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Should the food security law be restricted to state food provisioning, or incorporate all dimensions of food and nutrition security?

An important debate arises on whether a food security law should be restricted to state food provisioning or incorporate all dimensions of food security and nutrition, including livelihoods, land, water, sanitation, and farmers' rights.

ARGUMENTS IN FAVOUR OF A BROADER LAW

- Deep crisis and decline in the agricultural sector, reflected by high rate of suicide and below-subsistence food expenditures
- Food security cannot be assured to farmers without access to land, water, and affordable inputs
- Provision of nutritious and adequate food to address malnutrition, as well as clean water supply, public sanitation and health care, are also essential for the right to adequate nutrition

ARGUMENTS AGAINST

- Agricultural crisis, water, sanitation, health care and many other such measures need to be addressed, but these measures should not be part of a single food security law
- Adding many entitlements and sector policies to a food security law will make it very difficult to implement
- Concerns about budgetary implications and sustainability

Current Indian food security law is restricted to direct food entitlements, based on the duty of the state to provision food and social protection.



Another question that arises is whether a law assuring food security should be restricted to the duties of the state to provision food (in either cash or kind) as social protection, or should also cover duties to protect a household's capacities to grow or buy sufficient food. An additional question relates to the fact that nutrition security involves more than consuming adequate food. It requires also the absorption of this food, which in turn requires *inter alia* clean water, sanitation, and health care. Should a law on food security then also contain guarantees for these necessary conditions for nutrition security? India chose to restrict its food security law to only state duties to provision food, and left out concerns such as farmers' rights, livelihoods, water, and sanitation (although it listed some of these in an annexure that is not legally binding).¹

Receiving food transfers from the state is only one of the ways a household's food rights can be secured. Other ways, as already observed, include growing one's own food or buying food. Therefore the question arose whether the

food law should also include duties to enhance capacities of households to grow and buy food. There is a strong body of civic opinion in India that a food security law is incomplete if it does not contain guarantees for farmers to sustainably grow food. Since the 1991 economic reforms, farmers have experienced a decline in farm income, consumption, employment, and credit availability.² Farmers suffer from displacement, landlessness, chronic hunger, and unemployment or declining wages in comparison with other sectors of the economy; most of India's 190 million hungry people³ live in rural areas and depend on some form of agricultural work to survive. Additionally, farmer suicides and the below subsistence food expenditures of farm households illustrate the depth of the crisis in agriculture.⁴

Therefore it is argued (especially by the Right to Food Campaign and the Left parties) that legislating food provisioning without protecting sustainable food production is like wiping the floor while leaving the tap running. For food security, farmers require equitable access to land, water, and affordable inputs. They also require land reforms; a minimum support price guarantee; income protection; access to cheap credit, crop insurance and technical assistance; increased productivity of small farms and dryland farms; efforts to prevent the diversion of land and water from food production; enhanced public investments in agriculture, research and development; extension; micro- and minor irrigation; and rural power supply. Many commentators

1 Government of India. 2013. *The National Food Security Act, 2013*, p. 17 (available at <http://indiacode.nic.in/acts-in-pdf/202013.pdf>).

2 See for instance: Pal, P. & Ghosh, J. 2007. *Inequality in India: a survey of recent trends*. DESA Working Paper No. 45. It shows through NSSO data that "per capita food-grain consumption declined from 476 grams per day in 1990 to 418 grams per day in 2001, while aggregate calorific consumption per capita declined from just over 2 200 calories per day in 1987–1988 to around 2 150 in 1999–2000."

3 Updated estimations can be found at the Web page of *The State of Food Insecurity in the World* (available at <http://www.fao.org/hunger/en>).

4 The NSSO (59th Round) report indicated that the average monthly per capita consumption expenditure of farm households was Rs 503 in 2003. See: Bello, W. 2007. Why Small Farmers Deserve Protection from Free Trade, *Global Asia*, April 2007. Bello discusses how WTO trade liberalization, characterized by the removal of tariffs and quantitative restrictions in India, has resulted in what Utsa Patnaik calls "a collapse of rural livelihoods and incomes." According to reports of the National Crime Records Bureau, the total number of farmer suicides in India crossed 270 thousand in the period 1995–2011. Also see: Sainath, P. 2012. Farmers' suicides soar above the rest. *The Hindu*, 18 May 2012.

also regard protections for food sovereignty to be crucial, such as farmers' control over inputs like seeds, as well as promoting decentralized food production, procurement and distribution systems.

There are of course differing views about critical aspects of land reforms, farm technologies or food sovereignty. But in the context of the food security law, the principal disagreements are not about whether such measures are critical to ensure food security; few would disagree that sustainable food systems need to be revived and developed, and that the crisis in agriculture needs to be addressed. Rather, the debates are about whether these measures should be part of a single omnibus food security law. Those who believe that the law should not contain these measures usually believe that the measures are still of critical importance for long-term food security. Their disagreement is more practical: as there is already a law that incorporates many entitlements, adding several more would make it very difficult to

implement, and put it in danger of collapsing under its own weight. In response, those demanding inclusion of legal guarantees for farmers and agriculture argue that at least the law then should not be named a law for food *security*, but instead for food *entitlements*.

There are few who demand inclusion of measures related to the second mode of household food security, namely defending the capacity to *buy* food. This is because it is better acknowledged that this requires above all employment guarantees and labour protections, which are and must remain the subject of distinct laws.

The other major debate about extending the scope of the food security law beyond state food provisioning relates to measures which are critical to ensuring not just food but also nutrition security. This derives from evidence that causes of malnutrition go beyond the mere lack of access to sufficient food. Even if a person eats enough, she may still be malnourished if the food she consumes is not nutritious, if she is unable to absorb the food she eats because she suffers repeated infections (e.g. from fouled water and poor sanitation), or if she lacks access to health care services to treat these infections.

Regarding nutritious food, it is argued that the PDS supplies only rice and wheat, which provide calories but not many other kinds of nutrition. To remedy this, one proposal was to include millets, which are much richer in nutrients than in the PDS guarantees; this has been done in NFSA, with millet prices set lowest at a token one rupee per kg as an incentive. The other proposal was to include protein-rich pulses in the PDS guarantees of the law, but this was not accepted because of practical considerations of budgetary implications.

On the question of including non-food measures for nutrition security in the law, proponents argue primarily that the law should also contain guarantees for clean water supply, public sanitation, and health care. Once again, the disagreements are more practical than in principle. One is the worry of burdening one law with too many diverse and distinct (even if complementary) rights. Just as germane are concerns about how a law can best guarantee the food security of infants and young children, as research confirms that



malnutrition sets in most irreversibly in the first 1 000 days from conception. For the first 6 months, a child's nutrition is best secured with exclusive breastfeeding. An impoverished woman worker in the informal sector usually has no option but to return to work soon after childbirth, leaving her child in the care usually of an older sibling. The infant child then suffers a double nutritional whammy, of being deprived of breastmilk and of becoming vulnerable to repeated infections through insanitary oral intakes.

To support the nutrition of the newborn child, the mother requires maternity benefits that enable her to rest and stay at home, as well as crèches near her workplace that allow her to regularly breastfeed her child. Many experts and activists wished to write both of these into the food security law. The final law contains provisions of near-universal maternity benefits for the first time in the country (leaving out only women who work in government or private employment, which already provide these entitlements). The second requirement, for workplace crèches, was not incorporated. However, once again, its exclusion was based not on principle but on budgetary calculations.

The overall debate between opting for a holistic or pragmatic approach in defining the scope of the food law can draw on the experience of other countries. Brazil's law chose only to establish broad political priorities and institutional arrangements. The Republic of Nicaragua and the Republic of Ecuador are examples of country laws that not only try to address a lot of issues related to structural causes of food



insecurity, poverty and marginalization, but that also try to fill institutional gaps; in addition, they contain detailed provisions on institutions, policies, and even implementation mechanisms. The result is a heavy law, satisfying in text, but difficult to implement. India has settled for a lighter law, restricted to direct food entitlements, but still with plenty of implementation challenges.

This set of briefs are derived from the publication: FAO. 2015. *State food provisioning as social protection – Debating India's national food security law*, by Harsh Mander. Rome, FAO.

The Food and Agriculture Organization of the United Nations (FAO) would like to thank the UK Department for International Development (DFID) and the Centre for Equity Studies (New Delhi, India) for the financial and technical support.

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