



Right to Food in India with Special Reference to National Food Security Act, 2013 a Socio Legal Study

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ABSTRACT:

The right to food is fundamental to ensuring human dignity and a cornerstone for achieving socio-economic equity. In India, where hunger, malnutrition, and food insecurity continue to affect millions despite significant agricultural production, the National Food Security Act, 2013 (NFSA) stands as a pivotal legal framework aimed at addressing these challenges. This socio-legal study explores the right to food in India, focusing on the NFSA as a transformative tool for ensuring food security and equity. The Act provides subsidized food grains to approximately two-thirds of the population, institutionalizes existing welfare schemes such as the Public Distribution System (PDS) and Mid-Day Meal Scheme, and emphasizes the empowerment of women through targeted provisions. This study critically examines the socio-economic context necessitating such legislation, analyzes its key provisions, and assesses its impact on marginalized communities, including women, children, and socio-economically disadvantaged groups. It also highlights implementation challenges such as exclusion errors, corruption, and inadequate nutrition coverage.

The analysis underscores the Act's potential to bridge socio-economic inequalities while calling for enhanced mechanisms to address operational inefficiencies and ensure holistic nutrition security. By situating the NFSA within India's broader human rights discourse, the study argues that strengthening the right to food is crucial for advancing constitutional commitments to social justice and sustainable development.

Keywords: Right to Food, National Food Security, Socio Legal Study, Fundamental Rights, Human Rights, International Law.

INTRODUCTION:

The right to food is one of the most fundamental rights, essential for human survival, development, and dignity. In a country like India, where socio-economic disparities remain stark, access to adequate food is

not merely a matter of sustenance but a cornerstone of social justice and equitable growth. With a population exceeding 1.4 billion, the nation faces the dual challenge of ensuring food security while addressing malnutrition and hunger among its most vulnerable sections. The right to food is deeply embedded in the framework of human rights and international law. Globally, this right is recognized under the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social and Cultural Rights (1966). These instruments place the onus on states to ensure the availability, accessibility, and adequacy of food for all individuals. India, as a signatory to these conventions, has demonstrated its commitment by taking significant legislative and policy measures to uphold this right domestically.

Domestically, the Indian Constitution does not explicitly mention the right to food as a fundamental right. However, judicial interpretations have expanded its scope, particularly through Article 21, which guarantees the right to life. The landmark case of *People's Union for Civil Liberties (PUCI) v. Union of India* (2001) was pivotal in recognizing the right to food as an inherent component of the right to life. The case brought to light the stark realities of starvation deaths and malnutrition, compelling the judiciary to direct the government to strengthen food distribution mechanisms.

The enactment of the National Food Security Act (NFSA) in 2013 marked a watershed moment in India's socio-legal journey toward ensuring food security. This legislation institutionalized the right to food by legally entitling two-thirds of the population to subsidized food grains. By codifying food as a legal right, the NFSA sought to move beyond a welfare-based approach, emphasizing accountability and enforceability in addressing hunger. India's journey toward food security has been characterized by various challenges, including poverty, population growth, and regional disparities. Despite being one of the world's largest producers of food, the paradox of widespread hunger and malnutrition persists. The Global Hunger Index (GHI) often ranks India poorly, underscoring the need for comprehensive and targeted interventions. The introduction of the NFSA brought about a paradigm shift by making the government directly accountable for providing food to its citizens. However, the journey from policy to practice has been fraught with challenges. Issues such as inefficiencies in the Public Distribution System (PDS), corruption, exclusion errors, and the lack of nutritional diversity in food entitlements have hindered the full realization of this right. The socio-legal significance of the right to food extends beyond its immediate impact on hunger. It is intrinsically linked to other fundamental rights, such as the right to health, education, and equality. For instance, a well-nourished population is more likely to achieve better health outcomes, perform effectively in educational settings, and contribute productively to the economy.

Thus, the right to food is not just a legal entitlement but a critical component of human development. This article aims to delve into the socio-legal aspects of the right to food in India, with a special focus on the NFSA. It examines the legislative framework, judicial interventions, and ground realities to provide a comprehensive understanding of the subject. By analysing the successes and shortcomings of the NFSA, the article seeks to highlight the path forward in ensuring food security for all Indians. In a nation where millions still struggle to meet their basic nutritional needs, the right to food is not merely an abstract concept but a

pressing reality. It is a reflection of the state's responsibility to its citizens and a measure of its commitment to upholding human dignity and justice. As India aspires to achieve sustainable development and eliminate hunger, the socio-legal dimensions of the right to food remain central to this mission.

Right to Food: A Conceptual Understanding in India:

India's food security is likely to worsen given that demand is likely to grow faster than supply. Integration into world trade will probably worsen matters. Public Distribution System is one answer, but targeting remains a problem. A long-term solution can come only from R & D in agriculture.

The right to food is universally recognized as a cornerstone of human survival, well-being, and dignity. At its core, this right ensures that every individual has access to adequate food that meets their nutritional needs, cultural preferences, and dietary requirements. It is not merely a question of availability but also encompasses accessibility, affordability, and adequacy, making it a comprehensive and integral part of fundamental human rights. The conceptual framework for the right to food is rooted in the principle of equality and the inherent dignity of every human being. Philosophically, the idea of securing food for all aligns with social justice theories, including Amartya Sen's "entitlement approach," which emphasizes individuals' access to the means of acquiring food, not just its physical availability. This principle recognizes that food security is tied to an individual's socio-economic capabilities and freedom, highlighting the complex interplay of justice, poverty, and development.

The International Landscape: Global Recognition of the Right to Food:

On a worldwide level, food security is universally acknowledged as a serious issue. Food security continues to be a major problem for emerging nations. Food security and the eradication of hunger have long been regarded as the ultimate goals of the state toward its people, and they enjoy broad support on a national, regional, and international scale. The idea of food protection is used in a variety of contexts. On the other hand, consistent economic and social access to food at the individual level to ensure a healthy and productive life is the essence of food security. The absence of hunger or, at the very least, the availability of a certain number of calories at the household level are common definitions of food security. Globally, the right to food is enshrined in key legal and moral instruments. The Universal Declaration of Human Rights (UDHR) (1948) explicitly recognizes food as part of the right to an adequate standard of living in Article 25. Subsequently, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) (1966) elaborates on the right to adequate food under Article 11, obliging state parties to take steps to mitigate hunger and ensure sustainable food systems.

These declarations and treaties, along with the efforts of bodies like the Food and Agriculture Organization (FAO) and World Food Programme (WFP), underscore the right to food as a priority in international human rights law. They also guide national frameworks by providing benchmarks for legislative and policy measures to guarantee food security for all.

India's Constitutional Recognition of the Right to Food:

For some, India's development represents a success story; for others, the widening gap between the country's affluent and poor illustrates the challenges facing a country striving to enter the ranks of the developed world. Growth is not without cost. India's Constitution protects some liberties, but the price she must pay to realize her ambition is too high.

"Constitution is the vehicle of nation's progress," Justice H.R.Khanna once said. The finest of national traditions must be reflected in it, and it must be responsive to the needs of the present and robust enough to meet the challenges of the future.

In India, the right to food is not explicitly articulated as a standalone right within the Constitution. However, similar provisions are available in Part III and Part IV, dealing with Fundamental Rights and Directive Principles of State Policy. Mathew J.: "The object of the people in establishing the Constitution was to promote social and economic justice. The modus operandi to achieve these objectives is set out in Part III and Part IV of the Constitution. While discussing the other aspects he observed that, freedom from starvation is as important as the right to life." According to Directive Principles of State Policy, "the state should guarantee the right of people to live with human dignity with minimum two decent meals a day." In *Naz Foundation v. Government of NCT and others* the Court observed that, "the Constitutional protection of human dignity requires us to acknowledge the value and worth of all individuals as members of our society."

Bhagwati J. beautifully explained the Article 21 of the Constitution: "It embodies a constitutional value of supreme importance in a democratic society."

In *Francis Coralie Mullin v. Administrator Union Territory of Delhi* the court held that, "right to life means the right to live with basic human dignity and all that goes along with the bare necessities of life such as adequate nutrition, clothing, shelter over the head and facilities for reading, writing and expressing oneself in diverse forms, freedom are part of the right to live with human dignity and they are components of the right to life."

In *Olga Tellis* case, the court held that, "the sweep of the right to life conferred by the Article 21 of the Constitution of India is wide and far reaching. If the right to livelihood is not treated as a part of the right to life, the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood to the point of abrogation." Further the court observed that, "persons have to eat to live."

So that it finds strong resonance through Articles 21 and 47, among others. Article 21 guarantees the right to life, which has been expansively interpreted by the judiciary to encompass the right to live with human dignity, including access to adequate food, clean water, and shelter. Article 47 places a directive obligation on the State to raise the standard of nutrition, improve public health, and enhance the standard of living, making food security a priority goal of governance. India's constitutional philosophy demonstrates that the right to food is not an aspirational ideal but a core aspect of ensuring equality and justice. It also recognizes the intersections of hunger with caste, gender, geography, and poverty, reflecting the complexities of securing food in a diverse nation. India's judiciary has played a pivotal role in bringing the right to food to the forefront

of legal and policy discourse. In the landmark **PUCL v. Union of India (2001)** case, the Supreme Court recognized the right to food as an integral component of the fundamental right to life under Article 21. This case transformed the abstract concept of food security into enforceable legal entitlements, compelling the government to strengthen and expand welfare schemes such as the Public Distribution System (PDS), Integrated Child Development Services (ICDS), and the Mid-Day Meal Scheme.

The judiciary's proactive stance has not only expanded the scope of Article 21 but also highlighted the accountability of the State in guaranteeing food security as a matter of right, not charity. This interpretation underscores a critical paradigm shift: moving from welfare-based approaches to rights-based frameworks for addressing hunger and malnutrition.

The Socio-Economic Context: Why the Right to Food is Vital in India:

Food is more than just a physiological necessity; it is a cornerstone of human dignity, survival, and societal progress. Most of indigenous populations are plagued by high rates of both hunger and undernourishment. A lengthy history of social, political, and economic isolation, including the seizure and desecration of their lands, has led to widespread starvation and malnutrition among them. This situation has been made worse by the fact that their fields have been taken from them and destroyed. To really comprehend what it means for indigenous peoples to have a right to food, one must look at more than just the prevalence of hunger and malnutrition. Because of their distinctive perspectives on what constitutes adequate sustenance, the goals of indigenous peoples are not aligned with conventional economic standards or with mainstream development. Indigenous people have a special connection with the lands and resources that belonged to their ancestors, and this connection serves as the foundation around which they build their concept of the predictability of their own economic prospects. How and where people receive their food is often at the centre of their social, economic, and political institutions in these societies.

In India, the right to food takes on critical importance, shaped by the country's unique socioeconomic dynamics, persistent inequalities, and structural challenges. While the nation has made remarkable strides in economic growth, technological advancements, and agricultural production, paradoxically, it continues to grapple with significant issues of hunger, malnutrition, and unequal food distribution. This contradiction makes the implementation and safeguarding of the right to food an indispensable component of India's development agenda. India's vast and diverse socio-economic fabric creates a complex context for food security. The country boasts one of the largest agricultural systems in the world, contributing significantly to global food supplies. However, this abundance does not translate into equitable access. The Global Hunger Index (GHI) often ranks India among countries with the highest levels of hunger and malnutrition, highlighting systemic gaps. Rural areas, home to more than two-thirds of the population, often lack adequate infrastructure, financial inclusion, and access to markets, limiting people's ability to secure food. Urbanization presents its own challenges, as millions migrate to cities in search of better opportunities, often ending up in informal settlements with inadequate food and basic amenities. Marginalized groups, including Scheduled

Castes, Scheduled Tribes, women, and children, remain disproportionately affected, reflecting deeper structural inequalities that hinder universal access to food.

The persistence of malnutrition in India underscores the importance of ensuring the right to food. Despite being a leading agricultural producer, India faces alarmingly high rates of child stunting, wasting, and undernutrition. According to UNICEF, nearly one-third of the world's stunted children live in India. Poor maternal health, inadequate dietary diversity, and insufficient healthcare exacerbate these issues. Malnutrition affects productivity, learning capacities, and overall human development, trapping generations in a vicious cycle of poverty and deprivation. Women and children bear the brunt of this crisis, as patriarchal norms and resource constraints prioritize feeding male family members, leaving women and girls at greater nutritional risk.

The right to food is not merely a humanitarian goal; it is a socio-economic imperative with wideranging implications for health, education, economic productivity, and social stability. In India, hunger and malnutrition have far-reaching consequences:

- **Impact on Health:** Food insecurity contributes to a higher prevalence of diseases, weaker immune systems, and higher mortality rates, placing a burden on India's already overstretched healthcare infrastructure.
- **Economic Losses:** The lack of adequate nutrition results in reduced productivity and earning capacity. The World Bank estimates that malnutrition costs India about 3% of its GDP annually.
- **Social Inequities:** Hunger reinforces existing social inequalities, disproportionately affecting marginalized communities. Addressing food insecurity is, therefore, a step toward bridging the socio-economic divide.

Rural vs. Urban Challenges:

The socio-economic context of food insecurity in India differs vastly between rural and urban settings:

- **Rural Areas:** Here, issues such as small landholdings, declining soil fertility, and dependency on monsoons create vulnerabilities. Many rural households are net purchasers of food, despite being engaged in agriculture, due to skewed land ownership patterns and low incomes.
- **Urban Areas:** In cities, food insecurity arises from a lack of purchasing power among informal workers, high food prices, and inadequate social support systems for migrants and the urban poor.

Both contexts demonstrate how food insecurity transcends physical availability and touches upon economic accessibility and distribution systems.

The Role of Vulnerable Groups:

In India, the right to food assumes greater significance for the following vulnerable populations:

1. **Women and Children:** Women's unequal status in households often leads to their exclusion from decision-making regarding food allocation, exacerbating gender-based hunger. Children, on the other hand, suffer lifelong setbacks due to malnutrition, affecting their physical and cognitive development.

2. **Scheduled Castes and Tribes:** Historically oppressed and economically marginalized groups often experience restricted access to land, employment, and food security measures, intensifying their vulnerability to hunger.
3. **Elderly and Persons with Disabilities:** Limited mobility and income make these groups reliant on targeted government interventions to access food.

Recognizing the socio-economic need for ensuring the right to food, the Indian government has initiated various measures. The National Food Security Act, 2013 (NFSA) aims to provide subsidized food grains to approximately two-thirds of the population, cementing food access as a legal entitlement. This Act builds on existing programs like the Public Distribution System (PDS) and the Mid-Day Meal Scheme, striving to bridge gaps between availability and affordability. However, the success of these initiatives often falters due to inefficiencies in implementation, corruption, and exclusion errors, particularly in rural and marginalized areas.

Towards a Legal Framework: The National Food Security Act, 2013:

The National Food Security Act (NFSA), 2013, represents a landmark moment in India's fight against hunger and malnutrition. Recognizing food as a fundamental right, the Act shifts India's approach to food security from a welfare-based model to a rights-based framework. By conferring legal entitlements to subsidized food grains for a significant portion of the population, the NFSA underscores the government's commitment to eradicate hunger and ensure universal access to food.

The enactment of the NFSA was born out of decades of struggle against hunger and the recognition that traditional measures, while impactful, were insufficient to address systemic and widespread food insecurity. Initiated by judicial interventions like the landmark People's Union for Civil Liberties (PUCL) v. Union of India (2001) case, which declared food security an integral part of the right to life under Article 21, the Act emerged as a result of legal activism, civil society demands, and political consensus.

Objectives of the Act:

1. To provide subsidized food grains to a significant portion of India's population.
2. To eradicate hunger and malnutrition by ensuring equitable access to food.
3. To strengthen and institutionalize existing welfare programs under a rights-based framework.

The National Food Security Act (NFSA) was enacted with the goal of ensuring economic and social access to adequate food and a dignified life for all citizens of the country at all times.

Key Provisions of the National Food Security Act, 2013:

The NFSA consolidates and enhances existing food security programs within a legal framework. Its key provisions include:

1. **Coverage of Population:** The Act seeks to provide food security to approximately two-thirds of India's population, covering 75% of the rural population and 50% of the urban population.
2. **Entitlements for Individuals and Households:** Eligible households are entitled to receive 5 kilograms of food grains per person per month at subsidized prices:

- ₹3/kg for rice
- ₹2/kg for wheat
- ₹1/kg for coarse grains

The existing Antyodaya Anna Yojana (AAY) households, representing the poorest of the poor, receive 35 kilograms of food grains per household per month.

3. Focus on Women and Children:

- **Maternity Benefits:** Pregnant women and lactating mothers are entitled to maternity benefits of ₹6,000.
- **Children's Nutrition:** Children aged 6 months to 14 years receive free meals under schemes like the Integrated Child Development Services (ICDS) and Mid-Day Meal (MDM) schemes.

4. Grievance Redressal Mechanism: The Act mandates the establishment of grievance redressal systems at the district, state, and national levels to ensure transparency, accountability, and timely resolution of complaints.

5. Food Security Allowance: In case of non-supply of entitled food grains, beneficiaries are entitled to a food security allowance, further strengthening accountability mechanisms.

6. Empowerment of Women: The eldest woman in the household is designated as the head of the household for receiving entitlements, promoting gender empowerment.

The NFSA was envisioned as a tool to reduce poverty, malnutrition, and hunger by consolidating India's existing welfare programs into a unified, legally binding system. It draws heavily on successful initiatives like the PDS, ICDS, and the Mid-Day Meal Scheme but seeks to enhance their efficiency and coverage by institutionalizing them under a legal framework.

The Act has had measurable successes:

- It **strengthened food availability** for millions, particularly marginalized communities.
- Through a **rights-based approach**, it gave citizens the power to hold the State accountable.
- The **maternity benefit provisions** promote maternal health and child nutrition, particularly in impoverished regions.

While the NFSA has significantly advanced food security in India, its implementation is not without challenges:

- 1. Exclusion Errors:** Errors in identifying beneficiaries leaving out deserving households or including ineligible ones affect the equitable distribution of food grains.
- 2. Operational Inefficiencies:** Corruption, leakages in the PDS, and inadequate infrastructure continue to undermine the Act's objectives.
- 3. Poor Awareness:** Many beneficiaries remain unaware of their entitlements under the Act, reducing the uptake and efficacy of the schemes.
- 4. Funding and Supply Chain Issues:** Ensuring consistent supply and affordability of food grains, coupled with financial constraints in states, has been a recurrent issue.

5. Malnutrition Beyond Calories: While the NFSA focuses on food grains, it does not adequately address nutritional needs, such as access to diverse and balanced diets, which are vital for combating malnutrition.

The NFSA bridges the gap between humanitarian necessity and legal entitlement. By framing hunger and food security within a human rights paradigm, it ensures that food security is treated as a justiciable right rather than a discretionary policy. Its emphasis on accountability, transparency, and inclusiveness reflects India's broader commitment to socio-economic justice as enshrined in the Constitution.

Moreover, the Act aligns India's development priorities with global objectives, including the **Sustainable Development Goal 2** (Zero Hunger). By addressing hunger and promoting equitable food access, the NFSA contributes to human development, economic stability, and social cohesion.

A Comprehensive Understanding: Beyond Food as a Commodity:

Understanding the right to food in India requires viewing it beyond the lens of mere availability. It encapsulates:

- **Adequacy:** Food must meet nutritional, cultural, and social needs.
- **Accessibility:** It must be economically and physically accessible to all, irrespective of socioeconomic status.
- **Sustainability:** Food security systems must be designed to be resilient against environmental, economic, and political challenges.

This broader understanding is critical in addressing food insecurity not just as a symptom of poverty but as a manifestation of inequality, systemic failures, and governance gaps.

Conclusion:

The right to food is a fundamental component of human development, social justice, and equality. In India, where millions continue to face hunger despite agricultural abundance, recognizing, implementing, and enforcing this right remains a moral, legal, and social imperative. Through its Constitution, judiciary, and legislative frameworks like the NFSA, India has made significant strides in acknowledging food security as a justiciable right. However, the challenges of implementation, distribution inefficiencies, and structural inequalities persist, requiring ongoing efforts to ensure this right is fully realized for all citizens. The socio-economic context of India, with its interplay of prosperity and poverty, underscores because the right to food is vital. Addressing hunger and malnutrition is not simply about feeding people it is about empowering individuals to contribute meaningfully to society, fostering equitable development, and ensuring human dignity. Bridging the systemic gaps in India's food distribution network is not just a developmental necessity but a moral obligation. Ensuring food security for all remains central to the nation's quest for social justice and economic progress.

The National Food Security Act, 2013, marks a pivotal step in ensuring the right to food for millions of Indians, particularly the poor and marginalized. While its implementation faces challenges, the Act remains a cornerstone in India's efforts to address hunger, reduce inequality, and uphold the

fundamental right to life. Its evolution and impact underscore the importance of a holistic approach to food security, combining legal frameworks, robust governance, and community participation for sustainable and equitable progress. The National Food Security Act, 2013 embodies India's commitment to eradicating hunger and malnutrition and promoting the fundamental right to life with dignity. By institutionalizing food security as a legal entitlement, the Act seeks to protect the most vulnerable populations and advance the country's progress toward achieving social justice and sustainable development goals. While challenges persist, continuous efforts to strengthen implementation mechanisms, address nutritional deficits, and promote transparency will be key to realizing the Act's transformative potential in India's socio-economic landscape. While the NFSA has achieved significant milestones such as reducing immediate hunger, empowering women, and fostering nutritional welfare for children challenges such as beneficiary identification errors, inefficiencies in the PDS, logistical constraints, and a lack of focus on holistic nutrition persist, necessitating stronger implementation mechanisms. Additionally, the Act's broader implications, such as its role in promoting accountability, enhancing transparency, and aligning with global goals like Sustainable Development Goal 2 (Zero Hunger), underscore its transformative potential in ensuring food justice. However, to truly realize its vision, there must be a focus on modernizing distribution infrastructure, addressing malnutrition comprehensively, raising public awareness about entitlements, and fostering participatory governance to eliminate systemic barriers and ensure equitable access to food for all. As a socio-legal instrument, the NFSA bridges the gap between policy and rights, empowering citizens to demand accountability from the State, thereby reinforcing India's commitment to social equity, human dignity, and the eradication of hunger. In conclusion, while the National Food Security Act represents a substantial step forward in realizing the right to food, it calls for sustained political will, institutional accountability, and a holistic approach to food security to ensure that this right is no longer a mere ideal but an actionable and equitable reality for every Indian citizen.

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