



INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

Evaluating The Impact Of India's National Food Security Act: Successes, Challenges, And Future Prospects.

Rashmi Shetty

Research Scholar

National Law School of India University

Introduction.

As we approach the 10th anniversary of the enactment of the National Food Security Act (NFSA) in 2013, it's crucial to reflect on this milestone in India's history of food security legislation. The NFSA was a significant step in translating the right to food into a legal entitlement, aiming to provide food and nutritional security for all, ensuring access to quality food at affordable prices, and upholding human dignity.

However, despite a decade of legally guaranteed food security and the availability of an ample supply of food grains, India continues to grapple with a critical issue: a staggering 189 million people, nearly 14% of its population, are enduring severe hunger. This dire situation is underscored by India's ranking of 107th out of 121 countries in the Global Hunger Index, categorizing it as a nation facing a "serious" hunger crisis for the 22nd consecutive year. The pressing question that remains unanswered is why so many individuals and families in the country continue to face persistent hunger and vulnerability across generations.

Of particular concern are India's alarming hunger and malnutrition statistics, especially among children and women. The nation falls off track in achieving five out of six targets related to maternal, infant, and young children's nutrition, including issues like stunting, wasting, anaemia, low birth weight, and childhood obesity, as highlighted in the last Global Nutrition Report of 2021. Since the Family Health Survey of 2015-16 (NFHS-4) and the more recent NFHS-5 from 2019-21, there has been a disheartening increase of 1.8 percentage points in anaemia among pregnant women, 3.9 percentage points among all women of reproductive age, and a significant 5 percentage points among adolescent girls. Shockingly, the increase is most pronounced among children, standing at a staggering 8.5 percentage points. The current overall figure is now closely approaching the levels seen back in 2005-06 when the prevalence of anaemia stood at 70%. Progress in addressing this crisis has been slower than anticipated, and the pandemic has further hindered the limited gains made through a wide range of interventions, including the National Nutrition Mission, also known as POSHAN Abhiyaan.

Do Human Rights work?

In the current context of assessing the National Food Security Act, 2013, it is pertinent to explore whether the mere existence of a legal framework based on rights can effectively achieve its intended goals. This prompts us to consider whether the effectiveness of rights hinges solely on the presence of a legal text or if it necessitates additional elements for its successful implementation.

While participating in a Right to Food campaign meeting focused on disruptions in the implementation of the Public Distribution System (PDS) due to Aadhar, Dr. Raja, a member of the Indian Parliament, emphasized the importance of questioning the functioning of the NFSA law in multiple forums, including within the parliamentary setting and through public demonstrations, such as on the streets.

Given this backdrop, there arises a necessity to broaden our traditional methods of expressing grievances and demanding rights from the State, especially when faced with the challenges posed by evolving technologies such as bio metric identification. This evolution should occur while honouring the rich history of collective efforts in advocating for the right to food.

Has the National Food Security Act, 2013 worked?

The effectiveness of the National Food Security Act (NFSA) in India is a subject of ongoing debate and assessment. Its impact varies across different regions and depends on various factors, including the implementation at the state level, economic conditions, and local challenges. The changes we have witnessed with the enactment of the legislation are as follows:

- (a) **Legal Entitlements:** The NFSA transformed food security from a welfare-based approach to a rights-based framework, making it a legal entitlement for eligible beneficiaries. This has created a sense of empowerment among the marginalized population.
- (b) **Reduction in Extreme Hunger:** The NFSA has played a role in reducing extreme hunger and preventing starvation by providing a safety net for millions of people. It has acted as a crucial buffer during times of economic hardship or food price spikes and especially during Covid.
- (c) **Increased Food Access:** One of the primary goals of the NFSA was to ensure food access for vulnerable populations. The provision of highly subsidized food grains to a large percentage of the population has indeed helped many people access essential food items at affordable prices.
- (d) **Nutritional Impact:** While the NFSA focuses on food distribution, it does not address the broader issue of nutritional quality. Malnutrition remains a significant concern in India, and the NFSA's impact on improving nutritional outcomes has been limited. It does provide take-home rations for children and pregnant/lactating mothers, but addressing the root causes of malnutrition requires a multi-faceted approach.
- (e) **Implementation Challenges:** The effectiveness of the NFSA varies across states due to differences in implementation. Some states have been more successful in reaching beneficiaries, while others have faced challenges in identifying and distributing food to eligible individuals.
- (f) **Leakages and Corruption:** Leakage of food grains from the public distribution system and instances of corruption have been reported in various states. These issues can hinder the intended benefits of the NFSA.
- (g) **Economic Factors:** The NFSA's impact is closely tied to the overall economic conditions in the country. Economic growth, employment opportunities, and income levels also play a role in determining food security.
- (h) **Complementary Policies:** The NFSA should ideally be complemented by other policies and programs that address the root causes of food insecurity, such as poverty alleviation, agricultural reforms, and nutrition programs.

Why the National Food Security Act of 2013 Falls Short in Addressing Hunger and Malnutrition in India After a Decade.

"The National Food Security Act of 2013 marked a pivotal shift in India's approach to food security, transitioning from welfare to a rights-based framework. This landmark legislation established a legal framework to ensure the provision of benefits through existing programs such as the Targeted Public Distribution System (TPDS), Mid Day Meal Scheme (MDMS), Integrated Child Development Services

(ICDS), and maternity cash entitlements. The Act also introduced mechanisms for monitoring and grievance redressal, creating a framework for accountability.

For the first time, the NFSA enshrined key provisions as justiciable legal entitlements, including hot cooked mid-day meals for school-going children, meals and take-home rations for children under 6 years of age, pregnant and lactating mothers, as well as highly subsidized 5 kilograms of food grains for 50% of the urban and 75% of the rural population, along with cash benefits for pregnant and lactating women. The Act mandated internal grievance redressal mechanisms, requiring implementing departments to establish helplines, call centers, and complaint boxes. Additionally, it established independent mechanisms at the district level through the appointment of District Grievance Redressal Officers (DGROs) and at the state level through State Food Commissions (SFCs).

Despite these ambitious provisions, the persistence of high levels of hunger and malnutrition in the country can be partially attributed to inherent inadequacies within the law and dilutions in its implementation. The NFSA did not fully embrace the need for a diversified food basket and overlooked legal entitlements that had been accumulated through interim court orders, including those mandated by the Supreme Court of India in *PUCL Vs Union of India*.

While the NFSA offered a comprehensive range of entitlements, it primarily focused on food distribution, neglecting critical production issues related to agriculture and farmers' welfare, which were relegated to the realm of progressive realization. In some cases, the NFSA proved detrimental, as state governments withdrew pre-existing schemes like the Anna Bhagya Scheme in Karnataka, either due to their inability or lack of motivation to protect prior benefits.

The NFSA's coverage extended to 75% of India's rural population and 50% of its urban population, a substantial reach considering the country's poverty levels. However, questions arose about the methodology used to estimate beneficiaries, which relied on 2011 Census figures rather than updated population projections. State governments grappled with complex formulas to identify beneficiaries based on prescribed numbers rather than predefined criteria, leading to multiple revisions in some states.

Furthermore, during the initial years of enactment, states faced challenges in reconciling the overlapping provisions of the NFSA and TPDS Control Orders issued under the Essential Commodities Act of 1955. This confusion, particularly regarding the placement of provisions related to ration cards, fair price shops, and monitoring and grievance redressal, resulted in delays in framing NFSA State Rules. Many states, including Rajasthan, Tamil Nadu, and Karnataka, have yet to formulate comprehensive Rules, leading to inconsistent implementation. Critical aspects such as social audits, the role of vigilance committees, and involvement of local authorities have also been overlooked, with most states failing to frame or notify corresponding Rules."

Conclusion

In Conclusion, the National Food Security Act, 2013 has had a positive impact in terms of providing a safety net and legal entitlements for food access, especially for vulnerable populations. However, its effectiveness in addressing the broader issue of malnutrition and ensuring equitable distribution has been mixed and varies by region by region. Continued efforts to improve implementation, reduce leakages, and address the underlying causes of food insecurity are essential for maximizing the benefits of the National Food Security Act. Further the international community must take proactive steps to make good on its international commitments and pledges, scaling them up and directing them toward emergency measures.

References:

1. Afridi, F. Mid-Day Meals in Two States: Comparing the Financial and Institutional Organisation of the Programme, 40 (15) EPW (Apr. 9, 2005).
2. A.G Noorani, Human Rights in India, as Others See It, 21(37) EPW 21(37) (1986).
3. Amartya Sen, "Elements of a Theory of Human Rights, 32(4) Philosophy & Public Affairs (2004).
4. Amartya Sen, Ingredients of Famine Analysis: Availability and Entitlements," 96 Q.J. Economics (1981).
5. Amina Nahalomo et al., Realization of the Right to Adequate Food and the Nutritional Status of Land Evictees: A Case for Mothers/Caregivers and Their Children in Rural Central Uganda, BMC Int'l Health & Hum. Rts. 18:21 (2018).
6. Amrith, S. S, Food and Welfare in India, 1900-1950. Comparative Studies in Society and History 50(4), 1010-1035 (2008).
7. Asbjorn Eide, "Freedom from Hunger as a Basic Human Right: Principles and Implementation," in Ethics, Hunger, and Globalization, 53-68 (Springer, 2007).
8. Asghar Engineer, Status of Muslim Women, 29(6) EPW (Feb. 5, 1994).
9. Ashish Bose, Hunger Free India by 2007: Need for Evergreen Revolution, 39(12) EPW (Mar. 20, 2004).
10. A.S Panth, Social Networks and Food Security in Rural Karnataka, 32(15) EPW (1997).
11. Arun Gupta and Jon E. Rohde, Infant and Young Child Undernutrition: Where Lie the Solutions?, 39(49) EPW (Dec. 4, 2004).
12. Barbara Harissa, Meals and Noon Meals in South India: Paradoxes of Targeting, IV Public Administration and Development (1986).
13. B.N. Arora, Human Rights: Right to Food Eluding Millions in India, XLI (51) Mainstream (Dec. 6, 2003).
14. Bandukwala, J.S, Indian Muslims: Past, Present and Future, 41(14) EPW (April. 8-14, 2006).
15. Butcher, S. Differentiated citizenship: The everyday politics of the urban poor in Kathmandu, Nepal. IJURR, 45(6), 948-963(2021).
16. Bezner Kerr, R, Towards a feminist reparative agroecology, Farm Matt 31:36 (2020).
17. Caplin, J, Feeding an Elephant: Malnutrition and the Right to Food in India, 30(3) Harvard International Review, 30(3) (2008)
18. Chaplin, C, Salafi Islamic piety as civic activism: Wahdah Islamiyah and differentiated citizenship in Indonesia. Citizenship Studies, 22(2) 208-223(2018).
19. C. Jeyapaul, Nutritional Support to Primary Education, 40(1) Yojana (Jan. 1996).
20. De, A.M Samson and Noronha, C, Towards More Benefits from Delhi's Mid-Day Meal Scheme." Collaborative Research and Dissemination, New Delhi, 2005.