
RETHINKING HUNGER SOLUTIONS: THE NATIONAL FOOD SECURITY ACT, 2013 REVISITED

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ABSTRACT

The enactment of the National Food Security Act, 2013 (NFSA) marked a historic attempt to transform the constitutional promise of the right to food into a statutory entitlement. By legally ensuring subsidized food grains to approximately two-thirds of the population and strengthening schemes such as the Public Distribution System (PDS), Mid-Day Meal (MDM), and Integrated Child Development Services (ICDS), the Act signalled a advanced step toward ensuring food security. But still the we often face critical challenges in realizing its objectives. The Act often suffers from administrative incompetence, exclusion errors, and insufficient grievance redressal mechanisms. Federal tensions between the Centre and States further obscure procurement, distribution, and accountability. While the NFSA operationalizes socio-economic rights under Article 21 and aligns with India's international obligations under the ICESCR, its implementation remains uneven, raising questions about its effectiveness as a rights-based framework. This paper undertakes a doctrinal appraisal of the NFSA, supplemented with insights from non-doctrinal perspectives, to examine whether the legislation adequately addresses issues of hunger, malnutrition, and social justice. By analysing constitutional provisions, judicial pronouncements, and policy gaps, the study argues that though the NFSA has advanced the discourse on the right to food, substantive reforms in delivery mechanisms, transparency, and inclusivity are essential to make the legislation more effective in practice.

Keywords: Right to Food; Constitutional Law; Social Justice; Public Distribution System

"The right to life under Article 21 includes the right to live with human dignity, which necessarily includes the right to food."

-Justice A.P. Shah, Supreme Court of India

The right to food is a fundamental human right, essential for the realization of human dignity, health, and well-being. It is both a moral and legal obligation of the state to ensure that every individual has access to adequate, safe, and nutritious food. Recognized globally under instruments such as the International Covenant on Economic, Social and Cultural Rights (ICESCR), the right to food encompasses not only the availability of food but also accessibility, adequacy, and sustainability. In the Indian context, this right is implied within the right to life under Article 21 of the Constitution, reinforced by Directive Principles of State Policy, including Articles 39(b) and 47, which obligate the state to secure equitable distribution of resources and ensure the nutritional well-being of citizens. Guaranteeing the right to food is thus central to addressing hunger, malnutrition and socio-economic inequality, making it an essential component of the nation's human rights and developmental agenda.

The right to food in India is instilled in constitutional provisions which is reinforced through judicial interpretations, also guided by policy initiatives and familiar by the nation's international commitments. Among these, the National Food Security Act, 2013 (NFSA) is perhaps the most substantial statutory effort to turn food security from a policy goal into a legal entitlement. The NFSA promises subsidized food grains to roughly two-thirds of India's population, special provisions for vulnerable categories (children, pregnant women, lactating mothers), and a legal recourse in case of non-delivery. Yet, despite its legal architecture, implementation has been uneven. Many studies indicate that while NFSA has improved food grain availability via the Public Distribution System (PDS), several provinces or demographic groups continue to experience exclusion, nutritional deficits, administrative inefficiencies, and lack of accountability. The right to food is fundamental to human dignity, health, and equality, and its significance in India has been reinforced through constitutional provisions, judicial pronouncements, and statutory interventions. Among these, the National Food Security Act, 2013 (NFSA) represents a landmark effort to transform the constitutional promise of food security into a legally enforceable entitlement. By providing subsidized food grains to a majority of the population and offering special provisions for vulnerable groups such as children, pregnant women, and lactating mothers, the Act seeks to address hunger and

malnutrition comprehensively. Despite its ambitious design, the NFSA faces significant challenges in implementation, including exclusion errors, administrative inefficiencies, and variations in state-level capacity. This article critically assesses the NFSA through legal and constitutional lenses, highlighting its alignment with India's obligations under Articles 21, 39, and 47, assessing judicial interpretation and enforcement, identifying statutory and policy gaps, and proposing reforms to strengthen the effectiveness of the Act in realizing the right to food for all citizens.

Legal and Constitutional Framework of the Right to Food

a. Constitutional Provisions

- i. Article 21 – Right to Life with Dignity: Although the Constitution of India does not explicitly mention “right to food,” the Supreme Court has interpreted Article 21 to include the right to life, which in turn entails living with dignity — and the enjoyment of basic subsistence such as food.¹
- ii. Directive Principles of State Policy (Part IV): Articles such as 39(a) (right to adequate means of livelihood), 39(b) (distribution of ownership and control of material resources so that they best subserve the common good), and 47 (raising nutrition levels and improving public health) obligate the State to ensure food security and nutrition, even though these are non-justiciable.²
- iii. International Obligations: India is a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR), whose Article 11 recognizes the right of everyone to an adequate standard of living, including food. These obligations, while not directly enforceable in domestic law without legislation, inform constitutional interpretation.³

b. Statutory Law: NFSA, 2013

The National Food Security Act, 2013 seeks to operationalize the constitutional and human

¹ PUCL v. Union of India (2001) – Writ Petition (Civil) No. 196 of 2001; the Supreme Court recognized the right to food as implicit in Article 21. (Right to Food Campaign)

² Constitution of India, Part IV, Articles 39(a), 39(b), 47.

³ India is a signatory to ICESCR, which includes Article 11 on right to adequate food.

rights commitment to food security. Key features include:

- i. Coverage & Entitlement: Grants highly subsidized food grains (rice, wheat, coarse grains) to priority households (75% rural, 50% urban).⁴
- ii. Life-Cycle Approach: Special entitlements for children (6 months – 14 years), pregnant women, lactating mothers, through free meals (Mid-Day Meal, ICDS) and maternity benefit payment.⁵
- iii. Grievance & Accountability: Provisions for “Food Security Allowance” if promised quantities are not delivered; identification and exclusion of ineligible/fake or duplicate ration cards.⁶
- iv. Implementation by States/UTs: States play key roles in procurement, identification of beneficiaries, transportation, and distribution. Flexibility is given to states in implementation, but also places significant burden on state capacity.⁷

Judicial Interpretation and Activism

The judiciary has played a critical role in making the right to food legally enforceable. Some important decisions:

- i. People’s Union for Civil Liberties (PUCL) v. Union of India (2001) - This PIL (Civil Writ Petition No. 196 of 2001) is a foundational case where the Supreme Court held that the right to food is inherent in the right to life under Article 21. The Court issued continuing mandamus directing the government to ensure PDS, ICDS, Mid-Day Meals, and other schemes function effectively.⁸
- ii. Court Orders and Interim Directions - The PUCL litigation has generated many interim orders—for example, orders to prevent diversion of PDS food grains and to monitor

⁴ NFSA, 2013, s. 3 specifies coverage. (National Fishery Development Board)

⁵ NFSA, 2013, ss. 4-5; also s.2 definitions regarding beneficiaries like pregnant women, lactating mothers. (National Fishery Development Board)

⁶ NFSA, 2013; Food Security Allowance Rules, 2015. (National Fishery Development Board)

⁷ NFSA gives implementation to States/UTs; see implementing rules and inter-state variation such as in Assam (Dash & Gogoi) and in West Bengal (Bankura District study) showing differences.

⁸ National Food Security Act, 2013, No. 20, Acts of Parliament, 2013, ss. 3-5

hunger deaths. These orders have forced government accountability in various states, though variation in compliance is large.⁹

- iii. Case-Based Challenges - Cases from states like Assam (Dash & Gogoi, 2020) show that despite statutory entitlements, ground-level realities betray significant gaps: ghost cards, pilferage, poor Gram Panchayat functioning, etc.¹⁰ In *Augmenting Use of Technology in Implementation of NFSA-2013*, Hazarika & Oberoi (2024) document how ICT tools (Aadhaar seeding, FPS automation) have aided transparency but also expose infrastructural and digital divides.¹¹
- iv. Cost-Benefit / Fiscal Arguments - Varadharajan, Thomas, Kurpad et al. (2014) in *The Indian National Food Security Act, 2013: A Commentary* defend NFSA's fiscal cost (~0.2% of GDP incremental) as manageable, while also cautioning against overreliance on cereals and calling for better beneficiary identification.¹²

Implementation Challenges under the NFSA

Despite its strong legal design, NFSA faces several challenges in implementation and effectiveness:

- i. Coverage & Inclusion Errors - Many eligible households are left out (left-out households) due to poor enumeration, lack of documentation, migration, or political neglect. "Ghost cards" and duplicate ration cards dilute benefits and facilitate leakages.¹³
- ii. Cereal-Centric Focus vs. Nutrition - NFSA primarily ensures calories through staple grains; micronutrient deficiency remains unaddressed. Non-cereal nutritional needs (protein, vitamins, minerals) are often inadequately met. Studies show that childhood

⁹ *People's Union for Civil Liberties v. Union of India*, (2001) 5 SCC 577.

¹⁰ Bikash Chandra Dash and Lenin Gogoi, "Does National Food Security Act (NFSA), 2013 Ensure Right to Food? A Ground Level Reality from Assam" *Journal of Rural Development* 383–407 (2020).

¹¹ Dikumoni Hazarika and Rohil Oberoi, "Augmenting Use of Technology in Implementation of NFSA-2013: Documenting Evidence from Assam," 5 *Indian Public Policy Review* 83–104 (2024).

¹² Kiruba Sankar Varadharajan, Tinku Thomas and Anura Kurpad, "The Indian National Food Security Act, 2013: A Commentary," 35 *Food and Nutrition Bulletin* 253–65 (2014).

¹³ National Food Security Act, 2013, ss. 3-5; see also Dash & Gogoi, *supra* note ¹⁰

undernutrition persists despite NFSA (Sandhu, 2014).¹⁴

iii. Administrative Inefficiencies & Infrastructure Gaps -

- Storage, transportation, and cold chain deficits result in spoilage and spoil losses.
- Delays in procurement and release of food grains, mismanagement at Fair Price Shops (FPS), irregular supply.
- Weak monitoring and evaluation frameworks; weak grievance redressal in some states.

iv. State capacity and Heterogeneity - States differ greatly in capacity, governance, transparency, public administration capability. Some states have implemented NFSA more effectively than others. The constitutional division of powers sometimes results in center-state tensions over funding, procurement, and oversight.¹⁵

v. Transparency, Corruption, Leakages - Despite technology interventions, pilferage, diversion, and corruption at various stages (procurement, storage, FPS distribution) continue. Accountability mechanisms are often weak or slow.

vi. Legal Enforceability and Awareness - One of the continuing challenges with the National Food Security Act (NFSA) lies in the limited awareness among the people it seeks to protect. Although the Supreme Court has repeatedly affirmed the right to food as part of the fundamental right to life under Article 21, turning those declarations into meaningful protection on the ground is far from simple. The process of approaching courts or grievance mechanisms is daunting for poor households, who often lack access to legal aid, financial resources, or the backing of civil society groups. This disconnect creates a situation where rights exist in principle, but their practical enforcement remains uncertain and uneven.

¹⁴ Amrita Sandhu, "National Food Security Act, 2013 and Food Security Outcomes in India," 18 *Vision: The Journal of Business Perspective* 365–70 (2014).

¹⁵ Kiruba Sankar Varadharajan, Tinku Thomas and Anura Kurpad, "The Indian National Food Security Act, 2013: A Commentary," 35 *Food and Nutrition Bulletin* 253–65 (2014).

Recommendations and Reform Measures

For the NFSA to serve as more than a symbolic guarantee, reforms are required across legal, administrative, and social levels. Some of the most urgent steps include:

- i. **Broadening Nutritional Scope** - The current framework of the NFSA remains focused on staple cereals. While this ensures basic calorie intake, it fails to address India's widespread nutritional deficiencies. Expanding the Act to include pulses, fortified foods, and micronutrients would align with contemporary public health concerns and help combat malnutrition and hidden hunger.
- ii. **Strengthening Identification and Beneficiary Verification** - Leakages caused by duplicate or "ghost" ration cards continue to undermine efficiency. Regular audits and verification drives are essential, but the process must remain simple enough for migrants, women, and marginalized groups to access. While Aadhaar and biometric systems can strengthen transparency, safeguards are necessary to ensure that technological barriers do not exclude vulnerable populations.
- iii. **Improving Infrastructure and Supply Chains** - The success of any food security scheme depends heavily on logistics. India still faces problems of poor storage, transportation bottlenecks, and insufficient cold-chain facilities. Greater investment in infrastructure, particularly in disaster-prone or geographically isolated regions, would prevent wastage and ensure reliable delivery of entitlements.
- iv. **Transparency, Monitoring, and Grievance Redressal** - Building public confidence requires openness and accountability. Mechanisms such as social audits, publicly accessible dashboards, and community participation in monitoring can improve transparency. A dedicated ombudsman or quasi-judicial mechanism would also provide beneficiaries with a faster route to redress when their rights are violated.
- v. **Legal Reforms and Federal Clarity** - The overlapping responsibilities of the Centre and States frequently create confusion, particularly in procurement and financing. Legal clarity on the respective duties of each level of government is necessary to strengthen accountability. Introducing penalties for non-compliance and clearer coordination frameworks could help bridge this gap.

- vi. Awareness and Legal Empowerment - The Act's impact ultimately depends on whether citizens are aware of their entitlements. Awareness campaigns, community legal aid services, and NGO involvement can bridge the information gap. Strengthening access to public interest litigation (PIL) also provides communities with a tool to demand accountability from the State.
- i. Addressing Food Wastage and Surplus Redistribution - Though not expressly covered under the NFSA, food wastage remains an ethical and practical concern. Introducing legal provisions to encourage redistribution of surplus food—from public distribution stocks, hostels, or even large social events—would complement the objectives of the Act and ensure a more equitable use of resources.

Conclusion

The National Food Security Act, 2013 marked a decisive moment in India's approach to food security, moving from welfare schemes to legally enforceable entitlements. It draws strength from constitutional principles under Article 21 and the Directive Principles of State Policy, as well as from landmark judicial interventions such as *PUCL v. Union of India*. But still, challenges are seen through lack of implementation. Exclusion errors, narrowly defined nutrition, uneven infrastructure, and governance deficits weaken the promise of the law. State-level variations and low responsiveness among beneficiaries further complicate its delivery. A critical appraisal recommends that while the NFSA is a robust legal framework, its efficiency depends on more than statutory guarantees. Stronger enforcement, effective grievance redressal, investment in infrastructure and active citizen participation are essential. The law must also evolve to address nutrition holistically and recognize the urgency of reducing food wastage.

Thus, the NFSA represents an important step in the legal recognition of the right to food and to transform this recognition into a lived reality, India must combine statutory reform with judicial oversight, institutional accountability and social mobilization; to see a dignified life translate into genuine food security for all citizens as enshrined in the Constitution.

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