

NATIONAL FOOD SECURITY

LAW & POLICY IN INDIA



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EDITORIAL

Food is the basic necessity of being and human beings. Its guarantee is both legal and extra-legal. In an organised society which is based on mutual consent and surrender of free will, every hungry stomach has the right to feed. Before the 20th century, food security was primarily seen as a matter of charity or social welfare. However, as nations became more aware of the economic, political, and social dimensions of hunger, the notion of the right to food began to take root.

The right is not just about food availability but also encompasses the idea of food security, which involves three key elements: **Availability, Access and Utilization**

Right to food has seen the travel- Right from the international conventions to national commitment and subsequent elevation to the status of constitutional guarantee in India. It began as an experimental scheme, and now it is rooted in legislation fortified by the Constitution.

India's food security legal framework is extensive, with several laws, policies, and schemes aimed at ensuring that all citizens, particularly the vulnerable, have access to adequate food. The National Food Security Act remains the central legislation for ensuring food security, supplemented by various schemes like the Mid-Day Meal Scheme, ICDS, and PDS. However, the system still faces challenges in terms of efficiency, coverage, and the quality of food provided, and there is an ongoing need for reform and better implementation to ensure that food security in India becomes more effective and sustainable.

This book delves deeply into this issue, providing a comprehensive analysis of the concept of food as a fundamental human right. It traces its historical evolution, explores the international and national legal frameworks that underpin it, and highlights the social, political, and economic factors that hinder its realisation. This editorial seeks to encapsulate the main themes of the book, emphasising the urgent need for robust action and collective will to address global food insecurity.

In this context, the book serves as both an educational tool and a call to action, urging policymakers, activists, and academics to continue the fight for food justice. The right to food, as this book demonstrates, is fundamental to human dignity and social well-being. It is not a luxury but a necessity for a world that aspires to be just, equitable, and sustainable.

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“A Decade of India’s Food Security Law and Future Challenges”: A Study**Dr. Madhuri V. Sarwade**

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Abstract

The discussion surrounding food security rights in India is not new, but it does have a unique aspect at the moment due to the stage it is at. The study project is an attempt to handle this fascinating topic within the many national and international legal contexts. The study posits that the current legal framework, policies, programs, and initiatives are insufficient to effectively tackle the problem of food security in India. This research study attempts to concentrate on the illiterate and vulnerable population and raises the crucial issue of subsistence for debate. Food is our strength source, and constrained access to food impacts our well-being in numerous ways. Approximately one billion people worldwide suffer from malnutrition as a result of not receiving enough food to meet their basic needs.¹ Having enough food is one of the fundamental rights of all people. It is essential for the fulfilment of all human rights that the right to food be acknowledged and the “*right to life*” and the “*right to health*” are intrinsically linked to the “*right to food*.” State governments celebrate their accomplishment of achieving independence in food production and accessible reserved food in warehouses, but the condition of food security is still critical on a national level. India, which is celebrating its 77th year of independence, is poised to make amazing strides and reach new heights in terms of population, technology, and the economy. Nutrition and health indicators, however, continue to be major concerns. According to the Global Hunger Index 2022, 19.3% of children in India are malnourished. While rates of stunting and underweight have decreased, the prevalence of anaemia in women aged 15-49 (53%) may be among the highest in the world. India may take pride in a plethora of legislation, programs, and initiatives that were designed to address the problems related to child malnutrition. One such achievement that established the framework for a rights-based strategy for food and nutrition security in India was the National Food Security Act (NFSA), 2013.

Despite producing some of the world’s highest agricultural yields, India has one of the highest rates of undernourishment in the world. There are several explanations for why this paradox exists. India’s struggle to address undernourishment led to a drop in its ranking from 115th to 121st place out of 163 countries between 2019 and 2022 in the UN’s 2003 “Social

Development Goals.” This placed India behind not only other BRICS nations but also poorer neighbouring countries like Bangladesh and Nepal. During the COVID-19 pandemic, India faced a significant food security crisis. The lockdowns resulted in widespread income loss, making it difficult for many families to access adequate food. This situation posed a serious challenge to ensuring food availability for all. For many years, the Indian government has been deeply concerned about issues related to food security. In this article, we will go into great detail about the current state of food security in the nation as well as its associated challenges.

Keywords: Challenges, Food Security Act, Indian Constitution, Legislative Measures, Public Distribution System. (PDS), Brazil, Russia, India, China, and South Africa (BRICS).

Introduction:

India faces many challenges in relation to food security because of its vast population and heterogeneous socio-economic structure. This study examines the development, application, difficulties, and efficacy of India’s food security laws and regulations. Reviewing the legislative framework designed to guarantee food affordability, accessibility, and availability to all individuals, it primarily addresses the 2013 National Food Security Act (hereinafter referred to as “NFSA”).

The importance of government initiatives in attaining food security objectives, such as public distribution systems (hereinafter referred to as PDS), food subsidies, and nutritional programs, is also examined in this research. Additionally, it talks about how these regulations affect other stakeholders, such as the agriculture industry and vulnerable communities. In conclusion, the article provides an analysis of future prospects and possible reforms aimed at improving food security in India. Despite its potential for agriculture and economic expansion, India nevertheless faces significant challenges related to food security. Historical, political, and economic considerations have influenced India’s path to guaranteeing food security, resulting in the creation of extensive legislative frameworks and regulations.

The fundamental idea behind food security on a global scale is to guarantee that everyone has access to the essential nutrients they need for an active and healthy life at all times. Food security is defined by the availability, accessibility, stability, and use of food.² The fundamental idea behind food security on a global scale is to guarantee that everyone has

access to the essential nutrients they need for an active and healthy life at all times. Food security is defined by the availability, accessibility, stability, and use of food.

The National Food Security Bill has been criticized for being financially irresponsible as well as having political motivations.³ M. Manohar Joshi, a well-known opposition politician, even went so far as to refer to the bill as a “vote security” measure (for the ruling government coalition) rather than addressing food security. Mulayam Singh Yadav, a different political heavyweight, said, *“It is obviously being brought for elections...When hunger was killing the impoverished, why didn’t you bring this bill sooner? Every election is a measure that you bring forward. For the impoverished, nothing exists.”* Ten years have passed since the Act (NFSA) 2013 was passed in 2023. The NFSA represents a significant turning point in the development of food security laws in India by converting the right to food into a legally recognized entitlement. By guaranteeing access to sufficient amounts of high-quality food at reasonable rates, the Act seeks to offer food and nutritional security using a life cycle approach, allowing individuals to live in dignity.

But even with the availability of enough food grains and a legal right to food security for ten years, at least 189 million people in India, roughly 19 crores, struggle with severe hunger, accounting for 14% of the country’s total population. As of October 14, 2022, India is ranked 107th out of 121 nations in the Global Hunger Index, which puts it in the “serious” category for the 22nd year in a row.⁴ The main unsolved question is: why do so many citizens of the nation live in constant fear and hunger for decades on end? The data on hunger and malnourishment in India are especially concerning with regard to women and children. According to the most recent Global Nutrition Report, 2021, the nation is falling short of five of the six targets for maternal, newborn, and early childhood nutrition. These targets cover stunting, wasting, anaemia, low birth weight, and childhood obesity. The pandemic has undone what little could be accomplished through a variety of programs, notably the National Nutrition Mission, or POSHAN Abhiyaan, so progress in addressing the issue has been slower than anticipated.

India, which is celebrating its 77th year of independence, is poised to make amazing strides and reach new heights in terms of population, technology, and the economy. Nutrition and health indicators, however, continue to be major concerns. According to the Global Hunger Index 2022, 19.3% of children in India are malnourished. India may take pride in a plethora of legislation, programs, and initiatives that were designed to address the problems related to child malnutrition. The 2013 Act (NFSA) was one such accomplishment that

created the foundation for a rights-based approach to food and nutrition security in India. When the Act was passed on July 5, 2013, it became a ray of hope for countless numbers of individuals from marginalized communities, kids, expectant mothers, and nursing moms who were mostly dependent on state-funded grain and supplemental nutrition provisioning to get through the hardships of food and nutrient shortages. Even after the law was passed ten years ago, problems still exist. The purposes of the legislation are not being successfully realized due to a number of challenges, such as low-quality entitlements, broken supply chains, limited awareness, poor governance, a lack of cultural diversity, and poor coverage of qualifying right holders. Aside from that, a variety of issues have surfaced in relation to changing food systems, resource depletion, and climate change.

A Rights-Based Strategy for India’s Food Security:

The National Food Security Act, 2013 marked a significant change in India from a welfare-based to a rights-based approach. The realization of food security necessitates acknowledging the following elements: components (accessibility, adequacy, availability, stability, and sustainability) and principles (participation, accountability, non-discrimination, transparency, human dignity, empowerment, and the rule of law). This session aims to illustrate the application of a rights-based approach to ensure food security for all.

The Indian Constitution and Food Security:

The fundamental idea behind food security on a global scale is to guarantee that everyone has access to the essential nutrients they need for an active and healthy life at all times. Food security is defined by the availability, accessibility, stability, and use of food. The fundamental right to life guaranteed by Article 21 of the Indian Constitution may be construed to encompass the right to live with human dignity, which may include the right to food and other essentials, even though the Indian Constitution makes no specific mention of the right to eat.⁵ India’s food security law is heavily influenced by the values outlined in the country’s constitution. Article 21⁶ clearly acknowledges the state’s responsibility in facilitating the realization of the right to food for everyone, even though it does not specifically mention it. This chapter attempts to review the fundamental tenets of the constitution, the judiciary’s function, and the importance of normative and legal frameworks in defending the right to food of the weaker and marginalized segments of society.

The Indian Constitution's preamble guarantees economic justice to all of its residents. In the absence of two square meals each day for its population, economic fairness cannot be achieved. The Indian Constitution provides substantial national protection, possibly more accessible to Indian individuals than analogous safeguards provided by international entities, by directly and tacitly recognizing the right to food.⁷

Article 21 of the Indian Constitution recognizes the right to life as a basic right. In *Kharak Singh v. State of U.P.* (1963)⁸, the courts interpreted that the term “life” in this article meant a human life with dignity, not only a life of survival or an animal existence. In *Chameli Singh v. State of U.P.* (1996)⁹, a three-judge Supreme Court panel declared: “In any organized society, the right to life as a human being is not fulfilled by addressing simply the animal necessities of man. The guarantee of the right to life in any civilized society encompasses the rights to food, water, housing, medical care, education, and a respectable environment. These fundamental human rights are acknowledged in all civilized societies.

The interpretation of fundamental rights, such as the right to life protected by Article 21, is guided by the governing principles of state policy. A dignified life is intrinsically related to the right to sustenance. The state must guarantee food security in order to guarantee that its population does not go hungry. The state's main responsibilities include improving public health and raising the standard of life and nourishment of its citizens. Article 47: The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health.¹⁰

In *Kapila Hingorani v. State of Bihar* (2003)¹¹, the Supreme Court of India considered the right to food under Article 21 of the Indian Constitution and declared: “*The right to food in the context of human rights does not mean that the state is a super-entrepreneur determining and carrying economic activities in its own wisdom.*” In the framework of human rights, the right to food instead refers to the fulfilment, respect, and protection of one's access to labour and resources that are used to produce food.

The Court further pointed out that, in contrast to governmental economic demands, the freedom to meet one's own needs underlines independence and dignity, and this is what the right to food refers to. When there is no one in need of food, the right to food may not always be respected. Therefore, by holding the government accountable for defending the

right to food by the appropriate course of action or other analogous ways, future hunger and malnutrition can also be prevented in addition to ending current hunger.

“There is no question that the right to food is a constitutional right and not just a statutory one,” the Supreme Court declared in *Swaraj Abhiyan v. Union of India* (2016)¹². In any event, the state must take all reasonable steps to ensure that everyone has access to enough food grains, particularly those who reside in areas affected by drought, even if the right to food is guaranteed by law.

“Every person has the right to life as guaranteed by Article 21 of the Constitution, including the right to access at least the most basic necessities of life,” the Supreme Court declared in *in re: Problems and Miseries of Migrant Labourers* (2020)¹³. It is the responsibility of all states and governments to guarantee food security to the underprivileged.

“Let no one die of hunger is a fundamental obligation stated in Article 47 of the Indian Constitution, which must be interpreted with the right to life under Article 21 for it is the right to food,” the Allahabad High Court said in *Haripal v. State of UP & Ors* (2021)¹⁴. Put another way, Article 21 of the Indian Constitution guarantees the right to food and requires the State to make sure that its duties are fulfilled in line with Article 47 read with Article 39(a) of the Indian Constitution.

Under the term Social Justice, one can bring in the question of access to health care facilities and the principle of justice involved in the equality of access to these facilities.¹⁵ India is an important member of the international community. She has been playing a very active role in the cause of a beautiful and prosperous world.¹⁶ In this context, the contribution of the framers of our Constitution is unique. They were fully alive to the vital aspect of their great role.¹⁷ The right to health is protected under the Indian Constitution. Articles 38, 39 (e) (f), 42, 47, and 48 A in Part IV (Directive Principles of State Policy) of the Indian Constitution place a duty on the State to guarantee the establishment and maintenance of conditions conducive to good health.¹⁸ Similarly, the Rajasthan High Court ruled that the preservation of the environment, sanitation, and health are protected under Article 21 of the Indian Constitution because they have a negative impact on citizens’ lives and can even slow poisoning or shorten their lives due to hazards.¹⁹

Nutrition: Risks, Opportunities, and Barriers:

There are still implementation issues at different levels, even with the lofty objectives of the NFSA and other food security policies. Procurement, storage, distribution inefficiencies, leaks in the PDS, targeted mistakes, and corruption are some of these difficulties. The successful distribution of food security benefits is further complicated by regional inequalities in food access and nutritional results. Furthermore, long-term risks to India's food security come from agricultural production's susceptibility to water constraints, land degradation, and climate change. Evaluating the effects of food security laws and policies on social fairness, poverty reduction, and nutritional outcomes is a crucial step in determining their efficacy in India. Research indicates that even though the NFSA has improved access to food grains and decreased severe hunger in some areas, problems with assuring fair distribution and nutrient quality still exist. Different states and socio-economic groups experience different effects from food security programs, which emphasize the necessity for focused plans and flexible tactics.

Presently, there is widespread acceptance of the importance of human rights in the international structure because it has legal, moral, and political bearing.²⁰ Malnutrition and hunger are not new issues; they have existed throughout human history. Food is essential to human survival, and access to it is a fundamental human right. But the world's pervasive hunger is a good example of how the right to eat is still being denied. Hunger still affects a significant section of the world's population today, despite historically high increases in the amount of food produced per person worldwide. India's total food output has grown far quicker in the recent few decades than the country's population. A number of distinctive and creative agricultural initiatives brought about by the Green Revolution made India a surplus producer. Regretfully, the Green Revolution was short-lived.

Over the years, India's legislative framework for food security has changed dramatically in response to historic programs and laws that target hunger, malnutrition, and food insecurity. A household's income, gender, resource distribution, budgetary management, and ability to prioritize tasks all have a significant impact on an individual's ability to get and consume nutrient-dense food. This study aims to illustrate some of the obstacles and challenges that vulnerable groups face while trying to get enough nutrients.

The environment's effects on the availability of food:

The stability, sufficiency, accessibility, and availability of food production are all directly impacted by environmental change. The goal of this environmental impact session is to draw attention to some of the issues surrounding environmental deterioration and how it affects food systems.²¹

Safe and Nutritious Food:

The worldwide setting has seen a significant increase in concern regarding access to safe and nutritious food due to challenges in food production, processing, storage, and distribution. In light of current food fortification initiatives and policies on genetically modified crops, as well as other compelling political, economic, environmental, and structural changes, this session seeks to foster serious conversations about children's and women's low nutritional status and health indicators.

The Political Economy of Food Security:

Any nation's political economy shapes its political will to give food security top priority while maintaining a workable, long-term funding source. Given the national trends in supporting significant food and agricultural programs, this session will cover budget allocations for various areas responsible for ensuring food security, such as agriculture and nutrition programs. India's economy has experienced remarkable growth in recent years, and it is still among the fastest growing in the globe. Despite significant progress, food insecurity and poverty remain significant issues in India. Food is regarded as a fundamental good that is necessary for a person's survival, development, and growth. India comes in at number 101 out of 116 countries in the 2021 Global Hunger Index. The Food and Agriculture Organization reports that in 2021–2022, the Food Price Index rose by 30%. The Public Distribution System and the NFSA 2013 have been two of the many ways that the Indian government has been actively addressing food security at the household level. However, issues with food security in India in the face of population growth, climate change, and disruptions to global supply chains (such as the Russia-Ukraine War) still need to be addressed.²²

Prospective Routes and Suggestions with recommendations:

In the long run, improving food security in India will need a comprehensive strategy that tackles systemic issues and supports social protection, rural development, and sustainable

agricultural methods. Crucial actions include bolstering the PDS, utilizing technology to create transparent processes for procurement and delivery, and encouraging health and nutritional knowledge. Incorporating nutrition-sensitive agriculture into national goals, strengthening resilience to climate change, and empowering smallholder farmers should all be key objectives of policy reforms.

CONCLUSION:

This research has shown us how, despite being the most successful agricultural producer in the world, we as a nation have failed to prevent food insecurity and malnutrition among a large percentage of the populace through an analysis of the various food-related policies that India has in place. The investigation leads to the conclusion that corruption is the main cause of the present food policy's failure and a lack of sincerity in the implementation of government efforts. If a policy is devoid of empathy and compassion, it cannot be sufficiently successful to ensure security. The government and the people working together must ensure that every Native American has their "right to food." This study project's initial objectives were to find legal and policy loopholes regarding food security in India and to provide solutions for eradicating food insecurity in our local community. Taking everything into account, one may conclude that putting more emphasis on issues like crop insurance, integrated water management, climate change mitigation, and agricultural pricing can assist India in achieving food security. Globalization-related policies need to be carefully managed to minimize their negative effects on India's food security because SEZs and other components of the movement have had both positive and bad effects on agricultural prosperity. India must reclaim its rightful position as the world's leading nation, given its population of more than 1.2 billion people. It would not, however, be able to accomplish its objectives given that about one-third of the population experiences starvation and malnutrition.

In this situation, it is appropriate to quote an African proverb. *"Anybody's Hunger is Everybody's Shame"*. India's dream of becoming a worldwide superpower can only come true if the country's hunger problem is resolved. Despite its delay, the National Food Security Act is a significant step in that direction.²³

In summary, the pursuit of national food security in India is a continuous process influenced by changing laws, regulations, and socio-economic factors. Even while programs

such as the NFSA have achieved great progress, ongoing efforts in creativity and commitment are needed to address ongoing implementation, distribution, and sustainability concerns. Through the implementation of evidence-based policies, inclusive governance, and partnerships, India may make significant progress in guaranteeing food security for its whole population, thus promoting a more robust and healthy society.

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