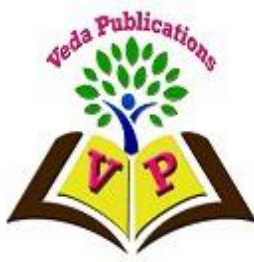


## PUBLIC DISTRIBUTION SYSTEM IN FULFILLMENT OF THE RIGHT TO FOOD – A JUSTICIABLE RIGHT

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### ABSTRACT



The right to food Act so far has not been able to reduce hunger and malnutrition in India. Despite India's bumper harvests and a growing economy, the problems of hunger and malnutrition persist. The National Food Security Act (NFSA) also known as Right to food Act aims at providing subsidized food grains to approximately two-thirds of India's population through the Public Distribution System (PDS). The benefits of development are not shared equitably and the gap between rich and poor is widening, with the poor having to bear the negative impact of unjust development and unfair globalization. Injustice, poverty, ignorance and violent conflict are widespread and the cause of great suffering. Article 25 of the Universal Declaration of Human Rights (1949) recognizes the right of every one to adequate food. Nutrition security is being addressed through the National cooked Mid-day Meal Scheme, AAY, ICDS, KishoriShakthiYojana, Nutrition Programme for Adolescent Girls and PradhanMantri GramodayaYojana. The Government spends Rs. 750 billion per year which is equal to 1% of GDP, yet nearly 21% of the Indian population is undernourished. Budget 2017-18 has been allotted Rs. 1, 45,000 crore for food subsidy which indicating the importance of food security to the targeted poor people. To control leakages, malpractices and loopholes in the PDS, the Government has succeeded in digitalization of ration cards across the country. Andhra Pradesh Government has taken a step forward to prevent leakages by introducing AePDS system in an efficient manner.

**Keywords:** *Right to Food, Food Security, Public Distribution System, Poverty, Nutritious food, Food Schemes.*

## INTRODUCTION

Given that adequate food is a human right, which follows just with any other human right, whether it be the right to information or to the highest standard of health, or again the right to freedom of conscience or the right to a fair trial, what follows is that states have certain duties that individuals can justifiably demand that they carry out. According to World Bank estimates, India is one of the highest ranking countries in the world for the number of children suffering from malnutrition. The prevalence of underweight children in India is among the highest in the world, with serious consequences for mobility, mortality, productivity and economic growth. Unfortunately, the report of "Global Hunger Index" (GHI) for the year 2015 ranked 20<sup>th</sup> amongst leading countries with a serious hunger situation. To solve this basic problem government introduced many schemes, but they are inadequate to fulfill the requirements of poor people. The "Public Distribution System"(PDS) evolved as a system of management of scarcity and for distribution of food grains at affordable prices. Over the years, PDS has become an important part of Government's policy for management of food economy in the country. PDS is supplemental in nature and is not intended to make available the entire requirement of any of the commodities distributed under to a household or a section of the society.

## OBJECTIVES

1. To provide universal access to equitable, affordable and quality food schemes
2. To develop strategy and coordination in distribution of food articles to targeted people
3. To develop strong monitoring frame work to eliminate malpractices
4. Impact of Government programmes in fulfillment of Right to food
5. To create awareness to targeted poor people by providing informative techniques

## METHODS

The research paper is prepared using a research library with online access to books, journals, articles, surveys and encyclopedias.

## HYPOTHESIS

**Null Hypothesis (Ho):** Food safety measures taken in India are enough to ensure the availability of sufficient food for all and also to avoid malnutrition.

**Alternative Hypothesis (H1):** Food safety measures taken in India are not enough to ensure the availability of sufficient food for all and also to avoid malnutrition.

## METHODOLOGY

The present study analyzed the sustainable improvement in promoting efficiency and effective functioning of food security sector based on collection of secondary data from the Government

## NEED OF THE STUDY

The automation of the Public Distribution System (PDS) is an ambitious attempt to combat the diversion of food grains intended for low-income households. Its success depends on two independent processes, 1) Digitisation/de-duplication of beneficiary records, and 2) End-to-end automation of the distribution process. Among the states that have embarked on this process, Andhra Pradesh (AP) stands out as a pioneer, having achieved impressive cost savings. Public distribution system (PDS) is an Indian food security system. Established by the Government of India under Ministry of Consumer Affairs, Food, and Public Distribution and managed jointly with state governments in India, it distributes subsidized food and non-food items to India's poor. This scheme was launched in India on June, 1997. Major commodities distributed include staple food grains, such as wheat, rice, sugar, and kerosene, through a network of fair price shops (also known as ration shops) established in several states across the country. Food Corporation of India, a Government-owned corporation, procures and maintains the Public distribution system (PDS). In coverage and public expenditure, it is considered to be the most important food security network. However, the food grains supplied by the ration shops are not enough to meet the consumption needs of the poor or are of inferior quality.

## ARTICLES OF INDIAN CONSTITUTION AND ITS IMPORTANCE FOR FOOD

### 1. Article 25 :

The Universal Declaration of Human Rights (1949) recognizes the right of everyone to adequate food.

### 2. Article 11 :

The International Covenant on Economic, Social and Cultural Rights (1966) and the General Comment 12 of the Committee on Economic, Social and Cultural Rights further elaborate the responsibilities of all State Parties to recognize the right of everyone to be free from hunger. Further responsibilities in this regard, particularly with reference to children and women, derive from the Convention of the Rights of the Child (Articles 27.1 and 27.3) and the Convention on the Elimination of All Forms of Discrimination against Women (**Article 12**);

3. India is a signatory to the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child.

### 4. Article 21:

The Constitution of India guarantees a fundamental right to life which includes the right to health and its determining factors, including food.

### 5. Article 39 (a):

The Constitution of India obliges the State to direct its policy towards ensuring that the citizens, men and women, equally, have the right to an adequate means of livelihood

**6. Article 47:**

The Constitution of India makes it one of the primary duties of the State to raise the standard of nutrition and the standard of living of its people and to improve public health

**PUBLIC EXPENDITURE ON FOOD SUBSIDY IN INDIA WITH GOVERNMENT PROGRAMMES FOR FOOD****NFSA 2013**

“The National Food Security Act,” 2013 (NFSA) has been notified on 10.9.2013. NFSA, 2013 inter alia provides for coverage of upto 75% of the rural population and upto 50% of the urban population at the all India level under TPDS. Under the NFSA, 2013, the priority households are entitled to receive food grains at 5 kg per person per month at the issue prices of Rs. 3.00, Rs.2.00 and Rs. 1.00 kg for rice, wheat and coarse grains respectively.

**PUBLIC DISTRIBUTION SYSTEM (PDS) IN INDIA*****Definition:***

*“Public distribution system is a government-sponsored chain of shops entrusted with the work of distributing basic food and non-food commodities to the needy sections of the society at very cheap prices.”*

The PDS has played an important role in attaining higher levels of the household food security and completely eliminating the threats of famines from the face of the country. Public distribution of food grains was retained as a deliberate social policy by India, when it embarked on the path of a planned economic development in 1951. It was, in fact, an important component of the policy of growth with justice. In the first five year plan, the system, which was essentially urban based till then was extended to all such rural areas which suffered from chronic food shortages. It was also decided to have two variations of the system, Statutory Rationing Areas, where food grains availability was. Supposed to be only through the Ration Shops and Non-Statutory Rationing Areas, where such shops would only supplement the open market availability. The system, however, continued to remain an essentially urban oriented activity. In fact, towards the end of the first five year plan (1956), the system was losing its relevance due to comfortable foodgrains availability. The net (gross minus 12.5 per cent for seed, feed and wastage) retail level availability of foodgrains had jumped from 54.0 million tonnes in 1953 to 63.3 million tonnes in 1954 and remained at 63 plus million tonnes up to end of the first five year plan. This situation even prompted the government to abandon procurement of foodgrains and remove all controls on the private trading in foodgrains. However, true to its cyclic nature, the production dropped to 58.3 million tonnes in 1958, when the second five year plan had just started and forced the government to not only restart the procurement of cereals and put control on trading of foodgrains but re-examine the need for public distribution system (PDS). It was decided to re-introduce PDS. Other essential commodities like sugar, cooking coal, kerosene oil were added to the commodity basket of PDS. There was also a rapid increase in the Ration Shops

(now being increasingly called the fair price shops-FPSs) and their number went up from 18000 in 1957 to 51000 in 1961. Moreover, quantity of foodgrains distributed through PDS started getting increased with PL-480 availability. Thus, by the end of the Second Five Year Plan, PDS had changed from the typical rationing system to a social safety system, making available foodgrains at a 'fair price' so that access of households to food grain could be improved and such distribution could keep a check on the speculative tendencies in the market. The concept of buffer stocks was also incorporated in the overall food policy, although no buffer worth the name was required to be created in view of easy and continuous availability of PL-480 grains.

All through the ups and downs of Indian agriculture, PDS was continued as a deliberate social policy of the government with the objectives of:

- Providing foodgrains and other essential items to vulnerable sections of the society at reasonable (subsidised) prices;
- To have a moderating influence on the open market prices of cereals, the distribution of which constitutes a fairly big share of the total marketable surplus;
- To attempt socialization in the matter of distribution of essential commodities.

The PDS seeks to provide to the beneficiaries two cereals, rice and wheat and four essential commodities viz. sugar, edible oil, soft coke and kerosene oil. However, state governments, which actually manage the system at the ground level, are exhorted to add other essential commodities like pulses, salt, candles, matchboxes, ordinary clothes, school text books/copies and the like. Supply of additional items through PDS is especially relevant in interior areas, which are away from markets and where one or two traditional shopkeepers, who also double up for money-lenders, have the market monopoly. A number of state governments have set up Civil Supplies or Essential Commodities Corporations to buy such additional items directly from the manufacturers and use the existing structure of PDS to arrange for the sale at lower than market rates. Making available the six essential commodities (rice, wheat, sugar, edible oil, soft coke and kerosene oil) to the state government is the responsibility of the central government. Taking commodities other than cereals (rice and wheat) Distribution) in 1992 will be in order.

### **REVAMPING OF PDS**

With the change of the political executive at the national level in 1991, the present Prime Minister accorded very high priority to the PDS and for quite some time himself looked after the Ministry. It was felt that the really vulnerable areas and people were not getting the desired benefits of PDS due to their disadvantageous geographic location, weak PDS infrastructure and low purchasing power. It was, therefore, decided that PDS should be reoriented for ensuring effective reach to the remotest and the most disadvantaged areas of the country which also had the concentration of poor. Accordingly, around 1750 blocks, composed of tribal, hilly, drought prone and 'de-certified areas, were identified and included

in crash programme designated "Revamped PDS" or for short "RPDS". The plan of action included:

- i. A number of new FPS to be opened so that physical access of beneficiaries is improved;
- ii. Special campaign to be mounted by the state governments to cancel the bogus entitlement cards and to issue new cards to households found to be without them;
- iii. To progressively bring more and more FPS under the system of FPS doorstep delivery of PDS commodities;
- iv. Set up vigilance committees of local people with substantial representation of women for each FPS at the village level and also at higher levels;
- v. Improve the supply chain by constructing or hiring small intermediary godowns; and
- vi. Introduce additional commodities through FPS, in these areas.

"An analysis of the implementation of RPDS has shown that during 1992-93, per capita allocation in RPDS areas was higher than other areas and whereas offtake (actual distribution) against allocation was only 73 per cent in other areas it was 91% in RPDS areas. States were also moving towards the norm of 20 kg./family/month. The positive trend that emerges from the analysis is that the PDS, which was predominantly urban till the mid 1980s has now been effectively targeted for the traditionally deficit areas covered by RPDS." (Ministry of Civil Supplies etc.,1993).

## **FOOD SECURITY IN INDIA**

The green revolution initiated in the late 1960s was a historic watershed that transformed the food security situation in India. It tripled food grain production over the next three or four decades and consequently reduced by over 50 percent both the levels of food insecurity and poverty in the country, this was achieved in spite of the increase in population during the period, which almost doubled. The country succeeded in the laudable task of becoming a food self-sufficient nation, at least at the macro level.

## **PROBLEMS OF FOOD SECURITY IN INDIA**

- ❖ Hunger is referred to food deprivation and it is caused by insufficient food energy consumption. Malnutrition results deficiencies, excesses or imbalances in the consumption of macro and micro nutrients. Malnutrition may be outcome of food insecurity.
- ❖ The major snag in PDS system has been the delivery of poor quality food grains in the ration shops. Superior quality food grains are sold in the open market at a premium through the back door. Unscrupulous and bogus fair price shop owners have issued duplicate and illegal ration cards in the open market and so the deserving under privileged customers are denied.
- ❖ The Climate change is a crucial factor affecting food security in many regions of India. The sky-scraping investment in research and infrastructure requires technological innovations foreshadowing crop yield in special areas of agriculture. Crop



production techniques have also undergone transformation, having implication for food security in India.

### SUGGESTIONS AND MEASURES

There are several measures that are required to be taken for improving the effectiveness of the procurement and distribution system. The most critical among these are:

- a) The decentralization of procurement and distribution has become necessary to improve and strengthen the PDS.
- b) A greater and more active involvement of the panchayats in the PDS can significantly improve access at the village level.
- c) A comprehensive review of the functioning of the FCI and the modernization of its ,
- d) Operations are overdue and the greater involvement of cooperatives, self-helpgroups, and other community organizations in procurement as well as distribution should be a top priority.
- e) Improving the turnover and margins of fair price shops, provision of credit to enable regular lifting and sale of supplies and the regular monitoring of retail sales is necessary for effectively tackling and plugging diversion as well as other malpractices such as adulteration.
- f) Concerted efforts are needed for computerization of records, and the issue of smart cards to beneficiaries is essential for greater accountability and transparency.
- g) Evolving a comprehensive criterion for the selection of agencies and individuals for retail FPS operation, and the strictest enforcement of these criteria would significantly improve effectiveness of the retail network.

### CONCLUSION

National self-sufficiency in food grain has been a major achievement in post-Independence India. Having remained a severely food deficit economy over two decades after Independence, India managed to achieve self-sufficiency in food grain production at the macro or national level. Food grain production in the country registered a steady increase over two decades from only 50 million tones in 1950-51 to 265.4 million tones in 2013-14. The growth rate in food grain has been about 2.5 percent per annum during the post Independence period. Moreover the production of oilseeds, sugarcane, fruits, vegetables and milk has also increased significantly. The MSP announced for each year is fixed by the State on the basis of recommendations of the CACP. To avail food security in India, the Government distributing goods through PDS (Public Distribution System) and running Midday Meal programme effectively in all states to provide food security in schools. Though, the Government has taken certain measures to strengthen PDS in India, Government should enforce certain laws to verify the implementation of the programmes. Effective measures should be taken to enhance the production in the primary sector and to generate employment opportunities to cope up the problem. Andhra Pradesh Government is using Aadhar enabled

Public Distribution System (AePDS) to stream line food distribution and to eliminate leakages, malpractices, etc.

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