



From Starvation to A Justiciable Right: Realizing the Role of Public Interest Litigation in Redefining Right to Food in India

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Abstract: India has long reflected a culture grounded in empathy and social responsibility, where hunger has been addressed through both age-old customs and present-day grassroots initiatives. The idea that "no one should go to bed hungry" is not merely a sentiment but a foundational principle that guides the nation's conscience. Over time, the Right to Food has transformed from a moral obligation into a legal entitlement, signifying a significant shift in socio-economic rights. This change has been largely influenced by Public Interest Litigations (PILs), which have led the judiciary to reinterpret Article 21 of the Indian Constitution. The courts have progressively expanded the meaning of the "right to life" to include not just survival, but a life with dignity, thereby recognizing food as a fundamental component of this right. Instead, it now includes the entitlement to essential conditions for a dignified life—such as access to adequate nutrition. This judicial development has significantly influenced both legal interpretations and public policy, affirming that a life of dignity necessarily requires fulfilment of basic human needs, including proper nourishment. By transforming starving India from a systematic failure to providing Indians democratized access to food, the country has honoured and operationalized its cultural ethos of feeding the hungry in both symbolic and practical ways. This paper explores the critical role played by PIL in defining and institutionalizing the Right to Food security in India. It further reflects on the legislative challenges encountered in implementation of policy legislations and a need of vigilant, collective yet reflective efforts from the stakeholders towards upholding Right to Food as a living right.

Keywords: Food Security, Constitution, Judiciary, PIL, Fundamental right

Introduction

In a country like India, which is one of the world's largest fast developing democracies, it is quite ironical to see a significant portion of its population facing persistent hunger and malnutrition. India is rated 105th out of 127 nations in the global hunger index, according to the Global Hunger Index, 2024 Report.

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This paradox raises questions not only about availability and access to food but also about legislative framework addressing food security. Public Interest Litigation (PIL) has become a potent instrument in India during the past 20 years for revising the boundaries of socioeconomic rights, especially the Right to Food. Through persistent strategic litigation and proactive judicial intervention, Right to Food has evolved into a justiciable and enforceable right under the Indian Constitution. This transformation marks a significant shift in fixing greater accountability on legislature to protect fundamental human rights of its citizens through policy initiatives. Judicial activism, driven by civic society has expanded new dimensions of ensuring food security in India.

2. UNDERSTANDING FOOD SECURITY AS A FUNDAMENTAL RIGHT

Though not explicitly stated in the Indian Constitution, the right to food has been judicially recognized by the Supreme Court as an essential component of the right to life under Article 21. This interpretation affirms that living with dignity necessitates access to adequate food and nutrition. In supporting this view, the Court has also drawn on the DPSP, especially Articles 39(b) and 47, which emphasize fair resource distribution and the state's role in improving citizens' living conditions and nutrition. Although the Directive Principles are non-justiciable, they provide a crucial constitutional context that guides and strengthens the interpretation of fundamental rights in favor of ensuring food security and human dignity for all citizens.

It is quite evident that the legislative intent clearly stipulates imposing accountability on state to provide food security to its citizens. Nonetheless, the judiciary has transformed the right to food from a directive policy objective into an enforceable legal right, mandating government action to expand and implement food security programs. The state has a fundamental obligation to ensure everyone has access to adequate food, as this is included in Indian constitution.

The Public Distribution System (PDS) is a vital mechanism through which India seeks to uphold the constitutional mandate of ensuring food security for all. Although the Constitution does not specifically inscribe the principle of PDS, its foundation is rooted in the broader constitutional framework. The Public Distribution System (PDS) has emerged as an essential mechanism in the nation's efforts to combat hunger and promote equitable access to food. By ensuring the availability of basic food supplies to vulnerable sections of society, it significantly contributes to the broader objective of achieving social justice and alleviating food insecurity across India.



3. THE ROLE OF PUBLIC INTEREST LITIGATION IN ADVANCING THE FUNDAMENTAL RIGHT TO FOOD

Public Interest Litigation (PIL) has emerged as a powerful legal instrument that has significantly reshaped the socio-economic framework of the country. One of its most impactful outcomes has been the advancement of food security, especially for marginalized and vulnerable populations. Through the mechanism of PIL, socially conscious individuals and civil society groups have gained direct access to the judiciary to challenge instances where fundamental rights have been compromised. This legal avenue, often bolstered by an assertive judiciary, has functioned as a means to compel the government to fulfil its constitutional and statutory responsibilities.

India's constitutional development has highlighted the judiciary's pivotal role in establishing the Right to Food as an integral aspect of the Right to Life under Article 21. A significant advancement occurred in the 1981 Supreme Court case "*Francis Coralie Mullin v. The Administrator, Union Territory of Delhi*," wherein the Court broadened the scope of the right to life to encompass the right to live with dignity. This interpretation underscored adequate nutrition and shelter as essential components of a dignified human existence.

Further judicial affirmation came in the 1989 judgment of "*Kishen Pattanayak v. State of Orissa*". In this matter, the Court was moved by reports highlighting incidents of starvation deaths in certain regions of Odisha. Reacting to these disturbing developments, the Court directed the state authorities to implement proactive measures to mitigate hunger and prevent further loss of life.

Over time, the Supreme Court expanded its interpretation of the right to life to include essential needs. In "*Chameli Singh v. State of Uttar Pradesh (1996)*", the Court emphasized that the right to shelter is integral to living with dignity, hinting at the broader need for access to essentials like food. Similarly, in "*Paschim Banga Khet Mazdoor Samity v. State of West Bengal (1996)*", the Court highlighted the state's responsibility to ensure access to basic health services and adequate food, reinforcing these as vital to human survival. A major development came in 2001 with *PUCL v. Union of India*, where the Court recognized the Right to Food as part of the constitutional Right to Life under Article 21. This ruling transformed food security from a policy goal into a legal entitlement, ensuring that programs like ICDS, the MDM Scheme, and the PDS became enforceable rights.



These schemes, which were once seen as administrative initiatives subject to governmental discretion, were recharacterized as legal obligations, enforceable through judicial intervention, thereby reinforcing the state's duty to guarantee food access to all citizens as an essential component of dignified living. Through successive interim orders, the Supreme Court mandated the widespread implementation of these programs and entrusted specially appointed Commissioners with the responsibility of monitoring state compliance.

This development in jurisprudence was not limited to the early 2000s. In "*Swaraj Abhiyan v. Union of India* [(2016) 7 SCC 498]", the top most Court emphasized its ongoing dedication to ensuring food security, reinforcing its stance on the issue. The Court criticized the state's inadequate handling of drought relief and its failure to effectively implement programs like MGNREGA to provide food and employment.

It emphasized the government's responsibility to uphold the right to food and water, especially during crises. In the case concerning migrant workers during the COVID-19 pandemic (Suo Moto Writ Petition No. 6 of 2020), the Supreme Court reiterated that the state has a constitutional duty to ensure the right to life, which includes securing food access for vulnerable groups during national emergencies.

Through these judicial pronouncements, it is evident how PIL has played a prerogative role in serving as a bridge between constitutional ideals and ground realities, thereby transforming food security from a policy aspiration into a legally enforceable right.

4. ROADMAP TO POLICY AND LEGISLATION

Judicial activism, while instrumental in advancing socio-economic rights, cannot achieve tangible outcomes in the absence of robust legislative execution. Without the practical implementation of legislative policies, judicial rulings risk remaining symbolic and ineffective. Recognizing this, the Indian government introduced a landmark piece of legislation in response to persistent judicial advocacy (NFSA) of 2013. This statute represents a pivotal shift in India's commitment to eradicating hunger by legally recognizing access to food as a fundamental, enforceable right rather than a discretionary policy measure.

The NFSA 2013 elevated food security from the realm of welfare initiatives to a constitutional obligation, thereby empowering citizens through justiciable entitlements. The primary objective of the Act was to make essential food grains available at subsidized rates to a significant portion of the Indian population. Specifically, it sought to benefit nearly three-quarters of individuals living in rural areas and around half of those residing in urban regions. By doing so, the legislation aimed to promote widespread access to food



and ensure that economically disadvantaged groups across the country could meet their basic nutritional needs. This inclusive approach underscored the government's commitment to addressing food insecurity on a national scale. In addition to institutionalizing several judicial directives, the Act established mechanisms to enhance transparency, ensure accountability, and facilitate effective grievance redressal. By embedding the right to food within the legal framework, the legislation laid a strong foundation for addressing chronic issues such as malnutrition, hunger, and food insecurity.

To reinforce and expand the impact of the NFSA, the government aligned its goals with nutritional security and initiated a range of targeted programs. The Government of India has introduced several targeted programmes with the primary objective of enhancing the nutritional well-being of its most vulnerable populations. These important programs include the Anaemia Mukh Bharat (AMB) campaign, the Pradhan Mantri Matru Vandana Yojana (PMMVY), the Integrated Child Development Services (ICDS), the Mid-Day Meal Scheme (MDMS), and POSHAN Abhiyaan (also called the National Nutrition Mission). These schemes have been systematically implemented to address the pressing issues of undernutrition and malnourishment, with a special emphasis on supporting women, especially those who are pregnant or breastfeeding, as well as children. By offering nutritional supplements, financial assistance, awareness programmes, and health interventions, these efforts aim to foster healthier communities and ensure long-term developmental benefits for the nation's future generations. Through this integrated, rights-based approach, India has made significant strides toward ensuring not only food availability but also holistic nutritional well-being, reflecting the broader values enshrined in its Constitution.

5. ROADBLOCKS TO EFFECTIVE IMPLEMENTATION

Despite judicial and legislative efforts, several challenges mushroom in ensuring food security to the optimum. Critics argue that the judiciary, by assuming a quasi-legislative role, oversteps its boundaries thereby undermining democratic processes. However, given the present times, judicial intervention has often been the only recourse for marginalized populations to enforce their rights. The subject of food security is largely part of state policy, which implies that state governments are free to evolve creative measures while addressing food security. This in many cases result in varied implementation strategies amongst states. More centralized and concrete efforts are mandated if we have to truly address food and nutritional security issues. Selection of target population to be included in TPDS requires immediate revamp in order to monitor under-inclusion and over-inclusion of beneficiaries. Additionally, illiteracy and lack of awareness amongst beneficiaries about their entitlements impact accessing their right to food



effectively. Inadequate storage facilities, transportation challenges, and logistical bottlenecks hamper timely and efficient distribution of food grains in remote and tribal areas.

Addressing these challenges requires solidification of governance, enhancing transparency, ensuring accountability, improving targeting mechanisms and integrating nutrition-sensitive approaches to honour the constitutional promise of the right to food for all.

6. CONCLUDING REMARKS

Food security in India is a multi-faceted issue, encompassing agricultural production, distribution system, nutritional access and socio-economic factors. Triggered by public interest litigation, ensuring 'Food for All' has been instrumental in advancing the right to food in India. Once started as a civic movement, food security has since then been an integral part of developing India's manifesto. Through judicial activism, courts have emphasized the availability, accessibility and affordability of adequate and nutritious food to its citizens, thereby compelling necessary state intervention and policy reforms. However, it is pertinent to note here that, while legal victories are significant, the ultimate success lies in ensuring that every citizen can access adequate food, not as charity, but as a matter of fundamental right.

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