

1.2. International Obligations and Agreements:

The UDHR, 1948, emerged after World War II and aimed to address human dignity and discrimination. It recognized the right to food as a necessity in life, with Article 25, Paragraph 1 of the UDHR, 1948, being considered customary

² About the right to food and human rights, OHCHR, <https://www.ohchr.org/en/special-procedures/sr-food/about-right-food-and-human-rights> (last visited Jul 3, 2023).

³ Right to Food - a Fundamental Right | National Human Rights Commission India, <https://nhrc.nic.in/press-release/right-food-fundamental-right> (last visited Jun 5, 2023).

⁴ *Id.*



international law. Article 25(2) ensures special care and assistance for motherhood and childhood, and all children, regardless of marriage, receive equal social protection.⁵

In 1999, the CESCR issued General Comment No 12 on the right to adequate food, which emphasized the importance of availability, accessibility, cultural acceptability, adequateness, and sustainability. The right to food includes factors such as availability, accessibility, cultural acceptability, adequateness, and sustainability.⁶ Economic accessibility refers to the financial costs associated with food acquisition, while physical accessibility ensures food is accessible to everyone, including those with disabilities, terminal illnesses, and disadvantaged groups. Cultural acceptability considers non-nutrient-based values and consumer concerns. Adequateness ensures food is appropriate in the social, economic, cultural, and environmental context. Sustainability ensures that practices impacting food, land, or natural resources do not jeopardize long-term availability and accessibility.⁷

United Nations Convention on the Right of the Child (UNHCR) under Article 24 of the Convention urges states to combat disease and malnutrition through primary health care, technology, nutritious foods, and clean drinking water. It also protects children deprived of their family environment and provides special protection. Article 27 mandates states to provide material assistance and support programs, especially in nutrition. The 2004 committee on child rights recommended India to strengthen policies and programs to improve children's health and promote healthy nutrition habits, including breastfeeding.

The committee emphasizes the importance of non-discrimination in Article 2(2), which emphasizes legislative measures and other measures. Legislative measures ensure public scrutiny and guarantee the non-discriminatory enjoyment of Economic, Social, and Cultural rights. The National Food Security Act, 2003 in India enacts legislative coverage, preventing discrimination on grounds not specifically mentioned, such as sexual orientation, old age, or disability.⁸ States have an obligation to realize human rights, including the right to food, under international law. The International Covenant on Economic, Social, and Cultural Rights (ICESCR) defines these obligations, which apply to the right to food. States must take appropriate steps to engage in the progressive realization of these rights, including maximizing the use of their available resources. The concept of maximum available resources serves as a qualifier for how States are fulfilling their obligation to realize economic, social, and cultural rights.⁹

The Maastricht Guidelines' affirmation of economic, social, and cultural rights impose three types of obligations on states: respect, protect, and fulfil. The obligation to respect existing access to adequate food requires states not to take measures that prevent access to food, ensure that public forces do not contaminate farmland, and prevent deprivation of individuals of access to adequate food. The obligation to protect requires states to ensure that enterprises or individuals do not deprive individuals of their access to adequate food.¹⁰

The Committee on World Food Security (CFS) adopted the Voluntary Guidelines for the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (Right to Food Guidelines) in 2004, providing a precedent for inclusive and participatory governance of FSN. The mandate to contribute to the progressive realization of the Right to Adequate Food was included in the vision statement of the reformed CFS and has since been reaffirmed in most substantive CFS policy decisions.¹¹

Food insecurity is a state of food insecurity, which can strike at multiple levels, including individual, household, community, and nationwide. It is an outcome of social and economic processes that lead to a lack of access to food,

⁵ OHCHR, *The Right to Adequate Food: Fact Sheet No. 34*, (2023),

<https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet34en.pdf> (last visited Aug 23, 2023).

⁶ CESCR, *General Comment No. 12: The Right to Adequate Food (Art. 11)*, <https://www.refworld.org/pdfid/4538838c11.pdf> (last visited Aug 21, 2023).

⁷ *Id.*

⁸ *Id.*

⁹ Article 11 of International Covenant on Economic, Social, Cultural and Political Rights

¹⁰ Maastricht guidelines, http://hrlibrary.umn.edu/instreet/Maastrichtguidelines_.html (last visited Aug 26, 2023).

¹¹ Alejandro Morlachetti, *The Right to Social Protection and Adequate Food: Human Rights- Based Protection in the Context of Realisation of Right to Food and the Need for Legal Underpinnings*, <https://www.fao.org/3/i5321e/i5321e.pdf> (last visited Aug 21, 2023).



such as inadequate education, living wages, healthcare, and exposure to unsafe living conditions. NGOs are increasingly working on food issues from a rights-based perspective, documenting violations to hold states accountable.¹²

States have both a moral and legal obligation to ensure these rights within their borders, and they can create and sustain poverty but also do a lot to eliminate it. By ratifying relevant human rights treaties, states have taken on direct obligations for doing so.

Another important framework developed and accepted under the International regime is the PANTHER framework for human right based approach to ensure right to adequate food. Each letter in the acronym represents a principle that should guide decision-making and implementation processes in the context of the right to food.¹³ Here's a brief explanation of each principle:

- **Participation:** According to this principle, people and communities ought to actively participate in decisions and activities that have an impact on their right to food. It promotes involvement in the processes of food security and nutrition policy-making, planning, and implementation.¹⁴
- **Accountability:** Governments and institutions must be held accountable for their decisions regarding the right to food, whether they take them or not. By adhering to this idea, they are responsible for making sure that everyone's right to food is upheld.
- **Non-discrimination:** In order to be compliant with non-discrimination laws, food access, food security, and nutrition cannot be determined by factors such as race, gender, religion, ethnicity, or socioeconomic status. It encourages open access for all.
- **Transparency:** Transparency suggests that the public should have easy access to information on policies, services, and resources relating to food security. This makes it more likely that decisions will be made in an open and inclusive manner.¹⁵
- **Empowerment:** Giving people and communities the means to assert their rights about nutrition and food is part of empowerment. In order for them to participate effectively, it also requires giving them the information and tools they need.
- **Human Dignity:** Although the sixth principle listed in the acronym "PANTHER" is often "Human dignity," you mentioned "the rule of law." Human dignity serves as a reminder that the right to food encompasses more than just satisfying basic dietary requirements; it also involves safeguarding human dignity and well-being.¹⁶
- **The Rule of Law:** While "Human dignity" is typically included as the sixth pillar in the acronym "PANTHER," you mentioned "the rule of law." Human dignity emphasizes that the right to food is about more than just satisfying basic nutritional demands; it's also about protecting human dignity and well-being.¹⁷

1.3. India's response to the obligation

India has been known to be one of the first signatory to any human rights convention. The question of its implementation and effectiveness is secondary. India has been very proactive in acknowledging its responsibilities, including those regarding the right to food. The Directive Principle of State Policy (DPSP) in the Constitution of India makes a reference to the concept of food security. This principle eventually found a place for itself under Fundamental Rights as a result of judicial intervention. The immediate justification for include the right to food in DPSP Article 47 is because the state was required to take constructive action in order to make its realization a reality. Both the state's required economic investment and the procedures to achieve them were anticipated to be carried out in stages. This is also the reason why Article 11 of the International Covenant on Economic, Social, and Cultural Rights recognized the right to food.

¹² Evaluation of the National Food Security Act, 2013 in Bihar: Reflections from the Field Study, (2022), <https://www.epw.in/engage/article/evaluation-national-food-security-act-2013-bihar> (last visited Aug 26, 2023).

¹³ FAO, *The Right to Food and Global Strategic Framework: The Global Strategic Framework for National Food Security and Nutrition (GSF) and The UN Comprehensive Framework for Action (CFA)*, <https://www.fao.org/3/ap556e/ap556e.pdf> (last visited Aug 22, 2023).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Alejandro Morlachetti, *supra* note 11.

¹⁷ FAO, *supra* note 13.



However, judicial intervention in the form of *Peoples Union for Civil Liberties v. Union of India*¹⁸ recognized the "Right to Food" as a fundamental right and then proceeded to provide guidelines that were to be followed in order to ensure food security. This was a significant step toward achieving food security. To condense a long and complicated story into a concise summary, the government decided to follow the advice made by the Supreme Court in the PUCL case and include it into the National Food Security Act. 2009 was the year that saw the conception of the intention to draft the Act.

1.4. Evaluation of NFSA

The National Food Security Act (NFSA) is a unique legislation in India that focuses on food and nutrition security in the human life approach. It comes into force on July 5, 2013, and is characterized by a bottom-up process, rights-based approach, pro-deserving people, inclusive criteria enhancement, and accountability, transparency, and enforceability principles. The Act's key terms include the involvement of the Anganwadi program, which is a childcare and development centre set up under the ICDS scheme of the central government. The Act also addresses the care of children, pregnant women, and lactating women, aiming to eliminate malnutrition for children from a tender age.¹⁹

However, the Act's implementation has faced tension between those below and above the poverty line. The new formulation focuses on creating categories of priority households and nonpriority households, with 'Eligible households' being households covered under priority households and the Antyodaya Anna Yojana. Section 7 of the Act seeks to absolve the State's obligation to respect and protect by incorporating a Food security allowance.²⁰

Food rights activists exposed an attempt to define meals to allow industrially produced fortified food items to penetrate the distribution system, but this attempt was protected by food rights activists. The definition of Persons with Disability and Senior Citizens demonstrates the State's obligation to proactively fulfil those excluded from accessing the Right to Food, concretizing the panther principle of equality.

The Panther principle of non-discrimination in India has led to the institutionalization of social audit, a process that involves people collectively monitoring and evaluating the planning and implementation of a program or scheme. The Act has two competent authorities: the audit mechanism and the Vigilance Committee. The purpose of a social audit is to monitor and evaluate the planning and implementation of the scheme, enabling local people to participate collectively. However, the vigilance committee's scope and power are limited to the functioning of target-oriented fair price shops, which may lead to difficulties in effective implementation.

The Act also provides for the identification of eligible households, as determined under Section 10(1), to receive 5 kg of food grains per person per month at subsidised prices. The Antyodaya Anna Yojana covers households covered under the Targeted Public Distribution System, with the entitlements extended to 75% of the rural population and 50% of the urban population. The State Government has not carried out new exercises for identifying AAY households but has carried forward existing AAY households under the National Food Security Act (NFSA).²¹

Section 4 of the National Food Security Act provides for the entitlement of nutritional standards for women during pregnancy and six months after childbirth through local Anganwadi. This provision does not apply to pregnant women and lactating mothers in regular employment in Central, State, or public sector undertakings. Section 5(1) provides for the provision of appropriate meals up to the age of 14 years through local anganwadis for meeting nutritional standards. Local Anganwadis are entrusted with identifying and providing free meals to children suffering from malnutrition standards.²²

¹⁸ Peoples Union For Civil Liberties vs Union Of India And Ors on 9 July, 2007, <https://indiankanoon.org/doc/411836/> (last visited Aug 26, 2023).

¹⁹ Lauren Birchfield & Jessica Corsi, *Between Starvation and Globalization: Realizing the Right to Food in India*, 31.

²⁰ ANTYODAYA ANNA YOJANA (AAY), <https://dfpd.gov.in/pds-aay.htm> (last visited Aug 26, 2023).

²¹ Government ropes in 12 institutions to evaluate impact of National Food Security Act, THE ECONOMIC TIMES, Mar. 19, 2021, <https://economictimes.indiatimes.com/news/economy/policy/government-ropes-in-12-institutions-to-evaluate-impact-of-national-food-security-act/articleshow/81588133.cms?from=mdr> (last visited Aug 26, 2023).

²² NFSA, *supra* note 1.



The Act addresses complex issues through statutory provisions, such as doorstep delivery of food grains to Targeted Public Distribution System outlets, application of information and communication tools, leveraging "Aadhar" for unique identification with biometric information, full transparency of records, preference for public institutions, diversification of commodities, support to local public distribution models, and introducing schemes like cash transfers, food coupons, or other schemes. However, despite nine years of implementation, these reforms have not been effectively implemented.²³

Chapter VI of the Act empowers a woman adult in the family as the head of the household to issue ration cards and entitlement to benefits. This would prevent misuse of the ration cards in certain situations, such as rural households. The State Government has responded by issuing new online ration cards to these families, highlighting the panther principle of empowerment.²⁴

Rule of Law demands that the government legitimately exercise its authority in strict accordance with laws in force and respect established implementation procedures. The National Food Security Act provides for internal grievance redressal mechanisms and district grievance redressal officers, which must be viewed from the perspective of the costs and time consumed in approaching the district and from there to State headquarters.²⁵

The National Food Security Act (NFSA) imposes detailed obligations on the Central and State Governments to ensure food security benefit protection for beneficiary households. Chapters VIII and IX of the Act provide for transparency and accountability through the disclosure of records related to Public Distribution System (PDS), social audits, and vigilance committees. The Panther principle requires the State to open information about decisions that might affect the realization of rights.²⁶

Chapter IV of the Act deals with the identification of eligible households and the establishment of vigilance committees. Chapter V – Reforms I TPDS requires the Central and State to undertake reforms in the Targeted Public Distribution System, including full transparency of records. The Act also addresses advancing food security, promoting protective discrimination, and revitalizing agriculture, PDS, and human development.²⁷

The Act shifts the State's obligation from immediate obligation to progressive realization, deprioritizing supplementary nutritional needs of adolescent girls. The third schedule deprioritizes adolescent girls' nutritional needs, which requires empirical verification. The legal regime obtained in India regarding the right to food is of high quality, especially when considering the previous chapter dealing with judicial intervention.²⁸

In this chapter, process indicators are examined to assess the accountability of the State to its obligations. Process indicators relate to State policy instruments and mapping of key service centres associated with the implementation of various entitlements enshrined in the NFSA, 2013. The Supreme Court of India has interpreted various provisions of the Constitution to protect the right to food, ensuring democracy in real form. However, the dualistic nature of the State pushing entitlements from immediate obligation to progressive realization has postponed immediate access to the right to food, violating the obligation to protect.²⁹

The Central and State Governments have the power to frame rules under Sections 39 and 40 of the National Food Security Act (NFSA). These rules cover various aspects such as identifying priority households, grievance redressal

²³ *Id.*

²⁴ *Id.*

²⁵ Hunger and Malnutrition in India after a Decade of the National Food Security Act, 2013, NATIONAL LAW SCHOOL OF INDIA UNIVERSITY, <https://www.nls.ac.in/blog/hunger-and-malnutrition-in-india-after-a-decade-of-the-national-food-security-act-2013/> (last visited Aug 26, 2023).

²⁶ NFSA, *supra* note 1.

²⁷ National Food Security Act 2013: Moving from exclusion to inclusion, OXFAM POLICY & PRACTICE, <https://policy-practice.oxfam.org/resources/national-food-security-act-2013-moving-from-exclusion-to-inclusion-608479/> (last visited Aug 26, 2023).

²⁸ Birchfield and Corsi, *supra* note 19.

²⁹ Ajinkya Tanksale & J.K. Jha, *Implementing National Food Security Act in India: Issues and Challenges*, 117 BRITISH FOOD JOURNAL 1315 (2015).



mechanisms, State Food Commission, conducting social audits, and composition of vigilance Committees. Delegated legislation often expands the horizon of rights contained in the parent statute. The Central Government has notified several rules under Section 40, including the Provisioning of Funds to State Governments for Short Supply of Food Grain Rules, 2014, the Cash Transfer of Food Subsidy Rules, 2015, the Food Security Allowance Rules, 2017 Supplementary Nutrition (under Integrated Child Development Services Schemes), Mid-Day Meal Rules, 2015, the Food Security (Assistance to State Government) Rules, 2015, and the Pradhan Manthri Matru Vandana Yojana Rules, 2017.³⁰

These rules have direct relevance to the availability of food, as they ensure that the entitled quantity of food grains is allocated from the central pool to the State Governments under the Targeted Public Distribution System and the regular supply of the allocated food grains reach the depots designated by the Central Government in each State. If the Central Government is unable to supply the required quantity of food grains to any State Government, it shall provide funds to the extent of short supply at the rate of difference between 1.25 times the minimum support price of the relevant food grains for that marketing season and the prices specified in Schedule I to the Act.³¹

The Food Security (Assistance to State Government) Rules 2015 provide for the claiming of funds by the State government in case of purchase from the market, but the procedures involved remain complex and the final decision rests with the Central Government only. The rule also addresses last-mile connectivity about food delivery, requiring the State Government to take delivery of food grains from designated depots, ensure delivery through authorized agencies, and ensure supply to entitled persons and households at prices specified in Schedule I of the Act.

In conclusion, the Indian State has a special interest in facilitating last-mile connectivity, highlighting the need for further evaluation of the duality of the State in NFSA. Yet we can note that there are existing inconsistencies with the rules that has been enacted following the Act, which is evaluated here under.

The Food Security Allowance Rules 2015 and the Cash Transfer of Food Subsidy Rules, 2015, are inconsistent with the right to food, which is based on the adequacy of food, its cultural acceptance, and the availability of safe and culturally acceptable food. The complexities of interpreting statutory provisions, rules, and implementation become evident when considering cultural specificities. The Central Government can prescribe whether hot meals should be provided at Anganwadi centres or converted into take-home rations.³²

Maternity benefits also include cash benefits, with political parties with different approaches to women's rights. The Indira Gandhi Mathru Poorna Yojana initially provided a Rs 6000 cash benefit for two children, but later modified the scheme to limit eligibility to one child and restrict access through biometrics and mandatory savings account opening.³³

International norms, such as General Comment 3 and General Comment 12, are crucial in evaluating these issues. The Indian Judiciary has expressed support for the progressive realization of rights, but the principle of non-retrogression of human rights is introduced in the Kaushal case. The Mid-day meal issue has gained wide acceptance, leading to healthy competition between the Centre and State in its implementation. The Right to Free and Compulsory Education Act also stipulates mid-day meals as an entitlement, with the SMC having special jurisdiction to ensure quality.³⁴

The most important concern concerning the actualization of the right to food is implementation. Different instrumentalities are worth examining to evaluate processes relating to implementation. The bulk of implementation-related issues are related to the implementation of the Food Security Allowance Rules and the implementation of the Right to Food Act.

³⁰ National Food Security Act 2013, *supra* note 27.

³¹ *Id.*

³² NFSA, https://nfsa.gov.in/portal/Salient_Features_NFSA_AA (last visited Aug 26, 2023).

³³ Indira Gandhi Maternity Support Scheme (I.G.M.S.Y) | District Chhindwara, Government of Madhya Pradesh | India, <https://chhindwara.nic.in/en/scheme/indira-gandhi-maternity-support-scheme-i-g-m-s-y/> (last visited Aug 26, 2023).

³⁴ NFSA, *supra* note 32.



1.5. Comparative analysis of International and National Laws:

India is home to humongous population who are striving with malnutrition and hunger. One of the noteworthy step has been the adoption of the Act a decade ago. It is with appraising that India has taken initiatives irrespective of the obstacles to cater to the needs. Some of the greatest challenge India is facing in order to comply with the International obligation can be highlighted as below:

- **Identification of beneficiary:** Finding qualifying recipients has been one of the biggest problems. States and Union Territories are required by the NFSA to identify and provide ration cards to eligible households. However, mistakes, inconsistencies, and occasionally the removal of qualified individuals have tarnished this process, raising concerns about equity and non-discrimination. The inconsistency among practices between the Centre and the State has created interruption in the effective implementation.
- **Resource Constrains:** The budget allocation to make food available to such large population has been a challenge. Though the realisation is expected to progressive, the decade journey has seen that states are facing challenge to make it available.³⁵
- **Logistical Challenges:** The geographical location and demographic diversity has proven to contribute to the logistical challenges. This has been coupled with the technological challenge, due to the lack of digital support that could ease the logistical challenges.
- **Inflation and price fluctuation:** The commodity price and availability of the resources has put burden in implementation of the Act again. This is coupled with the social and cultural practices, where tradition has intervened.

In this regard, the researcher is looking at some of the international compliances and non-compliances. It is worth noting that the evaluation will alter between states and their regulation, an overall view has been shared by the researcher for the purpose of understanding.

1.5.1. The foremost comparison is the application of the PANTHER Principle in India.

PANTHER Principle	Compliance in India	Non-Compliance in India
Participation	Efforts to involve communities in food security programs, but effectiveness varies by region.	Uneven participation and representation in decision-making processes.
Accountability	Mechanisms for accountability exist, and citizens can seek redressal for issues related to food security.	Challenges in ensuring full accountability at all levels of governance.
Non-Discrimination	India's Constitution prohibits discrimination, and the NFSA aims to provide food security without discrimination.	Challenges with exclusion, errors in beneficiary identification, and discrimination in practice.
Transparency	Information about food security programs is generally available, though transparency may vary by region.	Variations in transparency at the state and local levels.
Empowerment	The NFSA includes provisions for maternity benefits and children's entitlements, empowering vulnerable groups.	Challenges in ensuring effective empowerment, particularly among marginalized communities.
Human Dignity (not in original PANTHER acronym)	Efforts to preserve human dignity through access to basic food needs.	Challenges in ensuring access for all, particularly in remote and marginalized areas.
The Rule of Law	The NFSA provides a legal framework for food security, and various regulations govern its implementation.	Challenges in ensuring uniform application of the rule of law across regions and states.

³⁵ Evaluation of the National Food Security Act, 2013 in Bihar, *supra* note 12.



1.5.2. International Obligation

International Obligation	Specific International Obligation	Areas of Non-Compliance in India
Right to Adequate Food (ICESCR)	Ensure access to sufficient, safe, and nutritious food for all.	- Concerns regarding the nutritional quality and adequacy of food provided under NFSA. - Varied nutritional outcomes among beneficiaries.
Non-Discrimination (UDHR and ICESCR)	Ensure that food programs do not discriminate based on any status.	- Potential exclusion or discrimination against certain groups or individuals. - Errors in beneficiary identification.
Resource Allocation (ICESCR)	Utilize maximum available resources to progressively realize the right to food.	- Challenges in resource allocation, impacting the program's reach and quality. - Resource constraints affecting sustainability.
Sustainable Development (Various)	Ensure long-term sustainability of food security programs.	- Questions about the long-term sustainability of the NFSA, considering India's population size. - Environmental sustainability concerns.
Right to Health (UDHR and ICESCR)	Ensure access to food necessary for maintaining health.	- Accessibility of safe and nutritious food for vulnerable populations, including those with health issues. - Nutritional support for pregnant women and lactating mothers.
Non-Discrimination (UDHR and ICESCR)	Ensure equitable access to food without discrimination.	- Ensuring equitable access to food for marginalized and vulnerable groups. - Addressing cultural and social factors affecting food distribution.

2. Recommendation:

It is worth appreciating that India has taken steps to attain food security, but as there are still lacunae, the researcher recommends the following for the effective compliance and implementation of Food security to the people of India:

Public Private Partnership in implementing food security:³⁶

The FAO and CIL advocate engaging private entities to improve NFSA implementation. Technical expertise and resources from private enterprises can improve food delivery efficiency. Using private sector resources efficiently is a major benefit. Private companies' supply chain management and logistical expertise help increase food grain distribution. Food reaches beneficiaries faster and more reliably, reducing delays and shortages.

In addition, private enterprises often innovate and enhance technology. Modern tracking and monitoring technologies help reduce food delivery losses and leaks. This improves resource usage and food quality and safety. Private sector involvement is flexible and scalable. In emergencies, private organizations can quickly scale up their food distribution operations to ensure food security for more people.

Additionally, private companies have strict quality control. With their help, the NFSA can ensure that beneficiaries receive food grains that satisfy safety and quality standards, improving their nutritional value and safety. PPPs can also be formed to bring the public and private sectors together to achieve food security goals. This method optimises resource allocation, promotes innovation and knowledge transfer, and benefits food distribution government staff.

³⁶ Stuart J. Smyth, Steven R. Webb & Peter W. B. Phillips, *The Role of Public-Private Partnerships in Improving Global Food Security*, 31 GLOBAL FOOD SECURITY 100588 (2021), <https://www.sciencedirect.com/science/article/pii/S2211912421000961> (last visited Aug 26, 2023).



Private sector involvement has many benefits, but clear regulations, supervision procedures, and accountability structures are needed to protect the NFSA's goals. Successful partnerships require rigorous planning and monitoring to ensure equal food distribution and cost.

In conclusion, private businesses can improve the efficiency, reliability, and quality of NFSA food delivery, helping the agency meet its aims and improve food security.

Involving Corporate Social Responsibility :

Integrating Corporate Social Responsibility (CSR) initiatives into the broader efforts to enhance transparency and accountability in food security programs is a strategic approach. Companies can play a pivotal role in funding campaigns aimed at raising awareness about food security, nutrition, and the rights of beneficiaries under the National Food Security Act (NFSA). By channelling CSR resources towards these awareness campaigns and educational programs, businesses can complement the government's efforts to disseminate critical information.³⁷

The involvement of CSR activities is particularly valuable when addressing food supply chains and distribution outlets. Companies possess the resources and reach to engage communities effectively. They can support community engagement initiatives, aiding in building stronger connections between beneficiaries and the food security programs. Moreover, CSR initiatives can significantly contribute to nutritional education efforts, helping communities make informed choices about their dietary habits.³⁸

Engaging Tax benefits for those supporting the Schemes:

Promoting additional support from the private sector and individuals for food security programs through tax benefits is a strategic approach that can have multiple positive effects. By offering tax incentives to organizations and individuals who contribute to these programs, the government can create a system where financial assistance and resources are channelled more effectively toward the implementation of food security initiatives.³⁹

Firstly, tax benefits act as an encouragement for both private organizations and individuals to contribute to food security programs. When entities or individuals receive tax incentives for their contributions, it serves as an incentive to donate or invest in initiatives that promote food security. This, in turn, can lead to increased financial support, which is often crucial for the successful execution of these programs.⁴⁰

Secondly, tax incentives can play a pivotal role in overcoming resource limitations that might otherwise hinder the scale and impact of food security efforts. In many cases, food security programs require substantial financial resources to reach a significant portion of the population, especially in a country as populous as India. Tax benefits can attract additional resources that might not have been available otherwise.⁴¹

In essence, tax incentives serve as a driving force for mobilizing resources from both the private sector and individuals towards food security programs. They create a win-win situation where contributors receive financial benefits through reduced tax liabilities, and, at the same time, the government and the broader population benefit from increased support for these critical initiatives. By effectively utilizing such incentives, governments can tap into additional funding sources and expertise, ultimately bolstering the effectiveness and reach of food security programs, which is particularly crucial in addressing issues of hunger and malnutrition.

Engaging human resources through educational institutions :

³⁷ GatewayHouse, *CSR, Food Security & Economic Democracy*, GATEWAY HOUSE (Aug. 30, 2013), <https://www.gatewayhouse.in/economic-democracy-food-security-and-csr/> (last visited Aug 26, 2023).

³⁸ *Id.*

³⁹ Pawan Gopalakrishnan & Anuradha Saha, *Tax Policy, and Food Security*, https://mpr.aub.uni-muenchen.de/62089/1/MPRA_paper_62089.pdf (last visited Aug 23, 2023).

⁴⁰ *Id.*

⁴¹ *Id.*



Partnering with educational institutions is a powerful strategy to promote proper diet and hygiene practices, particularly among children and their families. These institutions, such as schools and colleges, have a significant reach and influence over young minds. By integrating nutrition education and hygiene promotion into the curriculum, students can develop a solid understanding of the importance of balanced diets and good hygiene practices.

Furthermore, educational institutions serve as ideal platforms for creating awareness about food security, nutrition, and the rights of beneficiaries under the National Food Security Act (NFSA). Through campaigns and initiatives organized by schools, students become advocates for food security within their communities.

Engaging educational institutions not only equips students with knowledge and skills for healthier living but also encourages community participation. Students can actively contribute to food-related projects and community service, fostering a sense of responsibility and citizenship.

This collaboration aligns with the criteria set by accreditation and affiliation agencies, making it a viable approach that benefits both students and society at large. By integrating food security and nutrition into the educational framework, governments can cultivate a generation of informed individuals who prioritize proper nutrition, hygiene, and community well-being, ultimately contributing to a more food-secure future.

This can be integrated with the “Adoption of village scheme” .

3. CONCLUSION:

India's pursuit of food security is a journey marked by trial and error, as it grapples with several formidable challenges. Among these, the most prominent include a massive population, limited resources, logistical complexities, workforce requirements, corruption within the food distribution system, digital disparities in accessing technology for beneficiary identification, and the critical concern of food safety.

Non-compliance with international obligations regarding food security is also a matter of concern. These obligations encompass ensuring access to sufficient, safe, and nutritious food for all, without discrimination. Given India's unique challenges, meeting these obligations is a complex task.

To tackle these issues and align with international obligations, it is imperative to engage the private sector. Private organizations and individuals can provide valuable resources, expertise, and innovation. Their involvement can help optimize resource management, improve logistics, and ensure the safety and quality of distributed food. Collaborating with the private sector also promotes transparency and efficiency in food distribution.

Furthermore, partnerships with educational institutions and corporations play a pivotal role. Educational institutions can instil good nutritional habits in students and raise awareness about food security and nutrition. Corporations can contribute resources and expertise to address resource constraints.

By drawing upon the collective strengths of government, the private sector, education, and civil society, India can work towards its goal of making the nation hunger-free. In doing so, it can also enhance its compliance with international obligations, striving to provide sufficient, safe, and nutritious food to all its citizens, regardless of their circumstances.

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