



## The indigenous right to food and public distribution system

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### Abstract

There are about 38 types of indigenous communities residing across Kerala. Among them, more than half of the communities belong to Wayanad district. Their food habits are closely related with their lifestyle followed by each community.

The generalisation of tribal communities with the common people became a chaos. Subsequently, most of the people from the indigenous community, especially the children began to suffering from malnutrition and other health problems. Art. 21 of the Constitution of India Guarantees right to get enough food as a fundamental right guaranteed by the. ICESCR declares that the right to adequate food is realised when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement. The right to adequate food shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients.

The right to food is recognized in the UDHR, 1948, as part of the right to an adequate standard of living. "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food." (Art25).

The life conditions and standard of living of these communities create more difficulties in their livelihood such as good food, in taking of nutrition, vitamins etc. Hence we adopted a good PDS System. But the improper biometric system and scarcity of network in hill areas is a challenge to get enough food for their livelihood. This leads to the violation fundamental human right.

**Keywords:** Fundamental human right to food, access to indigenous community, PDS System by Govt. of Kerala, Recommendation.

### Introduction

There are about 36 types of indigenous communities residing across Kerala as per the government's statistics. Among them, more than half of the communities belong to Wayanad district. Each of them has their own inherent food habits and lifestyle. Their food habits are closely related with their lifestyle followed by each community. Especially "Paniya" community who have considered as one of the most backward sub castes among the indigenous communities who are settled in Wayanad. As per the 2011 census paniya community have more population than any other indigenous group which is located mostly in Wayanad district. It is considered that tribal groups are considered as a group of food gatherers. As we know they live in dense forest they were used to collect food from there which includes meat, a wide variety of tubers, also they had different variety cooked dishes that others were not use such a Njandu curry, ponnankanni leaf, lodangal leaf, chemmeen curry, puzhameen fry, thaal curry, bamboo shoots etc are some of them. As above said "Paniya" communities also had a strict diet on their food. They used to consume more leafy vegetables other than any other indigenous community. They have inherent skill to identify around hundreds of leaves which can be consumed. Moreover, these leaves are considered as weeds by the general community having more medicinal and highly nutritious values. All the nutritious food item are used by them then. They were not vegans they used to consumes both iron' vitamins, minerals and meet which have highly nutritious values and taste.

But the generalisation of tribal communities with the common people became a chaos to the governmental authorities to keep their standard of living. Subsequently, most of the people from the indigenous community,

especially the children began to suffering from malnutrition and other health problems. They are not even allowed to have their own inherent food habits following from generation to generation. The ration system totally collapsed the nutritious intaking of a large community and brought sacristy of resources which are easily accessible to them. The implementation of FR Act brings a non-access to the indigenous group to take these resources according to their needs. They got infringed of the right must consume their food items according to their priority.

### Right to Food as a Fundamental human Right

Art. 21 of the Constitution of India Guarantees right to get enough food as a fundamental right guaranteed. ICESCR declares that the right to adequate food is realised when every man, woman, and child, alone or in community with others, always has physical and economic access to adequate food or means for its procurement. The right to adequate food shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients. Without this the life of a mere animal existence with malnutrition. A mere animal existence is not sufficient for the right to life under Article 21. The Supreme Court also stated that basic needs of man have traditionally be accepted to the three- food clothing and shelter. Hence it can be say that the lack of adequate food and nutrition and a mere animal existence is a violation of the fundamental right guaranteed by the constitution of India and also a violation of human right.

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well-being of himself and of his family, including food.” (Art25).

After the generalization of indigenous community all the inherent cultured followed by them were totally collapsed and the life conditions and standard of living of these communities create more difficulties in their livelihood such as good food, in taking of nutrition, vitamins etc. Hence, we adopted a good PDS System. But the improper biometric system and scarcity of network in hill areas is a challenge to get enough food for their livelihood. This leads to the violation fundamental human right. It is also stated that right life did not mean a mere animal existence but a dignified life, which include right to free from hunger. The Hon'ble Supreme Court has established that “a constitutional human right to food and determine a basic nutritional floor India's impoverished million.

### **PDS System and History**

After the World War II the ration project started as to provide food to the defence. More over the countries throughout the world began to affect by scarcity of food item. Then considering right to food as a fundamental right the government concerned introduced ration system through fair price shops. it was biased on only giving consumable items to the urban areas only. Then it changed to universal public distribution system to control death due to starvation. The Government of India also adopted this system in our country in order to protect the fundamental right of its citizens. They adopted the universal PDS system by opening fair price shops at the rural areas.

### **Kerala Pds To Tdps**

As we all know Kerala have a good PDS System compared to other states in India. The department of civil supplies performs crucial duties such as public distribution, market discipline enforcement, consumer awareness promotion, and interest protection. Beginning of July one, 1965, the public distribution system was established in the state. The Kerala Government introduced the PDS system in the year 1977. But slowly it developed from universal PDS system to TPDS. Kerala was the only state who had a universal PDS system from that era. But as a consumer state Kerala is affecting from shortage of adequate food items. The state need to depend on other state to get enough food item for the inmates. The eradication of farming traditional food crops became a big problem to the indigenous communities who depended on these food items. In order to curtail the malpractice in public distribution system followed by the shops and to abolish black marketing the government especially Kerala, Karnataka adopted the biometric public distribution system. The indigenous communities began to victimise exploitation from the general shop keepers they manipulate the bill and also not providing the proper monthly entitlement. Then to avoid this situation and to provide adequate food grains according to the allowances the government adopted biometric PDS on Aadhar basis.

### **The E- POS System**

Now the government adopted the biometric system with a wide networking system to provide easily access to essential food item. The universal PDS system establishes an intimation regarding the monthly allowances or ration to the card holders according to their card colour. Most of the indigenous communities comes under the yellow colour

card. A text message will be send to the consumers mobile phone number which is linked in the ration shops. Hence, they get aware of the exact number, quantity of grains that they are entitled to get.

In order to abolish the level of exploitation through quality and quantity and the over flow of food materials in the government go downs they established and introduced a E-pos machine which works on the fingerprint authentication system.

### **E-Pos And Indigenous Communities**

As per the empirical study conducted in Manthavady, Wayanad district among indigenous community, all are satisfied with the new system adopted by the government to give proper bill especially in Malayalam. Getting awareness classes about the quantity of food grains. At the earlier stage all that gone systematically the people also happy with the new system.

Now the situation changed the communities began to believe that what they got in the first stage is the right amount of food item which they are eligible to get on each month. Even after the implementation of these systems the indigenous communities is still remaining in their same standard of living that there were in the past decades.

### **Drawback**

1. Most of them do not have a mobile number to link in the shops, even most of them do not have a mobile phone.
2. The lack of proper working these machinaries.
3. District like Wayand do not have proper network connection, which would result create more problems in fingerprint authentication which force them to wait until it resolved to get adequate food materials which they are entitled to get.
4. Lack of awareness to use server machines by the shop keepers.
5. The introduction of biometric system provides more chaos to the communities because most of the eldest person do not have proper finger print causes a main problem while implementing this with the indigenous communities.
6. The indigenous communities have their own languages, the bill which written in Malayalam. The illiterate poor people cannot check whether they got according to the bill or not?
7. The non timely distribution also made difficult according to the life structure of indigenous people.

### **Conclusion**

By this paper we enlighten that the government always adopt new policies for the universal public distribution system. On a certain extend the government succeed to curtail exploitation and the black marketing to certain extend. They made more facilities especially for the indigenous community to get their proper allowances and adequate nutritious for to abolish malnutrition and to protect their fundamental human right. Even after this the governmental authorities fails to extend, implementation of the benefit these biometric fingerprint authentical from the tribal communities. The government have to take new steps to overcome this situation and also concentrate on both implementation and practise of this methods.

### Recommendations

- The government must ensure the adequate nutritious food to the needy than the mere ration.
- The government should ensure the proper working these machineries
- Other than mobile number ensure proper acknowledgement through Anganwadi and other institution regarding monthly allowances.
- The government should guarantee proper network access and server.
- The implementation of other biometric system such as iris, etc. other than fingerprint authentication.
- The timely distribution of ration should be adopted.
- Proper timing should be implemented in terms of the working hours of the ration shops.
- Frequent social audit and shop inspection should be made compulsory.
- Other than the billing system in regional language establish proper audio billing system which read out the bill will be helpful for the illiterate people in universal PDS system.

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