

Right to Food Act: essential but inadequate

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The Union government's draft Right to Food (Guarantee of Safety and Security) Act insists on "the physical, economic and social right of all citizens to have access to safe and nutritious food, consistent with an adequate diet necessary to lead an active and healthy life with dignity..." The proposed law offers a quantity of cereal at a modest cost each month to a broad range of beneficiaries: in principle, all those living under the poverty line and a range of others.

Imbalance

The recognition of a right to food (and therefore to freedom from undernourishment and hunger) is a landmark measure and deserves great credit. However, there is an imbalance between the expansive vision expressed by the Act in principle and the narrow means it seeks to achieve it in practice; reflected, for instance, in its focus only on calories from foodgrains and on direct distribution rather than on the provision of means for commanding food and on complementary policies. It appears that the Act may not add much to the existing Public Distribution System or State and Central programmes to provide subsidised cereals.

It appears very important to address the poor functioning of the existing system, and to remedy both the apparent discrepancies across States and the general non-transparency in the definition of the beneficiaries (in particular, the ambiguities in the understanding of what is a 'Below Poverty Line' household). It is also unclear how the Act will be truly rights-based, in the sense that an individual may make a binding demand for the satisfaction of the right.

A contrast can be drawn between an approach to further economic and social rights which centres on the direct provision of essential goods and one which ensures access to such goods through the creation of an economy and society which produces and distributes these adequately in the normal course. It is possible to fulfill such basic rights even at a relatively low per-capita income by employing public action, but there are advantages to combining both means in order to fulfill them in a sustained way.

An approach focussed on the provision of subsidised resources can play a vital role in protecting the poor and the vulnerable from catastrophic outcomes, and can contribute to the establishment of a more productive and healthy population that is

capable of bringing about a higher level of national development. It can serve ends which are both intrinsically and instrumentally important.

However, such an approach is, in isolation, likely to be more costly, less effective and face more political challenges to its maintenance, than one which is supported by a larger programme to generate remunerative livelihoods and inclusive growth. A trajectory of national development which brings about a widening circle of prosperity will both help ensure that the right to food is fulfilled, and make it easier to provide direct support wherever required.

The recent renewal of the government's focus on investment in agriculture and rural development can be helpful in this regard, though much more is required if there is to be a departure from the overly concentrated pattern of recent economic growth which has centred precipitously on a few islands of relative prosperity. Growth must occur in a variety of sectors of production as well as geographical areas in order to be socially inclusive. Inclusive growth may require broad-based investment in human capabilities, public goods, productive infrastructure and policies to broaden access to productive resources such as land and credit.

A related distinction is between legislation seeking to promote or protect a basic right and the strategy of doing so. The proposed Act will help further the fulfilment of the right but will not by itself achieve it, and it is unlikely that any one piece of legislation would do so. Already, diverse pieces of legislation, including the National Rural Employment Guarantee Act (NREGA), contribute in different and important ways toward that end. It should be ensured that these diverse measures together constitute a layered social security system which protects various groups of vulnerable people, going beyond the able-bodied poor to include the elderly, the handicapped and children. As Amartya Sen has famously underlined, starvation results from insufficient command over food and not usually from inadequate food availability as such. Since command over food is achieved in a diversity of ways, through the market mechanism and otherwise, it can also fail in a variety of ways. A broader strategy

The generation of adequate purchasing power is, however, a crucial means to ensure food security in a market economy, which India increasingly is. As such, in addition to protective measures such as the NREGA, a broader strategy of inclusive growth — a generalised increase in opportunity across the society — is the essential means to secure the fulfilment of the right to food.

Such a strategy is the product of a range of government actions and cannot be fully enshrined in legislation, however important such legislation may be. The framers of the Indian Constitution recognised this in laying out the Directive Principles, which have an intermediate role in the sense that they recommend a direction to the use of sovereign power while declining to restrict it.

India continues to be a primarily agrarian society. The majority of the people derive their livelihood directly or indirectly from agriculture, even as the share of economic output generated by agriculture has sharply diminished. It is important to observe that agriculture, unique among sectors of production, plays the dual role of providing an enormously important source of livelihood and of producing the means of life. This dual role requires that it receive special consideration.
Keeping pace with demand

India has traditionally espoused this view in global debates on trade policy, and should place a similar perspective at the heart of domestic public policy. Despite the relative stagnation of agricultural productivity in recent years and evidence of continued widespread undernourishment, as Indian society has become more urbanised and more oriented toward non-agricultural activities, Indian agriculture has largely kept pace with the growing domestic market demand for food.

India's largest contribution to the fulfilment of the right to food outside its borders may be that it has succeeded in doing so and thus avoided competing with food-importing countries. Its largest contribution to the fulfilment of the right to food within its borders will be its embarking on a path of development which reaches the mass of its people, thus making the Right to Food Act an essential means but an ultimate irrelevance.

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