

## HUMAN BEINGS, FOOD AND NUTRITION: CONSTITUTIONAL RIGHTS

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### ABSTRACT

*Food Sovereignty, Right to Food, Food Security and Food Safety are major terms accustomed fulfill dream of food for all. Food sovereignty word connotes two words food and sovereignty which implies sovereignty over food (food should be available to any or all the people in a country without interference or control of any country). Food should be provided to all or any by all means (political concept) independently with none interference or control of any international markets. It includes Social justice, Protections of Farmer's Right and Indigenous People to manage their future and take decision independently for defense of crops and seeds; it includes self sufficiency and native controls over accessibility of food. Whereas Right to Food is Legal concept and Food Security could be a technical concept. It includes right of individuals to supply food independently without the interference of international markets. Food Security controls the world economy supported liberalized world's agricultural market and is protected through legislation (National Food Security Act, 2013 in India). Indian Constitution protects and recognizes Right to food as a fundamental Right under Article-21 (Right to Life) which establishes Equality at Social, Economic and Political level to all or any citizens to measure with dignity. Right to food isn't directly explicit in Indian Constitution; it's indirectly explicit in right to life under Article-21 (protection of life and individual liberty). This text is written to draw the attentions of research scholars and government toward the effective implementation of right to food and to guide them to resolve the difficulty of food availability to everyone as their constitutional right.*

**Keywords:** Constitution, Supplementary, Sovereignty, Agriculture, Diseases, Economic, Deficiency.

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### Introduction

Food is one amongst the essential necessities of human being. Food is often defined as something solid, liquid, semi solid material which provides energy and nourishment to the figure. Food is classified into two types: (i) Plant origin; (ii) Animal origin. Plant origin food products are those food products which are derived from plants, trees, herbs or shrubs, fungi for example- cereals, pulses, grains, oil, fruits, vegetables, nuts etc. Animal origin food products are those which are derived from animal flesh or animal milk like meat, fish, oyster, milk etc. Food contains different elements or nutrients i.e. carbohydrate, protein, fat, vitamins, minerals, water and crude fibre. Deficiency of nutrients can cause illness or disease, malnutrition, chronic hunger, starvation and death. Right to Food could be a right, which has been recognized in Universal declaration of Human rights, 1948 at jurisprudence, whereas Food security may be a new concept of 1970 associated with government policies regarding food availability, accessibility and adequacy and most of the countries have recognized right to food in their constitutions. Food security includes three basic components. It includes Food accessibility; Food availability; and Food adequacy. Food should be accessible to all or any people in their reach (physical or production) and resources (employment, education, basic health services, purchasing capacity) should be available in the slightest degree times in adequate quantity (calories, nutrients) and quality (safe, wholesome, adulteration free and following food standards) to fulfill the necessity of individuals. Food security should meet dietary needs. Food preferences should ensure a lively healthy life. Food security focused only on public until right to food was recognized in the Constitution of various countries. When the difficulty of right to food came into focus then the question of people's Right to Food became the topic of study. This resulted in the emergence of the proper to Food as a recognized right and a component of Article-21 Right to Life, Right to Healthy living. Food security and Food Safety are correlated and parallel to every other. Right to food may be a justifiable right.

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### **What is Right to Food**

Food is a necessary biological need. It's a commodity in the capitalist world, where several people cannot access safe food because they don't have sufficient money to buy it. People are plagued by hunger, chronic hunger and malnutrition in the accumulation at large. It's one among the foremost serious problems of some states of India like Orissa, Bihar, Chhattisgarh, Madhya Pradesh etc. People forming lower strata of economy and castes are forced to measure in harsh conditions. Poor people of urban areas, Tribal's, scheduled castes of various states are full of malnutrition. In these states chronic hunger, hunger, malnutrition, starvation deaths are similar and somewhat difficult to differentiate. In line with International Standards hunger index, will be measured by body mass index, it refers to weight to height. The common Body Mass Index (BMI) is 18.5, if it's in the range of 18.4 to 17 then there could also be possibility of undernourishment, if Body Mass Index (BMI) is in the range of 16.9 to 16.0 then it's severely undernourished condition and if Body Mass Index (BMI) is a smaller amount than 16.0 then it's a condition of starving. Hunger index measures hunger supported percentage of population which is undernourished, children morbidity and undernourished, below five years." 99 Children, women, lactating women, infants, old age, vulnerable groups, refugees facing problem of shortage of food and a few time even don't find dietary requirement in line with their needs. Several reasons are answerable for hunger and starvation deaths.

Indian Constitution establishes state through Directive Principles of State Policy. These are directives to state to follow any rule or principle while framing any policy, programme or scheme associated with people. This policy may be associated with any problems with sociological, economical and political importance at regional, national and international level. The constitution of India directs the state to require measures to enhance the condition, nutrition and health of individuals in keeping with their requirement. Article-47 puts an obligation on state to enhance public health, secure justice, human condition of works, exercise, extension of sickness, old age, disablement and maternity benefit etc. It also contemplates further state duty to ban consumption of intoxicating drinks and medicines which are injurious to health. It imposes liability on state to secure social order for the promotion of welfare of individuals. It maintains health of public. By Article- 42 State is obliged to safeguard health of infant and mother by provision of just and humane conditions of labor and maternity relief. Article-48A ensures protection of environment, forest and pollution free environment permanently health. "State, municipalities and panchayats all are susceptible to improve health of individuals. Article-243G provides the legislature of a state to endow the panchayats with necessary power and authority in reference to matters listed in the eleventh schedule of Indian Constitution. India is experiencing violation of human rights. Constitution of India affirms provisions associated with the State, Executive, Judiciary, Government and people. If any organ of State as Legislature or Executive works arbitrarily or against the law, judiciary works as a guardian to guard the law and spirit of Indian Constitution. Supreme Court of India has played a serious role for the protection of Right to Food under Right to life (Article-21) through Public Interest Litigation.

### **The Government Role in Right to Food**

Right to food may be a justiciable right. It is often interpreted by the court and may be the topic of litigation. Right to food may be a boon to all or any segments of individuals. It establishes social harmony between people and provides subsidized food grains to below poverty level and above personal income people. Right to food includes three important components access, availability and adequacy of food to people." 148 Right to food may be a social and development issue. It's a matter of great concern to vulnerable people. Supreme Court has upheld legislation to supply a minimum of meals for on a daily basis to remain healthy. "If a person dies due to starvation, malnutrition, chronic hunger or food adulteration and impure food it amounts to deprivation of lifetime of people and State are going to be to blame for the death of individuals." Therefore, whenever, persons are empty their right to food then Right to life has no meaning. Indian Constitution (Part-IV, Article- 39, 47) (Directive principle of state policy) obliges a obligation on a State to boost the amount of Nutrition and living Standard of individuals. It is the duty of Central and state government to form policies and programmes to boost the amount of nutrition and living standards of individuals. Supreme Court through its various judicial pronouncements has made Right to Food as a fundamental and basic right to be protected by the Centre and also the State governments. Fundamental Rights and Directive Principles of the Indian Constitution (Part-III, Part-IV) under Article-21, 39, 47 protects right to food yet as provides safe and nutritious food to all no matter age, sickness, infirmity, natural disaster or vulnerability. Right to food may be a major subject as compared to food security. It absolutely was recognized as somebody's right after the world War, the World Health organization recognized it. Right to food has been recognized by jurisprudence through various Conventions i.e.

Universal Declaration of Human Rights, 1948 (Article-25), International Covenant on Economic, Social and Cultural Rights, 1966 (Article-11), Convention on Civil and Political Rights (Article-6), Convention on the Elimination of Discrimination Against Women, 1979 (Article-12(2)), Convention on Rights of children, 1989 (Article-24) and Rome Declaration on World Food Summit (1966). These conventions adapted right to food to satisfy the demand of individuals to cut back hunger and starvation. India may be a signatory to those conventions and has adapted right to food at law of nations on the identical line. Right to Food includes Food Safety; whatever food is accessible and available should be appropriate human consumption, free from adverse substances, which are injurious to health. Food safety may be a major concern to makes food acceptable, safe and wholesome. "Food Adulteration is one among the heinous acts that make food unsafe and unacceptable. There are several reasons chargeable for addition of inferior substances or removal of essential substance from food products (Food Adulteration) like increasing price of food commodities, corruption and greed of seller. Various numbers of food Laws are enacted in India to forestall adulteration of food products to create them safe and palatable.

Right to food is affected and controlled by Intellectual Property Rights, World Trade Organization, agriculture, food technology and biotechnology agencies. Intellectual Property rights include Protection of Biological diversity, Protection of Right of Indigenous people, Patent, Protection of Farmer's, Plant Breeder Rights and plant varieties. Recognition of property rights to developing and developed countries may be a major concern to safeguard right to food with sustainable development. Sustainable development with mitigating global climate change has been considered at various national and international summits and conferences. To fulfill the demand of food to future generations may be a global concern. Millennium development Goal has been formulated to satisfy the demand of food in the time to return. Directly or indirectly environment and global climate change affects food availability and accessibility to people. Various sorts of species of Herbs, shrubs, plants, trees and animals are an element of rich source of India's Biological Diversity. These have medicinal and remedial effects and it's been recognized since yore as has been defined in the Hindu Mythology "Ramayana". In line with Hindu mythology when Lord Lakshman was injured in a very combat against Ravan, Hanuman brought herb sanjeevani from the Mountain Himalya. Food derived from herbs, shrubs, plants, trees and animals, makes their food through various biochemical reactions like photosynthesis (except some plants and animals). Sunlight, environment plays a vital role in manufacturing of starch; this starch gets converted into carbohydrate; protein and fat in the animal tissue of plant seeds; flower and fruits are consumed as food and employed in the preparation of food, example- leafy vegetables, fruit, oil seeds, nuts, cereal, grain, pulses, legumes, bark, flower, latex etc. These make ecosystem, organic phenomenon and organic phenomenon with animals and various biotic and abiotic components, if organic phenomenon and organic phenomenon is disturbed or climate changes it affects crops cycle, agriculture, food production, food variety and food availability.

#### **Obstacles to Fulfill Need of Food**

"Rapid rise in population has led to a situation where the crop productivity isn't able to meet the necessity of present and future generations. To fulfill this challenge, use of biotechnology is formed to attain high production during a sustainable manner. Science and technology has changed living standards and food consumption patterns (food habits) of individuals. Various kinds of Processed food products are available in market as of invasion of food technology, food biotechnology in food processing sector. Availability of various improved, whether resistant seed varieties may well be possible in a very country because of implications of revolution. Revolution had increased the food crops production in 1970s. Improved styles of seeds can resist drought, flood and adverse conditions of weather to yield more agriculture production. Genetically modified food (GMF), Transgenic Crops and processed food products are available which have given a brand new dimension to right to food and food safety at national and international level for both exporting and importing countries. Different transgenic plants are accepted worldwide i.e. Tomato, Potato, Maize, Soya bean; Papaya, Rice, Cotton, Canola and brinjal yield more crops production. In transgenic varieties or genetically modified food or biotechnological improved crops the gene is transferred from other varieties to form them resistant free from viruses, pathogens, herbicides and various biotic and abiotic components. It increases crop productivity, conserves biological diversity and use of more efficient inputs. Thereby it's contributing safe environment with sustainable agriculture systems and improvement of economic, health benefits, food, feed, fibre technology and reducing problems of malnutrition, hunger and poverty. Genetically modified food could be a matter of great concern of food safety to consumers, agriculture and environment and could be a matter of debate legally and environmentally.

Government should work to get rid of barriers of buying (access to food) to consumer (people). Economic policies should be harmonized to keep up purchasing power of individuals. It's the duty of a government to safeguard right to food and supply safe and nutritious food to any or all. Millions of people are hungry and forced to die due to starvation, chronic hunger, malnutrition, and food adulteration. To trace the historical perspective on Right to Food following are the points which sketch the popularity of right to food. It's not a replacement concept for providing safe, pure and clean food. It's been already defined in several religious mythologies. In the present socio-legal scenario Judiciary and legislation have made right to food enforceable and justiciable right. If there's a violation of any fundamental right it often enforced through Constitutional Remedies. However, hunger and malnutrition are still a giant challenge to the globe.

### Conclusion

Food is the primary necessity of men. It's a crucial place in the different religious mythologies. Physical structure is incredibly adaptable and may have a large kind of diets, because the type of peasant cuisines, developed from what was locally available show. Furthermore, these diets have changed, absorbing new plants and animals and yielding new products as humans have spread across the world, as empires have waxed and waned, as the rich have sought new delicacies, and because the poor have sought to own what rich had. Wherever we are today, the food eaten could be different consisting of a (foods fully) wide range which isn't simple in terms of sustenance but physiological, social and cultural. Right to food and food safety both are equally protected under mythologies of various religions. In line with Hindu religion's mythology food has been placed at an equal status with God. It's been said that food should be pure and free from all the undesirable and harmful substances to take care of physiological state and mind in an exceedingly form. The concept of Right to food came into existence after the landmark judgment of Supreme Court in PUCL v. Union of India et al, which imposed responsibility on State to supply requisite food to any or all the people beyond their limitations. In step with Food and Agriculture Organization Right to Food refers to availability of safe, nutritious and requisite food in line with the necessities of individuals in any respect times. Right to Food and Food Safety are two sides of 1 coin. If food isn't safe and suited human health then Right to food has no value. Food is meant to keep up the health and to not deteriorate it. Contaminated and unsafe food will result in diseases and human health are affected. Therefore, it's desirable that whatever food is provided to people; it should be pure, safe and free from undesirable substances.

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