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## Food Security – Health And Education Special Reference With Constitutional Law Provisions.

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### ABSTRACT

The main objective of this study is to enlighten the food security interlinks between health and education in Constitutional Law scenario. The Constitutional Law regulates the food security and good health and good education in Part III and Part IV of the Constitutional Law of India. Our country is land of 140 crores of population. This is endanger to our country when compare with the Atom Bomb. The historical perspective of Indian Demography has been prevailed in 1901 was 23 crores, after Independence particularly in 1947 was 37 crores and in 2011 was 120 crores population increased. It has been increased year by year. The retrospective of colonial India suffered with famines. The huge famines were occurred in consecutive years in 1783, 1866, 1873, 1892, 1837 and the worst hit in 1943-1946 in West Bengal. During Bengal famine approximately 20 lakhs people died due to starvation. Drought hit in the country wide during these years. Even Britishers also took the preventive measures to face the famine droughts. Apart from this, the Britishers conducted the **Indian Science Congress Association** particularly 33<sup>rd</sup> ISCA in Bangalore headed by Prof. Afzal Hussain. The retrospective of these famines, Dr. M.S.Swaminathan contributed Green Revolution in India known as Grain Revolution. It was began in 1960's to prevent the drought and prevent starvation. Since then India has been fulfilled the sufficient food grains. Food Corporation of India established in 1965. The Union Government has been distributed free Rice and Wheat for 80 crores people. But surplus for 3 years stocks advanced. The Union Government and State Governments did not afraid of food security. India has sufficient food security Rice and wheat upto 3 years. The Union Government has announced on 05-11-2023 that the free ration will be continued upto 2028.

**Key words:** Food Security, Constitutional Law Mandate, Agriculture Revolution for Food Security, Public Distribution System, Population explosion, Food Security Act-2013.

## **INTRODUCTION:**

Population grows at a geometric rate but the production of food only grows arithmetically. Malthus gloomily predicted that growth of poverty and social conflict was inevitable. But the Industrial revolution that soon followed in Europe falsified his prediction for quite some time. This new phenomenon produced a remarkable increase in productivity, particularly generated by unlocking of energy contained in fossil fuels like coal and oil. Availability of energy increased six fold between 1820 and 1950, while population only doubled.

This prosperity boom made us forget the Malthusian horror; but another 65 years have gone by and it is time to recall the Malthusian nightmare and think of mastering it again. Scholar James Martin in his excellent book, "The meaning of the 21<sup>st</sup> Century," tell us that the number of people that the Earth can support in the second half of this century will decline as the ecological footprint grows due to increasing consumption patterns. It will also decline as global warming shrinks farm production of marginal areas and increases spread of deserts. Farm production will also decrease as aquifers run dry and huge amounts of water are diverted to cities. Modellers attempt to calculate the future increases in grain prices.

Particularly third five year plan, agriculture production was adversely effected due to indo-china war (1962) and indo-Pakistan war (1965) and also the adverse effected of drought in 1966. As a result, none of the targets set for agricultural commodities have been realized except sugarcane. The food crisis had prevailed in the country wide. The food crisis that loomed large in India forced the government resort import of food grained from developed countries such as the USA initially on an adhoc basis, at a rate of 10 millions tones annually.

Bengal famine in 1943 during British colonial rule, during which about 2 millions to 3 million people perished due to starvation. particularly drought hit in the country wide.

The Indian since congress association inaugurated at Bangalore in 1946 by professor. M.Afzal Hussian. The main focal theme of 33<sup>rd</sup> ISCA was food problem of India.

## **Concept of Food Security:-**

World Development Report (1986) defined food security as "access by all people at all times to enough food for an active, healthy life." However Food and Agriculture Organizations (FAO, 1983) defined food security as "ensuring that all people at all times have both physical and economic access to basic food they need."

Staatz (1990) defined food security as “the ability to assure on a long term basis, that the food system provides the total population access to a timely, reliable and nutritionally adequate supply of food.”

The concept of food security has been discussed mostly in making available minimum quantity of food grains to the entire population. In this sense, the concept is narrow. But in a dynamic and developing economy, the concept of food security undergoes a change with the stage of development reached by the society. Form this point of view, the following stages of food security may be visualized.

1. The most basic need from the point of view of human survival is to make an adequate quantity of cereals available to all.
2. In the second stage, we may think of food security as the adequate availability of cereals and pulses.
3. In the third stage, food security should include, pulses, milk and milk products.
4. In the fourth stage, food security should include cereals, pulses, milk and milk products, vegetables and fruits, fish, eggs and meat.

### **Objectives of Food Policy**

The principal objectives of the State policy have been (i) to avoid localized and widespread famine and open under-nutrition; (ii) to maintain remunerative prices to farmers; enthuse farmers to use modern inputs and technology; (iii) to stabilize prices due to market distortions; (a) to provide price support when there is a rapid fall in food grains prices; (b) to attempt through administrative means to keep down prices when there is a strong upward pressure; (iv) to supply vulnerable classes with food grains at below market prices; (v) to procure food grains for public distribution at below market prices; (vi) to build and maintain a buffer stock of food grains to facilitate government corporation; and (VII) to use the agriculture price policy persist general inflationary forces in the economy.

These objectives should be consistent and help achieve broader economic goals; (a) a sustained overall economic growth with stability; (ii) a growing per capita consumption of food grains; (iii) a check of year-to-year fluctuations in food grains availability; and (iv) self-sufficiency in food grains so that imports can be minimized and eventually eliminated.

### **Role of five years plan:-**

At the time of Independence, our economy, especially the agricultural sector was facing innumerable problems leading to lower production and productivity. Under these circumstances, Five year plans were initiated to achieve the planned economic development. As a part of these plan, different measures were taken to achieve the desired agricultural development.

The First Plan aimed at achieving self-sufficiency in food grains. Accordingly 31 percent of the total outlay was earmarked for agricultural development. The effort made in this direction led to substantial growth of food grains. In the light of this achievement, the Second plan was biased towards industrial sector, and as a result the target food production could not be achieved. Keeping in view this, again the Third Plan accorded priority for food grains production by adopting intensive agriculture practices. However, due to Indo-China and Indo-Pak wars the planners could not concentrate much on the planning process leading to shortages of food grains. There was a plan holiday for three years. The fourth plan envisaged the application of "Science and technology" to agricultural development. However, the target could not be achieved. Therefore, the planners wanted to continue intensive agricultural practices and also assist the small and marginal farmers during the Fifth Plan. The evaluation of the Fifth Plan reveals that the plan was moderately successful.

The sixth plan mainly concentrated in extending the new technology to more farmers, crops and regions. Due to the success achieved on the front of food production it was hailed as "Second Green revolution" by the planners. The Seventh Plan focused on programmes like watershed development, Comprehensive Crop Insurance Scheme. As a result of these efforts the food grains production showed substantial increase. Once again the Eighth Plan wanted to concentrate on dis-advanced areas and efforts were made on raising the returns of the growers. As a result of these measures the food grains production touched 200 millions tones. Which was a record. The Ninth Plan mainly focused on increasing the cropping intensity by introducing new HYVs along with the popularization of other package practices. As a result of these measures, the food grains production rose to 212 million tones. The Tenth Plan wanted to adopt certain important aspects of National Agricultural Policy, 2000. The plan wanted to concentrate on different types of food grains though the adoption of on-farm management practices.

### **Food Security – role of Agriculture:-**

India is a land of Rural areas and 70% population depend upon agriculture. Indian agriculture farmers believed that the agriculture is the best culture. While compare with other cultures such as horticulture, aquaculture and prawn culture. But agriculture is the unique product of food grains. Our agriculture crops divided into food crops and commercial crops. Food crops are essential for livelihood. Food grains include cereals (Rice, Wheat, buarly oats) Millets (foxtail millets, finger millets, Jowar, Bajra, maize and pulses and grams (Red grams, Black grams, horse Grammes and Bengal grammes). There are predominant food grains for livelihood. Particularly India is the predominant productive of rice and wheat.

The major problems of Indian agriculture are uncertainly of rain fall. Soil erosion, Fragmentation of land holdings. Shifting types of cultivation, illiterate farming community, improper manuring, non-mechanized and out-dated farm implementes inadequate irrigation. Lack of capital and insufficient

credit facilities and lack of proper marketing system. In addition, erratic power supply, Fake seeds, Fake fertilizers, Fake markets. Government antheosism due to all of the above reasons our agriculture hampered with debts and hampered with food productivity. In addition, due to population explosion impact and severely effected on food security. During 1962, 1965, the five year plans were failed food grains productivity.

The Union Government introduced the new agriculture technology to fulfill the food productivity. That is called "Green Revolution. This technology adopted by the developing countries.

The main objectives of the Green revolution were ensuring food security and eliminating the threat of hunger and starvation deaths. In India, the green revolution, which was adopted in the mid-1960's, led to dramatic increases in the production of rice and wheat, particularly in the period between 1966-67 and 1977-78.

Current food grains in India likely be a record 316.06 million tones for the 2021-22 crop year (June-July) as per the 2<sup>nd</sup> advance estimate released by the Ministry of Agriculture. West Bengal is the largest rice producing state in India.

### **Role of Dr. M.S.Swaminathan**

Dr. M.S.Swaminathan was father of Agriculture and Green Revolution which was started in Punjab in 1960's. His enormous scientific knowledge inspired the Agriculture Scientists in Asian Countries. He was inspired by Norman Borlage who was Agriculture Scientist in America. The other Scientists would work on doing the same in enhance productivity for the wheat and Rice Crop. He was titled 'Father of Green Revolution' and gave the significant contributions to the country agriculture sector. His innovation was high yielding wheat and Rice varieties into India.

During the 1960's when that country faced the prospect of widespread famine. The role of the Green Revolution led to high productivity of crops through adopted measures such as 1) increased area under farming, 2) double cropping, which includes planting two crops rather than one annually, 3) adoption of HIV of Seeds, 4) Highly increased use of inorganic fertilizers and pesticides.

Dr. M.S.Swaminathan in green revolution started teaching Indian farmers how to boost their output through high yielding wheat and Rice varities, fertilizers and modern agriculture practices that put less load on farmers.

During Sarad Power Former agriculture Minister tenure, the country witnessed record levels of agriculture production. The policies he initiated played a significant role in Bharat becoming one of the largest producers of wheat and Rice and turning from a net importer to exporter.

### **Demerits in Agriculture Sector**

- 1) Due to special Economic Zones and industrialization agriculture products have been declined in India since decades.
- 2) Urbanization and corporate parks have been destructing the agriculture lands and food grains have been grossly declined.
- 3) Particularly in Navya Andhra Pradesh former Government 53 thousands acres have been collected from the agriculture farmers for purposed for capital city. This 53 thousand acres 100% alluvial soil declined in Andhra Pradesh, which is situated in Godawari Delta. These lands went to corporate sectors. The capital city areas also called as Rice Bowl of India.
- 4) Agriculture labourers and farmers have been migrating to Urban area. Due to this situation, cultivating is decreasing year by year in the country. Even agriculture farmers turned to coolies in Urban area.
- 5) In our country, due to commercial crops, such as Horticulture, Prawn culture, Acqua culture and Vermey culture, our agriculture hampered with debts and agriculture farmers committed to suicide.
- 6) Agriculture sector and its allied sector Animal Husbandry have been declined, due to cattle compost agriculture lands are damaging. The farmers are using chemical fertilizers instead of cattle compost.
- 7) Agriculture sector become a inorganic farming instead of organic farming.
- 8) Due to irrigation, our agriculture hampered. Our agriculture depend upon monsoons.
- 9) The Union and State Governments neglected the agriculture sector and it's allied sectors.
- 10) The Union Government and State Governments have failed to control the population. In India population explosion endangered to country.

### **Agriculture Revolutions**

- 1) Green Revolution – Rice, Wheat, Sorghum Millet (bajra), Maize (corn), etc.
- 2) Father of World Green Revolution – Norman Borlag, America.
- 3) Father of Green Revolution in India – Dr. M.S.Swaminathan.
- 4) Green Revolution introduced in India – 1966-1967
- 5) White Revolution – Milk Products.
- 6) Father of White Revolution – Vargis Kurian – He is Milk Man of India.
- 7) Yellow Revolution – Oil Seeds Productions.
- 8) Blue Revolution – Fishery Products.

- 9) Pink Revolution – Prawn Products and Manufacturing the allopathic.
- 10) Brown Revolution – Koko Products & Wheat products.
- 11) Red Revolution – Meat Products.
- 12) Silver Revolution – Eggs and Chicken (Farm) Products.

### **Agriculture Research Centres in India**

- 1) Indian Agriculture Research Centre – New Delhi.
- 2) Maize (Corn) Research Centre – New Delhi.
- 3) Wheat Research Centre – Karnal (Haryana)
- 4) Milk Research Centre – Karnal (Haryana)
- 5) Milk Dairy Development Council – Anand (Gujarath)
- 6) Groundnut Research Centre – Junagadh.
- 7) Pulses Research Center – Kanpur (UP)
- 8) International Paddy Research Centre – Mannela (Philippines)
- 9) National Paddy Research Centre – Katak (Orissa)

### **The new agricultural strategy was based on three basic elements:-**

1. The adoption of high-yielding varieties of seeds.
  2. The continuous expansion of areas under cultivation and
  3. Double cropping using irrigation facilities to reap the benefits of higher yields and greater production.
- These agricultural practices not only ensured food security but also resulted in higher production levels of cereals in agriculture. India achieved self-sufficiency in food grains production. By 1978-79, the food grains output was 131 million.

### **Public Distribution System (PDS):-**

The PDS functioning through a wide network of fair price shops aims primarily at protecting the interest of the vulnerable sections of population against high prices. The PDS has been in vogue since the beginning of planning with varying intensities; the off take from this system increasing during the least production years or during the period when statutory rationing had been introduced in large cities of the country. During the period when only informal rationing has been in vogue, the off take from this system has declined.

### **Buffer Stocks:-**

The effectiveness of the Government operations in the food grains market depend to a large extent on the size of stocks. The size of stocks is determined by two considerations. One is to meet the current needs, i.e., to hold quantity of stocks adequate to maintain the supply line throughout the year, the other aspect is to have some stock which would enable the Government to maintain the supply line even in a year of crop failure. The first consideration helps to even out seasonal fluctuations in supply; the second helps even out annual fluctuations. The former may be described as normal stocks, the later buffer stocks.

The primary objective of buffer stocks is price stabilization. However, it must be underlined the price stabilization does not mean price rigidity.

Another related objective of buffer stocks may be to achieve stability of farm incomes. Each eliminating peaks and troughs in commodity prices a stability of farm incomes can be assured, presume that fluctuations between different seasons and years wean themselves out.

These two objectives determine the optimum size of buffer stocks that the Government should. However, the size is also affected by another consideration. The

holding of food grains involve costs in the form of interest lost, godown rentals and wastage in storage. These costs been estimate to have gone up from Rs. 77.55 per quintal in 1991-92 to Rs. 144.50 per quintal in 1996-97. The high co proves a drain on the public exchequer and gets translated into high consumer subsidies.

### **Procurement :-**

Buffer stock operations can be successfully maintained only if these are supported by a proper procurement of food grains by the Government. Another related objective is to keep the PDS going.

The quantum of procurement is directly liked with the commitments of the PDS. If there is to be a statutory rationing all the country, monopoly procurement may be a logical necessity. But so long as there is informal rationing, procurement is to account only because the Government may be unnecessarily incurring high expenses in the storage of food grains, but also because monopoly procurement in such situations may act as positive disincentive.

The following systems of procurement have been adopted in India in recent years. (i) A monopoly purchase in which the whole of the marketable surplus is to be sold to the State only. (ii) A graded levy on producers on his total land holdings and with a certain weight age for irrigated land; (iii)



A levy on millers / dealers ; (iv) Purchases through licensed wholesale dealers including millers; and (v) support purchases in open market.

The system of procurement was in vogue at the beginning of the first plan to support the statutory rationing system. It lost its importance during the decade 1954-64. In the following years, procurement activity was intensified, going up to as high as 12.2 percent of the total production in 1976. In the more recent years specially from 1978 onwards procurement has been more in the nature of support purchase by the Government in order to save growers from a market glut.

### **National Food Security Missions:-**

Government enacted that National Food Security Act, 2013 (NFSA) in July 2013 with an intended coverage of upto 75% of rural population and upto 50% of urban population for receiving highly subsidized foodgrains under Targeted Public Distribution System. One of the guiding principles of the Act is its life cycle approach wherein special provisions for supplementary nutrition have been made for pregnant women and lactating mothers and children in the age group of 6 months to 14 years.

1. Every pregnant woman and lactating mother is entitled to meal, free of charge, during pregnancy and six months after the child birth, through the local anganwadi, so as to meet the specified nutritional standards and also maternity benefit of not less than rupees six thousand to partly compensate for the wage loss during the period of pregnancy and also to supplement nutrition.
2. Every child in the age group of six months to six years, is entitled to age appropriate meal, free of charge, through the local anganwadi so as to meet the specified nutritional standards
3. In the case of children, up to class VIII or within the age group of six to fourteen years, whichever is applicable, one mid-day meal, free of charge is provided every day except on school holidays, in all schools run by local bodies, Government and Government aided schools, so as to meet the specified nutritional standards.
4. State Government through the local anganwadi, also identify and provide meals, free of charge, to children who suffer from malnutrition, so as to meet the specified nutritional standards.

National Food Security Mission (NFSM) was launched in 2007-08 to increase the production of rice, wheat and pulses through (i) area expansion and productivity enhancement, (ii) restoring soil fertility and productivity, (iii) Creating employment opportunities and (iv) enhancing farm level economy. Coarse cereals were also included in the Mission from 2014-15 under NFSM. The interventions covered under NFSM include cluster demonstrations on improved package of practices, demonstrations on cropping system, Seed distribution of high yielding varieties, farm

machineries/resources conservation machineries/tools, efficient water application tools, plant protection measures, nutrient management/soil ameliorants, cropping system based trainings to the farmers etc. NFSM continued during 12th Five Year Plan with the target of additional production of 25 million tonnes of food grains. Beyond the 12th Plan, the mission is being continued with new additional target of 13 million tonnes of foodgrains from 2017-18 to 2019-20. The country achieved bumper production of foodgrains during 2017-18 at 285.01 million tonnes. As per 4th Advance Estimates total foodgrains production achieved during 2018-19 is 284.95 million tonnes. NFSM is being implemented in identified districts of 29 states in the country.

The supplementary nutrition programmes envisaged under the National Food Security Act for pregnant women and lactating mothers and children upto the age of 14 years are operating smoothly and no proposal to reassess these programmes is under consideration of the Government.

This information was given in a written reply by the Minister of State Consumer Affairs, Food and Public Distribution Shri Danve Raosaheb Dadarao in Lok Sabha today.

## **Constitutional law of India provisions**

### **Constitution and the Right to Health**

The Constitution of India does not expressly guarantee a fundamental right to health. However, there are multiple references in the Constitution to public health and on the role of the State in the provision of healthcare to citizens.

The Directive Principles of State Policy in Part IV of the India Constitution provide a basis for the right to health. Article 21 of the Constitution of India provide the Right to Health.

**Article 32** of the Constitution Law makes the right and food a guaranteed fundamental right which is enforceable by virtue of the constitutional remedy provided under Article 32 of the Constitution. The Supreme Court under Article 32 and the High Court under Article 226 can grant the prerogative rights in favour of food security.

**Article 39:** Certain principles of policy to be followed by the State: The State shall, in particular, direct its policy towards securing:

- e) To protect health and strength of workers and tender age of children and to ensure that they are not forced by economic necessity to enter avocations unsuited to their age of strength.
- f) That children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and

against moral and material abomdment. Clause (f) was modified by the constitution (42<sup>nd</sup> amendment) act,1976 with a view to emphasize the constructive role of the state with regard to children.

**Article 47:** Duty to raise the standard of living and improvement of health: Article 47 imposes the duty on the State that it should raise the level of nutrition and the standard of living and to improve public health, and the state shall endeavour to bring about prohibition of the consumption except for medical purposes of intoxicating drinks and of drugs which are injuries to health.

**Case Law:**

**Consumer Education and Research Center**

**Vs.**

**Union of India, AIR, 1995,SC**

The Supreme Court has held that the right to health and medical care is a fundamental right under article 21 of the constitution as it is a essential for making the life of the workman meaning full and purposeful with dignity of person. "Right to life" in Article 21 includes protection of the health and strength of the worker . The expression life in Article 21 dose not connote mare animal existence, it has a much wider meaning which includes right to livelihood, better standers of life, hygienic conditions in workplace and leisure.

**Case Law:**

**PUCL Vs. U.O.I. AIR 2001**

In the above case, the Supreme Court pronounced that the right to food comprises part of the Fundamental Right to life under Article 21 of the Indian Constitution.

**Right to Education:**

**Mohini Jain**

**Vs**

**State of Karnataka (AIR 1992 SC)**

Popularly known as the "Capitation Fee" in this case, the Supreme Court held the "right to education is a Fundamental Right" under Article 21 of the Constitution not to denied to a citizen by changing higher fee known as the Capitation Fee. The right to education flows directly from right to life. The right to life under Article 21 and the dignity of an individual cannot be assured unless it is accompanied by the right to education. The Supreme Court declared that the right to education at levels a fundamental right of citizens under Article 21 of the Constitution of India.

**Article 45:** Provision for early childhood care and education to children below the age of six years: Article 45 required the state to make provision within 10 years for free and compulsory education for all children until they complete the age of 14 years. The object was to abolish illiteracy from the country.

**Case Law: Unnikrishnan Vs. State of A.P – AIR 1993:**

In a land mark judgment held in the above case. The Supreme Court held that the “Right to education” up to the age of 14 years is a fundamental right within the meaning article 21 of the Constitution, but thereafter the obligation of the State to provide education is subject to the limits of its economic capacity. “The right to education flows directly from right to life” the court declared.

**The constitution 86<sup>th</sup> Amendment Act, 2002:**

The constitution (86<sup>th</sup> amendment) Act, 2002 has substituted a new article for Article 45 which provides that “the state shall Endeavour to provide early childhood care and education for all children until they complete the age of six years. “This has been necessitated as a result of making the right to education of children upto the 14 years of age of fundamental rights. The marginal heading of the new Article will be entitled as “Provision for early childhood care and education to children below the age of six years.

**Article 46:** Promotion of Educational and economic interest of weaker sections: This article provides that the State shall promote with special care the educational and economic interest of the weaker sections of the people, and in particular of the Scheduled Castes and the Scheduled tribes, and shall protect them from Social injustice and all form of exploitation.

**UDHR Declaration**

According to Article 25(1) of Universal Declaration of Human Rights “*Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control*”. The generally satisfactory meaning of health is that given by the WHO in the introduction of its constitution, as indicated by the World Health Organization, “Health is a condition of complete physical, mental and social prosperity and not only the nonappearance of disease”. As of late, this announcement has been intensified to incorporate the capacity to lead a ‘socially and economically productive life’.

## The Parliament enacted the National Food Security Act, 2013?

The Act legally entitles upto 75% of the rural population and 50% of the urban population to receive subsidized food grains under Targeted Public Distribution System. About two third's of the population therefore is covered under the Act to receive highly subsidized food grains.

### Conclusion and Suggestions

Assured that 100% food security has been prevailing in India up to 2028. Explanation: Food security is essential in a country to ensure that food is available at all times and thereby to avoid starvation like a situation. The people living below the poverty line might be food insecure all the time while better-off people might also turn food insecure during famine, calamity or disaster.

Food is an agent of health that helps us in survival and health depends on food in many ways but we should follow some eating rules. We should eat a balanced diet so our health will be maintained . We should not eat more junk food because that can be danger to our health.20-Jan-2020

In India judiciary has played a major role in recognizing the right to health and education as part of Article 21 of part III & part IV, which deals with the fundamental rights guaranteed under the Constitution of India. State has been directed to provide the higher attainable health and Education standards to its citizens towards the fulfillment of International standards. The Union Government

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