



CHAPTER - 6

FROM DIRECTIVE PRINCIPLES TO JUSTICIABLE RIGHTS: CONSTITUTIONAL PROTECTION OF THE RIGHT TO FOOD

Rituparna Halder

Assistant Professor, School of Law, Brainware University

Email- rph.law@brainwareuniversity.ac.in

Abstract

Constitutional Protection to the “Right to Food” in India is an example of a paradigm shift in the development of a fundamental right from a non-enforceable “Directive Principle of State Policy” to a constitutional right due to judicial activism. Originally incorporated under “Article 47 of the Constitution of India” as a “Directive Principle of State Policy” making it mandatory for the state to improve the nutritional levels and standards of living, “the Right to Food” had no direct judicial recourse. Nevertheless, by dint of extensive judicial construction of Article 21, that is, the Right to Life, the Indian Supreme Court made it clear that food and nutrition are inseparable from the right to live with dignity. The People’s Union for Civil Liberties v. Union of India (Right to Food Case) brought about a sea change in this regard by making government-sponsored food and nutrition schemes judicially enforceable. In this paper, the constitutional history of the “Right to Food” is explored. The analysis covers the relation between the Directive Principles and Fundamental Rights, role of judicial activism and welfare legislation in the context of such a right. Furthermore, the difficulties associated with its implementation, federal cooperation and accountability issues are considered. Based on the historical development of the doctrine and legal practices, it becomes evident that the Indian Constitution has managed to overcome the distinction between non-enforceable directives and enforceable rights. Consequently, “the Right to Food” represents one of the examples of the living nature of the Constitution.

Keywords: Right to Food, Directive Principles of State Policy, Article 21, National Food Security Act, 2013, Socio-Economic Rights, etc.

1. Introduction:

The inclusion of the Right to Food within the Indian Constitution signifies a journey towards transforming an abstract principle into a justiciable fundamental right. “The Indian Constitution” does not include the right to food as one of its fundamental rights. Rather, the Constitution includes the responsibility for ensuring nutritional security through “the Directive Principles of State Policy (DPSP)”, especially in Articles 39(b) and 47. Article 47 requires that the state takes steps to enhance the standard of living and public health, implying the necessity of food security in social justice and governance (Austin, 1999). Nevertheless, DPSPs were considered non-justiciable, thus rendering them difficult to implement in court proceedings.

The terrain of the constitution was substantially altered by way of judicial interpretation, especially that of Article 21, which provides for the right to life and personal liberty. The Indian Supreme Court gradually enlarged the ambit of Article 21 to include “right to life with dignity”, which included socio-economic rights like food, shelter, and health

care (Deva, 2009). This is evident from the landmark decision in *“People’s Union for Civil Liberties v. Union of India”*, where the Supreme Court considered the right to food as an integral part of the right to life. With its interim orders, it transformed programs like PDS, Mid-day meal, and ICDS from programs to legal rights, thus making the distinction between Part III (fundamental rights) and Part IV (directive principles of state policy) nebulous (Coomans, 2006).

This innovation in judicial reasoning is part of an overall constitutional theory, which is premised on the reconciliation of civil-political rights with socio-economic rights. In this regard, the right to food has moved from being a mere normative recommendation to a legally binding right, through legislative intervention via the National Food Security Act, which aims to deliver subsidized food grains to approximately two-thirds of the country’s inhabitants (Drèze & Khera, 2016).

From the transition from “Directive Principles of State Policy” to justiciable rights is an indication of the dynamism and life in the Indian Constitution. This shows how the judiciary contributes to the development of transformative constitutionalism by making sure that socio-economic rights such as the right to food are guaranteed and not just wishful thinking.

2. Constitutional Framework:

The constitutional recognition of “the Right to Food” in India has emanated from a process of dynamic interplay between the Fundamental Rights and Directive Principles of State Policy (DPSP). Even though the Indian Constitution had not recognized the right to food explicitly as a fundamental right in its early days, its interpretation through case laws and the philosophy of the constitution have made it a justiciable right gradually.

2.1. Article 21: Right to Life and Human Dignity

“Article 21 of the Constitution of India” forms the bedrock of the constitutional guarantee for the right to food. It states that no individual can be deprived of life and personal liberty unless there is a legal process in place. Though at first considered a narrow provision, Article 21 was given a wider interpretation in *“Maneka Gandhi v. Union of India”* (*Maneka Gandhi vs Union Of India*, 1978).

Later on, the Supreme Court construed the phrase “right to life” to include not only the right to live but also the right to live with human dignity and essentials like food, clothing, and shelter. As per the landmark case of *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, the right to live dignified and enjoy necessities of life is implied in the right to life under Article 21 (*Francis Coralie Mullin vs The Administrator, Union Territory of Delhi & Ors.*, 1981).

However, it was in the *“PUCL v. Union of India”* case that the concept of food as a right took its decisive form. In this landmark case, the Supreme Court considered the right to food to be an aspect of Article 21 of the Constitution. The Court made several food-related schemes into rights and issued a continuing mandamus for their implementation. Hence, Article 21 came to be seen as the main instrument by which food security could be enforced as a constitutional right (Coomans, 2006).

2.2. Directive Principles of State Policy (Part IV)

While the Fundamental Rights afford enforcement powers, the underlying norm of the right to food emanates from the DPSPs enshrined under Part IV of “the Indian Constitution”. Under Article 39(b), it is the responsibility of the state to ensure the distribution of material resources for subservience to the common good of all sections of society. Food grains, along with other agricultural sources, are considered to be covered under this article. It is clearly stated under Article 47 that it is the responsibility of the state to enhance the standards of health and living conditions in the country. Even though DPSPs are not enforceable under Article 37, they form an essential element in the governance of the country. In the PUCL judgment, the Supreme Court has made it clear that Articles 39(b), 47 and Article 21 were related to each other. Thus, DPSPs have become an essential component of enforceable rights. This kind of approach can be seen as an application of the principle of harmonious interpretation (Deva, 2009).

2.3. Judicial Activism and Continuing Mandamus

The evolution of the right to food can be largely attributed to judicial activism and the development of “continuing mandamus.” For instance, in PUCL case law, the Supreme Court of India made a series of interim orders to implement programs like the Public Distribution System (PDS), Mid-Day Meals, and ICDS. Such orders were instrumental in constitutionalizing welfare programs.

Through supervision of compliance by the administration for an extended duration, the Court was able to address the discrepancy between constitutional rhetoric and administration. Such a case of structural relief is indicative of how the Court actively pursued the enforcement of socio-economic rights without their constitutional articulation (Mehta, 2007).

2.4. Statutory Reinforcement: National Food Security Act, 2013

The judicial acknowledgement of the right to food was eventually codified into law by way of “the National Food Security Act, 2013 (NFSA)”. The Act guarantees statutory access to subsidized food grains for about two-thirds of the country's population, nutrition for pregnant and lactating women, and mid-day meals for children.

Even though the NFSA is a statutory and not a constitutional document, it serves as an implementation of the constitutional directive enshrined under Articles 21 and 47. It shows how there can be dialogue between the judiciary and legislature when it comes to socio-economic rights (Khera, 2013).

2.5. Federalism and Decentralized Implementation

The constitution also facilitates the idea of division of roles through federal structure. Though there is legislation from the Centre for food security, the enforcement of the same is mainly dependent on states. In the Seventh Schedule of the Constitution, subjects like public health and agriculture fall into Union and State Lists. It is because of such a division that cooperative federalism comes into play for the right to food. There is also acknowledgment from the judiciary that the enforcement of the law is not possible without coordination and accountability in administration. The journey that was undertaken by India as regards the right to food can be considered to have been slow yet transformational in nature. It started as a mere directive principle in Article 47 and went on to become a justiciable right through judicial activism in Article 21. The Supreme Court of India's involvement in PUCL made the food-based schemes into legally enforceable rights, whereas “the National Food Security Act, 2013” gave further legal teeth to the right (*People's Union For Civil Liberties vs Union Of India & Anr*, 2005).

3. Judicial Recognition:

The process of converting the right to food from being a non-justifiable Directive Principle as provided in Article 47 of the Constitution of India into a justifiable right is essentially due to judicial creativity. It is the higher judiciary, more specifically the Supreme Court of India, that has had a significant role to play in incorporating socio-economic rights within Article 21 of the constitution as regards the right to food. The sub-sections below explain how:

3.1. Expansion of Article 21: Right to Life and Human Dignity

The basis of the right to food being acknowledged by the judiciary is the broad interpretation of the Article 21 as was done in the case of “*Maneka Gandhi v. Union of India*”. Here, the court interpreted that the “right to life” was not just limited to mere animal existence, but it included the right to lead a dignified life. Thus, the court was able to incorporate different socio-economic rights into Article 21 (*Maneka Gandhi vs Union Of India*, 1978). Later in “*Francis Coralie Mullin v. Administrator, Union Territory of Delhi*”, the court specifically connected the right to life with the right to live a dignified life which involves having basic necessities of life, namely food, clothing, and shelter. The court stated that without these needs, one could not claim that his right to life under Article 21 was violated. It is through these cases that the jurisprudence for recognizing food as an integral part of the right to life was laid down (Goel, 2015; Sathe, 2003).

3.2. Recognition of Livelihood and Subsistence

In “*Olga Tellis v. Bombay Municipal Corporation*”, the court ruled that the right to livelihood is an essential element of the right to life guaranteed under Article 21. In support of this, the Court argued that without livelihood, one cannot even survive. As livelihood is related to food, this case again emphasized the constitutional basis of food security (*Olga Tellis & Ors vs Bombay Municipal Corporation & Ors.*, 1985). In addition to this, it must be mentioned that the interpretation by the Court shows the transition from negative rights to positive obligations on the part of the government in ensuring the existence of such conditions as are necessary for survival. According to some scholars, this interpretive development made the directive principles of state policy legally enforceable (De, 2018).

3.3. The Right to Food Case: PUCL v. Union of India

The landmark judgment regarding the recognition of rights by the judiciary is the case titled “*People's Union for Civil Liberties v. Union of India*”, commonly referred to as the “Right to Food Case.” The petition was filed in 2001 when there was an extreme scarcity of water and a food grain surplus stored in the government godowns. The Supreme Court made several food and nutrition schemes, including the Public Distribution System (PDS), Mid-Day Meal

Scheme, and ICDS, as statutory obligations. A number of interim orders were passed directing state governments to make cooked mid-day meals available in all primary schools and ensuring that welfare schemes are effectively implemented. It is pertinent to note that the right to food was held by the Supreme Court as an implied aspect of Article 21 and is enforceable on the State (Muralidhar, 2009). The use of continuing mandamus in this case indicated the judiciary's concern for structural remedies and administrative responsibility. This was a landmark case that established food as a basic right.

3.4. Directive Principles as Interpretative Tools

Even though the Directive Principles, which come under Part IV of the constitution, are not justiciable, it has been repeatedly decided by the Supreme Court that they form the basic foundation of the government of the country. The importance of the unity between the Fundamental Rights and Directive Principles is reiterated in *Minerva Mills Ltd. v. Union of India*. In interpreting Article 47, which mandates the state to improve the nutrition standards and the standards of living, into Article 21, the Court managed to reconcile the gap between non-justiciable principles and enforceable rights (Jain, 2023).

3.5. International Law and Comparative Influence

However, even the judiciary has used international human rights laws and treaties to fortify the right to food. India is party to the International Covenant on Economic, Social and Cultural Rights, where the right to food is protected through Article 11. The Supreme Court has held in the case of *"Vishaka v. State of Rajasthan"* that international conventions compatible with fundamental rights may be imported into domestic law (*Vishaka & Ors vs State Of Rajasthan & Ors*, 1997). This has been the approach adopted by courts in using international laws to improve socio-economic rights jurisprudence. Use of international law in constitutional adjudication is evidence of comparative constitutionalism, and further supports the validity of recognizing the right to food (Alston & Bhuta, 2005).

4. Policy and Legislative Frameworks:

The constitutional design of India creates a multi-tier system for safeguarding socio-economic rights like the right to food. Although there is no express mention of the right to food as a fundamental right in the Constitution of India, it has been enshrined within the Directive Principles of State Policy (DPSPs), which serve as guiding principles for the state while formulating policies and passing legislation. Through judicial interpretation and legislative provisions, the right to food has gained strength over the years, moving beyond being a DPSP to become an enforceable right.

4.1. Directive Principles of State Policy and Policy Foundations-

Foundations of Food Security under the Constitutional Law of India lie in the Directive Principles of State Policy, particularly Article 39(a) and Article 47. Article 39(a) requires the state to provide its citizens with an adequate means of livelihood, which encompasses the right to food. Article 47 requires the state to improve the standard of living and raise the level of nutrition among its citizens (Jain, 2023). The DPSPs manifest the spirit of social justice and welfare wherein the concept of food security is vital for human dignity and socio-economic rights (Seervai, 1996). While the DPSPs alone cannot be taken up before courts as violations, they have been instrumental in crafting policies at the national level. The National Food Security Act, 2013, is one such policy that has been formulated based on the fundamentals laid down under the DPSPs (National Food Security Act, 2013). Through policies, the State ensures legislative conformity with its constitutional aspirations.

4.2. Judicial Reinforcement and Expanding Justiciability-

In the case of DPSP becoming legally binding rights in India, it is the judiciary that has played a pivotal role. A number of cases decided by the Supreme Court of India have associated the right to food with the fundamental right to life guaranteed by Article 21 of the Constitution (Jain, 2023). In the famous case of *"Bandhua Mukti Morcha v. Union of India"* (1984), the Supreme Court observed that DPSPs and fundamental rights are interconnected and that the enjoyment of a right like life is only possible when certain socioeconomic rights are fulfilled (*Bandhua Mukti Morcha vs Union Of India & Others*, 1984). The Supreme Court of India, in the case of *"Paschim Banga Khet Mazdoor Samity v. State of West Bengal"* (1996), made an explicit judgment that the right to food flows from the right to life, obliging the states to provide sufficient food to those living below the poverty line (*Paschim Banga Khet Mazdoorsamity Of Ors vs State Of West Bengal & Anr*, 1996). Further judicial pronouncements on the matter have built upon this jurisprudential framework, requiring the state to enhance its efforts towards better public distribution, midday meals, and emergency aid (Drèze & Sen, 2013).

4.3. Policy Frameworks: National Food Security Act and Public Programmes-

Introduction of the NFSA is a turning point for the right to food legislation. The NFSA makes it mandatory for

the state to provide subsidized food grains to almost two-thirds of the population through TPDS. In addition, there are provisions for maternity entitlements, child nutrition, and beneficiary accountability under the NFSA (National Food Security Act, 2013). Through its codification, the NFSA gives practical meaning to the duties of the state towards the fulfillment of DPSPs and constitutional morality, which enables citizens to demand their food entitlements as a legal right. Along with the NFSA, there are also other policies and programs, such as the Mid-Day Meal Scheme, ICDS, and Antyodaya Anna Yojana. All the aforementioned policies seek to enhance the level of food security for vulnerable people, specifically focusing on children, expecting mothers, and poor families (Government of India, Ministry of Women and Child Development, 2020). The involvement of food security into welfare programs allows the state to tackle nutrition gaps while promoting human development simultaneously.

4.4. Challenges and the Future of Legislative Protection-

However, despite the advancements in developing legislative tools and policies, there are still some shortcomings in realizing the right to food. Challenges in implementation such as leakages in the public distribution system, misidentifications in the beneficiaries' list, and insufficient finances hinder the application of food security legislation (Dreze & Khera, 2013). In addition, since the right to food is not expressly recognized by the Constitution, it cannot be enforced in court like other civil and political rights.

5. Implementation Challenges:

From the Directive Principles of State Policy to justiciable rights, the Right to Food in India is an example of an important paradigm shift in constitutional protection. Although judicial activism and legislation, especially the NFSA enacted in 2013, have tried to ensure food security through legislation, there are many issues with implementation that prevent the effective enforcement of the right to food (The Right to Food in India: Legal Framework and Implementation, 2024).

5.1. Beneficiary identification and targeting errors:

The first major difficulty involves beneficiary identification mistakes and targeting mistakes. Exclusion and inclusion mistakes occur regularly in any government system of distribution; deserving beneficiaries may not be able to register because of an absence of proof, whereas non-deserving families continue to be listed as beneficiaries ("The Right to Food in India," 2024). This makes targeting mistakes a hindrance in implementing the policy effectively, wasting resources meant for the neediest people.

5.2. Administrative inefficiencies and governance bottlenecks:

Administrative inefficiencies and governance barriers are similarly associated with targeting. "The Public Distribution System (PDS)", which is the principal channel through which subsidized food grains are provided under the NFSA, still suffers from logistics-related difficulties such as lack of storage facilities, inconsistent supply of food grains to Fair Price Shops, and weaknesses in the infrastructure for last-mile distribution (Saxena, 2015; "The Right to Food in India," 2024). Besides causing wastage and deterioration of the quality of food grains, poor infrastructure results in their inconsistent availability.

5.3. Leakage and corruption:

Leakage and corruption constitute another long-standing problem. Even with digitization initiatives, considerable portions of the subsidized food grains are leaked before reaching their rightful recipients. This phenomenon of leakage from procurement to distribution has been amply reported and is indicative of systemic failures in terms of accountability and oversight ("Challenges and Progress in the Realization of the Right to Food in India," 2025; "The Right to Food in India," 2024). Inadequate systems for addressing grievances further limit the capacity of the beneficiaries to seek remedies, making their legal rights effectively unenforceable despite their justiciable nature.

5.4. Policy narrowness and exclusionary design features:

However, there are certain elements in the NFSA such as policy narrowness and exclusionary design which hinder the full implementation of the policy. For example, the failure to include pulses and edible oil in the basket of foods, inadequate entitlement for people without homes or disabilities, and failure to incorporate nutrition programs such as Integrated Child Development Services (ICDS) within the law constitute important shortcomings which limit the extent of food security coverage (Saxena, 2015).

5.5. Structural and socio-economic barriers:

Such barriers make the process of implementing these measures all the more difficult. There are structural barriers that lead to existing inequalities across castes, genders, and rural-urban differences, which affect access to food rights

in India despite laws being in place (“Challenges and Progress in the Realization of the Right to Food in India,” 2025; “The Right to Food in India,” 2024).

6. Comparative Perspectives:

The constitutionally guaranteed right to food constitutes an important domain of socio-economic rights jurisprudence and policymaking. Some nations have the right to adequate food enshrined in their constitutions, while others, such as India, have realized the desired results by interpreting other rights within the context of the law.

In the case of South Africa, the right to food is enshrined in its constitution. According to section 27(1)(b) of the Constitution of the Republic of South Africa, 1996, “everyone has the right to have access to sufficient food and water” as an obligation on the part of the state in relation to citizens' food access rights (Cohen, 2020). This provision illustrates that it is possible for countries to create legally justiciable and enforceable rights to food within their constitutions. South Africa's constitution provides a clear example of how the right to food can be included in legal documents in a way that creates a platform for accountability.

In comparison, India's constitutional system does not make any express mention of the right to food as a fundamental right. This is because the DPSPs under Part IV of the Constitution of India serve as guidelines for the state in terms of social and economic welfare, including means of livelihood as well as equal distribution of wealth (Knuth & Vidar, 2011). For instance, Articles such as Article 39(a) and 47 of the constitution compel the state to pursue policies aimed at achieving adequate standards of living and health care; however, these articles are non-justiciable in nature (Knuth & Vidar, 2011).

However, despite this non-justiciability provision, the Supreme Court of India has been instrumental in operationalizing the right to food through an expansive interpretation of Article 21 that enshrines the right to life and personal liberty. In a series of public interest cases such as *PUCL v. Union of India*, the right to life with dignity has been construed by the Court to include the right to food, thus imbuing DPSPs with force by aligning them with fundamental rights (Bhattacharjee, 2017). This highlights that the judiciary in India engages in judicialization of socioeconomic rights whereby courts impose obligations on states by making DPSPs compatible with fundamental rights despite the lack of any explicit provision in the constitution (Durojaye & Chilemba, 2017).

In comparison, other nations including Brazil and Ecuador recognize the right to food through their constitutions, alongside statutory legislation for implementation in their countries (Knuth & Vidar, 2011). On the contrary, countries like the United States do not have any such right as a result of which the right to food remains unenforceable through judicial means due to its absence from the nation's constitution and legislation (Cohen, 2020).

From the above comparative analysis, it is clear that there exist two general forms of constitutional protection, which include constitutionalization with justiciability, which exists in South Africa and some Latin American countries, and implicit protection in which the courts interpret broader rights in order to protect social rights, which is evident in India. While one has legal advantages as far as effectiveness is concerned, the other shows how judicial interpretation may assist in filling any gaps in the protection provided by the constitution.

7. Policy Recommendations:

The transformation of Right to Food from a non-enforceable principle under Articles 39(a) and 47 of the Indian Constitution to an actionable element within the framework of Right to Life under Article 21 is a significant normative change in constitutional law jurisprudence (*The Right to Food around the Globe*, 2021). Traditionally, Directive Principles are seen as aspirational objectives that guide government policies; however, due to their non-justiciable nature, there was no recourse available to the citizens in case of breach of such principles (*The Right to Food around the Globe*, 2021). In cases like *People's Union for Civil Liberties v. Union of India*, judicial activism ensured that the right to food entitlements, such as mid-day meals and reforming public distribution systems, was made a legally enforceable right (*People's Union For Civil Liberties vs Union Of India & Anr*, 2005).

7.1. Statutory Strengthening of Food Rights Monitoring Mechanisms

Although the judiciary has been instrumental in defining the right to food, there is room for improvement by way of the creation of independent monitoring systems. The NFSA enshrines the rights to food security but fails to include any mechanism for continuous independent assessment of not only accessibility but also nutrition status (Kaur, 2021). An independent National Food Rights Commission, along with state commissions, could be used to conduct audits and oversee the functioning of the PDS.

7.2. Integration of Rights-Based Indicators into Social Policy Evaluation

Food security is multi-dimensional, covering availability, accessibility, adequacy, and sustainability (Dev, 2003). In most cases, government programmes emphasize food distribution measures, while adequate nutritional impact measures and equity in distribution among disadvantaged categories such as caste minorities and women are not properly measured (Dohrmann & Thorat, 2007). Policymakers need to include an array of rights-based indicators for assessing national and state-level social policies, including levels of hunger, malnutrition, and discrimination in access to entitlements.

7.3. Expand Legal Justiciability Through Legislative Clarity

While the right to food has been acknowledged by the Supreme Court under Article 21, an explicit legal recognition will minimize the dependence on interpretation by the judiciary and make enforcement easier. The introduction of amendments to the NFSA or even passing of a new law for the protection of food rights will help to determine specific entitlements and obligations of state actors, and will also provide timelines for compliance and consequences for failing to fulfill these obligations.

7.4. Address Systemic Implementation Barriers

The problems that persist, like identification errors of beneficiaries, logistic inefficiencies regarding food storage and transportation, and poor information dissemination, have hindered the achievement of food security goals (Kaur, 2021). The use of digital technology with biometric information and local governance records will minimize errors of exclusion and leakages in the PDS system. The improvement of infrastructure facilities for food storage and transportation in both rural and urban areas will minimize wastage.

7.5. Community Participation and Awareness

It is imperative that civil society organisations and local bodies get involved in the monitoring and raising awareness regarding the entitlements of their members to improve their realisation. Awareness campaigns for legal education related to rights on food, grievances, and entitlements should be launched.

8. Conclusion:

The journey of the Right to Food in the Constitution of India can be seen as an exceptional transition from a non-enforceable Directive Principle to an enforceable fundamental right. Despite the makers of the Indian Constitution ensuring the inclusion of socio-economic rights, including nutrition and public health, in Part IV of Article 47, the role played by the State as the protector of basic subsistence was envisaged. It is only through judicial interpretations of Article 21 of the Constitution that the transition from directives to enforceable rights has been achieved. This has been possible due to an inclusive interpretation of the Right to Life by the Indian Supreme Court, which states that a life of dignity includes food (Coomans, 2006). The critical juncture in this process was marked by the Right to Food case of *People's Union for Civil Liberties v. Union of India*, wherein the Supreme Court made use of the government programs of food and nutrition and converted them into legal obligations (Schutter & UN. Human Rights Council. Special Rapporteur on the Right to Food, 2014). This shows that through judicial activism, one can interpret Directive Principles so as to benefit constitutional rights. Another example is the National Food Security Act, wherein legislation was used for ensuring food grains at lower prices along with maternity entitlements and nutrition assistance to vulnerable individuals. Nevertheless, the constitutionalization of the Right to Food poses several problems in structure as well. Chronic cases of malnutrition, failures in implementation, leakage in the public distribution system, and disparities between regions indicate that the measures undertaken through legislation and judicial pronouncements have their own limitations (Drèze & Sen, 2013). The enforcement of the right necessitates administrative responsibility, effective redressal systems, and collaborative federalism. Also, the new challenges like climate change, economic disparity, and digital divide require innovative forms of governance to ensure universality and inclusivity of the right. In essence, the right to food in India represents the evolving nature of the Indian Constitution, where socio-economic desires have been turned into concrete rights. It is clear from the relationship between directive principles and fundamental rights that constitutionality is dynamic in character and keeps on evolving. In light of this observation, it is necessary for India to ensure that food security remains one of its top priorities amid developmental and environmental challenges. From the perspective of social welfare being part of constitutional morality, this right represents the evolving nature of social welfare within constitutional freedom.

References

1. Alston, P., & Bhuta, N. (2005). *Human Rights and Public Goods: Education as a Fundamental Right in India* (SSRN Scholarly Paper No. 832124). Social Science Research Network. <https://papers.ssrn.com/abstract=832124>

2. Austin, G. (with Internet Archive). (1999). *Working a democratic constitution: The Indian experience*. New Delhi ; New York : Oxford University Press. http://archive.org/details/workingdemocrati0000aust_j0r9
3. Bandhua Mukti Morcha vs Union Of India & Others, 1984 AIR 802 ____ (Supreme Court of India 1984). <https://indiankanoon.org/doc/595099/>
4. Bhattacharjee, S. (2017). From Francis Coralie Mullin to Swaraj Abhiyan: Adding Multidimensionality to the Conditional Social Right to Food. *Christ University Law Journal*, 6(1), 21–40. <https://doi.org/10.12728/culj.10.2>
5. Challenges and Progress in the Realization of the Right to Food in India. (2025, November 15). *TheLaw.Institute*. <https://thelaw.institute/rural-local-self-governance/challenges-progress-right-to-food-india/>
6. Cohen, M. (2020). The Right to Food. In *Max Planck Encyclopedia of Comparative Constitutional Law*. Oxford University Press.
7. Coomans, F. (2006). *Justiciability of Economic and Social Rights: Experiences from Domestic Systems*. Intersentia.
8. De, R. (2018). *A people's constitution: The everyday life of law in the Indian republic*. Princeton University Press. <https://press.princeton.edu/books/hardcover/9780691174433/a-peoples-constitution>
9. Dev, S. M. (2003). Right to food in India. *Centre for Economic and Social Studies, Hyderabad Working Papers, Centre for Economic and Social Studies, Hyderabad Working Papers*, Article 50. <https://ideas.repec.org/p/ind/cesswp/50.html>
10. Deva, S. (2009). *Public Interest Litigation in India: A Critical Review* (SSRN Scholarly Paper No. 1424236). Social Science Research Network. <https://papers.ssrn.com/abstract=1424236>
11. Dohrmann, J. A., & Thorat, S. (2007). Right to Food, Food Security and Discrimination in the Indian Context. *ASIEN: The German Journal on Contemporary Asia*, (102), 9–31. <https://doi.org/10.11588/asien.2007.102.14975>
12. Dreze, J., & Khera, R. (2013). Rural Poverty and the Public Distribution System. *Economic and Political Weekly*, 48(45–46). <https://www.epw.in/journal/2013/45-46/special-articles/rural-poverty-and-public-distribution-system.html>
13. Drèze, J., & Khera, R. (2016). *Recent Social Security Initiatives in India* (SSRN Scholarly Paper No. 2800699). Social Science Research Network. <https://doi.org/10.2139/ssrn.2800699>
14. Drèze, J., & Sen, A. (2013). *An Uncertain Glory: India and its Contradictions*. <https://press.princeton.edu/books/hardcover/9780691160795/an-uncertain-glory>
15. Durojaye, E., & Chilemba, E. M. (2017). The judicialisation of the right to adequate food: A comparative study of India and South Africa. *Commonwealth Law Bulletin*, 43(2), 255–275. <https://doi.org/10.1080/03050718.2018.1427607>
16. Francis Coralie Mullin vs The Administrator, Union Territory of Delhi & Ors., 1981 AIR 746 ____ (Supreme Court of India 1981).
17. Goel, P. (2015). *Judicial Activism and Public Interest Litigation*. 3(8).
18. Government of India, Ministry of Women and Child Development. (2020). *ANNUAL REPORT*.
19. Jain, M. P. (2023). *Indian Constitutional Law* (8th ed., Vol. 1). LexisNexis.
20. Kaur, D. J. (2021). Right to Food Vis-a-Vis Food Security in India: A Review with special reference to National Security Act, 2013. *Webology*, 18(3), 551–561.
21. Khera, R. (2013). *Democratic politics and legal rights: Employment guarantee and food security in India* [IEG Working Paper No. 327]. Institute of Economic Growth University Enclave, University of Delhi.
22. Knuth, L., & Vidar, M. (2011). *Constitutional and legal protection of the right to food around the world*. Food and Agriculture Organization of the United Nations. <https://www.fao.org/agrifood-economics/publications/detail/en/c/121831/>
23. Maneka Gandhi vs Union Of India, 1978 AIR 597 ____ (Supreme Court of India 1978).
24. Mehta, P. B. (2007). The Rise of Judicial Sovereignty. *Journal of Democracy*, 18(2), 70–83. <https://doi.org/10.1353/jod.2007.0030>
25. Muralidhar, S. (2009). India: The Expectations and Challenges of Judicial Enforcement of Social Rights. In M. Langford (Ed.), *Social Rights Jurisprudence: Emerging Trends in International and Comparative Law* (pp. 102–124). Cambridge University Press. <https://doi.org/10.1017/CBO9780511815485.007>
26. Murthy, Dr. Y. S. R. (n.d.). Right to Food in Indian Constitution and Case Law – Economic, Social and Cultural Rights; In *Group/ Collective Rights*. Retrieved May 15, 2026, from <https://ebooks.inflibnet.ac.in/hrdp04/chapter/right-to-food-in-indian-constitution-and-case-law/>
27. National Food Security Act (2013). <https://nfsa.gov.in/portal/nfsa-act>
28. Olga Tellis & Ors vs Bombay Municipal Corporation & Ors., 1986 AIR 180 ____ (Supreme Court of India 1985).
29. Paschim Banga Khet Mazdoorsamity Of Ors vs State Of West Bengal & Anr, 1996 SCC (4) 37 ____ (Supreme Court of India 1996). <https://indiankanoon.org/doc/1743022/>
30. People'S Union For Civil Liberties vs Union Of India & Anr, AIRONLINE 2005 SC 162 ____ (Supreme Court of India 2005). <https://indiankanoon.org/doc/1731603/>

31. Sathe, S. P. (2003). *Judicial Activism in India: Transgressing Borders and Enforcing Limits*. Oxford University Press.
<https://india.oup.com/product/judicial-activism-in-india-9780195668230/>
32. Saxena, K. B. (2015). National Food Security Act, 2013: Challenges in Securing Right to Food for the People (Recommendations of the Seminar). *Social Change*, 45(3), 458–469. <https://doi.org/10.1177/0049085715589472>
33. Schutter, O. de & UN. Human Rights Council. Special Rapporteur on the Right to Food (Eds.). (2014). *Report of the Special Rapporteur on the Right to Food, Olivier de Schutter: Final report: the transformative potential of the right to food*. UN.
<https://digitallibrary.un.org/record/766914>
34. Seervai, H. M. (1996). *Constitutional law of India: A critical commentary* (4th ed). Universal Law Pub.
35. *The Right to Food around the Globe*. (2021). Food and Agriculture Organization of the United Nations.
<https://www.fao.org/right-to-food-around-the-globe/en/>
36. The Right to Food in India: Legal Framework and Implementation. (2024, June 24). *Socio.Health*.
<https://socio.health/population-and-development-issues-challenges/right-to-food-india-legal-framework-implementation/>
37. Vishaka & Ors vs State Of Rajasthan & Ors, 1997 AIR SCW 3043 ____ (Supreme Court of India 1997).