

# Legal Dimensions of the Right to Food in India: A Critical Review

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**Abstract:** *The right to food is recognized in international law and growing in domestic law. International law supports this right. To safeguard physical and mental health, this right must provide access to adequate, safe, and nutritious food for everyone. India, the world's biggest democracy with a vast population suffering from poverty and malnutrition, values food rights. This study analyzes the right to food in India critically. The basis of this right is studied from basic rights, constitutional, and human rights perspectives. In India's legal system, this study examines how international law has affected the right to food*

**Keywords:** Right to Food, Food Security, Constitutional Rights, Human Rights

## I. INTRODUCTION

India has made several advancements since independence. First, India's agriculture industry has changed significantly since independence. Innovative methods and modern technology have greatly increased manufacturing possibilities. Current Indian food consumption is not owing to logistical challenges in food production. Instead, it's due to widespread inability to provide enough food to the poor. Additionally, India has eliminated its major famines. The last big famine occurred in 1943, four years before independence.

Despite great famine prevention efforts, widespread hunger still plagues our country<sup>1</sup> India is poised for economic, technological, and demographic growth in its 77th year of independence. Nutrition and health indices remain important issues. According to the newest global hunger index data, India has the most wasting children, which is worrying. Anemia is dangerously high at 53% among women aged 15–49, despite reductions in stunting and underweight rates. India has several laws, initiatives, and goals to combat child malnutrition.

The 2013 National Food Security Act (NFSA) establishes a rights-based framework for food and nutrition security in India. The Act, passed on July 5, 2013, gave millions of vulnerable individuals, children, pregnant women, and breastfeeding moms hope. Food and nutrition assistance from the state helped them overcome shortages. The NFSA, 2013 covers four main schemes: Targeted Public Distribution System (TPDS), Integrated Child Development Services (ICDS), Mid-day Meal Scheme (MDMS), and Maternity Benefit Schemes (MBS) with a budget of Rs. 2,40,876 crores (for 2022-2023). These programs provide food and nourishment to 92 crore Indians.<sup>2</sup> Ten years after the law was passed, problems remain. Several problems prevent the legislation's aims from being met. Insufficient coverage of qualifying right holders, supply chain interruptions, poor entitlement quality, limited nutrient cultural variety, governance concerns, and lack of knowledge must be addressed. Climate change, changing food systems, and resource depletion are other issues.

## THE FOUR DIMENSION OF FOOD SECURITY

Food security includes availability, access, stability, and use.<sup>3</sup> The World Food Summit defines availability as the amount of food in a nation or area, including local production, imports, food stock, and help. Food access is a household's capacity to regularly receive enough food via purchases, barter, food aid, or gifts. Even more crucial is the rising awareness that food supply may be ample, but some communities cannot afford it. According to OXFAM, most rural people, especially the poor, use market systems to buy food and other necessities and sell their own production.

Finally, food usage involves eating safe, nutritious, and dietary-compliant food. This is related to clean water, sanitation, healthcare, and food production, preservation, and processing. Food security may be examined at the national, family, community, and individual levels.<sup>4</sup>

#### **IMPORTANCE OF FOOD SECURITY IN INDIA**

Food availability and accessibility are crucial to food security. Since a huge section of India's population lives in poverty and many children have been malnourished for 30 years, food security is a major issue. National Food Security requires enough food inventories to meet domestic demand at all times.<sup>5</sup> Food security affects everyone, not just the poor. Food security affects health, economic growth, the environment, and commerce. To meet the expanding global population's requirement for sustainable and safe food, food security is essential at the global and national levels.

1. To encourage the economic development of a country.
2. To reduce poverty.
3. To encourage the development of backward classes.

#### **THE RIGHT TO FOOD AS A HUMAN RIGHT AND PART OF RIGHT TO DEVELOPMENT**

The right to food is crucial in a society where hunger persists, thus economic and social rights have lately prioritized it. The Right to Food as a Human Right report from 1987 spurred ICESCR rights investigations. After nearly 10 years, the 1996 World Food Summit asked the High Commissioner for Human Rights to clarify the right to food's legal implications. The World Food Summit produced the "Draft Code of Conduct on the Right to Adequate Food".<sup>6</sup> FIAN and WANHR collaborated on this paper. A basic human right is the right to adequate, dignified nourishment for everyone. Ensuring enough nourishment is crucial to a good life. Several treaties and International Human Rights Instruments provide food rights.

#### **AN EXPLORATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

On January 3, 1976, the ICESCR took effect. Together with the Universal Declaration of Human Rights and the universal Covenant on Civil and Political Rights, it forms the universal bill of human rights. Article 11 of ICESCR recognizes the right to a decent standard of life, including food. India ratified ICESCR on April 10, 1979, a major milestone. The Convention on the Rights of the Child is a major international convention protecting and promoting child rights. It encompasses civil, political, economic, social, health, and cultural rights.<sup>7</sup> This standard defines a kid as under 18. Legislation took effect on September 2, 1990. India adopted UNCRC on December 11, 1992, except for child labor concerns. This agreement requires state parties to combat sickness, malnutrition, and provide children with adequate nourishment.<sup>8,9</sup>

#### **RIGHT TO FOOD: INDIAN PERSPECTIVE**

India has signed various international human rights documents, notably the ICESCR, which provides the right to sufficient nourishment. Although not enforceable in Indian courts, these accords impact judicial interpretations and policy choices. Landmark judgements have upheld the right to food using the ICESCR, demonstrating its impact on domestic law. Malnutrition and food security have diverse historical and political settings.

My paper examines the history of food availability as a basic right. Increasing agricultural output without addressing poverty will not adequately solve 'global hunger' and the complex issues that maintain severe poverty. Economic development and distributional structure must be considered to combat world hunger. The Supreme Court ruled in the P.U.C.L. Case<sup>10</sup> that a food right need not be specifically stated in the Constitution. States must defend rights created and enforced by social movements and welfare systems. People had no option but to rebel against a ruler or administration that had broken its promises.

The goal is to guarantee food availability and hold authorities responsible for failing to do so. Over the last 15 years, food security has become vital to economic and social fairness. India has made advances toward food self-sufficiency, yet chronic hunger and famine fatalities persist. Both the national and state governments are failing to distribute money

fairly and efficiently for social welfare programs, which is troubling. Human rights legislation requires these initiatives to help families escape hunger and poverty. Food security and poverty reduction programs require improved monitoring and management. Funds must be used efficiently to end hunger and malnutrition.<sup>11</sup>

### **FOOD SECURITY IN INDIA – CONSTITUTIONAL PERSPECTIVE**

India adopted a welfare state after independence. A welfare state's main goal is to protect, assist, and advance its population. The Indian Constitution's Preamble protects the right to life and its associated rights and promotes social justice. Examining food security and Directive Principles of State Policy Part IV of the Indian Constitution contains Directive Principles of State Policies. This Chapter instructs the State to follow particular principles and create suitable laws, policies, plans, projects, etc. to achieve the Preamble's goals.

The State must provide adequate means of subsistence to all people, regardless of gender, under Article 39(a). Article 41 requires the state to provide job, education, and public aid to people in need, including those experiencing unemployment, old age, disease, disability, and other hardships. Article 47 prioritizes population well-being, including nutrition, level of living, and public health. Article 39(a), 47, and 41 require the Indian government to secure food and livelihoods.<sup>12</sup> If people can't attain food security, the government must provide social security. The Indian government has launched programs to address food security, employment, and social welfare. These strategies fight national hunger and malnutrition. Investigating Food Security and Fundamental Rights Part III of the Indian Constitution covers Fundamental Rights.

This section lists rights, including Article 21's life and liberty protections. Examining Food Security and Article 21 Article 21 guarantees everyone the basic rights of life and personal liberty, subject to legal processes. A.K. Gopalan vs. State of Madras<sup>13</sup> first confined the "right to life" under Article 21 to protecting against arbitrary deprivation of life. In a subsequent decision, the Supreme Court adopted an aggressive approach and expanded the "right to life." The Court said this right includes the right to live with dignity as well as bodily existence. In Francis Coralie Mullin versus Union Territory of Delhi<sup>14</sup>, the Supreme Court stressed that the right to life goes beyond surviving to a fuller sense of being. Justice Bhagawati stressed the right to life, which includes dignity and access to food, clothes, and shelter. The well-known Asiad Workers lawsuit concluded that the refusal to pay workers in numerous Asiad Projects in Delhi their minimal salaries violates their right to live with basic human dignity and Article 21.

The Supreme Court's five-judge panel held in Olga Tellis vs. Bombay Municipal Corporation<sup>15</sup>, the Pavement Dweller's case, that the right to life includes the right to livelihood. The court ruled that removing huts from pavements violates Article 21's right to livelihood. Chameli Singh vs. State of UP<sup>16</sup> recognized that satisfying basic requirements does not ensure the right to live in a well-structured society. Access to all well-being resources ensures security. Food, water, a suitable environment, education, healthcare, and shelter are part of the right to life. In the Right to Food case, People's Union for Civil Liberties vs. Union of India<sup>17</sup>, the Supreme Court of India advanced food security.

The court established India's Constitutional Right to Food via interim rulings. In recognizing food as a fundamental right under Article 21, the Supreme Court ordered the government to develop food-related programs. Targeted Public Distribution System, Antyodaya Anna Yojana, Mid-Day Meal Scheme, Annapurna Scheme, Integrated Child Development Scheme, etc. As part of the "Right to Life," food security should be guaranteed to everybody.

### **DIRECTIVE PRINCIPLES OF STATE POLICY**

Articles 36-51 of the Indian Constitution discuss governmental policy directives. Articles 36 and 37 explain 'state' in directive principles and their practical implementations. Article 38 discusses justice-based social order. Article 38(1) highlights the state's duty in guaranteeing citizens' well-being and building a fair social order in all spheres of national life. Article 38 covers legal and socioeconomic fairness. Social justice has been thoroughly explained by the Supreme Court.<sup>18</sup> The Constitution reflects social justice, providing the foundation for individual growth and development.

Broadly, social fairness is necessary. Social justice is a subset of justice. Article 38(2) stresses minimizing economic gaps and fostering equality in status, amenities, and opportunities for individuals and groups in different places or vocations. Article 39 outlines state policy ideals including fair livelihood possibilities, material resource distribution for the general welfare, and wealth concentration prevention. A means of living is addressed in Article 39(a).

When read alongside Article 21 of the Constitution, Article 39(a) shows that providing a living to everyone is a basic right. The Supreme Court ruled in the famous *Olga Tellis* case that the state must provide its people with enough income and the ability to work. Disregarding the right to livelihood in respect to life would be too stringent. Article 39(b) concerns communal material resources.<sup>19</sup> In addition to private property, “material resources of the community” include other valuable assets. The government may buy private property for public use including building residences, retail malls, parks, and highways. Article 39(c) covers wealth concentration. This covers ways to prevent a tiny group from accumulating riches and controlling production.

### **HUMAN RIGHTS BASED APPROACH TO INTERPRETATION OF CONSTITUTION**

Indian constitutional upholding is mostly the responsibility of the Supreme Court. The Constituent Assembly first called the Court the defender of the social revolution, which they wanted to establish in the Constitution. The draft history of the Constitution reveals that the Directive Principles' transient and adjustable character was meant to be enacted when the nation was ready to enforce them. The Supreme Court started interpreting the Constitution to promote social and economic fairness in 1970, matching with India's independence agenda.

Constitutional provisions are not meant to hamper development. They provide a methodical path to the Constitution's preamble-envisioned society. Parts III and IV complement each other.<sup>20</sup> The Constitution aims to create a society that values social, economic, and political fairness in all areas of life. Failure to provide the basic necessities of the most disadvantaged would undermine the Constitution's ideals and ambitions.

As the last authority on the Constitution, including Constitutional changes, the Court may independently interpret whether society is ready to adopt the Directive Principles. Judges' recent rulings and academic work ground this judicial activism in the Constitution's Human Rights values. The judiciary has defended “the poor, the weak, and the destitute” against exploitation, injustice, and tyranny.

This Constitutional anchor limits Judicial Activism and prevents it from regressing Human Rights or maintaining the status quo. In the “basic structure principle,” the Indian court considers the Constitution's intent and purpose and reviews the Fundamental Rights in light of the Preamble and Directive Principles. The Preamble, Fundamental Principles, and Directive Principles provide the basis for Constitutional interpretation using the fundamental structure concept. According to the Constitution, the Directive Principles are “fundamental.” The Supreme Court has applied this concept. According to Article 37, the Directive Principles are “fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.”<sup>21</sup>

### **INDIAN JUDICIARY AND THE RIGHT TO FOOD AND SECURITY**

The Supreme Court of India has recognized the importance of ensuring access to food and promoting food security in several legal cases. In the *Francis Coralie v. Administrator, Union Territory of Delhi* case, it was established that Article 21 of the Constitution ensures the fundamental right to life, encompassing the right to live with dignity and access to basic necessities such as proper nutrition. The case of *Chameli Singh v. State of Uttar Pradesh*<sup>22</sup> established that in a civilized society, the right to life includes the right to sustenance. In the case of *Shantistar Builders v. Narayan Khimalal Totame*<sup>23</sup>, the Supreme Court made a significant ruling regarding the right to life, specifically in relation to the right to eat.

### **INTERRELATIONS BETWEEN THE RIGHT TO FOOD AND OTHER RIGHTS**

Examining life rights Life need food. Human life is precious. Upholding fundamental human rights requires access to enough and healthy food. Their relationship is crucial. The right to life is infringed when people cannot get food and risk famine, malnutrition, or food-related diseases. Therefore, protecting the right to food is essential for achieving the right to life. The court linked rights to well-being in the landmark *Kishen Pattnayak & another*<sup>24</sup>.

In Orissa, the Supreme Court affirmed individual rights. Given the significant link between the right to life and the right to food, Article 21's basic right to life includes the right to food. The court ruled in *Maneka Gandhi v Union of India*<sup>25</sup> that the right to food is a derivative of the right to life under Article 21 of the Indian Constitution. The Supreme Court has stressed that the right to life includes the right to live with dignity, including access to food and other essentials.

The Human Rights Committee has interpreted Article 6 of the International Covenant on Civil and Political Rights (ICCPR) holistically, noting its interrelationship with other rights.

The Committee in General Comment stresses that governments must take all necessary steps to minimize infant mortality and raise life expectancy. Take steps to reduce starvation and epidemics. In *People's Union for Civil Liberties v Union of India*<sup>26</sup>, the Supreme Court interpreted Article 21's right to food. No legislation specifically addresses this topic. However, Article 47 of the Indian Constitution requires the state to improve nutrition, living conditions, and public health. This article comes under the nonjusticiable Directive Principles of State Policy.

Thus, the government must pass proper legislation to meet these social requirements. In several rulings, the Supreme Court has stressed the right to life under Article 21 of the Indian Constitution. The Court has broadly defined this right to ensure that it is relevant and applies to everyone and including the poor, with dignity and happiness. Article 21's right to life goes beyond animal survival. Human dignity would be the research paper's topic.

All these evaluations show Article 21's broad right to life. The Constitution should be considered alongside other rights, not in isolation. Access to healthful food is crucial to good health. Nutrition is essential to health and food rights. Pregnant women and children need good nutrition. In *Parmanad Katara v. Union of India*<sup>27</sup>, Mishra Rangnath J. stressed lifesaving. He stressed that life is irretrievable and that resurrection is impossible. It's clear that life should be protected. Human existence is one of the most basic rights in the Indian Constitution since it emphasizes its importance. The Supreme Court reached a landmark decision in *The Consumer Education and Research Centre v. Union of India*<sup>28</sup>. They specifically declared that a genuine right to life requires health. The Supreme Court has stressed that access to health and medical care is a fundamental right and essential for a meaningful and dignified life by analyzing the right to life in Article 21 and the directive principles in Articles 39 (e), 41, and 43.<sup>29</sup> The expert noted asbestos workers' health risks. A health framework was created when the situation was recognized. In following judgments, the Court stressed the state's duty to provide emergency medical services and promote good health. This involves providing basic curative and preventative health services and fostering healthy living and working circumstances.

Northern Indian research shows that lower-class people eat less nutritiously. Agribusiness's production methods also endanger people of all socioeconomic backgrounds. Access to healthy food is difficult for many Northerners. The health dangers and unsustainable nature of existing agricultural methods give Article 11 (2) of the Covenant, which calls for agrarian system change, new meaning. This also applies to agricultural and rural job seekers.

Right to water Commonly, safe drinking water includes drinkable water, water used for washing clothing, preparing meals, and home cleanliness. Honorable Apex Court recognizes the aforementioned right as a vital branch of the right to eat. In a groundbreaking ruling, the Court stated that the "right to life protected by Article 21 includes the right to water and the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter over the head."<sup>30</sup> Right to sufficient housing This right also applies to food since it requires all cooking supplies. They also struggle to afford food when their rent rises.

### **THE RIGHT TO SOCIAL SECURITY**

Most worldwide personalities consider social security a natural right and a core human right. Social security began in Germany in 1883. This program obliged each tradesman to pay regularly to a fund that provided food, housing, hospital, and burial costs for elderly and handicapped members. The Directive Principles of State Policy and Fundamental Rights of the Indian Constitution underpin numerous Social Security programs. Based on these ideas and rights, few Social Security legislation help impoverished, weaker, and disorganized groups. Directive Principles of State Policy are also social goals for the state.

The Directive Principles of State Policy and Fundamental Rights of the Indian Constitution underpin numerous Social Security programs. Based on these ideas and rights, few Social Security legislation help impoverished, weaker, and disorganized groups. Directive Principles of State Policy are also social goals for the state. Constitutional Fundamental Rights promised equality and freedom from exploitation. A second chapter on Directive principles of State Policy in the Constitution contains social justice labor concepts. In a civilized society, the right to life encompasses food, clothing, shelter, medicine, and education. Right to work denotes a citizen's right to work according to his capacity and competence with minimal earnings that allow him to live in a civilized society. As mentioned above, Article 25 of the

Universal Declaration of Human Rights attaches the right to security to the right to an acceptable standard of living to address the absence of livelihood in certain situations. The right to social security incorporates the right to an acceptable quality of life for unemployed people.<sup>31</sup>

### **THE RIGHT TO INFORMATION**

Over time, this right has become one of the nation's most important. Democracy demands educated citizens and openness; thus, information is essential. Information helps people understand nutrition and choose. The Indian Soaps and Toiletries Association v. Ozair Husain case established that customers must know what they are eating. The petition states that over 60% of the population is vegetarian, over 50% are uneducated, and many cannot read or write English. The petitioner's experienced counsel advocates full food product ingredient disclosure.

Conclusion State, civic society, and the courts must work together to ensure the right to food in India. Emphasizing the necessity of continued judicial activism, the State must fulfill its commitments. Social movements for food security reforms raise awareness and demand change. This study examines India's right to food from a critical legal viewpoint. It examines how basic rights, constitutional principles, human rights, and international law underpin this right.

Although the legal structure strongly supports the right to food, there are still several barriers to realizing it. India's legal system has several advantages. Judicial proactive interpretation of Article 21 to incorporate food rights has been significant. DPSPs provide accurate state action direction. The groundbreaking NFSA guarantees food grain subsidies for a large percentage of the population. India's commitment to international human rights agreements enhances the law.

No one should be refused food, which is essential to life. Many nations see this right as a basic human right and have taken actions to assure its availability. The matter remains unresolved. Change is not primarily the state's duty. People create the state. We can tackle this problem by working hard. Thus, the constitutional right to eat must be recognized and laws passed. However, those most vulnerable who need this law must also support it. Implementing effective law requires involvement from all stakeholders, including government and civil society.

All stakeholders must monitor legislation to guarantee its efficacy. Judges and attorneys must also grasp the right to food to properly settle matters in court. Several major suggestions are needed to improve food rights implementation. First, improving the PDS via precision targeting, infrastructure upgrades, and technology may decrease losses and assure successful distribution. To combat climate change and population expansion, sustainable agriculture and irrigation and storage systems must be stressed. It's also important to empower women farmers by giving them land and resources. This is crucial to food security.

### **II. CONCLUSION**

The right to food, as a fundamental human entitlement, transcends mere subsistence and lies at the heart of human dignity, social justice, and equality. This critical legal analysis reveals that while international instruments such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights have articulated clear normative frameworks, their translation into enforceable obligations remains uneven across jurisdictions.

In India, for example, landmark jurisprudence, especially the Supreme Court's expansive interpretation of Article 21 of the Constitution, has catalyzed significant progress through programs like the Mid-Day Meal Scheme and the National Food Security Act, 2013. Nevertheless, persistent challenges including administrative inefficiencies, corruption, inadequate targeting of beneficiaries, and resource constraints undermine the effective realization of this right. Furthermore, the analysis underscores the tension between justiciability and progressive realization: while courts can compel the State to fulfill core obligations, structural issues require sustained policy commitment and participatory governance beyond litigation.

The right to food cannot be secured in isolation; it is interdependent with rights to health, work, and adequate housing, as well as with broader socioeconomic reforms to tackle poverty and discrimination. While significant legal and policy strides have been made, fully realizing the right to food demands a holistic, rights-based approach that combines robust legal guarantees, transparent institutional mechanisms, and empowered community participation.

Only through this multidimensional commitment can states fulfill their moral and constitutional obligations to ensure that no person is denied the most basic condition for survival and development a life free from hunger.

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