

Deontology to Utilitarianism: The Conundrum of Food Security and Poverty in India

Kajori Bhatnagar¹

Abstract

Food security is achieved when people have physical, social, and economic access to sufficient, safe, and nutritious food that meets their dietary needs and food preferences for an active and healthy life. There are four aspects to food security: food availability, access to food, food utilisation and stability. In order to assure a community to have security of food, it must be assured that there is enough availability of food, accessibility to the same to remain healthy (including a sufficiently diverse diet that provides adequate levels of micronutrients) and persistence of such conditions in future. This issue of food security has come under deliberation recently due to Covid-19 situation. The foundation of protection of right to food as fundamental right has been laid down in Indian Constitution as per International Obligations which in turn paved ways for various policies that ensure food protection to destitute citizens such as National Food Security Act and the Mid-Day Meal scheme. The apparent leakages in TPDS (Targeted Public Distribution System) system and the inaction of people are bound to create hassles in full expression of right to food in trying times of COVID-19.

In 2006, a policy brief was prepared by Food and Agriculture Organization, which said that food security is achieved when people have physical, social, and economic access to sufficient, safe, and nutritious food that meets their dietary needs and food preferences for an active and healthy life.² There are four aspects to food security: food availability, access to food, food utilisation and stability.³ In order to assure a community to have security of food, it must be assured that there is enough availability of food, accessibility to the same to remain healthy (including a sufficiently diverse diet that provides adequate levels of micronutrients) and continuance of such conditions

¹ Kajori Bhatnagar, Assistant Professor, Department of Law, Christ University, Bangalore Email: bhatnagarkajori@gmail.com

² Mervyn Piesse, Hunger Amid Abundance: The Indian Food Security Enigma, Strategic Analysis Paper, available at: <http://www.futuredirections.org.au/wp-content/uploads/2019/03/Hunger-Amid-Abundance-The-Indian-Food-Security-Enigma.pdf> (last visited on June 13, 2020).

³ Ibid.

in future. This concept of food security is further argued in recent times of Covid-19 situation, where the people have faced concerns of food security⁴ due to loss of accessibility.

The Ongoing Concerns of Food Security

India has a significant history of famines⁵, suggesting huge disparity between the entitled and the deprived. A similar notion of the same has been highlighted by Amartya Sen in his book *Poverty and Famines: An Essay on Entitlement and Deprivation*.⁶ He highlighted the idea of entitlement and deprivation in terms of practice followed by colonial masters in 1943 Bengal Famine. In his book he explained the idea of entitlement⁷ approach and as to how the interrelationships between people at all levels affect the notion of assuring food security. It could be understood as co-relation between generation of income and purchasing power of people. At the same time as to what would constitute income. For instance, a barber owns his labour power and some specialized skill, neither of which he can eat, and he has to sell his hairdressing service to earn an income to buy food. His entitlement to food may collapse even without any change in food availability if for any reason the demand for hairdressing collapses and if he fails to find suitable job or any social security benefit. Similarly, a craftsman producing, say, sandals may have his food entitlement compacted if the demand for sandals falls sharply, or if the supply of leather becomes scarce, and starvation may occur with food availability in the economy unchanged. A general labourer must earn his income by selling his labour power (or through social security benefit) before he can establish his command over food in a free-market economy. Unemployment without public support will make him starve. A sharp change in the relative prices of sandals, or haircuts, or labour power (i.e., wages) vis-à-vis food can make the food entitlements of the respective group fall below the starvation level,

⁴ Ibid.

⁵ India experienced seven major drought periods (1876–1882, 1895–1900, 1908–1924, 1937–1945, 1982–1990, 1997–2004, and 2011–2015) based on severity-area-duration analysis of reconstructed soil moisture. Out of six major famines (1873–74, 1876, 1877, 1896–97, 1899, and 1943) that occurred during 1870–2016, five are linked to soil moisture drought, and one (1943) was not. The three most deadly droughts (1877, 1896, and 1899) were linked with the positive phase of El Niño–Southern Oscillation. Five major droughts were not linked with famine, and three of those five non-famine droughts occurred after Indian independence in 1947.

⁶ Amartya Sen, *Poverty and Famines: An Essay on Entitlement and Deprivation*, Oxford University Press, New York, 1983, available at: <https://www.prismaweb.org/nl/wp-content/uploads/2017/06/Poverty-an821981.pdf> (last visited on June 13, 2020)

⁷ Entitlement for the purposes of this paper has been defined in terms of ownership rights. There are other types of rights of use that do not involve ownership as such, but which have the effect of guaranteeing use, nevertheless. What we can eat depends upon what food we are able to acquire. The mere presence of food in the economy or in the market does not entitle a person to consume it. In each social structure, giving the prevailing legal, political and economic arrangements, a person can establish command over some alternative commodity bundles (any one bundle of which he or she can choose to consume). These bundles could be extensive or very limited and what a person can consume will be directly dependent upon what these bundles are. The set of alternative bundles of commodities over which a person can establish such command will be referred to as this person's entitlements.⁹ Amartya Sen & Jean Dreze, *The Amartya Sen and Jean Dreze Omnibus* (Oxford University Press) (2006).

thereby establishing that the totality of food entitlements is governed as per the ability of the person to acquire enough food to avoid starvation, and that the food supply is only one influence among many affecting his entitlement relations.

Food Security under Constitutional Framework

The foundation of protection of right to food as fundamental right has been laid down in Indian Constitution as per the international obligations.⁸ The Supreme Court has held that the right to life (Article 21) is to be interpreted as including the right to food and therefore the right to be free from hunger and starvation.⁹ The Court stated that the case highlighted the breakdown of the food public distribution system and the inadequacy of drought relief efforts at that point of time. The Supreme Court therefore directed the Government “to see that the poor and the destitute and the weaker sections of the society do not suffer from hunger and starvation” and to provide food to disadvantaged groups including “destitute women, destitute men who are in danger of starvation, pregnant and lactating women and destitute children, especially in cases where they or members of their family do not have sufficient funds to provide food for them.”¹⁰ The Court also directed the Government to identify and include people who are living in poverty in its food-based schemes, and confirmed that the Government would be held responsible for hunger and starvation.¹¹ The Court has also said 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.¹²

However, when the livelihood is itself under stress, the concerns of food security themselves become questionable. A utilitarian approach demands that maximum people are benefited out of policy measures while the idea of deontology that takes inspiration from Kantian view emphasises upon the emotional correctness of a situation. However, in Indian context the issue is of large unregulated and unorganised sector who have lost their livelihood to sudden lockdown and hence are predicted to fall below poverty line.

The Conundrum between Food Security and Food Accessibility

Deontological ethics refer to an ethics system that judges whether an action is right or wrong based on moral ethics instead to see the consequences of the action. However,

⁸ People’s Union for Civil Liberties v. Union of India & Others, 2001, Supreme Court, Writ Petition (civil) 196/2001

⁹ Ibid.

¹⁰ India on the Brink of Hunger Crisis during COVID-19 Pandemic, International Commission of Jurists, available at: <https://www.icj.org/wp-content/uploads/2020/04/India-Right-to-Food-COVID19-ENG.pdf> (Last visited on June 14,2020)

¹¹ Ibid.

¹² Ibid.

this philosophy is tested in real world, when it becomes challenging to comply with it. What happens when one has to choose between two evils? What happens when one can't be objective? What happens when the situation is not black and white? On the other hand, utilitarian ethics state that a course of action should be taken by considering the most positive outcome. This ethics system is more accurate when it comes to addressing complicated situations, in which solutions are not as trivial.¹³ Its name comes from the word *deon*, meaning duty, in Greek. One of the aspects of the same is personhood that provides a set of rights and responsibilities from an ethical point of view, since every person has intrinsic integrity, something that is important to each and every person and is held in equal measure. This integrity induces an ethical 'line in the sand' that prohibits us from behaving either towards other individuals or towards ourselves in such ways (because we still have integrity). Above all, Kant argues that a person can never be regarded merely as 'a means to an end' (never as a 'resource').

Most deontologists claim there are two distinct forms of ethical obligations, perfect and imperfect duties. A perfect responsibility is inflexible. An example of the same can be suggested as "Do not kill innocent people". The middle-ground is not there. It has to be observed as it is. However, an imperfect duty entails to situations like "think about the world around you". This refers to situations with a generic purview where one could be involved in multitude of things, but at the same time be an observant to the things around. For deontologists, it is not an ethical excuse to comply with the laws of self-interest because it can lead to better outcomes, or it makes one happy. It is the respect for the moral law itself that ought to inspire one. Deontologists demand that one obeys universal rules that one offers to oneself. These laws must be consistent with reason and must be logically consistent and not give rise to contradictions. Any system involving a clear set of rules is a form of deontology. For instance, ten commandments and universal declaration of human rights. They are followed as such without any dispute from any side.

Jeremy Bentham, the founder of Utilitarianism, defined utility as the aggregate pleasure after deducting suffering of all involved in any action. However, the downfall of this ethics system is not being justice oriented. As instances of ethical dilemma, one could easily analyse present situation.¹⁴ To safeguard livelihood of citizens, it was thought to be valid to compromise on health. This kind of compromise on health would have still been there considering loss of life due to hunger.¹⁵ Further dilemmas are in providing for people who lost their jobs, the initial order of the government to pay the employees was questioned by the court.

¹³ Carla Gabriela Guzman, Deontology vs Utilitarianism, The eternal battle, available at: <https://sites.psu.edu/psy533buban/2016/02/05/103-deontology-vs-utilitarianism-the-eternal-battle> (Last visited on June 15, 2020)

¹⁴ Id.

¹⁵ Id.

Almost all economic activity has been choked off by the lockout. This led to the widespread loss of jobs and jobs for migrant workers and the vulnerable¹⁶ in urban areas. The Centre for Monitoring the Indian Economy's estimates showed that unemployment rose from 8.4% in mid-March to 23% in the first week of April 2020. In urban areas, unemployment as of April 5, 2020 increased to 30.9%. For informal workers and the poor, who lead precarious lives faced with hunger and malnutrition, the shutdown had triggered untold suffering. Using social safety nets systematically to sustain their lives with food and cash is the best way to resolve this urgent need. The informal workers in generality are above poverty line and hence are not covered in any social security schemes¹⁷. But owing to the fact that these people have lost their jobs or are desked the imminence of facing food security issues is pertinent.

Ethical dilemmas are not easy to solve. Ethics depend on a moral framework. One makes decisions based on what one believe is right and what is best for self, but not necessarily for everyone else. Being human is part of the dilemma. That is precisely why the utilitarian theory comes into picture signifying maximum good to maximum number. But here the decision shall be based upon the futuristic approach where maximum number would be benefited by proactive steps to assure social security nets that would ultimately affect the food security setups.

The Cyclic Supply Chain Trouble

According to the latest released budget reports, the two departments i) Food and Public Distribution, and (ii) Consumer Affairs, that come under the Ministry of Consumer Affairs, Food and Public Distribution have relayed reports regarding food supply

¹⁶ In general vulnerability at the individual level can be thought in terms of the uncertainty in the outcomes of different indicators such as income and consumption that the individual faces in the future. When it comes to conceptualizing vulnerability, we start with some broad characteristics that we expect a reasonable vulnerability measure to satisfy. A measure of vulnerability has to be an ex-ante measure in the sense it should inform us about potential deprivations in the future. A reasonable measure of vulnerability thus must focus on downside risk. In other words, we are interested in the shortfalls (from a given a reference point) rather than the gains. Vulnerability is an individual specific concept since each individual views risk differently and therefore same shortfalls in income may reflect different levels of vulnerability. long with other dimensions of well-being such as health. Individuals may be vulnerable if they are unable to maintain in the future a certain minimum standard of living which may be different from the poverty line. The current standard of living, especially if it is low, also may indicate the severity of a future fall into poverty. In other words, individuals with low current standard of living may suffer more severely from a downturn in the future than someone with a higher current standard of living. Just pegging vulnerability to current standard of living, however, would make it very individualistic, and we may end up declaring a person whose annual income may reduce from million dollars to half a million as more vulnerable compared to one whose may decrease from \$300 to \$200. Dutta, I., Foster, J., Mishra, A., 2011. On measuring vulnerability to poverty. *Social Choice and Welfare* 37, 743–761. doi:10.1007/s00355-011-0570-1

¹⁷ The International Labour Organisation (ILO) defines Social Security as “the security that society furnishes through appropriate organization against certain risks to which its members are perennially exposed. These risks are essentially contingencies against which an individual of small means cannot effectively provide by his own ability or foresight alone or even in private combination with his fellows. The mechanics of social security therefore consists in counteracting the blind injustice of nature and economic activities by rational planned justice with a touch of benevolence to temper it.” International Labour Organisation, *Facts on Social Security*, (Oct 6, 2021, 12:57 am), https://www.ilo.org/wcmsp5/groups/public/documents/publication/wcms_067588.pdf.

systems. The former department is responsible for ensuring food security through procurement, storage, and distribution of food grains, and for regulating the sugar sector.¹⁸ In 2020-21, the Department had been allocated Rs 1,22,235 crore (98% of the Ministry's allocation). This is 6% higher than the revised estimate of 2019-20. Further the Department of Consumer Affairs that is responsible for spreading awareness among consumers about their rights, protecting their interests, implementing standards, and preventing black marketing has been allocated Rs 2,300 crore, which is 12% higher than the revised estimate of 2019-20. However, considering the current scenarios, the actual number of people affected (the people who have lost their means of livelihood) cannot be determined.¹⁹

Despite these initiatives, the PDS that has been in praxis for a long time is itself a reason of delay in precise allocation of resources. The TPDS, through which food grains are distributed at subsidised prices, seeks to provide food security to people below the poverty line.²⁰ Over the years, while the spending on food subsidy has increased, the ratio of people below the poverty line has decreased from 54.9% in 1973-74 to 21.9% in 2011-12. The FCI (Food Corporation of India) and state agencies procure food grains from farmers at the government notified Minimum Support Prices (MSPs). These food grains are provided to the economically weaker sections at subsidised prices through fair price shops under the public distribution system. The central and state governments provide food grains to beneficiaries under the National Food Security Act, 2013 as well as certain other welfare schemes such as the Mid-Day Meal scheme.²¹

The major defect in TPDS are leakages. Leakages refer to food grains not reaching intended beneficiaries. According to the 2011 data, leakages in PDS were estimated to be 46.7%.

Leakages are broadly categorised into three types, namely: (i) pilferage or damage during transportation of food grains, (ii) diversion to non-beneficiaries at fair price shops through issue of ghost cards, and (iii) exclusion of people entitled to food grains but who are not in the beneficiary list. At the same time there are certain exclusion and inclusion errors at the time of distribution. The exclusion errors occur when entitled beneficiaries do not get food grains. It refers to the percentage of poor households that are entitled to but do not have PDS cards. These errors have declined from 55% in 2004-05 to 41% in 2011-12. While inclusion errors occur when those that are ineligible get undue benefits. Inclusion errors increased from 29% in 2004-05 to 37% in 2011-12.²²

¹⁸ Vatsal Khullar, Food Security In India, PRS Legislative Research, available at: <https://www.prsindia.org/theprsblog/food-security-india> (Last Visited on June 14, 2020).

¹⁹ Id.

²⁰ Ibid.

²¹ Demand for Grants 2020-21 Analysis: Food and Public Distribution, PRS Legislative Research, available at: https://www.prsindia.org/sites/default/files/budget_files/DFG%20Analysis%20- (Last visited on June 15, 2020).

²² Ibid.

Leakages in PDS for Wheat and Rice (in lakh tonnes)

State/UT	Total consumption from PDS	Offtake (2011-12)	Leakage	% Leakage
Andhra Pradesh	36.1	40.7	4.6	11.30%
Arunachal Pradesh	0.8	1	0.2	20.00%
Assam	9.5	24.4	14.9	61.10%
Bihar	11.3	36.2	24.9	68.80%
Chhattisgarh	16.7	16.7	0	0.00%
Goa	0.4	0.8	0.4	50.00%
Gujarat	4.4	15.7	11.3	72.00%
Haryana	2.2	7.3	5.1	69.90%
Himachal Pradesh	4.9	6.3	1.4	22.20%
Jammu and Kashmir	8.8	9.1	0.3	3.30%
Jharkhand	3.1	12.4	9.3	75.00%
Karnataka	16.2	30.1	13.9	46.20%
Kerala	11.4	20.1	8.7	43.30%
Madhya Pradesh	15.5	30.7	15.2	49.50%
Maharashtra	19.3	42.7	23.4	54.80%
Manipur	0	2	2	100.00%
Meghalaya	0.8	2.5	1.7	68.00%
Mizoram	0.9	1.1	0.2	18.20%
Nagaland	0.1	2	1.9	95.00%
Odisha	15.4	24.4	9	36.90%
Punjab	3.4	8.7	5.3	60.90%
Rajasthan	10.1	29.8	19.7	66.10%
Sikkim	N/A	N/A	-	-
Tamil Nadu	39.5	45	5.5	12.20%
Tripura	2.7	3.3	0.6	18.20%
Uttar Pradesh	43.2	82.9	39.7	47.90%
Uttarakhand	4.6	6.6	2	30.30%
West Bengal	13.4	43.9	30.5	69.50%
Total	295.5	554.5	259	46.70%

Note: Data from National Sample Survey 2011-12.²³

Declining exclusion errors and increasing inclusion errors are due to two reasons. First, increase in the coverage of TPDS has reduced the proportion of poor who do not have access to PDS cards. Second, despite a decline in poverty rate, non-poor are still identified as poor by the government thus allowing them to continue using their PDS cards. However, this recognition may still suffer due strain due to increase in number of

²³ Ibid.

people who will not have cards but will be without food or basic minimum necessities. Along with these errors, there are two more challenges of PDS in the form of fair price shops and storage of grains in states. The Standing Committee on Food, Consumer Affairs and Public Distribution (2017) has recommended increasing the procurements undertaken by states and reducing the expenditure on centralised procurement by the FCI. They noted that this would drastically reduce the transportation cost borne by the government as states would distribute the food grains to the targeted population within their respective states. As of December 2019, only 17 states have adopted decentralised procurement.²⁴ The fair price Shops are licensed ration shops which provide food grains under the public distribution system. They may also sell certain other goods in some states. It has been observed by various experts and the Ministry that the margins on which the Fair Price Shops operate are low. Further, in the absence of economic viability, there may be cases where the dealer resorts to unfair practices.

The Issues and Suggested Measures to deal with Food Security

The identification of target households, modernization of the delivery system, and effective monitoring of the food security programme are the primary areas that need attention, according to a report by the National Council of Applied Economic Research. Miss-identification has been a concern in the country for the past decade, preventing the successful implementation of the PDS. To address it, a report by the Planning Commission (GOI2005) and a previous study by the NCAER (Kumar 2010) have suggested that the government do away with the income–expenditure criterion used to identify eligible beneficiaries.²⁵

The suggested measures can be further understood on basis of three perspectives namely:

1. **Identification of targeted households:** This necessitates state or region-specific identification systems, as each location has its unique set of needs. Biases and prejudices based on caste, creed, religion, and other factors must be avoided when conducting these surveys.²⁶
2. **Focus on improvement of efficiency in PDS functioning:** The PDS program's effectiveness is also dependent on the use of new techniques in its operation. These might be obtained through the distribution of meal coupons, which could be used to prevent leakages at the FPS level. Village camps could be used to distribute a set quantity of vouchers. Village panchayats could play an important role in this. When collecting their monthly quota of food grain, the beneficiaries can swap one coupon. On the coupons, their entitlement and

²⁴ Ibid.

²⁵ Evaluation Study of Targeted Public Distribution System in Selected States (2015), <https://dfpd.gov.in/TPDS>.

²⁶ Id. at 96.

the actual issue price of grains should be indicated explicitly. Even though the ration cards have been digitised, it is recommended that they be distributed based on biometric analysis to reduce red tapism.²⁷

The Indian government's Department of Food has decided to operate a pilot programme in at least one district of each state, installing computerised weighing equipment and only delivering food grain to households whose biometric information has been verified. In that circumstance, the Aadhar number might become the ration cardholders' unique identifier. However, in a few states, such as Uttar Pradesh, the percentage of people enrolled in Aadhar is still very low. It is critical to complete the Aadhar enrolment process, as well as the gathering and storage of biometric information from cardholders, to build and utilise electronic weighing devices.²⁸

Another issue is recipients' lack of knowledge about their entitlements and the issue price. At all FPSs, display boards with accurate information about entitlement, food grain availability, and issue price should be kept up to date. Beneficiaries must be able to read information published in their native language. In addition to those put up at FPSs, respondents proposed that display boards be erected at key locations in the village, such as the local Panchayat Bhawan and near schools, during our field survey. Because many PDS recipients are illiterate, they may be unable to read the information on the display board. As a result, information about the PDS can be distributed through frequent awareness campaigns sponsored by NGOs and government officials in villages. All states may adopt a scheme to send an SMS to beneficiaries at the beginning of the month regarding their entitlement and the exact price to be paid at the FPS.²⁹

- 1. Having an effective monitoring mechanism:** Adopting the above-mentioned steps to enhance the PDS's performance would only be beneficial if they are closely monitored. Many people have issues with the current system of state monitoring, regardless of how well or how poorly a state performs. This could be achieved by regular inspection, proper budget allocation for monitoring mechanisms and revamping of village and urban vigilance committees.³⁰

The Denouement

The substantial asset that a person owns is his or her ability to work, i.e., labour power. If a person owns his or her ability to work, i.e., labour power and fails to secure employment, then the means of acquiring food (e.g., by getting a job, earning a wage, and buying food with this income) fails. If, in addition, the laws of the land

²⁷ Id. at 97.

²⁸ Id at 97.

²⁹ Id at 98.

³⁰ Id at 100.

do not provide any social security arrangements, e.g., unemployment insurance, the person will, under these circumstances, fail to secure the means of subsistence. This can further result in serious deprivation-possibly even starvation death. In seeking a remedy to this problem of extreme vulnerability, it is natural to turn towards reform of the legal system, so that rights of social security can be made to stand as guarantees of minimal protection and survival.

It is necessary that a holistic approach is given to food security to assure proper food accessibility to deal with the after effect of pandemic. The initial issue is of market supply of food, and this is seen as a production feature. Fortunately, India is self sufficient in food grains owing to the Green Revolution. Yet, in terms of sustaining production, the contributions of farmers cannot be taken for granted. The supply chains were established which consequently that led to good procurement, but distribution was still affected as people lacked basic resources of accessibility.

Due to the COVID-19 pandemic's urgency and scarcity, new interactions and tensions have emerged within normative ethical theory. Utilitarianism, deontology, and autonomy all have a place in Western ethics, but they are mutually exclusive. Our public distribution systems, which struggle to fulfil their duty to provide the best possible care, are manifestations of the theoretical tension. Utilitarianism often rules government decision-making when it comes to public distribution systems when times are tough. As important as the maximisation principle is in these situations, relying solely on it can lead to unintended consequences and moral failure if other ethical frameworks that protect human dignity, equitable resource distribution, and stakeholder autonomy aren't used to check it. In order to ensure proportionate and equitable decision making, utilitarianism must be buttressed by the principles of deontology and autonomy. This is because scarce life-sustaining resources must be allocated responsibly.³¹

The existing job insecurities in India and the layoffs that have taken place for over seven months of lockdown have impacted consumerism in India drastically. To address this issue, it was thought that employment shall be imparted through MNREGA schemes. But the policy suffered at various levels. Firstly, the 100 days' work guarantee would not be sufficient to deal with the ongoing work crisis. Secondly, the migrants who have travelled back to their villages may not be skilled to do the work so done under this scheme. This disability may be due to lack of knowledge of the works so required to be done or certain administrative defaults such as not having MNREGA job cards. It has been suggested that further investment in already existing infrastructure of the existing scheme to cater to removal of 100 days of work requirement to unlimited work. Also, it has been suggested that full minimum wages in cash, as well as dry rations, to be paid to workers within seven days rather than the current 15-day limit, so that the scheme can meet the immediate needs of people. A similar kind of employment

³¹ S,Dale. (2020) "Utilitarianism in Crisis", *Voices in Bioethics*, 6. doi: 10.7916/vib.v6i.6082.

scheme has been suggested by economists at urban level considering the loss of jobs in most of the urban holdings.

At this juncture it is imperative that cycle of unemployment, food insecurity and accessibility is broken. This could be achieved by bringing in more labour-intensive policies and creation of social security setups. For a conducive welfare-oriented growth of the country, there shall not be disguised hunger, involuntary unemployment and forced insecurity.

Manuscript received January, 2021; final version accepted October, 2021.