

ARTICLE ON LAWS RELATING TO FOOD SECURITIES

INTRODUCTION

Food is one of the necessities of human life and existence. While at the global level nation States rejoice their success of achieving self sufficiency in food production and the available food stocks, at the national level the state of food security is still dismal. The Special Reporter 'on the Right to Food' in his report to the Commission of Human Rights expressed his concern that the number of under nourished people around the world has increased to 840 million. He further observed," over 2 billion people worldwide suffer from 'hidden Hunger'; or micronutrients deficiencies, that is, for instance that children fail to grow and develop normally, their bodies are stunted and sometimes deformed, as are their intellectual capacities and immune system. Every day, every seven second, another child under the age of 10 dies from hunger or hunger related diseases.

"This is a silent holocaust, repeateyear after year."

Every human being has a right to be free from hunger and to have access to safe and nutritious food. As a matter of law, the Food Security has at least in formal terms been accorded universal Recognition as a human right. The food security is one of the most basic human rights, closely linked to the right to life. No government practice or action can be allowed to deny this right to people .Human Rights are indivisible and inalienable. The denial of one right inevitably affects the enjoyment of other rights, but also the inherent relationship between the rule of law and the protection of all human rights, including the right to food .Food Security to the people is an issue of great importance to the today's welfare state.

Food is the most important need, as it is indispensable for the maintenance of human life. Despite impressive food production in recent decades, such that enough food is available to meet the basic needs of each and every person, complete food security has not been achieved. It is more imperative in case of India where millions of poor suffer from persistent hunger and malnutrition.The concept of food security has evolved over the last few decades. Academics, policy-makers and activists have contributed substantially to the debates on what constitutes food security and how it can be ensured at the global, regional, state, household and individual levels.

There are various definitions of food security. In addition, different approaches have been devised to tackle the problem of hunger and food insecurity. The present research analyses various themes and approaches of food security and in the process examines the various themes and approaches of food security and in the process examines the various national and international covenants on food security.

It also intends to analyze debates on food security and the issue of food as a human right .Food is a fundamental basic need and should be treated as a universal human right. Food also has significant implications for the potential economic and social development. People without securing access to food are unlikely to progress economically or to contribute indirectly to the welfare of other populations through economic trade, cultural exchange, or social interaction

Thus, alleviating hunger and poverty is in the long-run interest of the human development. Hunger is generally not a question of sudden starvation but rather of chronic under nutrition that leaves populations vulnerable to disease and their members unable to lead active and productive lives. Food security requires ensuring that food grains are physically and economically accessible to households. Physical accessibility of food grains in India for the poor mainly depends upon the public distribution that operates to a network of fair price shops. Economic accessibility depends upon the purchasing power of the people, which is primarily affected by two factors, the price of food grains and the income of the people. A

state of food insecurity exists when the members of a household have an inadequate diet for part or all of the year or face the possibility of an inadequate diet in the future.

Here two key ideas are certain, one, nourishment weakness is characterized

Regarding family unit, and two, nourishment weakness identifies with both the present and future ampleness of the family eat less carbs .Food security can be characterized as the state in which all people get a healthfully sufficient and socially adequate eating routine consistently. The thought that all individuals, particularly the most powerless, have honorable and safe access to the quality and amount of socially fitting sustenance that will completely bolster their physical, enthusiastic and wellbeing, implies that all individuals in the group approach great nutritious nourishment constantly. It implies that nourishment is accessible to all individuals, constantly; keeping in mind the end goal to have a dynamic, sound life. The World Food Summit held in 1996 in Rome, ^ which occurred during an era of developing worldwide worry over sustenance security gave another driving force to the battle for nourishment security by focussing consideration on sustenance issues.

The Rome Declaration on World Food Security, convened by the Food and Agricultural Organization defines food security as, "when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life." Thus food security means that there should be enough food for people and they have the purchasing power to access the food so available, and also that the food available is culturally acceptable. It should fulfill adequate nutritional value for healthy life. The definition adopted at the World Food Summit has been referred to in numerous texts and resolutions since and forms the basis of the international consensus on actions required at global, regional and national levels to achieve world food security.

India is starving. While its gross domestic product has been climbing steadily in recent years, its rates of malnutrition and starvation-related disease and death remain staggeringly high.^ These numbers are even more surprising when examined in contrast to countries in a similar development position, such as China," because such comparisons reveal the paradox of India's increased aggregate earth combined with its stagnant and in some cases decreasing nutritional intake. Food Security is a vital human right that, if denied, renders human life stunted, painful, or null. Logically, because humans must eat to stay alive, and because they must have adequate nutrition in order to flourish - that is, to undertake, economic, cultural, and political activities that define our modern human existence - food security should be treated as a core human right and attended to with commensurate vigor. A Country's Constitution plays a fundamental role in the realization of the right to food and food security provisions because it is law of the land/^ and the source of all political power within a nation. It is a body of rules that establishes and regulation of government by stipulating checks, balance and limitations of governmental authority The constitutionality of every law and act of Government is one of the most important political principles of democracies and universally accepted rule of Law norms. The logical consequence of the superiority of the constitution is that it supersedes all act of the legislature contrary to it. Consequently, such acts will not bind either the courts or the citizens. Constitutional provisions are also binding for the executive, so all administrative authorities are equally limited by its provisions. Any executive as administrative act that contravenes the provisions of the constitution must be considered void and the courts must invalidate it.

Because of a food Security provisions in the constitution, the constitutional court or the highest court of a country has the power of judicial review. This means that it declares certain laws unconstitutional if they violate the food security provision, and the person whose rights have been breached. This is an enormous impact on the realization of the right to food because a successful claim may lead to the reform of legislation or policies found to violate that right. The inclusion of a specific provision on everyone's right to food particularly, which of children and women, within the constitution has significant merit in providing legal protection of the right to food ,as such, and in ensuring freedom from hunger.

The People's Union for Civil Liberties however, stands as merely one historical moment in the progression of this ongoing trend for the establishment and enforcement of a right to food through constitution in India. Initially sparked by a crisis marked by severe drought, hunger, and unemployment in India, People's Union for Civil Liberties was first filed in July 2001 as a Public Interest Litigation in the State of Rajasthan on behalf of the poor who had not received the required employment and food relief as mandated by the Rajasthan Famine .Resting on constitutional precedent defining the right to life as "the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition," the petitioners sought enforcement of a constitutional right to food under Article 32 of the Constitution of India in response to

Inadequate government drought relief measures and failure to provide subsidized food grains to eligible beneficiaries. The judgment currently applies to all state governments and addresses a myriad of issues, including hunger, child nutrition and development, and unemployment. The case remains open, as closing orders have not yet been issued.

Legislative measures for the implementation of Food security provisions are part of States' obligations under Article 2 of the Covenant. General Comment 12 recommends in particular the adoption of framework law as a major instrument in the implementation of national strategy concerning the Right to Food .Such a regulatory framework of law although not mandatory would be very useful for the reasons like, it would allow allocation of clear responsibilities to different governmental agencies, which would result in greater accountability and such legislation could provide room for participation in decision-making by formalizing the role of community ,Non-Government Organisations and civil society at large. It would also allow defining which aspect is actionable and the recourse in case of violation

While constitutional provisions are described in rather broad terms, a framework law on food security and the right to food can elaborate further on this right and thus make it operational in practice. The term "framework law" refers to a legislative technique used to address cross-sect oral issues. Framework legislation lays down general principles and obligations, and leaves it to implementing legislation and the competent authorities to determine specific measures to be taken so as to realize such obligations, possibly within a given time limit.

There are numerous preferences in embracing a system law on nourishment security. The substance of the great as the commitments of state experts can be explained; institutional game plans can be made and a steady reason for a player circulation of duties; better coordination and all the more importance full observing can give an exact meaning of the degree and substance of this human right, set out commitments for State specialists and private performing artists, build up essential institutional system and give the legitimate premise

THE INTERNATIONAL LEGAL REGIME FOR FOOD SECURITY

Before starting exploration on India's particular jurisprudential movement towards finding and establishing a protected appropriate to nourishment, it is vital to take note of that satisfactory legitimate certifications to one side to sustenance existed preceding the foundation of a privilege to nourishment in India. In reality, the privilege to sustenance has been cherished in global authoritative archives for over 50 years and is a piece of the advanced universal human rights structure that has both impacted and been affected by India. In any case, not at all like more broad worldwide understandings, national activity in the interest of the privilege to nourishment, for example, the People's Union for Civil Liberties prosecution in India, requires an exertion by the state to create a more point by point improvement of the privilege and its relevant operationalization

or backup enactment and other important measures to be taken by the able State experts. It can likewise set up a privilege to cure elucidate the part of human rights foundation and give the premise to backup enactment.

Constitutional recognition of the food security provisions can be classified into four broad categories.

Firstly, explicit and direct recognition, as a human right in itself or as part of another, broader human right. Twenty-three countries of the world recognize these provisions explicitly as an Individual human right as independent right. Nine of these countries recognize the right as independent right applicable to everyone, ten stipulate the provision of food security for specific category of the population only, such as children. Five countries have constitutional provisions that stipulate the right to food explicitly as being part of another human right. This is often worded in ways similar to Article 11.1 of International Covenant on Economic, Social and Cultural Rights as part of a human right to an adequate standard of living, to a quality of life or to development. This sub-category could be described as constitutional rights that provide explicit recognition of one aspect of the right of food. The sub-category includes the right to food as part of the right to work.

Besides, nations whose constitution don't make unequivocal reference to sustenance or nourishment yet ensure other human right in which the privilege to nourishment is understood, as indicated by their typical significance in International Law. These rights incorporate the privilege to sufficient or good ways of life, to prosperity, to methods important to carry on with a honorable life, to improvement, and to a way of life not underneath the subsistence level. Rights, for example, the privilege to a lowest pay permitted by law guaranteeing presence good with human respect, government managed savings, help for the down and out, extraordinary help and insurance of (stranded) youngsters, help for (working) mother when labor, and for the handicapped and the elderly, all fundamentally give certain assurance of parts of sustenance security. A few nations even stipulate exceptional assurance to the instance of loss of the family provider.

Thirdly, countries that do not recognize food security provision explicitly in their substantive provisions or bills of rights refer nonetheless to the right to food or food security, to raising the level of nutrition and standard of living in the provisions that set out the objectives or directive principles of state policy. Directive principles are statements of principles. They often represent the values to which a society aspires although at the time of drafting they may not reflect a broad societal reality. Very often these constitutional provisions guide government action, particularly in the socio-economic field, but are not considered providing for individual or justifiable rights.

Lastly, there are many other countries whose constitutional guarantee other human rights in which the food security provisions are not necessarily implicit. This is the case in particular with regard to the right to life and the right to be free from torture and degrading treatment. Thus, the absence of direct recognition of the right in a state constitution does not mean that the right to food is much unprotected in the country. Depending on a country's legal tradition, other human rights can be interpreted as including the right. A combination of other constitutional provisions together with general state policy commitments or directive principles may be used to advance the implementation of this right.

India's reliance on domestic law to identify, adjudicate, and implement a constitutional right to food reflects a more general confidence in its own sovereignty and position vis-a-vis international human rights bodies when it comes to espousing and upholding human rights. While the Indian Constitution requires the State to "foster respect for international law and treaty obligations,"-eater institutional emphasis is placed on internalizing those norms and strengthening the capacity of national instruments to deliver on them. This commitment to enforcing human rights through domestic means is reflected in India's third periodic report submitted under Article 40 of the International Convention on Civil and Political Rights to the

Human Rights Committee, which states:

India firmly believes that in the matter of implementation of the provisions of the Covenant, what is of paramount importance is the country's overall performance and its resolve to translate into reality the enjoyment of right by its people, to be viewed from the Constitution and the laws as well as the effectiveness of the machinery it provides for enforcement of the rights.

Legal Regime for Food Security in India

The Constitution of India explicitly provides for food security, thereby offering robust national protection that is likely more accessible to Indian citizens than similar safeguards provided by international bodies. Explicitly, Article 47, located in the Directive Principles section of the Constitution, creates a "duty of the State to raise the level of nutrition and the standard of living and to improve public health." Given the inspirational and non-justifiable nature of the Directive Principles, however, most of the development of the food security provision has occurred within the context of Article 21, which includes a right to life and is located within the enforceable and justifiable Fundamental Rights section of the Constitution.

The fact that People's Union for Civil Liberties transformed food programs into legally enforceable entitlements is particularly significant in light of the origins and framework of the Indian Constitution, as the Constitution emphasizes civil and political rights over economic, social, and cultural rights, by placing Economic, Social and Cultural Rights—such as the right to food—under the heading of non-justifiable "directive principles of state policy." Only through judicial orders promulgated through People's Union for Civil Liberties and its preceding litigation have Economic, Social and Cultural Rights been made judicially enforceable in India as constitutional rights.

In India, under the Constitution, there is no crucial ideal to nourishment yet the offensive of reasonability of the privilege to sustenance originates from a much visitor "appropriate to life and freedom" as cherished in the Constitution. The Fundamental Rights ensured the privilege to life, and the privilege to nourishment is at the core of the privilege to life. The State has a related obligation to guarantee that nobody goes hungry. Indeed, even Article 21 of the Fundamental Rights, sets out that no individual should be denied of life or individual freedom, aside from as indicated by methodology set up by law. On the off chance that the privilege to vocation isn't dealt with as a piece of the established appropriate to life is deny him of his methods for employment to the point of annulment. Such hardship would not just prevent the life from securing its viable substance and seriousness however it would make life unimaginable of live.

In Indian judiciary especially the Supreme Court, has on many occasions reaffirmed that the right to life in Article 21 does not mean merely animal existence's living with human dignity; it would include all aspects which life meaningful, complete and living". Other statutory constitutional Institutions like the National Human Rights Commissions have also stated: "There is a fundamental right to be free from hunger".

In the Constitution of India, many rights are provided for Indian citizens. Some of them are provided as fundamental right and some rights are provided as directive principles of state policy. Article 21 of the constitution of India guarantee a fundamental right to life and personal liberty. The expression "Life" in this Article has been judicially interpreted to mean a life with human dignity and not mere survival or animal existence. In the light of this, the State is obliged to provide for all those minimum requirements which must be satisfied in order to enable a person to live with human dignity, such as education, health care, just and humane conditions of work, protection against exploitation etc. Therefore, the Right to Food is inherent to a life with dignity.

Legal Framework for Food Security in India

Recent years have witnessed increase interest in the adoption of legal framework on the food security. Such laws are often known as food security laws rather than right to food laws but the effect is similar, as long as the right to food is clearly spelled out. Existing legal framework tends to define the food security provisions and establish institutional arrangements for food security, frequently with the participation of civil society. However, the treatment of obligations and remedies is not always very thorough, nor is it clear that they add to the justifiability of food security.

Another new advancement is sectoral enactment that gives a reality to one side to nourishment in various ways. For example the Brazilian law on school feeding' perceiving a privilege to class nourishing and furthermore commands that no less than 30 for each penny of the program subsidizing be spent on obtainment from family cultivates. Ten nations have officially received these laws or announcements; Argentinai", Bolivia, Brazipso Ecuadorisi, Guatemala Indonesia Nicaraguai ELSalvadori and Venezuela. Draft ideal to nourishment, Food security, Food security or Food power law have been produced in extra nations; Honduras, India, Malawi, Mexico, Mozambique, Paraguay, South Africa, Tanzania and Uganda. There are new draft to reinforce, refresh or supplant existing enactment in El Salvador, Nicaragua, and Peru.

MEANING OF FOOD SECURITY

The discourse on hunger and food insecurity can be divided broadly into three stages based on the focus on the discourse. The first stage in the evolution of concept and practice of food security was characterized by a focus on the inadequacy of food supplies at the global and national levels. There have always been speculations and forecasts about the world's capacity to feed itself. Malthus formally framed the debate about whether food resources would be sufficient to feed an increasing world population in his 'Essay on the Principle of Population'. Malthus saw the food problem in terms of the growth of food supply falling behind the expansion of population, and saw both these growths as being primarily determined by nature. This is, of course, the context in which Malthus used his famous argument about food production growing in arithmetic progression, while population grew in geometric progression, soon overtaking the former. Since then, the same basic question has been raised, but from many different perspectives. On one end of the spectrum, people have generated calculations based on partial and generally qualitative analysis, while on the other end, projections have relied on quantitative models based on historical data. In that sense, one would expect an extensive literature evaluating these estimates. However, the studies have undertaken a comparison of predictions and projections with actual outcomes. As modeling and projecting global food security continues to grow more complex and expensive, revisiting the key predictions and projections of the last half century, and assessing how accurate they were, should provide valuable insights for future execs.

Challenges to achieving food security

GLOBAL WATER CRISIS

Water deficits which are already spurring heavy grain imports in numerous smaller countries, may soon do the same in larger countries, such as China or India. The water tables are falling in scores of countries (including northern China, the US, and India) due to widespread over pumping using powerful diesel and electric pumps. Other countries affected include Pakistan, Afghanistan, and Iran. This will eventually lead to water scarcity and cutbacks in grain harvest. Even with the over pumping of its aquifers, China is developing a grain deficit. When this happens, it will almost certainly drive grain prices upward. Most of the 3 billion people projected to be born worldwide by mid-century will be born in countries already experiencing water shortages. After China and India, there is a second tier of smaller countries with large water deficits – Afghanistan, Algeria, Egypt, Iran, Mexico, and Pakistan. Four of these already import a large share of their grain. Only Pakistan remains self-sufficient. But with a population expanding by 4 million a year, it will likely soon turn to the world market for grain.

LAND DEGRADATION

Intensive farming often leads to a vicious cycle of exhaustion of soil fertility and decline of agricultural yields. Approximately 40 percent of the world's agricultural land is seriously degraded. In Africa, if current trends of soil degradation continue, the continent might be able to feed just 25 percent of its population by 2025, according to UNU's Ghana-based Institute for Natural Resources in Africa.

CLIMATE CHANGE

Extreme events, such as droughts and floods, are forecast to increase as climate change and global warming takes hold. Ranging from overnight floods to gradually worsening droughts, these will have a range of effects on the agricultural sector. According to the Climate & Development Knowledge Network report *Managing Climate Extremes and Disasters in the Agriculture Sectors: Lessons from the IPCC SREX Report*, the effects will include changing productivity and livelihood patterns, economic losses, and effects on infrastructure, markets and food security. Food security in future will be linked to our ability to adapt agricultural systems to extreme events. An example of a shifting weather pattern would be a rise in temperatures. As temperatures rise due to climate change there is a risk of a diminished food supply due to heat damage.

FOOD VERSUS FUEL

Farmland and other agricultural resources have long been used to produce non-food crops including industrial materials such as cotton, flax, and rubber; drug crops such as tobacco and opium, and biofuels such as firewood, etc. In the 21st century the production of fuel crops has increased, adding to this diversion. However technologies are also developed to commercially produce food from energy such as natural gas and electrical energy with tiny water and land foot print.

Risk to food security

POPULATION GROWTH

Current UN projections demonstrate a proceeded with increment in populace later on (yet an unflinching decrease in the populace development rate), with the worldwide populace anticipated that would achieve 9.8 billion of every 2050 and 11.2 billion by 2100. Gauges by the UN Population Division for the year 2150 territory in the vicinity of 3.2 and 24.8 billion; numerical displaying bolsters the lower assess. A few experts have scrutinized the supportability of further total populace development, featuring the developing weights on the earth, worldwide nourishment supplies, and vitality assets. Answers for encouraging the additional billions later on are being examined and archived. One out of each seven individuals on our planet rest hungry. Individuals are enduring because of overpopulation, 25,000 individuals bite the dust of unhealthiness and yearning related illnesses regular

LAND USE CHANGE

China needs at the very least 120 million hectares of arable land for its sustenance security. China has as of late announced an overflow of 15 million hectares. On the opposite side of the coin, nearly 4 million hectares of transformation to urban utilize and 3 million hectares of defiled land have been accounted for as well.[99] Furthermore, an overview found that 2.5% of China's arable land is excessively debased, making it impossible to develop sustenance without harm.[100] In Europe, the change of rural soil suggested a net loss of potential. Be that as it may, the quick misfortune in the zone of arable soils has all the earmarks of being monetarily good for nothing since EU is seen to be subject to interior sustenance supply any longer. Amid the period 2000– 2006 the European Union lost 0.27% of its cropland and 0.26% of its harvest profitable potential. The loss of farming area amid a similar time was the most noteworthy in the Netherlands, which lost 1.57% of its harvest creation potential inside six years. The figures are very disturbing for Cyprus (0.84%), Ireland (0.77%) and Spain (0.49%) as well.[101] In Italy, in the Emilia-Romagna plain (ERP), the change of 15,000 hectare of rural soil (period 2003-2008) inferred a net loss of 109,000 Mg for each time of wheat, which represents the calories required by 14% of ERP populace (425,000 individuals). Such a

misfortune in wheat creation is only 0.02% of total national output (GDP) of the Emilia-Romagna area which is really a minor impact in monetary terms. Also, the wage from the new land utilize is regularly significantly higher than the one ensured by horticulture, as on account of urbanization or extraction of crude material.

Conclusion

Food is the most important need, as it is indispensable for the maintenance of human life. Despite impressive food production in recent decades, such that enough food is available to meet the basic needs of each and every person, complete food security has not been achieved. It is more imperative in case of India where millions of poor suffer from persistent hunger and malnutrition. The concept of food security has evolved over the last few decades. Academics, policy-makers and activists have contributed substantially to the debates on what constitutes food security and how it can be ensured at the global, regional, state, household and individual levels.

