

# An International Legal Framework of Food Security and its Impact on Indian Legislation

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## Abstract

*This research paper explores the evolution of the international legal framework for food security and critically examines its profound influence on the development of domestic legislation in India. The right to adequate food, while not always explicitly named, is a fundamental human right embedded within the broader context of the right to an adequate standard of living. This study traces its normative development through key international instruments, beginning with the foundational principles of the Universal Declaration of Human Rights (UDHR) of 1948 and the legally binding provisions of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) of 1966. It further analyzes the contributions of subsequent declarations and conventions, including the Universal Declaration on the Eradication of Hunger and Malnutrition (1974), the United Nations Convention on the Rights of the Child (UNCRC) of 1989, and the Convention on the Rights of Persons with Disabilities (CRPD) of 2006, which have progressively refined state obligations towards vulnerable groups. The paper also considers the role of the UN Sustainable Development Goals, particularly Goal 2: Zero Hunger, in shaping contemporary policy agendas. The central argument is that this evolving international framework has served as a crucial normative and moral catalyst for the transformation of food security from a policy objective into a justiciable legal right in India. The paper analyzes the impact of these international norms on Indian legislation, culminating in a detailed examination of the National Food Security Act (NFSA), 2013. By assessing the NFSA's provisions in light of international standards, this research evaluates the extent to which India has translated its international commitments into enforceable domestic law, highlighting both the achievements and the persistent challenges in the realization of the right to food for all its citizens.*

**Keywords:** Human Rights, Food Production, Right to Food, Food Security, Adequate Food, Freedom from Hunger.

## Introduction

The present paper examines the role of various international instruments in safeguarding food security. International instruments play a critical role in safeguarding food security by providing a framework of binding legal obligations and non-binding, voluntary guidelines that define, promote, and protect the right to adequate food. The right to adequate food is included in international instruments like the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) as part of the right to an adequate standard of living. The ICESCR specifically mentions the fundamental right to be free from hunger. This right is also protected under the Universal Declaration on the Eradication of Hunger and Malnutrition (1974). Furthermore, the Convention on the Rights of the Child, specifically under Articles 24 and 27, recognizes a child's fundamental right to health and an adequate standard of living. To uphold these protections, the State is obligated to implement decisive measures against malnutrition by ensuring that children have consistent access to nutritious food. Achieving these objectives necessitates coordinated and collaborative efforts from the State, emphasizing both the enhancement of food production and the establishment of an equitable distribution system for food. Under the Convention on the Rights of Persons with Disabilities (CRPD), the right to an adequate standard of living is recognized as a fundamental human right that must be guaranteed to all individuals without discrimination based on disability. This legal framework imposes a clear obligation on states to continuously take effective measures to ensure that persons with disabilities enjoy equal access to basic necessities, including adequate food, clothing, housing, and clean water.

The right to adequate food is founded on the principle that food is a fundamental pillar of human dignity and a "basic right" that serves as a prerequisite for all other human rights. Food is considered a legal entitlement that the global community recognizes as central to an adequate standard of living. Consequently,

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states act as "duty-bearers" with an obligation to respect, protect, and fulfil this right, ensuring that food is available, accessible, and nutritionally adequate for all. This consensus underscores that a decent standard of living remains unattainable as long as the threat of starvation or malnutrition undermines the core of human existence and the right to life itself.

India recognizes the right to adequate food as a fundamental human right under Article 21 of the Indian Constitution. This recognition was enforced through judicial interpretation in the case of *People's Union for Civil Liberties (PUCL) v. Union of India* (2001). This led to the transformation of government welfare schemes into legally enforceable entitlements to prevent starvation deaths despite surplus food stocks. Consequently, these judicial directives culminated in the National Food Security Act (NFSA), 2013. The directives stemming from the right to food case and the National Food Security Act (NFSA) of 2013 are in alignment with international frameworks. They establish the state's obligation to ensure food security in India, transitioning this obligation from a "welfare" model to a "rights-based" framework.

#### *The Universal Declaration of Human Rights (UDHR), 1948*

The Universal Declaration of Human Rights (UDHR) is often referred to as the "International Magna Carta of Human Rights". It marked a historic shift in international law by establishing that human rights are not merely domestic issues for individual states to decide but are international obligations that are not confined by the jurisdictional or physical boundaries of a single nation. The United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR) on December 10, 1948, making it the first global document to acknowledge fundamental human rights.<sup>3</sup> It gave the status of human rights as the **foundation of international human rights law**, establishing a "common standard of achievement for all peoples and all nations". This changed the international legal framework by stating that "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".<sup>4</sup>

The Universal Declaration of Human Rights has recognized the right to food for the first time at the international level. Article 25(1) of the UDHR specifically states that "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control."<sup>5</sup> In order to ensure health and well-being, it declares that everyone has the right to a sufficient quality of life, which includes access to food, clothing, shelter, and medical treatment. Therefore, the aforementioned clause protects human integrity by guaranteeing that people and their families have access to basic necessities. The "right to security" in this context refers to social protection—mechanisms designed to prevent people from falling into extreme poverty when they cannot work due to circumstances beyond their control (sickness, old age, unemployment). It means that, even in extreme circumstances, people have the right to access necessary, safe, and nutritious food to prevent hunger and malnutrition. In summary, the right to security in the event of lack of livelihood is a protective measure ensuring that, regardless of one's ability to work, they maintain access to essential necessities like food, thereby maintaining their human dignity. Therefore, this article explicitly includes "food" as a core component of an adequate standard of living. "Right to Food" is the most fundamental of all rights because it is the "gateway" to every other right. Ultimately, the status established by the UDHR has served as the bedrock for modern legal

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<sup>3</sup> Yacine Ait Kaci (YAK) "Universal Declaration of Human Rights", United Nations, 2015.

<sup>4</sup> The Universal Declaration of Human Rights, 1948, art.2.

<sup>5</sup> The Universal Declaration of Human Rights, 1948, art.25.

frameworks, directly inspiring international treaties and ensuring that human dignity remains a primary global priority.

*The International Covenant on Economic, Social, and Cultural Rights (ICESCR), 1966.*

The UDHR is the core of the International Bill of Human Rights, which serves as the blueprint for major legal frameworks such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and regional treaties. The UDHR, along with the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (both adopted in 1966), form the "International Bill of Human Rights". It is the living source of the global human rights movement, providing the basic blueprint for justice, freedom, and peace in the world.

The Universal Declaration of Human Rights (UDHR) served as the foundational model for the International Covenant on Economic, Social, and Cultural Rights. The International Covenant on Economic, Social and Cultural Rights (ICESCR) was adopted by the United Nations General Assembly on **December 16, 1966**, via Resolution 2200A (XXI).<sup>6</sup> It is a core international human rights treaty that obligates state parties to progressively realize a wide range of rights, including the rights to work, health, education, and an adequate standard of living. Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) formally recognized for the first time in an international treaty the "Core Three" pillars necessary for an adequate standard of living: food, clothing, and housing (shelter), along with the "continuous improvement of living conditions"<sup>7</sup>. The right to continuous improvement under Article 11 of the ICESCR is inextricably linked to the principle of progressive realization established in Article 2(1). While Article 11 defines the substantive right to an ever-improving quality of life, Article 2(1) creates the legal framework for its implementation by obligating states to take steps to the "maximum of its available resources" to achieve the full realization of rights. Therefore, Article 11 acts as a dynamic commitment or creates a continuous obligation for governments to constantly better the living conditions of the population, rather than simply maintaining a static, minimum level of existence.<sup>8</sup> This provision moves beyond merely ensuring survival; it protects an individual's right to an evolving standard of living rather than just a minimal or maximal standard.

The covenant recognizes the fundamental right to be free from hunger. To ensure this right, State Parties must individually and collaboratively with other nations implement measures and programs aimed at protecting it.<sup>9</sup> States Parties must also take efforts to improve food production, conservation, and distribution by leveraging scientific knowledge, spreading nutritional education, and reforming agrarian systems for efficient resource use. Furthermore, they must coordinate internationally to ensure world food supplies are distributed equitably, balancing the specific challenges of both importing and exporting nations to meet global needs.<sup>10</sup> Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) establish a mandatory reporting mechanism for State Parties to monitor the implementation of rights. States are required to submit reports detailing the measures they have adopted and the progress they have made to the UN Secretary-General. These reports are subsequently reviewed by

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<sup>6</sup> UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, GA Res 2200A (XXI),

GAOR, UN Doc A/RES/21/2200 (16 December 1966).

<sup>7</sup> Saul, Ben, David Kinley, and Jacqueline Mowbray, Article 11: The Right to an Adequate Standard of Living', *The International Covenant on Economic, Social and Cultural Rights: Commentary, Cases, and Materials* (2014; online edn. Oxford Law Pro) available at: <https://doi.org/10.1093/law/9780199640300.003.0013>, (last visited on 6<sup>th</sup> February 2026)

<sup>8</sup> The International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, art.11.

<sup>9</sup> Food and Agriculture Organisation of the United Nations, *Right to Food in Theory and Practice* (1998)

<sup>10</sup> United Nations, *International Covenant on Economic, Social and Cultural Rights*, 1967 available at: [https://treaties.un.org/doc/treaties/1976/01/19760103%2009-57%20pm/ch\\_iv\\_03.pdf](https://treaties.un.org/doc/treaties/1976/01/19760103%2009-57%20pm/ch_iv_03.pdf) (last visited on 6<sup>th</sup> February 2026)

the UN Committee on Economic, Social, and Cultural Rights (CESCR). The Committee on Economic, Social and Cultural Rights (CESCR) serves as the expert monitoring body that evaluates periodic reports to ensure state parties are fulfilling their treaty obligations. It assesses the progress made and obstacles encountered by states, issuing formal recommendations to guide the effective implementation of the Covenant. The International Covenant on Economic, Social, and Cultural Rights (ICESCR) stipulates in Article 11(2) that governments must guarantee that everyone has access to enough food, which is necessary for both physical and mental development.

*The Universal Declaration on the Eradication of Hunger and Malnutrition, 1974.*

One of the fundamental rights to adequate food is the freedom from hunger. This right is legally protected by the 1974 Universal Declaration on the Eradication of Hunger and Malnutrition, which calls for immediate worldwide efforts to eliminate malnutrition and ensure fair food distribution. To address this right amid a period of severe food scarcity, the world community adopted the 1974 Universal Declaration on the Eradication of Hunger and Malnutrition. This Declaration was adopted on 16 November 1974 during the first World Food Conference in Rome. It was later endorsed by the United Nations General Assembly through Resolution 3348 (XXIX).<sup>11</sup> An international commitment to global food security was adopted by 82 countries in 1974 as a result of the World Food Conference, with a focus on national storage programs to control agricultural production variations. As a result of this agreement, the Food and Agriculture Organization (FAO) and other organizations created crucial structures, such as the World Early Warning System on Food and Agriculture, the International Emergency Food Reserve, and the Assistance Plan for Food Security.<sup>12</sup> The purpose of these programs was to protect vulnerable communities by offering a coordinated response to shortages and an Assistance Plan for Food Security. The international community sought to address world hunger and food supply volatility by formalizing these mechanisms in order to take a proactive rather than reactive approach.

The 1974 World Food Conference was convened as a direct response to a period of acute global food instability and humanitarian catastrophe during the early 1970s. West Africa and the Sahel region have faced droughts as a result of extreme weather events. These conditions further contribute to production risks, threatening agricultural productivity and food availability in Sub-Saharan Africa, where many areas are already experiencing food and nutrition insecurity.<sup>13</sup> At the forefront was the occurrence of widespread and devastating famines in Bangladesh, Ethiopia, and the Sahel region of West Africa, which resulted in hundreds of thousands of deaths and highlighted the fragility of the global food supply. Additionally, the 1973 oil crisis played a critical role; as energy prices quadrupled, the cost of producing fertilizer and transporting food skyrocketed, crippling the agricultural sectors of developing nations. These crises led to the grave imbalance between the resources held by developed nations and the vulnerabilities of developing countries. In an urgent effort to address these systemic inequalities, the international community adopted the Universal Declaration on the Eradication of Hunger and Malnutrition. The 1974 Universal Declaration on the Eradication of Hunger and Malnutrition established the foundational principle that "Every man, woman and child has the **inalienable right to be free from hunger and malnutrition** in order to develop fully and maintain their physical and mental faculties".<sup>14</sup> The 1974 Universal Declaration on the Eradication of Hunger and Malnutrition mandated that the international community move beyond isolated relief efforts to address food insecurity through systemic economic cooperation and development. It established the

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<sup>11</sup> World Food Conference, Universal Declaration on the Eradication of Hunger and Malnutrition, GA Res 3348 (XXIX), 17 December 1974, E/CONF.65/20, (17 December 1974).

<sup>12</sup> Albert Sasson, "Feeding tomorrow's world", 686 (United Nations, France, 1990).

<sup>13</sup> World Bank and FAO. 2021., "A Blueprint for Strengthening Food System Resilience in West Africa: Regional Priority Intervention Areas", 194 (Washington, D.C.: The World Bank and FAO).

<sup>14</sup> Art.1 of The 1974 Universal Declaration on the Eradication of Hunger and Malnutrition,

inalienable right to be free from hunger, requiring nations to collaborate on equitable food distribution<sup>15</sup> and agricultural reform to ensure global stability and human dignity.

*The United Nations Convention on the Rights of the Child (UNCRC), 1989.*

The United Nations Convention on the Rights of the Child (UNCRC) was adopted on 20 November 1989.<sup>16</sup> It is a legally binding international agreement designed to protect children by establishing minimum standards for their health, survival, and development. The United Nations Convention on the Rights of the Child (UNCRC) (1989) serves as a legally binding instrument that reinforces the principles established by the Universal Declaration on the Eradication of Hunger and Malnutrition (1974) by specifically guaranteeing a child's right to adequate nutrition. Both the instruments are closely interlinked through their shared objective to proclaim that every child has an "inalienable right to be free from hunger and malnutrition," which will help to develop their physical and mental faculties.

The Convention on the Rights of the Child (1989) upholds the United Nation Charter's core principle of inherent dignity and equal rights for all members of the human family. This principle is the foundation for global freedom, justice, and peace. It reiterates belief in basic human rights and the value and dignity of every human being, as stated in the Universal Declaration of Human Rights and the UN Charter. It reaffirmed their commitment to upholding fundamental human rights and their firm determination to advance social development and improved standards of living in a more democratic world. It further affirms that everyone, including children, is entitled to all rights without discrimination. This convention highlights the need for special care, protection, and a family environment for children's growth. Article 24 of the UNCRC guarantees a child's right to health and requires countries to take measures against disease and malnutrition by providing nutritious food and clean water, reducing infant mortality, and ensuring healthcare access.<sup>17</sup> The 1974 Declaration asserts that it is a fundamental responsibility of governments to collaborate in increasing food production and ensuring a more equitable distribution of food. This principle is codified as a legal obligation for ratifying states under Article 27 of the UNCRC. The shared responsibility paradigm for child welfare is outlined in Article 27, which establishes the intricate equilibrium between the state's supportive role and the family's responsibilities. It balances the private duties of parents with the public duties of the state. At its core, it asserts that parents bear the primary responsibility for creating the necessary conditions for a child's development. However, this obligation is constrained by their financial resources and physical capabilities. **Therefore, to ensure this responsibility, the State acts as a vital support system** by providing material assistance and support programs to help parents succeed in providing nutrition, clothing, and housing.

This intervention emphasizes the essential pillars of survival by safeguarding a child's development through the provision of fundamental needs: nutrition, clothing, and housing. By offering these essentials, the program establishes a crucial safety net that helps ensure healthy growth continues, even in the face of a family's financial instability. Articles 24 and 27 of the UNCRC collectively mandate that every child has an inherent right to health and a standard of living adequate for their holistic development. While Article 24 obligates states to combat malnutrition and disease through clean water and healthcare, Article 27 emphasizes that when parents are physically or financially unable to meet these needs, the state must intervene. Consequently, governments are required to implement robust assistance programs that provide essential material support, specifically targeting **nutrition, clothing, and housing**. By bridging these gaps, the state ensures that a child's fundamental growth is never compromised by their family's private hardships. This dual responsibility creates a comprehensive legal framework designed to safeguard the dignity and physical well-being of the most vulnerable children.

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<sup>15</sup> The Universal Declaration on the Eradication of Hunger and Malnutrition 1974, art.2.

<sup>16</sup> United Nations General Assembly, *Convention on the Rights of the Child*, GA/RES/44/252, (20 November 1989).

<sup>17</sup> The Convention on the Rights of the Child ,(1989), art.24

*The Convention on the Rights of Persons with Disabilities (CRPD), 2006.*

The Convention on the Rights of Persons with Disabilities was adopted on *13 December 2006*.<sup>18</sup> It is an international human rights treaty of the United Nations that aims to protect the rights and dignity of persons with disabilities. The Convention has reaffirmed the principles contained in the United Nations Charter by recognizing the principles of inherent dignity, worth, and equal and inalienable rights of all people. These rights are the foundation of freedom, justice, and peace in the world. They are universal, indivisible, interdependent, and interrelated to all human rights and fundamental freedoms.

The right to food is implicitly included in Article 4 of the Convention on the Rights of Persons with Disabilities (CRPD), which lays out states' general obligations to guarantee and advance the full realization of all human rights for people with disabilities without discrimination. It mandates that states must take measures to the maximum of their available resources to progressively achieve these rights.<sup>19</sup> **Whereas Article 28** of the Convention states that parties commit to ensuring an **adequate standard of living and social protection** for persons with disabilities and their families without discrimination. This mandate requires governments to safeguard access to basic necessities—such as **food, clothing, housing, and clean water**. Article 28 gives the legal framework substance by ensuring the material resources—such as food, clothes, and housing—necessary for those rights to be realized in daily life, while Article 4 provides the framework by mandating that states enact laws and policies to advance human rights.

*The UN Sustainable Development Goals*

Sustainability within the Sustainable Development Goals (SDGs) balances current global needs—like ending poverty, hunger, and inequality—while protecting future generations. The framework balances environmental, social, and economic dimensions together to create a resilient, intergenerational approach to progress. The UN SDGs (Sustainable Development Goals) are **17 global goals adopted by all United Nations member states in 2015 as a blueprint for peace and prosperity by 2030. The Sustainable Development Goals (SDGs) represent a universal call to action for all countries regardless of their wealth to foster global prosperity while safeguarding the environment.** This "shared blueprint" recognizes that long-term economic growth is inseparable from social progress, necessitating integrated strategies that expand education, healthcare, and job opportunities while simultaneously addressing the climate crisis and protecting natural ecosystems like forests and oceans.

The Sustainable Development Goals (SDGs) operate as a cohesive and **interconnected framework. This integrated design requires a strategic balance between social, economic, and environmental sustainability to ensure that growth in one area does not come at the expense of another. The Leave No One Behind (LNOB) principle is the central, transformative promise of the UN 2030 Agenda for Sustainable Development, explicitly designed to prioritize the world's most marginalized populations.** This means prioritizing progress for the most vulnerable and marginalized populations first to ensure that sustainable development is universal and equitable. It mandates that countries shift their focus toward the most disadvantaged groups—those facing overlapping forms of discrimination, exclusion, and inequality—to ensure that global progress is truly inclusive.

Sustainable Development Goal 2 (SDG 2) provides a framework aimed at **ending hunger, achieving food security, improving nutrition, and promoting sustainable agriculture** by 2030. To achieve **SDG 2 (Zero Hunger)** and uphold the **Right to Food**, global efforts must move beyond short-term emergency aid toward building a food system that is resilient, fair, and capable of ensuring food is available at all times. This requires a shift from viewing food as a "charity" to recognizing it as a fundamental legal and ethical entitlement that every person should have physical and economic access to year-round.

<sup>18</sup> United Nations General Assembly, *Convention on the Rights of Persons with Disabilities* GA/RES/61/106, GAOR, 61st sess., (13 December 2006).

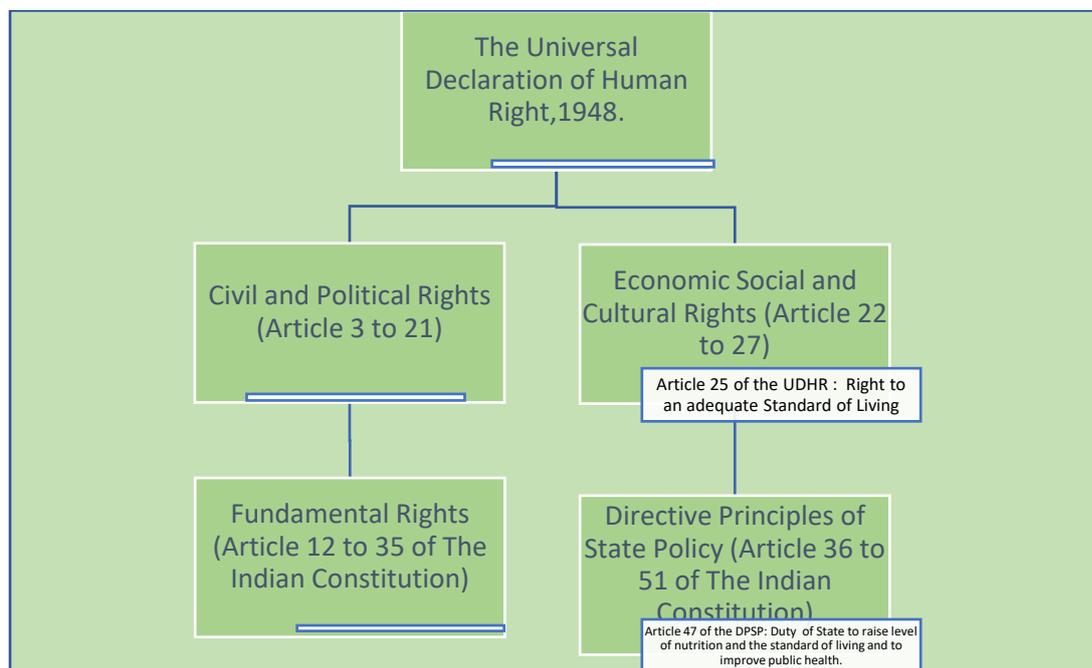
<sup>19</sup> The Convention on the Rights of Persons with Disabilities, 2006, art. 4.

*Impact on Indian Legislation*

The 'Right to Food' in India has evolved from several landmark international instruments to which India is a signatory. In order to meet its responsibilities for food security and a sufficient level of life, India has incorporated a number of important international treaties and agreements into its own domestic legal system. As a founding member of the United Nations, India was a signatory to the **Universal Declaration of Human Rights (UDHR)** in 1948 and played a significant role in its drafting to make it a more inclusive and international statement.

India acceded to the International Covenant on Economic, Social and Cultural Rights (ICESCR) on April 10, 1979, committing to protect rights such as the right to an adequate standard of living and the right to be free from hunger. India signed the Convention on the Rights of Persons with Disabilities (CRPD) on March 30, 2007, and ratified it on October 1, 2007, with the objective to ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. The country deepened its formal legal obligations by acceding to the United Nations Convention on the Rights of the Child (CRC) on December 11, 1992, to strengthen protections for children, including their right to adequate nutrition. Additionally, India participated in and endorsed the **Universal Declaration on the Eradication of Hunger and Malnutrition** at the 1974 World Food Conference.

The Universal Declaration of Human Rights (**UDHR**) served as a foundational blueprint for the **Indian Constitution**, specifically influencing the division of rights into two distinct categories based on their nature and enforceability. **Fundamental Rights** (Part III), which mirror the **Civil and Political Rights** of UDHR (Articles 3 to 21), are **justiciable** and legally enforceable in a court of law to protect individual liberties. In contrast, the **Directive Principles of State Policy (DPSP)** in Part IV are inspired by the **Economic, Social, and Cultural Rights** outlined in UDHR (Articles 22 to 27).



**Figure 1. This Figure Represents the Influence of the Universal Declaration of Human Rights (UDHR) On the Indian Constitution, Particularly in The Fundamental Rights and Directive Principles of State Policy.**

The DPSP in Articles 36-51 of the Indian Constitution are the core ideals and guidelines that are meant to be kept in mind by the state while formulating policies and enacting laws.<sup>20</sup> It aimed at establishing a welfare

<sup>20</sup> Art.37 of Indian Constitution.

state, ensuring social, economic, and political justice. The state shall strive to reduce inequalities in income and eliminate inequalities in status, facilities, and opportunities, ensuring that every citizen has a fair chance to secure a dignified livelihood and contribute to the nation's progress.<sup>21</sup> Among these, the **Right to Food** originates from **Article 25** of the UDHR, which recognizes the right to an **adequate standard of living**. In the Indian context, this is primarily addressed through **Article 47** of the DPSP. Article 47 of the Constitution of India, a Directive Principle of State Policy (Part IV), mandates the state to improve public health, raise nutrition levels, and enhance the standard of living as primary duties. Article 39 provides for certain principles of policy to be followed by the state. The Constitution (Forty-Second Amendment) Act, 1976, added new DPSPs (Directive Principles of State Policy) to the existing list of art. 39, where it states that the children are given opportunities and facilities to develop in a healthy manner.<sup>22</sup> Until then, the right to food in India has not been explicitly recognized as a right in Part III and Part IV of the Indian Constitution.

*The National Food Security Act, 2013.*

In the landmark People's Union for Civil Liberties (**PUCL**) v. **Union of India (2001)**<sup>23</sup> case, famously known as the "Right to Food Case," the Supreme Court for the first time has explicitly recognized the **Right to Food** as an integral part of the Right to Life under **Article 21**. The court affirmed that the right to life includes the right to live with human dignity and freedom from hunger, rendering the right to food a justiciable, fundamental right. By reading Article 21 (Right to Life) in the light of Article 47 (Duty of the State to raise the level of nutrition), the judiciary transformed a non-justiciable social goal into an enforceable human right.

The Court found it unacceptable that starvation deaths were occurring in states like Rajasthan while millions of tonnes of food grains lay rotting in government godowns. Consequently, the Court transformed several non-enforceable welfare schemes into **legal entitlements**, mandating the universal implementation of the Mid-Day Meal Scheme in schools and the Integrated Child Development Services (ICDS) for children and pregnant women. Following years of persistent Supreme Court orders, which transformed existing welfare schemes into legal entitlements, the government enacted the National Food Security Act (NFSA) in 2013.

The preamble of the National Food Security Act, 2013, states, "An Act to provide for food and nutritional security in the human life cycle approach by ensuring access to an adequate quantity of quality food at affordable prices for people to live a life with dignity and for matters connected therewith or incidental thereto." This act marked a crucial shift from a welfare-based to a rights-based approach, legally entitling nearly two-thirds of the population to subsidized food grains and making the state accountable for food security. The Act establishes a legally binding, rights-based approach. The **National Food Security Act (NFSA), 2013**, maintains its dual-level approach by legally converting pre-existing welfare programs into enforceable rights, ensuring that food and nutritional security are guaranteed at both the national and household levels through three primary schemes: **Public Distribution System (PDS), Integrated Child Development Services (ICDS), and Mid-Day Meal Scheme (MDM)**. By integrating these programs, the NFSA ensures that the national buffer stock is effectively utilized to meet the specific life-cycle needs of individuals, protecting them from hunger. Under the Act, if the state fails to provide the entitled food grains or meals, the state government is obligated to pay a **food security allowance** to the beneficiary.<sup>24</sup>

<sup>21</sup> Art.38 of Indian Constitution.

<sup>22</sup> The Constitution of India, art. 39(f) "that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment".

<sup>23</sup> (2001) 7 SCC 511.

<sup>24</sup> The National Food Security Act, 2013, Sec.8.

*The Rights of Persons with Disabilities (RPwD) Act, 2016*

The Rights of Persons with Disabilities (RPwD) Act, 2016, was enacted on December 28, 2016, and came into force on April 19, 2017. Article 4 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), 2006, mandates that signatory nations, including India, adopt legislative and administrative measures to implement the rights recognized in the convention. As a direct consequence of this international obligation, India enacted the Rights of Persons with Disabilities (RPwD) Act, 2016. It replaces the Persons with Disabilities (Equal Opportunities, Protection of Rights, and Full Participation) Act, 1995, to align Indian law with the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which India ratified in 2007. The act aims to guarantee non-discrimination, promote full and effective participation, and foster inclusion in society. It emphasizes the importance of respecting differences and accepting persons with disabilities as integral members of human diversity and humanity. In addition, it promotes equality of opportunity, accessibility, gender equality, and respect for the developing skills of children with disabilities as well as their right to maintain their identities. The Act provides a legal framework that compels the government to ensure food security for persons with disabilities (PwDs). Although the NFSA covers all persons for the "life cycle approach" to food security, the Rights of Persons with Disabilities (RPwD) Act, 2016, was enacted to specifically cover the disabled. The Act was enacted as a specialized, rights-based law to address the unique barriers faced by persons with disabilities (PwDs). The two acts function together to ensure that food security must be actively inclusive of the disabled without any discrimination.

The Rights of Persons with Disabilities (RPwD) Act, 2016, recognizes food security as a critical component of the right to an adequate standard of living, primarily addressed under **Section 24** and **Section 37**. Under Sec 24, the government must develop the appropriate plans and programs to ensure that people with disabilities have an adequate standard of living so that they can live freely and to promote their rights. The percentage of support provided to individuals with disabilities under such programs and schemes must be at least 25% greater than equivalent systems that apply to other people. Section 24 of the Act provides for the formulation of programs that are further effected under Section 37. Section 37 provides for mandating specific quotas of five percent reservation in all poverty alleviation and various developmental schemes with priority to women with benchmark disabilities, which has been interpreted to include food security programs like the Antyodaya Anna Yojana and public distribution systems. The legislation also emphasizes special support for women with disabilities, children, and those without shelter or livelihood, requiring measures to ensure their access to adequate food. Finally, the Act provides that these measures must be implemented in addition to, and not in derogation of, other existing laws, such as the National Food Security Act (NFSA), 2013, ensuring that PwDs receive priority access to subsidized food grains.<sup>25</sup> Under Section 27(1), the appropriate government and the local authorities must undertake services and programs of rehabilitation, with particular emphasis on health, education, and employment. The "Right to Food" is the foundational pillar that makes those three goals achievable. The "services and programs of rehabilitation" in the area of health must include access to adequate nutrition. When formulating "rehabilitation policies," the government must consult NGOs. For persons with disabilities (PwDs), rehabilitation is impossible without a diet that addresses the physical, cognitive, and functional improvements.

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<sup>25</sup> The Rights of Persons with Disabilities Act, 2016 (Act No. 49 of 2016), s.96

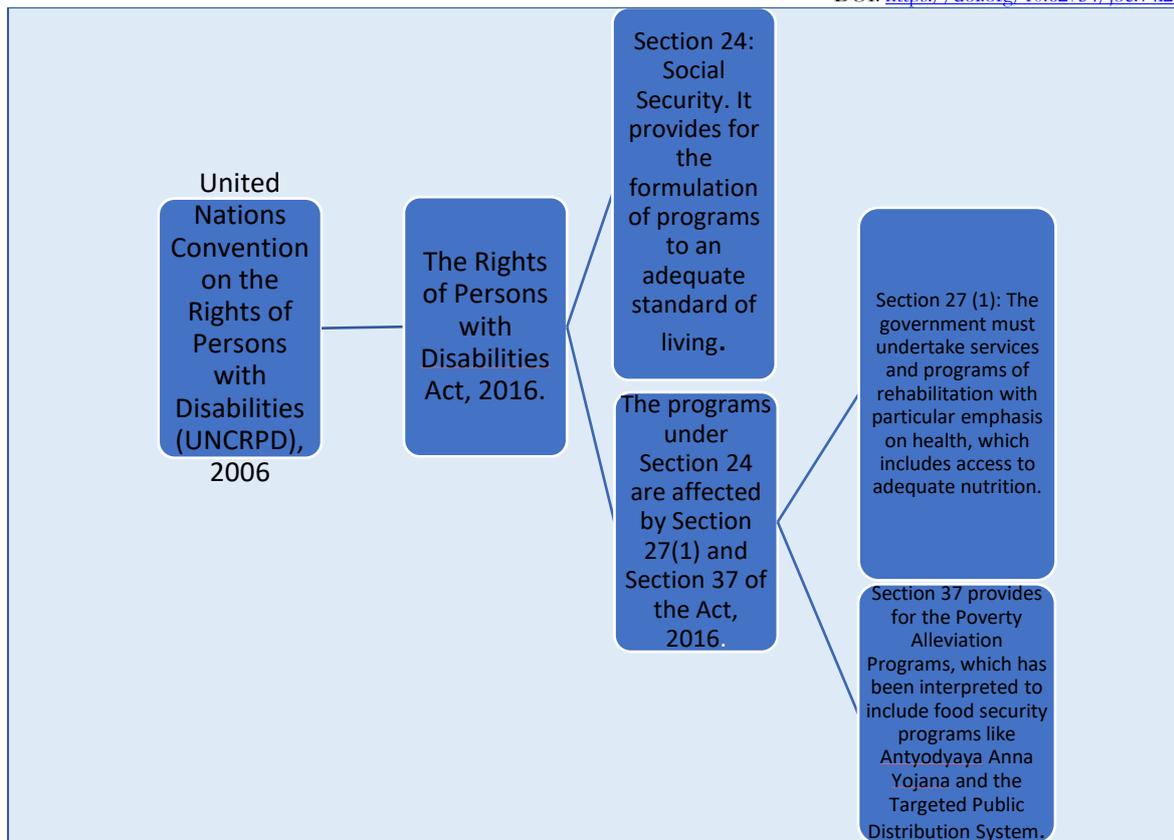


Figure 2. This Represents the Role of the UN Convention on the Rights of Persons with Disabilities in the Indian Scenario, Which Led to the Formulation of the Rights of Persons with Disabilities Act, 2016.

## Conclusion

Human rights are the fundamental foundation required for every individual to live a life of dignity. The global community's proactive oversight and shared accountability in the protection of these rights are essential for their full realization. This proactive role of the global community in the protection of human rights served as the basis for humans to live a dignified life. UDHR it was the first global and comprehensive instrument to codify fundamental human rights and freedoms based on the inherent dignity and equal rights of all individuals. The Universal Declaration of Human Rights has recognized the right to food for the first time at the international level. Article 25 (1) of the UDHR specifically includes food as part of the right to an adequate standard of living for health and well-being. While the UDHR established this foundational recognition, the legal obligation was later solidified in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1966, which explicitly states the fundamental right to be free from hunger. The Convention on the Rights of the Child was enacted to protect children's rights and prevent malnutrition. This recognition aims to help children avoid diseases and lead healthy lives. While the Universal Declaration on the Eradication of Hunger and Malnutrition, 1974, established a global inalienable right to be free from hunger, the UNCRC refined this by mandating that states provide specific material assistance and nutritional support to ensure every child's holistic development. This evolution moves from a general human right to food toward a legally binding obligation for governments to proactively implement programs that protect vulnerable children from malnutrition. Article 4 of the Convention on the Rights of Persons with Disabilities provides the legal framework by requiring states to adopt laws and policies to promote human rights; Article 28 fills that framework with substance by guaranteeing the tangible resources—like food, clothing, and housing—necessary for those rights to be realized in everyday life. Therefore, the international instruments have repeatedly emphasized that the government has an ongoing obligation to enhance the living conditions of the population to fully realize human rights. State parties and the global community must take individual and collective action to protect

human rights, including the right to food. Coordinated efforts are essential to effectively address food insecurity worldwide.

India's commitment to global human rights is reflected in its status as a signatory or ratifying party to several landmark international instruments aimed at implementing the right to food. Article 21 has been given a broader interpretation in the landmark *PUCL v. Union of India* (2001) case, wherein the Supreme Court of India fundamentally redefined its scope by explicitly recognizing the Right to Food as an integral part of the "Right to Life." The Universal Declaration of Human Rights, particularly Article 25, recognizes the right to food as an essential component of an adequate standard of living. This, along with the landmark "Right to Food" case in the Supreme Court, acted as a catalyst for the National Food Security Act (NFSA). The National Food Security Act (NFSA) has granted legal recognition to existing welfare schemes, including the Integrated Child Development Services (ICDS), Mid-Day Meal (MDM) program, and Targeted Public Distribution System (TPDS), to ensure that food and nutritional security are upheld as legal rights throughout the life cycle approach.