

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

EDITORIALTEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain

Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.



Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

“INDIA’S STRUGGLE FOR FOOD STARVATION: LEGAL OVERVIEW”.

AUTHORED BY - DURVESH MUKUND BHAT

& RUTUJA MAHENDRA YADAV

Department of LLM-1st Year 2024-2025

Progressive Education Society’s Modern Law College, Pune

Abstract:

This research basically evolves around the starving population on the streets, and struggle among them that how the people, learned and the well- equipped population with the eminent process com on the streets only on their personal targets, likewise when at the time of elections and also not in India and also among the other countries also the economically the countries might be well sufficient enough with the infrastructure but the real colors are faded. This research is about millions of street population suffering from hunger.

Keywords: *National Food Security Act, Targeted Public Distribution System, United Nations, World Food Programs, Food and Agricultural Organization, International Fund for Agricultural Development.*

Introduction:

India is suffering from one of the largest numbers of undernourished people in the world, despite having one of world’s largest farm outputs. There are various reasons behind the existence of this dichotomy.

Challenges with Food starvation in India has been a major cause of concern for the authorities over the past many years. In this article, we shall discuss at length the present status of food security in the country along with the challenges related to food security. In recent times when the world was fighting against the COVID-19 pandemic, food security was in an alarming situation across India.¹

¹ About us, available at <https://byjus.com/free-ias-prep/challenges-to-food-security-in-india/> last seen on 26/01/2025.

With situations like lockdown, many families lost their income which ultimately led to challenging situations for the availability of food for all. Aspirants can get an overview of Food Security in India, important statistics, related laws, food subsidy and more at the linked article.

Rice, wheat, milk and sugarcane — India is among the largest producers of these agricultural commodities, yet millions are still starving in the world’s most populous country. “Hunger is the biggest problem in India,” a representative of global agribusiness Bunge told CNBC on the sidelines of the Commodity Trading Week held in Singapore.

“There’s still [millions] of people that are hungry. They are still not getting the food they want. If they are getting the food, it’s not nutritious,” said Amit Sharma, Bunge’s global trade execution team leader.

India may be the second largest food producer in the world based on calorie content, yet the country came in 111 out of 125 countries in the recently published Global Hunger Index, which referred to the level of hunger in India’s population as “serious.”

India, with a population of 1.4 billion, accounts for one quarter of the world’s undernourished and is home to over 190 million hungry people.²

India and its legal Obligation:

Persons living in conditions of poverty and hunger have often been found to be suffering from prolonged malnutrition. Even when their deaths could not, in strictly clinical terms, be related to starvation, the tragic reality remained that they often died of prolonged mal-nutrition and the continuum of distress, which had rendered them unable to withstand common diseases such as malaria and diarrhoea. The Commission considered this situation to be all the more painful in view of the fact that granaries of the Food Corporation of India were overflowing.

Agreeing with the view of a petitioner, Dr. Amrita Rangasami, Director, Centre for the Study of Administration of Relief, the Commission has thus said that the present practice of insisting

² Sajjad Hussain, “Hunger is India’s ‘biggest problem’ — one of the world’s largest food producers leaves millions hungry”, CNBC Blog, available at <https://www.cnbc.com/2024/01/31/hunger-is-indias-biggest-problem-and-why-millions-are-still-hungry.html#:~:text=India%2C%20with%20a%20population%20of,over%20190%20million%20hungry%20people>. Last seen on 26/01/2025.

on mortality as a proof of starvation is wrong and needs to be set aside. It has added that there are obvious policy implications as far as the obligations of the State are concerned. The Right to Food implies the right to food at appropriate nutritional levels and the quantum of relief to those in distress must meet those levels in order to ensure that this right is actually secured and does not remain a theoretical concept.³

The continuum of distress should be viewed as the necessary condition for the prevalence of starvation. The Commission also found merit in the view of the petitioner that there was need for a paradigm shift in public policies and the Relief Codes in this respect and that the shift had to be made from the domain of benevolence to that of the right of a citizen. The Government of India's current conceptualization of calamity as well as the reason of its prevalence, has limited relief to the short term only. In contrast, a human rights approach to food and nutrition would imply that the beneficiaries of relief measures should be recognized as "claim holders". Viewed from this perspective, the prevalence of distress-conditions threatening starvation constitute an injury requiring the imposition of a penalty on the State. The Commission was of the view that the remedy provided under Article 32 of the Constitution applied to groups no less than to individuals.

By the year 2015, the proportion of the world's poor and of people who suffer from hunger. Given the circumstances of our country, India has a special responsibility in this regard. The prevalence of extreme poverty and hunger is unconscionable in this day and age, for not only does it militate against respect for human rights, but it also undermines the prospects of peace and harmony within a State.⁴

Internationally Overseen:

Global hunger rose sharply from 2019 to 2021 and persisted at the same level to 2023, affecting over 9 percent of the world population in 2023. Over 582 million people are projected to be chronically undernourished by 2030, more than half of them in Africa.

More than a third of rural adults experienced moderate or severe food insecurity in 2022, compared to 29.9% in peri-urban and 25.5% in urban areas.

³ About us, "Right to Food - a Fundamental Right", NHRC Blog, available at, <https://nhrc.nic.in/press-release/right-food-fundamental-right> last seen on 26/01/2025

⁴ About us, "Right to Food - a Fundamental Right", NHRC Blog, available at, <https://nhrc.nic.in/press-release/right-food-fundamental-right> last seen on 26/01/2025

The global gender gap in food insecurity decreased from 2.3 to 1.3 percentage points between 2022 and 2023. Urbanization challenges include the availability of unhealthy fast food, lack of fresh produce, exclusion of small farmers, and loss of natural capital due to urban expansion.

UN agencies working for food security:

World Food Program:

The World Food Program (WFP), aims to bring food assistance to more than 80 million people in 80 countries and is continually responding to emergencies. But WFP also works to help prevent hunger in the future. They do this through programs that use food to build assets, spread knowledge and nurture stronger, more dynamic communities. This helps communities become more food secure.

Food and Agriculture Organization of the United Nations:

Achieving food security for all is at the heart of the efforts of the UN's Food and Agriculture Organization (FAO). Its main purpose is to make sure people have regular access to enough high-quality food to lead active, healthy lives. Its three main goals: the eradication of hunger, food insecurity and malnutrition; the elimination of poverty and the driving forward of economic and social progress for all; and, the sustainable management and utilization of natural resources, including land, water, air, climate and genetic resources for the benefit of present and future generations.

FAO also issues the food price index, which is a measure of the monthly change in international prices of a basket of food commodities.⁵

International Fund for Agricultural Development:

The International Fund for Agricultural Development (IFAD) has focused exclusively on rural poverty reduction, working with poor rural populations in developing countries to eliminate poverty, hunger and malnutrition, raise their productivity and incomes, and improve the quality of their lives. All IFAD-funded programs and projects address food and nutrition security in some way. IFAD has supported about 483 million poor rural people over the past four decades.

⁵ About us, Welcome to United Nations, available at, <https://www.un.org/en/global-issues/food#:~:text=Global%20hunger%20rose%20sharply%20from,points%20between%202022%20and%202023>. Last seen on 26/01/2025.

Current Situation of India:

Over the past two decades, India's population has increased by more than a quarter billion people. The Gross Domestic Product (GDP) of the economy has increased by a factor of four, the amount spent per person has increased by a factor of three, and the quantity of food grain that is produced has almost exactly doubled.

The lack of access to India's plentiful food supply has a disproportionately negative effect on the country's female and child population, which contributes to the country's overall undernourishment rate. This is particularly true in more rural parts of the country. The Food and Agriculture Organization of the United Nations (FAO) has recently published a study titled "The State of Food Security and Nutrition in the World, 2019," which contains an estimate that 194.4 million people in India are malnourished. According to this, around one-fourth of Indians have a body mass index that is considered to be below the normal level. Additionally, anaemia affects 51.4% of females who are of this age range and are between the ages of 15 and 49.

Recent studies show that 37.9% of pre-schoolers in India are stunted, which means that their weight is insufficient for their height and that 20.8% of these children are underweight. A lack of proper nutrition in the body raises the chance of death from common childhood illnesses such as malaria, pneumonia, and diarrhoea. Additionally, there is an increase in the total risk of passing away as a result of these diseases. Because one-third of India's population is considered to be malnourished, the country is ranked third worst on the Global Hunger Index for malnourished children under the age of five. This is because it is estimated that one-third of India's population is suffering from a lack of adequate nutrition. This arrangement was decided upon after taking into consideration the following three criteria: The government of India has developed a wide array of programs to assist in the fight against this issue. The Midday Meal Scheme, Annapurna, the Public Distribution System, and the Integrated Child Development Services are just a few of the many programs that fall under this category. There are also a great many others. It is concerning that the laws and pledges that have been made on paper do not always meet up with the real implementation of these in practice since they do not always match up with one another. This is the case even though Section IV of the Constitution places a focus on public health and nutrition and the precedents issued by the Indian Supremacy Court are typically favorable. The scenario has not changed despite the presence of these elements.⁶

⁶ About us, Suryansh pahwa, available at, <https://www.cnbc.com/2024/01/31/hunger-is-indias-biggest-problem-and-why-millions-are-still->

Conclusion:

Many people are concerned about a possible relapse, even though significant progress has been achieved in guaranteeing the right to food for all people. A lack of enough funding, a lack of adequate program coverage, and other obstacles combine to make this a challenging operation to carry out effectively. Problems include a lack of well-trained personnel and volunteers; a lack of structures and storage facilities for Anganwadi programs; a lack of clean drinking water; a lack of sanitation; a lack of electrical power; and a lack of coordination among committees, beneficiaries, and elected officials.



[hungry.html#:~:text=India%2C%20with%20a%20population%20of,over%20190%20million%20hungry%20people. Last seen on 26/01/2025.](#)