



Right to Life in Indian Constitution With Special Focus on Right to Food

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ABSTRACT

This article focuses on the various aspects of Indian constitution related to the right to food. Special focus has been laid down on the Food Safety and Security Act, 2006. The paper addresses the important judgments laid down in the field of right to food. India is signatory to many international treaties involving right to food. Indian Constitution also indirectly refers to right to food. Therefore, there is an obligation for the Indian Government (Centre and states) to fulfill the right to food of the people.

KEY WORDS

Right to Life, Right to Food, Constitution, Hunger, Food Safety, Initiatives.

INTRODUCTION

The right to life and individual liberty are the primary early privileges for the development of human character. It is an ethical right that every person wherever should consistently possess. Right to life and individual liberty is the modern term for what has traditionally been regarded as "natural right." It is also regarded as one of the most important inherent and inalienable fundamental rights, which enables a person to live his life as he pleases. Article 3 of the Universal Declaration of Human Rights recognizes the right to life and individual liberty, stating, "Everyone has the right to life, freedom, and individual security." Article 9 of a comparable document states, "No one will be subject to inconsistent capture, detention, or deportation." It proves that the international community is comparable to the protection of human life and liberty. In Part III of the Constitution, under the heading Fundamental Right, the framers of our Constitution incorporated Article 21 which states, "No person shall

be deprived of his life or individual freedom, except in accordance with the procedures prescribed by law,” because they viewed the individual as more than a mere physical substance.

Since ancient times, India’s culture and traditions accord food great value and respect. According to an excerpt from the Atharva Veda, “every individual has the right to equal access to food and water,” food has been considered a manifestation of the goddess Parvati, and everyone has the right to equal access to food and water. India has been an active UN member and signatory to the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Consequently, it is governed by all of the laws and regulations established by these international accords. Despite the fact that India does not explicitly define the right to food as a fundamental human right It has implicitly included the right and requirements to defend the right in the preamble, the fundamental rights, and the directive principles of state policy of the Indian Constitution. In addition to the Indian Constitution, the Indian Parliament established the National Food Security Act (2003), also known as the Right to Food Act, to give subsidized food grains to two-thirds of India’s population. This was a Government action to improve the nation’s food security. This Act established various programs, including the Midday Meal Scheme, the Integrated Child Development Services Scheme, and the Public Distribution System. According to the most recent figures from 2021, there are currently 75.75 billion beneficiaries of the National Food Security Scheme. The National Food Security Act has at times been criticized for its storage facilities, food distribution quality, and lack of scientific techniques. It is proposed that the use of technology and the incorporation of Information Technology within the scope of the National Food Security Act are important and will prove beneficial over time.

Judicial Pronouncements

1. **AK Gopalan Case¹**: Prior to the 1950s, Article 21 was quite restrictive. In this instance, the Supreme Court determined that the phrase “plan laid out by regulation” encapsulates the British concept of individual liberty as opposed to the American concept of “fair treatment.”
2. **Maneka Gandhi Case²**: This case reversed the verdict in the Gopalan case. In this case, the Supreme Court stated that Articles 19 and 21 are not watertight compartments. The possibility of individual freedom in Article 21 is expansive and includes numerous privileges, some of which are exemplified in Article 19, so providing individuals with “additional insurance.” In addition, the court ruled that a regulation that falls under Article 21 must also meet the requirements of Article 19. This indicates that any method authorized by law to restrict the life or liberty of an individual should not be arbitrary, unreasonable, or capricious.
3. **Francis Coralie Mullin Case³**: In this instance, the court determined that any approach for the hardship of a person’s life or freedom must be rational, fair, and just, and not arbitrary, capricious, or whimsical.
4. **Olga Tellis Case⁴**: This case reiterated the prior position that any approach that denies a person’s major entitlements should conform to the norms of fair play and equality.
5. **Unni Krishnan Case⁵**: In this instance, the Supreme Court upheld the broad interpretation of the right to life.

Right to Food Under Constitutional Law of India

Although the Indian Constitution does not recognize the right to food as a fundamental right, many provisions and the preamble recognize the right. It seeks to ensure that all of its residents have enough access to safe, healthy meals.

Under the preamble of the Indian Constitution: In the Indian constitution and its preamble, socialism is a fundamental component. As a socialist democratic nation, India strives to eradicate poverty. Socialist ideas promote the concept of the right to food. It seeks to ensure a good level of living for everyone, particularly those living below the poverty line. Socialism seeks to eliminate the disparity between the country’s rich and

poor. A balanced diet and proper nutrition reduce hunger, undernourishment, malnutrition, illness, and other food-borne diseases, and supports Article 21 of the Constitution's right to life as a basic right. In *Keshavananda Bharati v. State of Kerala*⁶, it was determined that the freedom from famine is as vital as the right to life.

Under Directive Principles of State Policy: Article 39A, which was inserted to the Indian Constitution by the 42nd Constitutional Amendment Act (1976), imposes a duty on states to ensure justice, promote equality, and provide equal opportunity for all residents of the state. The states will achieve this objective with the assistance of legal aid and through laws and programs. Several food security programs can be implemented in the states under this article. The Mid-day Meal Scheme is one such program implemented by state governments to provide complete meals to schoolchildren. Alternatively, it also encourages the right to education. Importantly, Article 47 stipulates that it is the states' responsibility to improve the nutrition and living circumstances of their inhabitants. It is their primary responsibility to provide all citizens with standard healthcare. This responsibility involves imposing appropriate restrictions on the consumption of intoxicating drugs and alcohol by citizens in order to prevent the deterioration of their health.

As a Basic Human Right: The Constitution protects the fundamental right to a life worthy of respect. The Constitution does not limit the right to life to animal existence. The constitutional guarantee of life extends beyond mere physical existence. It includes the right to live a dignified life. The right to food is thus protected under the right to life, as the need for food to satisfy hunger is a fundamental requirement for life and without food life is impossible. In a series of decisions, the Indian judiciary has recognized the right to food as deriving from the constitutionally protected right to life. The right to life puts on the nation-state the constitutional duty to guarantee that the right to nourishment is not violated.

As an Integral Part of the Constitution's Fundamental Structure

Certain fundamental characteristics or framework of the Constitution cannot be altered through the amendment process. Constituting the core foundation of the Constitution are the vital aspects of individual liberty, such as immunity from poverty. Freedom from hunger is one of the most fundamental need for human existence; hence, the right to food is a fundamental component of the Constitution and is safeguarded from legislative action that seeks to repeal or diminish it. The Constitution's mandate to establish a welfare state and an egalitarian society is another fundamental aspect. A mandate of an egalitarian society is to defend the right to food of the people since an egalitarian society ensures equal distribution of the food produced in the country as well as the riches of the country. The right to food is one of the rights provided under the right to life.

Important Judgments

In the Supreme Court case *Kharak Singh v. State of Uttar Pradesh*⁷, which arose from a challenge to the Constitutional validity of the U. P. Police Regulations that permitted surveillance by means of domiciliary visits and mystery picketing, the significance of the right to life and individual freedom was elucidated in great detail. The majority and minority on the seat rested on the interpretation provided to the phrase "right to life and individual liberty" by an American decision (per Field, J.) in *Munn v. Illinois*⁸, which found that the term "life" included more than only creature presence. The disallowance against its adversity extended to the numerous cutoff points and resources by which life was valued. The majority ruled that the U. P. Police Regulations authorizing nighttime home visits by police as a form of surveillance violated the right to life and individual liberty and were therefore unconstitutional. The Court further concluded that the right to life and individual liberty enumerated in the Constitution of India is the right of a person to be emancipated from limitations or infringements in his possession, whether they are directly imposed or indirectly attained via deliberate actions.

In *Sunil Batra v. Delhi Administration*⁹, the Supreme Court highlighted the aforementioned notions and concluded that the right to life and individual liberty encompassed the right to a healthy life and participation in the resources of the human body's thriving conditions. It would also include the right to insurance of a person's

customs, culture, and legacy, as well as everything that gives a man's life value. It also includes the option to live in harmony, the option to rest in harmony, and the option to rest.

In *P.U.C.L v. Union of India (Right to Food Case)*¹⁰, the Supreme Court reaffirmed that Article 21 of the Constitution of India, which guarantees the fundamental right to "human dignity," guarantees the right to food.

- All PDS stores, if closed, were to be reopened with immediate effect, according to the court's order.
- The Food Corporation of India (FCI) was tasked with preventing the waste of food grains.

The Court's request had the following effects: a) It changed over the advantages of eight sustenance related programs into legal privileges; b) It guided all state legislatures to begin giving a prepared breakfast to all children in government-funded schools; c) It guided the state and central legislatures to adopt specific measures to guarantee public awareness and transparency of these plans/programs.

In *Chameli Singh v. State of U.P.*¹¹, when describing the extent of Article 21, the Supreme Court determined that "the right to life guaranteed in any civilized society includes the right to food, water, a good environment, education, medical care, and shelter."

In *Shantisar Builders v Narayanan Khimala Totame*¹², the Court held that fundamental requirements of man have customarily been acknowledged to be three-food, apparel and asylum. The right to life is ensured in any cultivated society. That would take inside its scope, the right to food, the option to apparel, the right to a nice climate and sensible convenience to live in.

In *Dena Nath vs Public Fertilizers Ltd.*¹³, the Court saw that the implementation of the arrangements to lay out a container in each foundation under Section 16 is to supply food to workers at the financed rates as the right to food is a fundamental basic freedom.

In *Peerless General Finance and Investment Co. Ltd. vs Hold Bank of India*¹⁴, the Court cited Article 25 of Universal Declaration of Human Rights and held that right to life incorporates the option to live with fundamental human nobility with the necessities of life, for example, sustenance, clothing, food, cover over the head, offices for social and financial prosperity of each and every person. Article 21 safeguards the "right to life". It ensures and determines subsequently the base requirements for presence, including a superior tomorrow.

Food Safety and Standards Act, 2006

The Act seeks to establish a single point of reference for all matters pertaining to food safety and standards by shifting from multi-level, multi-departmental control to a single chain of command. Various federal statutes, such as the Prevention of Food Adulteration Act of 1954, the Fruit Products Order of 1955, and the Meat Food Products Act of 1990. Order, 1973, Vegetable Oil Products (Control) Order, 1947, Edible Oils Packaging (Regulation) Order 1988, Solvent Extracted Oil, De-Oiled Meal and Edible Flour (Control) Order, 1967, Milk and Milk Products Order, 1973, Vegetable Oil Products (Control) Order, 1947, Edible Oils Packaging (Regulation) Order 1988, Solvent Extracted Oil, De Order, 1992 and any other food-related order issued under the Essential Commodities Act, 1955 (10 of 1955) are repealed upon the commencement of the FSS Act, 2006.

In addition to these regulations and guidelines, the Indian Penal Code also contains provisions for managing contaminated food. Part XIV of the Code regulates the management of "offences affecting the general welfare, security, comfort, decency, and ethics." In accordance with Sections 272 and 273, contaminating food or drink or offering contaminated food or drink is a crime punishable by up to a half-year in jail, a fine, or both. In 1970, however, a few states, including Uttar Pradesh and West Bengal, felt it lacked discipline and adjusted the arrangement regarding discipline. The state modification has made the offence punishable by life imprisonment and a monetary fine.

Fssai's Important Initiatives

The Food Safety and Standards Authority of India (FSSAI) has also undertaken a number of noteworthy initiatives with regard to cleanliness and regulations. The following are a few of these important forces:

- **Eat Right India:** The objective is not simply to feed everyone, but to feed everyone with high-quality food. With this initiative, FSSAI intends to make high-quality food accessible to every citizen. This is also known as the SWASTH BHARAT YATRA.
- **Clean Street Food:** This includes preparing the street food vendors and making them aware of the FSS Act 2006 violations. This will also contribute to the social and economic advancement of roadside food vendors.
- **Diet for Life:** This is another initiative by FSSAI to raise awareness about metabolic disorders.
- **Save Food, Share Food, Share Joy:** Encouraging individuals to avoid food waste and plan food donations in advance. Through this, FSSAI hopes to connect food-gathering organizations with food-producing organizations and provide food to those in need.
- **FSSAI-CHIFSS:** This is a joint effort between FSSAI and the CII-HUL Initiative on Food Safety Sciences to advance joint efforts for food handling between industry, the scientific community, and academia.

FSSAI also celebrated the first World Food Safety Day on June 7, 2019, recognizing the commitment of states, food organizations, and individuals to maintaining sanitation.

CONCLUSION

In India, the Right to Food is a highly contentious and debatable topic. All preceding discussion and concluded cases led us to the conclusion that the Right to Food is one of the typical liberties granted by our constitution to its citizens. It is a right that cannot be impeded by any movement or practice that seeks to prevent obtaining government. It is ordinarily associated with the esteem of others and is essential for the attainment and enjoyment of such diverse opportunities as wealth, education, employment, and political support. It is a fundamental obligation of our organization to provide food to every resident, and those who are unable to obtain food from a distribution center must have access to food.

The right to food is essential to the dream of a world without hunger, in which every child, woman, and man can take care of themselves with dignity. It is a universal freedom officially recognized by the vast majority of states. Although there is consensus on the vision, states have been slow to incorporate this shared liberty into training. For any right to food action to be taken at the national level, accurate data and evaluation of the right to food situation are essential prerequisites. If the public authority does not know which individuals are food insecure and defenseless, and why they are denied their right to food, no remedial action will be planned or carried out to manage the situation.

The Food Security Act is a commendable initiative, but it is insufficient. It is essential that those being targeted are aware of their qualifications. Project-related information should be clearly communicated via media, guiding, and other techniques. Since each state differs in terms of absolute and relative poverty, state-specific indicators can be determined. The Food Security Act necessitates that special efforts be made in identifying recipients.

Not only is the Right to Food a fundamental Human Right, but it is also an essential human need. Therefore, as capable individuals, we should exert pressure on the Government to actually uphold the Right to Food.

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