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The Right to Food during the Pandemic: A Study of Pradhan Mantri Garib Kalyan Anna Yojana

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Abstract

The COVID-19 epidemic, which has contaminated human life worldwide since late 2019, had a significant impact on food security. The disaster has damaged the food distribution system and endangered people's access to food. The crisis has led to the creation of low wages and high food prices, making it difficult for many people to afford food, and constrained the effort to meet the goal of zero hunger. In response to the economic disruptions caused by COVID-19, the Central Government, through the introduction of PMGKAY, nearly doubled the monthly food grain distribution to approximately 80 crore beneficiaries in the country, who fall under the National Food Security Act (NFSA), at no cost. This welfare scheme's scale makes it one of the world's major food security aids. The policy was effective to some extent since we have no authentic information, at least about massive calamities like famine and no 'state has reported starvation deaths'. The PMGKAY was successful in preventing large-scale starvation deaths in India. The present study examines the PMGKY scheme's performance in meeting the urgency of the Indian public.

Keywords- COVID-19, Sustainable Development, Food Security, NFSA, PMGKY.

Introduction

The human activity of earning food for existence occupied a prime position in human needs, without which the subsistence would have been impossible. "Securing enough to eat for subsistence" has been considered a basic prerequisite for human beings since the beginning of civilization. In spite of the unprecedented scientific and technological development, getting adequate food has remained an illusion for millions of people around the world. One of the most important human rights is the right to food, which coincides with the right to life. Realizing the right to food is crucial for human survival and serves as a prerequisite for realizing other rights. Therefore, the discussion surrounding the concept and implementation of the right to food is essential for the continued existence of civilization.

The COVID-19 epidemic, which has reached rapidly around the globe since late 2019, had a significant impact on food security. The world has seen not only significant disruptions in food supply chains due to land closures caused by the global health disaster, but also a massive worldwide financial downturn.

(Serpil Aday and Mehmet Seckin Aday, 2020) Because of lower wages and higher food prices, the crisis has challenged human existence, making it harder for many people to afford the minimum basic needs. Already, before the outburst, according to a report by the State of Food Safety and Nutrition 2020, nearly two billion people were experiencing food uncertainty at reasonable or strict levels. Since 2014, these figures have been increasing, by sixty million over five years. The epidemic, which has been spreading rapidly and globally since late 2019, has significantly exacerbated the issue of food insecurity and nutrition. The World Bank has acknowledged that the COVID-19 epidemic will push approximately 71 million people into extreme poverty globally. (World Bank 2020). The U.N. has remarked that we are undergoing an impending food emergency, and the World Food Programme estimates that an additional 130 million people could fall into the category of food insecure over and above the 820 million who were so classified by the State of Food Insecurity Report, 2019 (U.N. 2020). The Indian government faced the COVID-19 pandemic situation with a spirit of self-reliance, and to alleviate the severity of the hardships, it launched the Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY) to meet the food requirements of the poor (Economic Survey 2022). This welfare scheme's scale makes it one of the world's largest food security programs. The present study examines the performance of the PMGKY scheme in India.

Objectives of the Study

.1 To examine the debates among scholars regarding the role of the "state versus market" in economic policy and governance, and to explore the specific role of the state in ensuring the right to food during crises such as the COVID-19 pandemic

2.To examine the legal framework for ensuring food security at the international level in general and the national level in particular

3.The aim is to examine how the PMGKY scheme fulfil the food needs of underprivileged households in India.

Research Methodology

This paper attempts to revisit the role of the state for subsistence through a discussion of interferences in food market practices from 2020 to 2022, a period that covered the pandemic years. The paper is a review of legal measures adopted at the national and international level for ensuring the right to food and a revisit of the recent experience of the nation during the period of the pandemic and how the nation dodged large-scale starvation deaths due to an unexpected lockdown. The paper is descriptive in nature and based on secondary data composed through different websites, journals, books, newspapers, and articles. It tried to find out the impact of the epidemic on poor people in India and how the government and other associations worked for the betterment of the victims. Besides the introduction, the first section examines the economic debate on state vs. market to elucidate the expected role of the state during a crisis. The second section of this paper reviews the legal framework to ensure food security in the world in general and in India in particular. A rights-based approach views governments' promotion of food security as an "obligation of the state." The third section examines the role of PMGKAY in meeting the needs of the poor during the pandemic.

State versus Market: The Debate

The role of "state versus market" has been a majorly debated issue in economic theory and practice. Ownership-related issues (public versus private) have not gone uncontested. In the 1950s and 1960s, developing countries engaged in a wide-ranging debate about the state's role in their economies after gaining independence, prioritising their development for the eradication of poverty and backwardness. Consequently, the post-World War II era rejected the prevalent 'laissez-faire' model of development due to its proven ineffectiveness in resolving pre-war economic crises. As a result, most of these countries adopted Keynesian interventionist economic policies; consequently, North America and the western European countries witnessed a long, uninterrupted phase of growth, often referred to as the 'Golden Period' of capitalism. People saw state intervention as the only way to prevent the market failures of the past. However, during the 1970s and 1980s, as the economic crisis began to bite hard in the US and the UK, neoclassical economists gained new respectability. They advocated a greater role for the market by reducing the state's role in areas such as the labour market, supporting the privatisation of state enterprises, and removing price and interest rate controls (Harcourt, 2014; Little, 1982). Neoclassical or neoliberal economists such as Friedman, Krueger, Hayek, and Little strongly rejected state intervention on the grounds that the state was not an unbiassed agent but was led by bureaucrats and politicians who faced constant pressure from various interest groups. This led to the induction of various forms of governing laws, which ultimately resulted in increased corruption, red tape, and rent-seeking (Little, 1982; Hirschman, 1982; Krueger, 1974). As a result, they shifted the focus from 'getting the policies right' to an overriding concern with 'getting the price right'. The World Bank and the MF accepted the same suit and imposed 'Structural Adjustment Programmes' on developing countries to increase the role of the market, putting pressure on governments that were seeking loans to adopt these policies (Siddiqui, 1994a).

Over time and space, the association between the state and the market has varied, with capitalism and socialism coexisting but differing in state intervention. Economists differ significantly on whether they can rely on actual markets to achieve economic efficiency, people's prosperity, and a fair distribution of resources and incomes. On the one extreme, there are economists like Fredrich von Hayek of Austria and Milton Friedman of the United States who believe that markets in the real world are highly competitive and free market economies are quite successful in achieving economic efficiency, prosperity, and a desirable distribution of income. They believe that whenever there are deviations from the ideal of perfectly competitive markets, government intervention will not improve the workings of the economy. However, mainstream economists generally hold the view that while perfectly competitive markets are ideal and provide useful benchmarks for comparing actual market outcomes, they also acknowledge significant failures within the market system. According to them, government intervention can lead to improved resource allocation and income distribution. While the market has often dominated and sought the state as a facilitator, there is a consensus that the state has a prime role to play in crises like the Great Depression, the Great Recession, and COVID-19. Even in advanced capitalist countries such as the US, the pandemic experience witnessed a scenario where market operators turned to the "state for support." The US, UK, and Japan's expansionary policy with quantitative easing, tax cuts, and bailout packages during the Great Recession of 2008 was an example. During the pandemic, governments around the world implemented public policies in the form of stimulus packages. The Pradhan Mantri Garib Kalyan Package (PMGKP), a comprehensive relief package of Rs 1.70 lakh crore for the poor to fight the Corona virus in India, and the CARES Act in the US are the results of such cooperation.

Right to Food: International Perspective

The right to food hinges on the state's obligation to "protect, respect, and fulfil" the provision of adequate nourishment. The obligation to protect means that the government must avoid actions that arbitrarily deprive people of their right to eat. Additionally, the state must enforce appropriate laws and measures to prevent others from infringing on this right. The obligation to fulfil requires that the state actively strengthen people’s access and feed themselves, and as a last resort, the state has the obligation to fulfil that right directly. International agencies, including the United Nations, recognise the right to food as an essential human right. It is a critical component of the right to an adequate standard of living, protected under international human rights law.

Key international documents, such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, the Convention on the Rights of the Child, and various other international agreements, emphasise this right. The United Nations has recognised access to adequate food as both an individual right and a collective responsibility. Article 25(1) of the 1948 Universal Declaration of Human Rights asserts that "everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care, and necessary social services." Therefore, Article 25(1) of the Universal Declaration of Human Rights explicitly mentions the right to food.

The International Covenant on Economic, Social, and Cultural Rights states that "everyone has the right to an adequate standard of living for themselves and their families, including adequate food, clothing, and housing. Article 2(1) of the International Covenant on Economic, Social, and Cultural Rights, 1966 notes, “. shall use all appropriate means, including legislative, administrative, judicial, economic, social, and educational measures, consistent with the nature of the rights, in order to fully fulfil their obligations under the Covenant.” In 1963, the Special Assembly on Man’s Right to Freedom from Hunger met in Rome and proclaimed in its manifesto that "freedom from hunger is man’s first fundamental right." The 1974 Universal Declaration on the Eradication of Hunger and Malnutrition also stressed that eradicating hunger and malnutrition, along with addressing their root causes, are fundamental goals for all nations. Numerous international declarations, such as the World Declaration on Nutrition (1992), the Vienna Declaration on Human Rights (1993), the Rome Declaration on World Food Security (1996), the Plan of Action of the World Food Summit (1996), General Assembly Resolution 51/171 (1996), and the UN Millennium Declaration (2000), have reiterated this commitment to the right to food.

Right to Food in India

As India is a member of the FAO, the nation is determined to promote levels of nutrition, standards of living, and humanity's freedom from hunger. In addition, India has the commitment under the International Covenant on Economic, Social, and Cultural Rights to respect, protect, and accomplish a range of human rights, including the right to food.
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The Constitution of India undoubtedly states that it's important to make sure everyone has enough food as a right. Article 21 of the Constitution guarantees the right to live with dignity. The Supreme Court of India, clarified that the right to life (Article 21) is to be interpreted as including the right to food. This means the government must make sure people have the right to at least two meals per day. Article 47 says it's the state's job to improve nutrition, standards of living, and public health. The honourable supreme court of India observed in a public interest litigation that the legal basis for right to food is implicit in the article 21(right to life) and article 7 (DPSP) of the Indian Constitution. They also said that "right to life" means living with dignity, which includes having enough food and other basics. The Court made it clear that the right to life includes the right to food. In several cases, the Supreme Court has explicitly mandated the interpretation of the right to life as a right to "live with human dignity," encompassing the right to food and other basic necessities. The Supreme Court of India clarified that the interpretation of the right to life (Article 21) includes the right to food. In 2001, the apex court directed the union government to identify people living in poverty and include them in its food-based schemes, and warned that the government would be responsible for hunger and starvation, if any[1].The apex Court has also remarked that the deprivation of the right to livelihood can be challenged as a violation of the right to life guaranteed by article 21 of the Constitution[2]. The Supreme Court, in a remarkable judgement[3], has given direction to the Government of India that "the poor, the destitute, and the weaker sections of society do not suffer from hunger and starvation" and to ensure food for disadvantaged groups. The NFS Act 2013 was really the final product of the above-mentioned verdict.

The National Food Security Act of 2013

The National Food Security Act of 2013 (NFSA) marked a transition from a welfare-based economic approach to development to a rights-based approach. The rights-based approach views governments' promotion of food security as an obligation, hence not as a form of benevolence. This rights-based approach views beneficiaries as active stakeholders rather than mere recipients of aid. The Act represents the latest governmental effort in India to uphold the 'Right to Food'. Today, the Targeted Public Distribution System (TPDS) under the NFSA has become the world's largest food assistance program. It ensures food security for two-thirds of India's population. By distributing highly subsidised food grains every month, TPDS safeguards the right to food for most Indians. The Indian government has undertaken this significant legislative measure, the costliest initiative to date, to guarantee enough

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[1] People's Union for Civil Liberties v. Union of India & Others, 2001, Supreme Court, Writ Petition (civil) 196/2001, Order dated September 17, 2001.
[2] Supreme Court of India, Olga Tellis and Ors. v. Bombay Municipal Corporation and Ors.
[3] People's Union for Civil Liberties v. Union of India & Others, 2001

to eat for approximately 67% of the total population. The act guarantees the right to food as "the right to receive food grains at subsidised prices by persons" belonging to eligible households under the Targeted Public Distribution System

Pradhan Mantri Garib Kalyan Anna Yojana

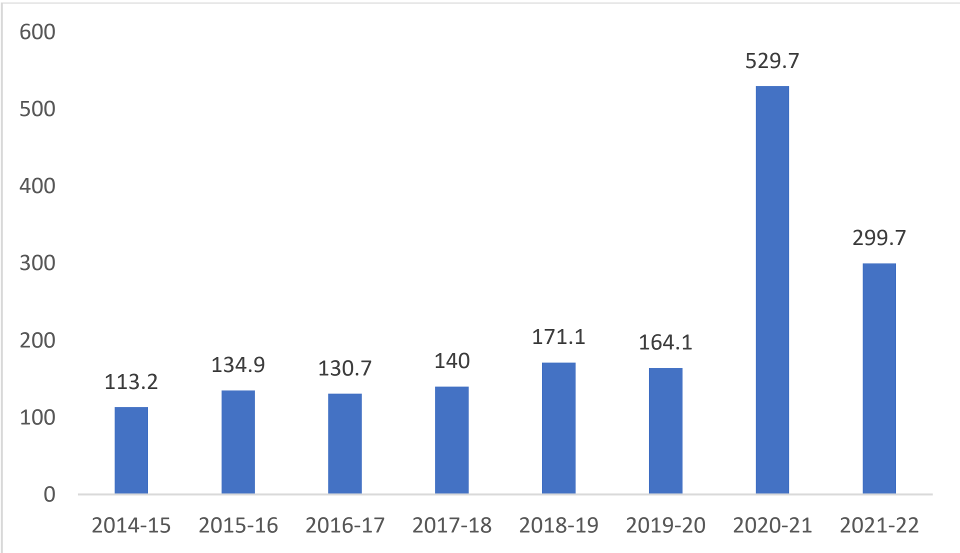
Economists like Amartya Sen have justified rationing as a palliative for the victims of civilian populations and as a wartime necessity for priority sections. The COVID-19 pandemic intensified the situation of food insecurity by adversely affecting the availability and accessibility of food grains among the poor sections in India. The international labour organisation estimated that because of the pandemic, 400 million informal sector workers in India "are at risk of falling deeper into poverty during the crisis." Even before the pandemic, the Global Hunger Index 2019 ranked India as having a "level of hunger that is serious."

Global experience reveals that many nations employ food policy as a crucial tool to combat hunger and starvation. Most governments adhere to the principle that ensuring individuals have enough food, especially during crises like epidemics, is a vital component of welfare policy. Repeated waves of COVID-19 infection, supply-chain disruptions, and, as a result, inflation have combined to create a plethora of crises. The economic slowdown and loss of employment have led to widespread food insecurity, raising concerns about potential long-lasting effects on the nutritional status of the population. The state's immediate goal was to ensure that no poor person suffered from the lack of food. The crisis and the response present an opportunity to reassess the role of welfare architecture, especially social welfare schemes and entitlement-based legislation in India. Despite the policy efforts to accelerate market expansion through neoliberal economic reforms, several legislations were introduced in India to safeguard and enhance people's entitlements to land, employment, education, and other essential services like NREGA, NFSA, RTE, SSA, NRHM, etc. In this context, government support through schemes such as the Public Distribution System (PDS) plays a crucial role.

The government's relief measures announced under the PMGKY and the Atma Nirbhar Abhiyan have utilised existing schemes such as the PDS, Jan Dhan, Social Security Pensions, and MGNREGA to facilitate additional transfers and provide temporary support. This period has also exposed the shortcomings of these schemes and underscored the need for their enhancement to achieve improved human welfare. The following sections explore the state's intervention through PMGKY in the system, aiming to address the issue of food insecurity. The following sections examine the state intervention through PMGKY in the system to address the problem of how to ensure enough to feed. To tackle these tasks, the Government of India immediately released a bouquet of safety nets to cushion the impact on vulnerable sections of society**.** To reduce the hardships faced by the deprived due to the economic disturbance caused by the pandemic, the Government of India launched PMGKAY initially for the period from April to June 2020**.**However, the scheme has been extended in various phases, acknowledging the need for ongoing support for impoverished households. The introduction of PMGKAY has confirmed the free provision of additional food grains of 5 kg per person per month, which have been confirmed to be free of charge to NFSA beneficiaries. Thus The PMGKAY has become the world's largest food security scheme to provide enough food for the poor and needy during the pandemic, covering 80 crore beneficiaries covered under the National Food Security Act. This support was provided to ensure that poor households remained protected from the COVID-19-led shocks. The recent crisis has highlighted the significance of our welfare schemes in providing ‘a safety net’ to people. The relief measures announced by the government under the PMGKY, in addition to other assistance, provided a temporary cushion.

Many have criticised the package for being insufficient, as it falls short of meeting the crisis's requirements. During COVID-19, India's Public Distribution System (PDS) demonstrated its resilience and capacity by successfully supplying nearly 1118 LMT (50% more) of food grains to over 800 million beneficiaries. This has stood out as a shining example of unparalleled food security for the whole world. Even before the package, there was a general upward trend in food subsidy expenditure from 2014–15 to 2019–20, with some fluctuations. The subsidy increased from 113.2 thousand crores in 2014–15 to 171.1 thousand crores in 2018–19, showing a consistent rise. In 2020–21, there was a dramatic spike in the food subsidy, which reached 529.7 thousand crores, mainly because of the excess burden associated with PMGKAY. The long-term growth rate (CAGR) of 14.5% indicates a substantial increase in food subsidy spending over the period.

Fig.1. Food Subsidy in India since 2014-15



An over view of amount of subsidy and quantity of food grains exclusively distributed under PM-GKAY scheme is presented in table 1.

Table 1

PMGKAY SUBSIDY & QTY DISTRIBUTED.		
YEAR	PMGKAY SUBSIDY	QTY OF FOOD GRAINS DISTRIBUTED
2020-21	Rs 1,13,185 crore	322 LMT
2021-22	Rs 1,47,212 crore	437 LMT
2022-23 (up to Dec 2022)	Rs1,36,600 crore	359 LMT
TOTAL	**Rs 3,90,997 crore**	**1118 LMT**

Table 2

UTILISATION OF FOOD GRAINS UNDER PMGKAY

Allocation of food grains under PMGKAY (Phase I-VII)

Food Grains Utilisation Under PMGKAY in India

Sl No	State/UT	Qty allocated	Qty lifted by State/UT under PMGKAY (up to Nov, 22)	Qty Distributed by State/UT under PMGKAY (up to Nov, 22)	Distribution as % allotment
1	Mizoram	93550	91868	88922	95%
2	Meghalaya	300372	296774	284255	95%
3	Chhattisgarh	2810780	2707123	2633887	94%
4	Tripura	347493	336797	324621	93%
5	West Bengal	8425728	7840607	7856087	93%
6	Goa	74498	70890	68310	92%
7	Telangana	2682699	2561439	2458216	92%
8	Karnataka	5627020	5298307	5153724	92%
9	Delhi	1018730	937341	930116	91%
10	Andaman & Nicobar Islands	8521	7817	7772	91%
11	Himachal Pradesh	401024	388834	365604	91%
12	Kerala	2167202	2000918	1949831	90%
13	Madhya Pradesh	6999399	6515325	6276168	90%

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14	Assam	3516927	3270033	3142258	89%
15	Uttarakhand	867187	797848	774732	89%
16	Gujarat	4961251	4495967	4418252	89%
17	Lakshadweep	3063	2835	2726	89%
18	Odisha	4537823	4227310	3994202	88%
19	Haryana	1770860	1556813	1555227	88%
20	Arunachal Pradesh	116879	112313	102280	88%
21	Nagaland	196656	189509	172087	88%
22	Punjab	1980930	1837720	1730270	87%
23	Manipur	293603	282907	255232	87%
24	Bihar	12175223	11103834	10582970	87%
25	Daman & Diu D&NH	40626	37647	35216	87%
26	Ladakh	20145	19024	17429	87%
27	Rajasthan	6186605	5681578	5337014	86%
28	Jammu And Kashmir	1013208	882166	863504	85%
29	Uttar Pradesh	20709710	17795474	17592310	85%
30	Puducherry	87899	79658	74020	84%
31	Chandigarh	38599	32227	32348	84%
32	Jharkhand	3694095	3290958	3045538	82%
33	Sikkim	53030	50548	43496	82%
34	Maharashtra	9802352	8137996	8016574	82%
35	Tamil Nadu	5076285	4776522	4087528	81%
36	Andhra Pradesh	3755133	2801962	2645092	70%
Total		**111855104**	**100516890**	**96917817**	87%

The table summarizes the utilization of food grains under the Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY) across various states and union territories in India up to November 2022. It includes the quantities allocated, lifted, and distributed, along with the distribution percentage relative to the allotment. Mizoram and Meghalaya achieved the highest distribution rates at 95%, while Andhra Pradesh had the lowest at 70%. Overall, a total of 111.9 million metric tons (MT) were allocated, 100.5 million MT were lifted, and 96.9 million MT were distributed, resulting in an average distribution rate of 87%. States with the highest allocations, like Uttar Pradesh and Bihar, also showed significant distribution volumes, contributing to the program's overall success.

The COVID-19 pandemic has significantly impacted food security, leading to disruptions in food supply chains and financial downturns. The Indian government launched the Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY) to meet the food requirements of the poor, making it one of the world's largest food security programs. This study examines the performance of the PMGKY scheme in India and discusses the debates among scholars regarding the role of the state in economic policy and governance. The study also reveals that right to food is an essential human right recognized by international agencies and is protected under international human rights law. The Indian Constitution guarantees the right to live with dignity, including the right to food. The National Food Security Act of 2013 transitioned from a welfare-based economic approach to a rights-based approach, ensuring food security for two-thirds of India's population. The PMGKAY has become the world's largest food security scheme, covering 80 crore beneficiaries under the National Food Security Act. Despite criticisms, India's Public Distribution System demonstrated resilience and capacity by successfully supplying nearly 1118 LMT of food grains to over 800 million beneficiaries during the pandemic. Despite the global pandemic's disruptions, the nation has successfully managed its food stock, ensured its availability and free accessibility, and at least prevented a massive starvation calamity.
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