

## Research Paper



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## FOOD SECURITY AND RIGHT TO FOOD IN INDIA

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### ABSTRACT

**F**ood is the necessary condition for human life and without food we cannot live in this planet. Food security is very important of human being. "Food security exists when all people at all times have physical and economic access to enough safe and nutritious food to meet their dietary needs and the food preferences for an active and healthy life" (World food summit 1996). It should not just be evaluated in terms of how much a population has to eat or the quantity of a nation's food stocks but in terms of the quality of life of a people<sup>1</sup>. So access to nutritionally sufficient and safe food is a right of each person. It is a major and fundamental issue in the world and access to food is a rightful measure for the people to lead a healthy and productive life. Food security depends on many factors. There are mainly four dimensions which determinate the food security situation in a country viz. food availability, affordability, utilization and stability. To provide food security firstly food should be available and the food availability depends on domestic production, net import and stock. But availability is not sufficient for food security if people have not purchasing power to buy it. So it is necessary that food should be affordable for their people. For proper utilization of food it should be nutritious and healthy and there also needs of stabilization in food consumption for all time to maintain food security level. Food Security is differing from right to food. The special Rapporteur on the right to food defines the food security as a corollary of the right to food. The concept of right to food is much wider than the notion of food security. The right to food creates a human right obligation on the Nation State and cannot be restricted to matter of policy or an inspirational goal<sup>2</sup>. The Right to food includes the concept of accountability, dignity and transparency. It makes the individual an agent of change and makes the Government accountable to redress the violation<sup>3</sup>. The paper presents the food security situation in the terms of quantitative and qualitative aspects and constitutional authorization of Right to food in India. It also expounds the National Food Security Act 2013 and its appreciation in India.

**KEY WORDS:** Food Security, Right to Food, Dimensions, NFSA.

### INTRODUCTION

Food security is as important to India as it is for the rest of the world. Today the numbers of peoples without enough food to eat on a regular basis remain obstinately high. There is enough food in the world but it is unevenly distributed. One in seven people in the

world do not get enough food for their healthy life every day. 16 OCT. 2008, the director general of FAO announced on the world food day the 923 million people were malnourished in the world. So many people starve to death. There are rapid improvement in global food security over the past years and the efficiency of food

system increased and improvement in the nutrition quality of the food to which population have access. The estimation of chronically undernourished people also came down by 4.4% from 842 million in 2011-13 to 805 million in 2012-14. Of these 805 million, around 791 million live in developing countries. The FAO states that since the early 1990s the number of people in developing countries suffering from undernourishment has fallen by more than 200 million; nevertheless one in eight people in these region remains chronically undernourished. These situations present the instance of starving people in poor countries.<sup>4</sup> In these countries where the problem for the rural poor with insufficient land and for the urban poor with insufficient food purchasing power frequently with neither work and nor unemployment benefits. Different developing Nations have tried to tackle food security through different mechanism of state intervention but success has eluded them. State interventions have often been legitimized in the name of food security but protectionist measure have only succeeded in maintaining malfunctioning agricultural systems whereas new approaches should involve the public and private sectors in facilitating economic empowerment of the poor by introducing better technology interventions to improve agriculture production and distribution<sup>5</sup>. So to provide the food security and right to food for poor people and free from hunger and starvation is the main challenge for these countries. India is also a developing nation. Recently it is a fastest growing economy and a second populated country after china in the world. An increasing population wants a more varied diet. It is a major challenge to provide food for their population specially poor and vulnerable section in India.

The objective of this paper is to analysis the Food Security Situation in present context in terms of qualitative and quantitative aspects and to study the Right to food and appreciation of National food security act 2013 in India. The present study is based on secondary data. The data obtain from Hand Book and Statistics, RBI, NFHS-3, FAO, Global hunger index and Global Food Security Index.

## FOOD SECURITY IN INDIA

Food security is the back bone of national prosperity in any nation and the health of any nation directly linked to food security. Improving Food security ought to be an issue of great importance in India also. The Indian government gave main focus to reducing food insecurity after the independence. There is widespread poverty, food insecurity and under-nutrition in India. Despite highly economic growth, self sufficiency in food grain production India continues to grapple with persistent and widespread under nutrition, poverty and rising inequalities(Dreze and Sen 2013).

Under the quantitative aspects a nation can ensured food security if their entire citizens have sufficient food available and have the capacity to buy food of acceptable quality. Today India is self sufficient in food grain and a large buffer stock is available which is higher than the buffer norms. The government provides these stocks to the people specially poor and vulnerable section through the PDS and other welfare schemes. Table 1 present the trends of stocks during the period of 1999-2000 to 2012-13.

**Table- 1 Trends of Stocks**

(Million tonnes)

Year	Rice	Wheat	Total
1999-00	15.72	13.19	28.91
2000-01	23.19	21.50	44.98
2001-02	24.91	26.04	51.02
2002-03	17.16	15.65	32.81
2003-04	13.07	6.93	20.65
2004-05	13.34	4.07	17.97
2005-06	13.68	2.01	16.62
2006-07	13.17	4.70	17.93
2007-08	13.84	5.80	19.75
2008-09	21.60	13.43	35.58
2009-10	26.71	16.13	43.31
2010-11	28.82	15.36	44.31
2011-12	33.35	19.95	53.40
2012-13	35.47	24.21	59.76

Source – Hand Book and Statistics, RBI

The table shows that the stock of food grains is increasing continuously in few years. It rose from 28.91 million tonnes to 51.02 million tonnes during the period of 1999-2000 to 2001-02. But the severe drought in 2003 led to a drawing down of the buffer stocks in following years and it declined continuously till 2006-07. The levels of buffer stock fell substantially below the norms in 2006-07. After 2006-07 it was increasing consistently. In 2012-13 there are 59.76 million tonnes food stock was available which is higher than the buffer norms. A buffer stock norm is 21.41 million tonnes of rice and wheat as on first January 2005 for each year (Economic Survey 2014-15). In a discussion paper in 2010 the Chief Economic Adviser Kaushik Basu also noted that the centre holds food reserves significantly higher than the stated buffer norms<sup>6</sup>. This indicates that required buffer stock is available in India for their population.

In qualitative aspects there is widespread hunger and malnutrition in India. According to Global hunger index 2015 India's ranked 80<sup>th</sup> out of 117 countries and in Global Food Security Index 2015 India's ranked 68 out of 105 countries. India has the second highest number of undernourished people at 194.6 million people which are the 15.2% of total population (FAO). The percentage of children who are stunted, underweight and wasted under age three years gradually is 45%, 40%, and 23% and There are 48% stunted, 20% wasted, 43% underweight children under age five year in India (NFHS-3). Nutritional problems are different and substantial in every state. The share of children under age five years who are underweight are more than 40% in Meghalaya, Chhattisgarh, Gujarat, Uttar Pradesh, and Orissa. In Madhya Pradesh, Jharkhand and Bihar more than half of children are underweight. Wasting is most common in Madhya Pradesh 35%, Jharkhand 32%, and Meghalaya 31%. Although the prevalence of underweight children is relatively low in Mizoram, Manipur, and Sikkim but one third of population children are stunted in those states (NFHS-3). The problem of anaemia is also widespread in India. The women and children are mostly suffering from anaemia. More than half of women (55%) have anaemia. one fourth of men (24%) mostly age of fewer than 20 and over 40 more and More than 70% children are suffering from anaemia (NFHS-3). According to (ICMR) 64.8% population are suffering from undernourishment and 38.7% from malnutrition in India. A survey by Bhook (an organisation working towards reducing hunger) in 2013, found that 20 crore Indians sleep hungry on any given night,

About 7 million children died in 2012 because of hunger and malnutrition.

The analysis explained that today India is in a paradoxical situation. Various factors are responsible for the situation of food insecurity in India with self sufficiency in food grain production and available required stock. Firstly the problem of food wastage and due to this million tonnes of food grains, fruits and vegetables occur waste before reaching from producers to consumers which is the result of lack of sufficient storage capacity and better infrastructure, lack of Refrigerator transports, rough roads, inclement weather and corruption. There is problem in food supply chain in India. The second problem is insufficient nutrition intake. The actual nutrition intake is lower than the required norms especially for the poor and middle class group. Thus nutrition deficiency is also cause of food insecurity in India. Third are the high food prices. High prices of food are cause of increasing food insecurity because it forced to families to cut down on their food intake. This affects the living standard especially for the poor families' especially poor women and children because these families spent their income largely on the food. Fourth is poverty; Since prices of food grain are raising regularly, due to lack of financial resources poor people do not have required income and purchasing power to buy it according their requirement. They do not get squire meal per day and lots of people in India go to bed without food. As a result of many of households is food insecure. Fifth is consumption pattern which has been changed and the consumption of cereal came down and the cereals are the main source of calorie especially for the poor. The rising consumption of non cereal food could not compensate the requirement of calorie which is the result of lack of cereal consumption. Sixth is prevalence of undernourishment and malnutrition which affect the productivity, cognitive and physical development of a person, social status and increased the long term health care cost. Thus there is not problem of lack of food but lack of accessibility is the main cause of food insecurity in India. Though India achieved success fighting transient food insecurity caused by drought or floods and sudden shocks, It is the result of self sufficiency in food grain production and maintain stocks, and by PDS. But still chronic food insecurity exists in India which is caused by lack of financial assets, long term presence of poverty and inadequate nutrition intake. As a result food insecurity still exists in the country. So economic growth will not take care of food insecurity alone because food

insecurity have many faces and there is need of a combination of economic growth supported by direct nutrition intervention and investment in health water and education.

## RIGHT TO FOOD IN INDIA

Right to food is the fundamental human right. "Food is the moral right of all who are born into this world" – (Norman Borlaug). "The right to food is the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensure a physical and mental, individual and collective, fulfilling and dignified life free of fear."<sup>7</sup> Hunger and undernourishment directly or indirectly account for over half of the deaths in the world<sup>8</sup>. Poor health, and low education and skill development, in turn, limit access to decent work that is safe and provides incomes above the poverty level. Paradoxically, while global per capita food production has risen to unprecedented levels, hunger remains a pervasive reality in the world today: 925 million of the world's nearly 7 billion people are undernourished (UN Food & Agriculture Organization 2010).

The right to food was recognized for the first time at the international level in the 1948 Universal Declaration of Human Rights (UDHR). The UDHR of 1948 asserts in Article 25 (1) that "Everyone has the right to a standard of living adequate for health and well being of himself and his family including food, clothing, housing medical care and necessary social services and the right to security in the event of unemployment sickness, disability, widowhood, old age other lack of live hood in circumstances beyond his control"<sup>9</sup>.

The Indian Constitution does not expressly recognize the fundamental right to food. There are three articles in the Indian constitution which gives reference to the right to food; Article 21, 39(a) and 47. Article 21 of the Constitution of India guarantees a fundamental right to life and personal liberty. The expression 'Life' in this Article means a life with human dignity and not mere survival or animal existence. Article 39(a) of the Constitution, enunciated as one of the Directive Principles, fundamental in the governance of the country, requires the State to direct its policy towards securing that the citizens, men and women equally, have the right to an adequate means to livelihood. Article 47 spells out the duty of the State to raise the level of nutrition and the standard of living of its people as a primary

responsibility. The citizen's right to be free from hunger enshrined in Article 21 is to be ensured by the fulfilment of the obligations of the State set out in Articles 39(a) and 47. The Right of Food is intrinsic to a life with dignity, and Article 21 should be read with Articles 39 (a) and 47 to understand the nature of the obligations of the State in order to ensure the effective realization of this right. The reading of Article 21 together with Articles 39(a) and 47, places the issue of food security. The Constitution of India imposes a primary duty on the Government to improve the public health (Article 39 (e) and Article 47). The scope of this provision of the Constitution is very wide. It not only includes the right to food of the people which is nutritiously adequate to lead a healthy life free from all hidden hunger but also ensures that the food available is free from all harmful substances and is fit for human consumption<sup>10</sup>. In the correct perspective, thus making the Right to Food a guaranteed Fundamental Right which is enforceable by virtue of the constitutional remedy provided under Article 32 of the Constitution.<sup>11</sup>

In 2001, the People Union of Civil Liberties filed a writ petition in The Supreme Court against the Indian government. The cause of this petition was that the people was dying from hunger and starvation in the country especially in the drought suffering areas of Rajasthan, while over 50 million tonnes of food grain were available in Food Corporation of India. Food rotted in the government storage facilities and to reduce the storage costs the food was exported internationally at highly subsidized prices and being through into the sea. Rather than being distributed to the hungry and starving people. That was paradoxical situation in the country, starvation with overflowing food stocks. PUCL petition contended that the Right to food was part of right to life of all Indian citizens. The PUCL demanded that the food stocks of the country be used to avoid hunger and starvation without any delay. The petition concludes with a request to the Supreme Court to order the Government of Rajasthan to (a) provide immediate open-ended employment in drought-affected villages, (b) provide gratuitous relief to persons unable to work, (c) raise the PDS entitlement per family and (d)

Provide subsidised food grain to all families.<sup>12</sup>

The petition alleged that the State was neglectful in providing food security. It was argued that BPL families restricted from the public distribution system. The Supreme Court found as a fact that surplus food stocks were available and, at the same time, that deaths from starvation were happening in a number of

locations. During the ongoing case litigation, the court has issued several interim orders. The Supreme Court passed first interim order on 28 November 2001 demanding that large stocks of food grains in Food Corporation of India (FCI) warehouses be released with immediate effect. This is an immoral neglect of the constitutional obligation, against the article 21 of the constitution, which gives a right to protection of life from scarcity. Original petition addressed the situation in six states, but the Supreme Court cover the entire country. For the Supreme Court, the Government has a direct responsibility to avoid starvation: The concern of the Court is to see that the poor and weaker sections of the society do not suffer from hunger and starvation. The prevention of the same is one of the prime responsibilities of the Government - whether Central or the State. Measly

Schemes are not use without any implementation<sup>13</sup>. There are various difficulties in enforcing existing legislation and in ensuring the implementation of court decision or access to justice for the poor. Although the impact of this petition was positive in terms of food security and the status of food security in India which certainly improved but still it is far from satisfactory. Therefore the Indian government take one step further in this direction to provide the food security and a status of human right. The government passed the National Food Security Act.

### **NATIONAL FOOD SECURITY ACT, 2013**

The National Food Security Act passed in 12 September 2013. It aims to provide subsidised food grains to almost two thirds of India's population to secure economic and social access to sufficient food. This Act makes available food and nutrition security in human life cycle approach; by ensure access to sufficient quantity of quality food at affordable prices to people to live a life with dignity. It converts into legal entitlements for existing Food security programmes of Indian Government such as Mid Day Meal Scheme, PDS and Integrated Child Development Services.

#### **Main Feature of National FOOD Security Act;**

- **Coverage and Entitlement under TPDS:** - Up to 75% of rural and 50% of urban population will be covered under TPDS, with uniform entitlements of 5 kg per person per month. However, since Antyodaya Anna Yojana household constitute poorest of the poor, and are presently entitled to 35 kg per household

per month, entitlement of existing AAY households will be protected at 35 kg per household per month.

- In the case of any state's allocation under the Act is lower than their current allocation. It will be protected up to the level of average off take under normal TPDS during last three years, at prices to be determined by the central government. Existing prices for APL households Rs 6.10 kg of wheat 8.30 kg for rice has been determined as issues prices for the additional allocation to protect the average off take during last three years.
- **Subsidized prices under TPDS and their revision** Food grains under TPDS will be made available at subsidized prices of Rs 3/2/1 per kg for rice wheat and coarse grains for a period of three years from the date of commencement of the Act. There after prices will be suitably linked to Minimum Support Price.
- **State –wise coverage:** Corresponding to the all India coverage of 75% and 50% in the rural and urban areas, state wise coverage will be determined by the central government. Planning commission has determined by the state wise coverage by using the NSS household data for 2011-12.
- **Identification of household:** Within the coverage Under TPDS determined for each state, the work of identification of eligible households is to be done by States/ UTs.
- **Nutritional support to women and children:** pregnant women and lactating mother and children in the age group of 6 months to 14 years will be entitled to as per prescribed nutritional norms under Integrated Child Development Scheme and Mid Day Meal schemes. Higher nutritional norms have been prescribed for malnourished children up to 6 years of age.
- **Maternity Benefit:** Pregnant women and lactating mother will also be entitled to receive maternity benefit of not less than Rs 6000.
- **Women Empowerment:** Eldest women of the household of age 18 years or above to be the head of the household for the purpose of issuing of ration cards.
- **Cost of intra state transportation and handling of food grains and Fps dealers' Margin:** Central government will provide

assistance to states in meeting the expenditure incurred by them on transportation of food grains within the states its handling and FPS dealers' margin as per norms to be devised for this purpose.

- **Grievance Redressal Mechanism:** Grievance Redressal Mechanism at the district and state levels State will have flexibility to use the existing machinery or set up separate mechanism.
- **Transparency and Accountability:** Provision has been made for disclosure of records relating to PDS, social audits and setting up of Vigilance Committees in order to ensure transparency and accountability.
- **Food security allowance:** Provision of food security allowance to entitled beneficiaries in the case of non supply of entitled food grains or meals.
- **Penalty:** Provision for penalty on public servant or authority, to impose by the state food commission, in case of failure to comply with the relief recommended by the District Grievance Redressal Officer.

This Act criticise by various facts such as its beneficial for only fight from hunger but not for malnutrition. Because its only provides cereals, but to save the malnutrition there is also requirement of other food product such as Dal, Oil etc. Clearly, such a wide-reaching programme will have significant financial costs. A conservative estimate places the law's costs at over US\$23bn per annum, equivalent to about 0.72 percent of India's GDP. These costs don't just come from the grains themselves: setting up and maintaining distribution centres and government agencies to monitor the subsidies also creates a big expense. Critics of the law argue that this money could be better spent on generating employment, improving rural and urban infrastructure, investing in agriculture, and a number of other competing uses.<sup>14</sup> It does not spell out the time limit for the undulating achievements and any restriction on import and exports of food grain. The Act in reality has nothing more to provide then the re-drafting the present entitlements of the nutritional assistance under the ongoing schemes with increased coverage. The protections under this legislation are limited to the obligation of the state to provide food assistance to the people in hunger. It does not intervene the cause of hunger through protection which is sustainable in nature like the protections of agricultural land, livelihood

to name a few. Therefore the Act fails to discharge the obligation to respect the right to food of the people which requires the Nation State to refrain from any act which deprives an individual or a group of individuals from enjoying their right to food through their own efforts.<sup>15</sup> Providing food subsidies to more people means that there will be needed more food grain. For this the government will procure the additional grain at raising MSP, it will affect leading to higher food inflation. It may also be affected the farmers production choice. Farmers may choose to invest more in potentially high value crops like rice and wheat rather than other crops. It will raise agricultural diversification towards high value agriculture. Increased focus on these crops can also have adverse environmental effects which affects the nutritional level. Since there is shortage of storage facilities in India and after the implementation of this Act there will more requirement of food grain to provide the two third of population. Due to insufficient storage facilities food wastage will increase.

The suggestions are: The National Food Security Act should be Universal. The Government should give the information about balance diet and causes of malnutrition and suggest them how to they take nutritional diet. The Government should also provide dal and edible oil with cereals and for this the production of dal and oil seeds hould be increase. Storage facilities should raise. There is need to ensure transparency in implementation of Act. Given that leakages in the PDS range from 40 to 50 per cent, the Government of India should defer implementation of the NFSA in states that have not done end to end computerization; have not put the list of beneficiaries online for anyone to verify; and have not set up vigilance committees to check pilferage from PDS. Coverage of population should be brought down to around 40 percent. BPL families and some even above that they are given 7kg/person. On central issue prices, while Antyodya households can be given grains at ' 3/2/1/kg for the time being, but pricing for priority households must be linked to MSP.<sup>16</sup> People should not deprive from Right to food in any situation such as war and any natural disasters (drought, cyclones and floods).

## CONCLUSION

Food Security has a great importance in India. The analysis explained that today India is self sufficient in food grain and a large buffer stock is available which is higher than the buffer norms. The government provides these stocks to the people specially poor and vulnerable section through the PDS and other welfare

schemes. Today India is in a paradoxical situation. It is self sufficient in food grain production and there are mountain of buffer stock is available and it is one of the largest producer food grains in the world. Despite the achievement in macro level food security there is high level of undernourishment in India and it is unable to full fill the basic amenities of its people. Due to self sufficiency in food grain production and maintain stocks, and by PDS India achieved success fighting transient food insecurity caused by drought or floods and sudden shocks But still chronic food insecurity exists in India which is caused by lack of financial assets, presence of poverty from long period and low nutrition intake. Consequently there are prevalence of undernourishment is high. This indicated continued poor performance at reducing hunger and food insecurity in India. Various factors responsible for this situation such as rising prices of food, poverty, inequalities, food wastage, insufficient storage facilities, lack of nutritional diet, flaws in distribution system. So there is need to strong coordination efforts for surplus reaches the needy and citizens of the country are entitled to food security. Various food security and employment and anti poverty programmes initiated by Indian government to alleviate the food insecurity, and Indian constitution also provide right to food their citizen. Although the Indian Constitution does not expressly recognize the fundamental right to food but there are three articles in the Indian constitution which gives reference to the right to food, Article 21, 39(a) and 47. Recently in 2013 the government passed national food security act 2013 which aims to provide subsidised food to 67% approximately 2/3 of the population. But this Act also criticized due to various causes .So there is need to efficient implementation of NFSA to make possible the fundamental Right to food.

### Notes

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<sup>13</sup> Supreme Court, *People's Union for Civil Liberties v. Union of India & Ors*, 2001.

<sup>14</sup> Mehta Pradeep S,(2013) "Sustainable Food Systems for Food Security and Nutrition"pp.7.

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