

## Legal and Policy Framework Governing Food and Nutrition Security in India: A Critical Analysis

\*<sup>1</sup> SK Sahil

\*<sup>1</sup> Assistant Professor, School of Legal Studies, Seacom Skills University, West Bengal, India.

### Article Info.

E-ISSN: 2583-6528  
 Impact Factor (SJIF): 6.876  
 Peer Reviewed Journal  
 Available online:  
[www.alladvancejournal.com](http://www.alladvancejournal.com)

Received: 25/Oct/2025  
 Accepted: 01/Nov/2025

### Abstract

Food and nutrition security are very essential to live life with human dignity and overall nation's development. Though India is a food surplus country, it continues to struggle with high levels of hunger and malnutrition. According to the Global Hunger Index 2025 India ranks 102 among 123 countries reflecting a serious gap between food availability and food access. The Indian Constitution under article 21 recognized the right to life which the apex court of India has already interpreted the right to food is the part of right to life. Article 47 further outlines moral responsibility of the state to improve public health and nutrition level. However, the continued existence of food crisis, unsafe food and undernutrition food raises questions about how efficiently existing laws and policies are operating on the ground. This study critically analyses the legal and policy framework that governs food and nutrition security in India. The central focus is the Food Safety and Standards Act, 2006 which establishes scientific standards for food safety determines what qualifies as food, regulates misleading representation and stipulates penalties for infringements. The analysis also incorporates the National Food Security Act, 2013 and the Insecticides Act, 1968 both of which are significant in facilitating access to safe and nutritious food. The study is doctrinal in nature and based on an analytical, descriptive and historical approach. It uses both primary sources including statutes, constitutional provisions, and relevant case laws and secondary sources such as academic books, research articles, journals and electronic resources etc. The study finds that although India has a strong legal and policy framework but various data reflects that enforcement remains suboptimal. Consequently, food and nutrition insecurity continue to exist in spite of having strong laws and policies. The gap between what is stated in law and what people experience on the ground is still broad and immediate reforms in implementation and monitoring transparency are needed.

### \*Corresponding Author

SK Sahil  
 Assistant Professor, School of Legal  
 Studies, Seacom Skills University, West  
 Bengal, India.

**Keywords:** Food Security, Safe Food, Nutrition, Nutritious Food, Public Health, Hunger, Food Safety and Standards Act, Food Security Act, Insecticides Act.

### Introduction

Food is a basic need of all Human beings. In today's global context inadequate food is a very concerning matter. To meet the global pressure of growing population and to provide security of food with nutrition, many nations are focused on development of new crop varieties especially food crops with higher nutrition value. Food availability, food access and food utilization is the three parameters to determine the food security of a particular nation. People who have food security are generally more emotionally secure and better psychologically stable than those who don't have food security. Legal security of nutritional food is also very important to economic development of a nation. Nutrition and

health are not synonymous, but without good nutrition health cannot be as its best. Problem of malnutrition in India still exist despite of having legal protection with various policies of government. The emergence of food problem can be traced back from the partition of India in 1947. Major factors of the food problem are inadequate supply of food, deficient of nutritional value in food articles, high price of nutrient food product etc. In 2025 Global Hunger Index (GHI) India ranks 102<sup>nd</sup> position out of 123 countries with a score of 25.8. This data shows India facing large hunger level in 2025 that is very serious. In this article author has tried to describe how several statutes and various schemes/policies of government regulating food and nutrition security in India.

## Methodology

This study is purely doctrinal in nature. It relies on an in-depth analysis of primary and secondary sources of data to examine the legal and policy framework governing food and nutrition security in India. Primary sources of data include constitutional provisions, several statutes such as The Insecticides Act, The National Food Security Act, The Food Safety and Standards Act along with relevant case laws. Secondary sources of data include books, research articles, journals and credible electronic resources. The research adopts analytical, descriptive and historical approaches to critically examine the evolution, effectiveness and implementation of laws and policies related to food and nutrition security.

## Historical Development of Policy Framework

The Government of India formed the Foodgrains Procurement Committee (1950) to review the food problem in India. This committee recommended monopoly procurement at village level and abolition the concept of free market everywhere. The recommendations of this committee were rejected by the government as it was operationally and technically impracticable in India. After that Government of India entered into an agreement in 1956 with the USA known as 'PL-480' agreement which includes import of 3.1 million tons of wheat and 0.19 million tons of rice for the next 3 years to stabilize food prices in the country. The Government of India appointed Foodgrains Policy Committee (1966) to examine the food problem afresh. This committee recommended the preparation and implementation of a National Food Budget involving a national plan of supply and distribution of foodgrains. Further India is signatory member to World Declaration on Nutrition made at the International Conference on Nutrition held in December 1992 and adopted the National Nutrition Policy (NNP) by the government in 1993, therefore it would serve the dual purpose for implementing the National Nutrition Policy as well as meeting the commitment made at the International Conference on Nutrition. On 28<sup>th</sup> July, 2000 the NDA Government made public a National Agriculture Policy aiming over 4% annual growth in agriculture sector through efficient use of resources and technology and emphasizing on price protection to farmers. Government of India enacted National Food Security Act, 2013 and decided to supply essential foodgrains to all the people under Below Poverty Line (BPL) through Public Distribution System (PDS). Government has used BPL and APL as the cut-off points for providing subsidized PDS foodgrains.

## Major Government Schemes & Policies

The first five year plan (1951-1956) recognized the need to combat the adverse effects of malnutrition. Some programmes were initiated during the 3<sup>rd</sup> (1961-1966) and 4<sup>th</sup> (1969-1974) five years plan which did not achieve desired outcomes. To prevent specific types of nutritional disorders and protection of food security several action programmes in recent years have been taken by governmental agencies. Various nutrition programmes being implemented in the country today these are follows:-

- i) Applied Nutrition Programme of The Ministry of Rural Development.
- ii) Supplementary Feeding Pogramme of the Ministry of Women and Child Development.
- iii) Mid-day Meal Programme of the Ministry of Education.
- iv) Nutrition Education, Training and Research of the Ministry of Agriculture and Rural Development.

## Constitutional & Judicial Safeguards

Article 21 of Indian Constitution deals with right to life and personal liberty of a person, here the meaning of life is not merely live as animal existence but also a right to live with human dignity which also includes right to food and nutrition. In 'PUCL v. UOI' (2001) Supreme Court recognized the Right to Food as part of article 21, therefore right to food is treated as fundamental right. In 'Swaraj Abhiyan v. UOI' (2016) the apex court of India reiterated that ensuring food availability during droughts and emergencies is a constitutional duty of the state under Article 21. In part-4 article 47 of our constitution explicitly reflects the state's moral and constitutional obligation to improvement of public health and raising the level of nutrition and the standard of living of its people. Though the articles in part-4 of our constitution are not legally enforceable but article 47 has persuasive value. Courts have frequently read the article 47 with article 21 to interpret the right to food and nutrition as both a legally enforceable right and a directive principle that guides state to policy formation.

## The Insecticides Act, 1968

This is an act to regulate the import, manufacture, sale, transport, distribution and use of insecticides with a view to prevent risk to human beings and animals and for the other matters connected therewith. As the insecticides contains many chemical components which are very much harmful to human health when they consume insecticide applied food unknowingly, that's why the strict regulation on use of these is highly required. In practice only 1% of the insecticide applied to crop reaches the target, while the remaining 99% contaminate the soil, water, air and food etc. To minimize the health risks, the concept of a 'waiting period' is introduced under the rule no. 3(c) of The Insecticides Rules 1971 which refers to the time period must be observed which is the minimum period allowed between time of application of insecticide and harvest of crops. This period ensures that toxic reduce to levels below the Maximum Residue Limit (MRL) making the food produce safe for consumption.

## The National Food Security Act, 2013

The basic purpose of this act is to provide food and nutritional security in human life cycle approach by providing adequate quantity of quality food at affordable prices to people to live a life with dignity. By the virtue of this act priority households are entitled to 5 kgs of foodgrains for each person per month and Antyodaya Anna Yojana (AAY) households are entitled to 35 kgs foodgrains per household per month. This acts legally entitles up to 75% of rural population and 50% of urban population to receive subsidized food under Targeted Public Distribution System (TPDS). In case of non-supply of entitled quantities foodgrains or meal under NFSA, such persons are entitled to get food security allowances from concerned state government within such time and manner prescribed by central government through the Food Security Allowances Rules, 2015. In the sec. 4 of this act deals with nutritional support to the pregnant women and lactating mothers in terms of providing free of charge standard nutritious meal during pregnancy and six months after child birth through the local anganwadi. In sec. 5 and 6 laid down the provisions relating to nutritional support to the children and prevention of child malnutrition. The concept of mid-day meal in government and government aided schools up to class 8 are incorporated in these sections. Food security benefits are also given to the persons who living in remote, hilly and tribal

areas as per the sec. 30 of this act. This act provides for reforms in the TPDS including schemes such as cash transfers through Direct Benefit Transfer (DBT) mode to ensure foodgrain entitlements. In pursuance of enabling provisions under sec. 12(2)(h) of NFSA for direct cash transfer, central government notified Cash Transfer of Food Subsidy Rule, 2015 in August 2015. Direct cash transfer in food was started in UTs of Chandigarh and Puducherry from the month of September, 2015 and the part of Dadra and Nagar Haveli from March, 2016. NFSA defines the joint responsibility of the Central and State/UT Government (Sec. 39 & 40). While the central government is responsible for allocation of required foodgrains to State/UTs, transportation of foodgrains up to designated depots in each State/UT and providing assistance to State/UT for delivery of foodgrains from FCI godowns to doorsteps FPS. The State/UT governments are responsible to effective implementation of this act including identification of eligible households (Sec. 10 & 11), issuing ration cards, distribution of foodgrains entitlements through FPS (Sec. 12), issuing license to FPS dealers and their monitoring, setting up grievance redressal mechanism (Sec. 14 & 15) and necessary strengthening of TPDS.

### **The Food Safety & Standards Act, 2006**

This particular act came into force on 5<sup>th</sup> August 2011 by repealing total no. of seven different food orders and The Prevention of Food Adulteration Act, 1954. So now it is an umbrella legislation which has consolidated various food laws in India to establish science-based standards of food articles and to regulate manufacture, storage, distribution, sale and import of food to ensure availability of safe food for human consumption. The act consists of 12 chapters with 101 sections and establishes Food Safety and Standards Authority of India (FSSAI) to implement of the provisions of this act. The act categorically classified misbranded food, sub-standard food, unsafe food, adulterant, contaminant, extraneous matter, food additive and introduces important provisions on food safety audit, scientifically based risk assessment process, responsibilities of food business operators etc. FSSAI establishes Central Advisory Committee (Sec. 11), Scientific Panels (Sec. 13), Scientific Committee (Sec. 14) to scientifically regulate all the matters connected therewith food articles. FSSAI is entrusted with duties and responsibilities under sec. 16 of this act including specify the standards of food, limits for use of food additives, the procedure and the enforcement of quality control, food labelling norms (including nutrition claims) and providing scientific advice and technical support to the central government and the state governments. It also has responsibility of searching, collecting, collating, analyzing and summarizing of relevant scientific and technical data, publishing of the results of scientific studies, annual report of its activities. Section 18(1)(g) laid down that if any food article fails to meet food safety standards, then it shall be presumed that all of the food in that batch, lot or consignment fails to comply with those standards, until the contrary is proved. This act also restricts the use of food additives or processing aids, contaminants, heavy metals, pesticides, veterinary drugs residues, antibiotic residues and microbiological content beyond the levels prescribed by regulation. Chapter- VI outlines the provisions relating to responsibilities and liabilities of Food business operators, manufacturers, packers, wholesalers, distributors and sellers. According to section 26 and 27, they must ensure that the articles of food satisfy the requirements of this act or the rules

or regulations at every stage of production, processing, import, distribution and sale. But if any business operator does not meet the requirements with this act or the rules or regulations, he must immediately initiate procedures to withdraw the food in question from the market and consumers, this process is known as food recall procedure stated in sec. 28. As per section 31 every food business must obtain a valid license except petty manufacturer, petty retailer, hawker, itinerant vendor or a temporary stall holder, tiny food business operator etc. Section 40 provides purchasers the right to have any food tested by the food analyst upon payment of a fee and to receive the analytical report within a specified period. The Commissioner of Food Safety for a particular state is appointed by each state government under sec. 30 and is empowered to appoint Designated Officer for each district and Food Safety Officers for specific jurisdictions under sec. 36 and 37 for carrying out efficient implementation of food safety and standards and other requirements laid down under this Act and the rules and regulations. These officers are responsible for conducting inspections, collecting samples and forwarding them to food analyst for analysis. Based on food analyst's report the designated officer submit his recommendations for sanctioning prosecution within fourteen days to the Commissioner of Food Safety if any contravention is found. The Commissioner of Food Safety may then, depending on seriousness of the offence, refer the matter to appropriate court having jurisdiction.

### **Offences and Penalty Provisions**

- **Section 51:** Penalty for sub-standard food may extend to 5 lakh rupees.
- **Section 52:** Penalty for misbranded food may extend to 3 lakh rupees.
- **Section 53:** Penalty for misleading advertisement may extend to 10 lakh rupees.
- **Section 58:** Penalty for contraventions for which no specific penalty is separately provided may extend to 2 lakh rupees.
- **Section 59:** Punishment for unsafe food.
  - a) In case of does not result in injury- Imprisonment may extend to 6 months and also fine may extend to 1 lakh rupees.
  - b) In case of result in a non-grievous injury- Imprisonment may extend to 1 year and also fine may extend to 3 lakh rupees.
  - c) In case of result in a grievous injury- Imprisonment may extend to 6 years and also fine may extend to 5 lakh rupees.
  - d) In case of result in death- Imprisonment may extend to 7years/life imprisonment and also fine may extend to 10 lakh rupees.
- **Section 63:** Punishment for carrying out a business without license imprisonment may extend to 6 months and also fine may extend to 5 lakh rupees.
- **Section 65:** Compensation in case injury of death of consumer.
  - a) In case of death a sum not less than 5 lakh rupees.
  - b) In case of grievous injury a sum not exceeding 3 lakh rupees.
  - c) In all other cases of injury a sum not exceeding 1 lakh rupees.

### **Conclusion**

India has comprehensive legal and policy frameworks for food and nutrition security from constitutional guarantees

(Art. 21 & 47) to detailed statutes like the NFSA, FSSA, Insecticides Act, schemes like mid-day meal, nutrition education programme etc. Yet this doctrinal study finds major gaps persist in implementation. India still faces huge malnutrition cases and ranks poorly on 2025 global hunger index (102/123). The PDS under NFSA faces faulty beneficiary lists, blockage in supply-chain, deviation of foodgrains have been repeatedly documented. Actually, enforcement action relating to food laws exists on paper but not in practice, weak inspection capacity, under-resources labs, overburdened bureaucracy leads to unsafe or sub-standard food still reaches to consumer. Crucially most food business are operating without FSSAI license and evades regulatory oversights. Unless enforcement, surveillance and accountability of food officers are strengthened, the legal protections will remain more theoretical than practical. Strong implementation and regular administrative monitoring are essential to turn the laws into effective food and nutrition security.

### Recommendations

The author states the recommendations which he deems fit to recommend after this study. These are follows:-

- i) Food related officers should emphasize on their regular inspection and monitoring systems, especially in unorganized sector. More regular checks, mobile testing, bring the small vendors under the licensing system will help to ensure safer food.
- ii) PDS under NFSA needs more transparency. Beneficiary lists should be updated in a regular interval, supply chain should be tracked digitally and easy e-complaint system should be in place to prevent corruption and deprivation.
- iii) The central government should spread mass awareness and make a uniform national policy that encourages people to move from taste-based food choices to nutrition-based diets. Incentives should be given to the promote healthy and nutritious food production.
- iv) After giving the reasonable opportunity to improve the mistakes, if the food business still fails to comply the direction of food officer, the process of legal prosecution should be initiated without delay to stop repeated violations.

### References

1. Global Hunger Index Scores by 2025 GHI Rank. <https://www.globalhungerindex.org/ranking.html>, 2025.
2. National Food Security Act, (NFSA). <https://nfsa.gov.in/portal/nfsa-act>, 2013-2025.
3. Food Security in India: Performance, challenges and policies. <https://oxfamlibrary.openrepository.com/handle/10546/346637>, 2025.
4. Sudha Narayanan, Nicolas Gerber. Social Safety nets for food and nutrition security in India, Global Food Security, 2017; 15:65-76.
5. Saxena NC. Hunger, Under-Nutrition and Food Security in India, Poverty, Chronic Poverty and Poverty Dynamics, 2018, 55-92.
6. Prabhu Pingali, Bhaskar Mittra, Andaleeb Rahman. The bumpy road from food to nutrition security-Slow evolution of India's food policy, Global Food Security. 2017; 15:77-84.
7. Ramesh Golait NC. Pradhan. Changing Food Consumption Pattern in Rural India: Implication on Food and Nutrition Security, 2006; 61(3):374-388.
8. Mark W Rosegrant, Timothy B. Sulser *et al.* Food and nutrition security under changing climate and socioeconomic conditions, Global Food Security. 2024; 41:1-10.
9. Gopalan C. towards Food and Nutrition Security, Economic and Political Weekly. 1995; 30(52):A134-A41.
10. Andaleeb Rahman, Prabhu Pingali, Bhaskar Mittra. Food Security and Nutrition in Rural India: Understanding State Level Heterogeneity, World Food Policy. 2018; 4(2):101-132.
11. Dr. SR Myneni. Law and Agriculture First edition, Allahabad Law Agency, Faridabad, 2022, 57-78.
12. Salil Sehgal, Rita S Raghuvanshi. Textbook of Community Nutrition First Edition, Directorate of Information and Publications of Agriculture, Indian Council of Agricultural Research, New Delhi, 2007, 396-450.