



INDIAN JOURNAL OF  
LEGAL REVIEW

VOLUME 6 AND ISSUE 3 OF 2026

INSTITUTE OF LEGAL EDUCATION



## INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 6 and Issue 3 of 2026 (Access Full Issue on – <https://ijlr.iledu.in/volume-6-and-issue-3-of-2026/>)

### Publisher

Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 73059 14348 – [info@iledu.in](mailto:info@iledu.in) / [Chairman@iledu.in](mailto:Chairman@iledu.in)



© Institute of Legal Education

**Copyright Disclaimer:** All rights are reserve with Institute of Legal Education. No part of the material published on this website (Articles or Research Papers including those published in this journal) may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher. For more details refer <https://ijlr.iledu.in/terms-and-condition/>

## FEDERAL IMPLEMENTATION FAILURES UNDER THE NATIONAL FOOD SECURITY ACT: A STUDY OF CENTRE–STATE ALLOCATION AND ACCOUNTABILITY

**AUTHORS** – ARYAVEER SINGH, STUDENT AT CHRIST (DEEMED TO BE UNIVERSITY), BENGALURU

**BEST CITATION** – ARYAVEER SINGH, FEDERAL IMPLEMENTATION FAILURES UNDER THE NATIONAL FOOD SECURITY ACT: A STUDY OF CENTRE–STATE ALLOCATION AND ACCOUNTABILITY, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 6 (3) OF 2026, PG. 121-130, APIS – 3920 – 0001 & ISSN – 2583-2344. DOI – <https://doi.org/10.65393/OEXB5970>

### Abstract

The National Food Security Act, 2013 represents one of the most significant legislative interventions undertaken by the Indian State to address food insecurity through a rights-based statutory framework. The Act seeks to secure food and nutritional security by guaranteeing access to subsidised food grains for a large segment of the population through the Public Distribution System. Notwithstanding the existence of this statutory entitlement framework, persistent concerns regarding implementation continue to arise within India's food governance system. This paper examines the structural challenges associated with the implementation of the National Food Security Act within India's federal administrative framework. It analyses the constitutional foundations of the right to food, the statutory architecture of the National Food Security Act, and the allocation of institutional responsibilities between the Union Government and State Governments. Drawing upon institutional assessments; particularly the Comptroller and Auditor General's Performance Audit Report on the Food Corporation of India, the paper identifies systemic inefficiencies in procurement, storage management, and movement of food grains that affect the effective functioning of the statutory food distribution system. The paper argues that the federal distribution of responsibilities under the National Food Security Act produces fragmented accountability structures that weaken the realisation of statutory food security entitlements. It concludes by examining institutional reforms necessary to strengthen coordination, transparency, and administrative accountability within India's food security governance framework.

**Keywords:** National Food Security Act, Right to Food Jurisprudence, Federal Governance and Welfare Implementation, Public Distribution System, Centre–State Accountability, Food Corporation of India.

### I. Introduction

Food security has long occupied a central place in Indian public law and welfare policy. This is unsurprising in a constitutional order that places social justice, distributive fairness, public health, and human dignity at the heart of state obligation.<sup>372</sup> Yet India's food governance system has historically been marked by a troubling paradox. At various points, large food grain stocks have coexisted with hunger, malnutrition, and exclusion from basic

entitlements.<sup>373</sup> That paradox supplied the moral and legal urgency that eventually shaped the contemporary right-to-food framework.

The National Food Security Act, 2013 ("NFSA") was enacted to address this contradiction through a rights-based statutory model. Its Preamble states that the legislation seeks to provide "food and nutritional security" by ensuring access to adequate quantity of quality

<sup>372</sup> INDIA CONST. arts. 39(b), 47.

<sup>373</sup> Jean Drèze & Amartya Sen, *An Uncertain Glory: India and Its Contradictions* (Princeton Univ. Press 2013).

food at affordable prices so that people may “live a life with dignity.”<sup>374</sup> That phrase is of special significance. It does not cast food support as executive benevolence. It locates the statute within the language of dignified existence, thereby drawing the Act into the orbit of Article 21 of the Constitution.<sup>375</sup>

The NFSA did not emerge in doctrinal isolation. Its enactment was preceded by a constitutional trajectory in which the Supreme Court steadily enlarged the content of the right to life. More specifically, the continuing litigation in *People’s Union for Civil Liberties v. Union of India*—popularly known as the Right to Food case—brought national focus to the legal absurdity of “hunger amidst plenty.”<sup>376</sup> The case arose in the context of starvation deaths and widespread food insecurity despite the existence of substantial public stocks of food grains.

Through a series of interim directions, the Court transformed food-related welfare schemes into enforceable entitlements and insisted that the State could not constitutionally permit administrative failure to nullify basic survival needs.<sup>377</sup> Subsequent jurisprudence has reaffirmed this approach by recognising that governmental welfare schemes connected with food security cannot remain merely programmatic. In *Swaraj Abhiyan v. Union of India*, the Supreme Court reiterated that failures in the implementation of food and drought relief schemes raise serious constitutional concerns where statutory entitlements designed to address hunger are not effectively delivered.<sup>378</sup>

The NFSA thus represents a legislative institutionalisation of concerns already visible in constitutional litigation: food is not merely a policy commodity but a condition of dignified life. However, once food is converted into statutory entitlement, the central legal question shifts. The primary issue is no longer whether a legal basis exists. It is whether the institutional

framework is capable of delivering the entitlement in a manner that is transparent, traceable, and accountable.

That question becomes especially important because the NFSA operates through a layered federal structure. The Union Government controls the central pool, procurement policy, and large parts of the storage and movement architecture.<sup>379</sup> The States identify beneficiaries, operationalise ration cards, supervise fair price shops, and carry the burden of last-mile distribution.<sup>380</sup> On paper, this appears to be a coherent model of cooperative federalism. In practice, it often generates a more troubling result: a divided implementation chain in which responsibility is diffused and failure becomes institutionally deniable.

This paper argues that the most serious implementation problem under the NFSA is the persistence of fragmented accountability. The statutory entitlement travels through multiple stages – procurement, storage, movement, allocation, lifting, local distribution, and grievance redress. At each stage, institutional failure can disrupt access. Yet the legal structure does not always identify responsibility with sufficient clarity to make those failures readily attributable. The result is that the beneficiary experiences a denial of entitlement at the point of distribution, while the actual administrative failure may have occurred much earlier in the chain.

This problem is not speculative. It is documented in the Comptroller and Auditor General’s Performance Audit Report No. 20 of 2023 on the Food Corporation of India (“FCI”). The report identifies avoidable hiring of storage, underutilisation of available capacity, avoidable carry-over charges, extra expenditure due to delays in storage augmentation, weak movement planning, and a need to fix responsibility for losses and excess expenditure

<sup>374</sup> National Food Security Act, No. 20 of 2013, pmb. (India).

<sup>375</sup> INDIA CONST. art. 21.

<sup>376</sup> *People’s Union for Civil Liberties v. Union of India*, Writ Petition (Civ.) No. 196 of 2001 (India).

<sup>377</sup> *Id.*

<sup>378</sup> *Swaraj Abhiyan v. Union of India* (2016) 7 SCC 498

<sup>379</sup> National Food Security Act, 2013, S. 22

<sup>380</sup> *Id.* Ss. 24–29

arising from ineffective storage management.<sup>381</sup> These findings are not minor technical irregularities. They reveal systemic weaknesses in the Union-side backbone of the national food security regime.

The argument advanced in this paper proceeds in five parts. First, it situates food security within the constitutional framework of Article 21 and the Directive Principles. Second, it examines the statutory architecture of the NFSA. Third, it analyses the federal allocation of responsibilities under the Act. Fourth, it studies implementation failures through the institutional lens provided by the CAG audit on FCI. Fifth, it argues that the rights-bearing promise of the NFSA remains vulnerable unless the law evolves from a scheme of divided functions to a structure of integrated accountability. The paper concludes that the real challenge is not the recognition of food as a legal right; it is the construction of a governance framework capable of making that right dependable in practice.

## II. Constitutional Foundations of the Right to Food

The Constitution of India does not expressly enumerate a fundamental right to food. Nevertheless, the constitutional foundation of food security in India is firmly rooted in the interaction between Article 21 and the Directive Principles of State Policy. Article 21 guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law.<sup>382</sup> Judicial interpretation has long moved beyond a narrow understanding of “life” as mere animal existence. Instead, the Supreme Court has treated life under Article 21 as including those conditions necessary for living with dignity.<sup>383</sup>

That interpretive move is indispensable to understanding the constitutional basis of food security. Hunger is not merely an economic

condition. It is a direct assault on bodily integrity, health, dignity, and meaningful survival. If life under Article 21 includes dignity, then deprivation of food cannot be treated as constitutionally irrelevant. The Supreme Court has repeatedly emphasised that Article 21 imposes positive obligations upon the State to secure conditions necessary for dignified survival. In *Paschim Banga Khet Mazdoor Samity v. State of West Bengal*, the Court held that the State cannot avoid its constitutional duty where the failure of public institutions results in deprivation of basic necessities essential to life.<sup>384</sup> It follows that the State’s obligation in this field is not exhausted by broad welfare policy; it is shaped by constitutional principle.

The Directive Principles sharpen this conclusion. Article 39(b) directs the State to ensure that ownership and control of material resources are distributed so as to subserve the common good.<sup>385</sup> Article 47 further requires the State to regard the raising of the level of nutrition and the improvement of public health as among its primary duties.<sup>386</sup> Although these provisions are non-justiciable in the strict sense, they remain crucial interpretive guides. In Indian constitutional practice, socio-economic rights often emerge not from textual isolation but from the combined reading of fundamental rights and Directive Principles.<sup>387</sup>

This constitutional logic reached its most practical expression in *People’s Union for Civil Liberties v. Union of India*. The case exposed a structural contradiction in the food governance framework. Public stocks were available, but hunger remained widespread. The petition therefore did not ask the Court to conjure a novel right from abstraction; it asked the Court to respond to a constitutional failure of implementation. If grain existed in abundance and welfare schemes existed on paper, how could the State still permit starvation and chronic exclusion. The Supreme Court’s

<sup>381</sup> Comptroller & Auditor Gen. of India, Report No. 20 of 2023; Performance Audit on Storage Management and Movement of Foodgrains by Food Corporation of India [hereinafter CAG Report No. 20 of 2023].

<sup>382</sup> INDIA CONST. art. 21

<sup>383</sup> *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

<sup>384</sup> *Paschim Banga Khet Mazdoor Samity v. State of West Bengal* (1996) 4 SCC 37

<sup>385</sup> INDIA CONST. art. 39(b).

<sup>386</sup> INDIA CONST. art. 47

<sup>387</sup> *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625.

continuing supervision of the matter was significant for two reasons. First, it signalled that the constitutional wrong lay not merely in the absence of policy, but in the failure to make policy operational.

Second, it transformed the language of food security from one of governmental programme to one of entitlement. Welfare schemes such as the Public Distribution System, Integrated Child Development Services, and Mid-Day Meal Scheme came to be treated, through judicial insistence, as obligations that the State was bound to implement effectively.<sup>388</sup>

The constitutional significance of the right-to-food litigation therefore lies in its theory of implementation. It did not merely recognise that food matters for life. It recognised that a constitutional democracy cannot defend itself by pointing to formal scheme design while tolerating administrative non-delivery. That insight remains vital after the enactment of the NFSA. Indeed, once Parliament enacted a statute expressly directed at food and nutritional security, the constitutional standard became sharper rather than weaker. If food is necessary to life with dignity and Parliament has created a statutory route for securing it, then implementation failure carries both statutory and constitutional significance.

Accordingly, the constitutional foundation of food security under Indian law is not a vague humanitarian proposition. It is the product of a doctrinal trajectory in which Article 21, read with Articles 39(b) and 47, and concretised through the Right to Food litigation, supplies the normative basis for demanding that food entitlements be meaningfully realized. The NFSA inherits that constitutional burden.

### III. **Statutory Framework of the NFSA**

The NFSA is a rights-oriented welfare statute. Its Preamble, long title, entitlement provisions, nutrition provisions, transparency obligations, and grievance structures collectively demonstrate that Parliament intended to move

beyond ad hoc food support and towards a legal architecture of enforceable food security.<sup>389</sup>

Section 3 is the statute's core entitlement provision. It confers on persons belonging to eligible households the right to receive food grains at subsidised prices under the Targeted Public Distribution System.<sup>390</sup> The provision is important not only because it grants grain entitlement, but because it does so in mandatory statutory language. In this respect, the NFSA transforms the PDS from a policy mechanism into a rights-bearing institutional framework.

The Act's reach, however, extends beyond grain distribution. Sections 4, 5, and 6 address nutritional support for pregnant women, lactating mothers, and children.<sup>391</sup> This broadens the logic of the legislation. Food security is not treated solely as bulk grain access; it is linked to nutrition, maternal welfare, and child development. Parliament therefore adopted what the statute itself describes as a "human life cycle approach."<sup>392</sup> That structure is consistent with the constitutional understanding that dignified life requires more than minimal caloric access.

The NFSA also attempts to embed accountability within the statute. Sections 14 to 16 require the appointment of District Grievance Redressal Officers and the constitution of State Food Commissions.<sup>393</sup> These provisions are not incidental. They acknowledge a basic truth about rights legislation: a statutory entitlement without a remedial pathway remains fragile. The presence of these provisions indicates that Parliament understood implementation risk and attempted, at least formally, to address it.

Transparency is likewise a structural feature of the Act. Section 27 requires disclosure of records relating to the Public Distribution System and

<sup>388</sup> People's Union for Civil Liberties, Writ Petition (Civ.) No. 196 of 2001

<sup>389</sup> National Food Security Act, No. 20 of 2013, pmb. l.

<sup>390</sup> Id. s. 3

<sup>391</sup> Id. Ss. 4-6

<sup>392</sup> Id. pmb. l.

<sup>393</sup> Id. Ss.14-16

related schemes.<sup>394</sup> This provision reflects the logic that information is necessary for monitoring, contesting exclusion, and checking abuse within a distribution regime that is vulnerable to opacity. Yet for all its normative strength, the Act is also marked by a central structural vulnerability: divided implementation. Section 22 requires the Central Government, for ensuring regular supply of food grains to eligible households, to allocate from the central pool the required quantity of food grains to the State Governments under the TPDS, in accordance with the entitlements under Section 3 and at the prices specified. At the same time, the States bear responsibilities regarding identification, implementation, and distribution through local systems.<sup>395</sup>

This division is not inherently defective. Indeed, some distribution of function is inevitable in a country of India's scale. But the statute's architecture shows that entitlement and implementation are not housed in one institution. They are spread across a chain. That chain begins with central procurement and storage, moves through central allocation and state lifting, and culminates in fair price shops and other local delivery systems. It is precisely because the entitlement travels through this chain that questions of accountability become central.

The NFSA is therefore best understood as a statute of strong normative design but vulnerable administrative execution. It creates a legal route through which food is to be secured as an entitlement. Its challenge lies not in rights language but in the institutional continuity required to carry that entitlement from law to grain, and from grain to household.

#### **IV. Federal Allocation of Responsibilities**

The NFSA operates through a federal administrative arrangement that seeks to combine centralised food grain management with decentralised delivery. At one level, this is a practical necessity. National procurement and

central buffer management are difficult to imagine without Union-level control. At another level, however, the arrangement generates a diffuse responsibility structure that sits uneasily with the idea of a rights-bearing entitlement.

The Union Government's role is central. Under Section 22 of the NFSA, it is responsible for allocating from the central pool the quantity of food grains required to meet state-level entitlements under the TPDS.<sup>396</sup> This central role cannot be separated from the operational responsibilities of the Food Corporation of India. The Food Corporations Act, 1964 provides that the primary duty of the Corporation is to undertake the purchase, storage, movement, transport, distribution, and sale of food grains and other foodstuffs.<sup>397</sup> FCI is, therefore, not a peripheral logistical agency. It is a statutory institution at the heart of the national food security framework.

The CAG audit underscores this point. It expressly records that FCI is the "main agency entrusted with procurement, storage and movement of food grains from surplus States to deficit and consuming States for delivery to the consumers and for creation of buffer stock under national food security system."<sup>398</sup> The report also notes that timely and efficient procurement, adequate buffer stocks, and efficient storage and movement are central to the Government of India's food security strategy.<sup>399</sup>

The States, by contrast, sit at the final delivery end of the chain. They identify eligible households, issue ration cards, lift allocated grain from the central pool, and distribute grain through fair price shops to beneficiaries.<sup>400</sup> The states are also the first line of grievance and administrative visibility from the beneficiary's perspective. When a household is denied grain, it encounters the state apparatus, not the central pool.

<sup>396</sup> Id. S. 22

<sup>397</sup> Food Corporations Act, No. 37 of 1964, S. 13(1) (India).

<sup>398</sup> CAG Report No. 20 of 2023, Executive Summary.

<sup>399</sup> Id. ch. 1

<sup>400</sup> National Food Security Act, 2013, SS. 24–29.

<sup>394</sup> Id. S. 27

<sup>395</sup> Id. SS. 24–29

This division generates an accountability asymmetry. From the beneficiary's point of view, the denial is local and immediate. From the administrative point of view, the causes may be distributed across central procurement, storage, movement planning, allocation, state lifting, beneficiary identification, and fair price shop operations. In other words, the legal claimant experiences one failure; the system contains many potential sites of failure.

That is the central problem with invoking "cooperative federalism" too casually in this context. Cooperation is an institutional ideal. But entitlement law demands more than cooperative aspiration. It demands traceable responsibility. If the structure of implementation enables central agencies and state agencies to attribute failure to one another, the statutory right becomes difficult to enforce in meaningful terms.

A mature federal entitlement system therefore requires more than division of labour. It requires clarity of obligation and continuity of responsibility across the entire chain. The NFSA achieves the first imperfectly and the second only partially. That is why implementation failure under the Act is best understood not as a series of isolated administrative mishaps but as a problem embedded in the federal design of delivery itself.

#### V. Institutional Failures in Food Grain Management

If the NFSA's most serious weakness lies in implementation, then the most concrete evidence of that weakness is found in the institutional performance of FCI. The CAG's Performance Audit Report No. 20 of 2023 is especially important because it examines precisely those functions that sit at the backbone of the statutory food security regime: storage management and movement of food grains.<sup>401</sup>

The audit was not framed narrowly. It asked whether storage management regarding

procurement, receipt, and buffer stock was adequate; whether storage capacity was optimally utilized; whether augmented storage capacity matched long-term requirements; whether transit and storage losses were minimized; whether movement was economical; and whether records and operations were sufficiently computerized to manage storage and movement effectively.<sup>402</sup>

This framing itself is revealing. It confirms that the operational questions examined by the audit are inseparable from the viability of the food security system. One of the report's most significant findings concerns avoidable hiring despite available vacant capacity. In Punjab and Haryana, the audit found avoidable hiring of 10.55 lakh metric tonnes and consequent avoidable expenditure of ₹62.76 crore towards storage and supervision charges because storage was hired despite the existence of own vacant CAP capacity.<sup>403</sup> This is not a minor administrative lapse. It indicates a failure of capacity planning and resource utilisation within the institution responsible for managing public grain stocks.

The audit's findings on direct delivery are even more striking. Despite the availability of vacant storage capacity, FCI did not instruct State Government Agencies to make direct delivery of wheat equivalent to the available vacant capacity. As a result, although there was vacant covered storage capacity and vacant CAP capacity in Punjab and Haryana, that capacity was not used for taking direct delivery, and FCI incurred avoidable carry-over charges of ₹170.26 crore paid to SGAs.<sup>404</sup> This is a textbook illustration of how inefficient institutional choices in the upstream chain can produce unnecessary financial burden without any corresponding gain in food security delivery.

The report also records deficiencies in storage augmentation. Against a capacity augmentation target of 34.50 lakh metric tonnes under policy during 2017–18 to 2021–22,

<sup>402</sup> Id. Executive Summary.

<sup>403</sup> Id. para. 3.4.3

<sup>404</sup> Id. para. 3.4.6.

<sup>401</sup> CAG Report No. 20 of 2023.

only 12.25 lakh metric tonnes of storage capacity was created by FCI.<sup>405</sup> The gap between planned augmentation and actual augmentation is significant because the food security system depends not merely on grain procurement, but on the existence of commensurate and efficiently managed storage capacity.

The audit further found extra expenditure of ₹18.08 crore due to delay in acquiring land for augmentation of storage capacity under the Central Sector Scheme in Assam, and an additional ₹16.85 crore of extra expenditure in Bihar because FCI failed to protect its financial interests in relation to land cost for construction of silos at Kaimur and Buxar.<sup>406</sup> It also noted that FCI did not recover damages or penalty of ₹17.02 crore from concessionaires in violation of contractual terms relating to silo construction in Bihar and Haryana, and that undue favour of ₹5.83 crore was extended to a concessionaire in Assam in the form of reduced project cost of a railway track.<sup>407</sup>

These findings matter for more than audit accounting. They demonstrate that the food security regime's upstream institutions are vulnerable to weak planning, incomplete augmentation, avoidable expenditure, poor contract enforcement, and underutilization of available infrastructure. Each of these failures affects the reliability of the central pool and the efficiency with which grain can be moved into the statutory entitlement chain. The report also addresses movement of grain and the need to prepare effective movement plans so that stock can be moved timely to recipient states, vacant storage in recipient states can be better utilised, storage issues in procuring regions can be avoided, and carry-over charges can be minimized.<sup>408</sup> This is particularly significant because it directly links movement planning with federal coordination. If grain is not moved effectively from procuring regions to recipient

states, state-level implementation under the NFSA is compromised before the grain ever reaches the beneficiary stage.

#### VI. Fragmented Accountability within the Federal Framework

The NFSA creates entitlements. It also creates institutions. But between the two lies a chain of divided administration. The greatest legal weakness in this model is that it often localizes the experience of deprivation while dispersing the sources of responsibility.

A beneficiary denied grain at a fair price shop experiences the violation as immediate and tangible. Yet the institutional cause may not lie at the ration shop at all. It may lie in delayed allocation from the central pool, avoidable storage mismanagement, movement bottlenecks, underutilised recipient-state capacity, poor state lifting, or flawed beneficiary identification. The statutory entitlement is thus vulnerable to disruption at multiple points, but the remedial system often sees the problem only at the end point.

This creates what may be described as a mismatch between the location of harm and the location of responsibility. The harm appears at the beneficiary level; responsibility may lie upstream. This mismatch is one reason the grievance redress structure under the NFSA, while normatively valuable, cannot by itself solve the implementation problem. District Grievance Redressal Officers and State Food Commissions can address denial and exclusion, but they may not be institutionally positioned to remedy storage or movement failures generated by FCI operations or central planning.<sup>409</sup>

The right-to-food litigation had already identified this broader concern in another form. The legal problem was never simply that welfare schemes were absent. It was that their existence on paper could coexist with human deprivation in practice.<sup>410</sup> The NFSA cures the paper-right problem to a significant extent by

<sup>405</sup> Id. ch. 1.

<sup>406</sup> Id. paras. 3.5.3, 3.5.4.2.

<sup>407</sup> Id. Executive Summary.

<sup>408</sup> Id. Recommendations on Movement of Food Grains.

<sup>409</sup> National Food Security Act, 2013, SS. 14–16.

<sup>410</sup> People's Union for Civil Liberties, Writ Petition (Civ.) No. 196 of 2001.

statutory recognition. It does not, however, entirely cure the implementation problem because the route from entitlement to delivery remains operationally fragmented.

This fragmentation also weakens political accountability. Empirical research on India's food distribution system similarly indicates that implementation failures frequently arise from coordination gaps between procurement, storage, and state-level distribution agencies operating within the federal framework.<sup>411</sup> The States may attribute deficiencies to inadequate or delayed central allocation. Central agencies may point to local mismanagement, targeting issues, or distribution inefficiencies. In a federal welfare chain, such mutual attribution is institutionally predictable. But predictability does not make it normatively acceptable. For a rights-based statute, blame-shifting is not a mere governance inconvenience; it is a direct obstacle to the realisation of entitlement.

A further complication lies in transparency. Although Section 27 of the NFSA requires disclosure of records, the effectiveness of transparency depends on whether information is sufficiently integrated to track failure across the chain.<sup>412</sup> Public disclosure of state-level offtake or ration records is helpful, but incomplete if it does not reveal upstream failures in movement planning, storage utilization, or direct delivery decisions. Transparency without supply-chain traceability may identify symptoms without exposing causes.

The central lesson is therefore clear. Formal entitlement cannot substitute for integrated accountability. A welfare statute becomes truly rights-bearing only when the institutions carrying its obligations can be made answerable in relation to one another. The NFSA, in its present form, points toward such a structure but does not fully secure it.

## VII. Strengthening Institutional Accountability

The challenge, then, is not whether the NFSA should continue to exist as a rights-based framework. It plainly should. The question is how to align its rights language with a more exacting accountability architecture.

The first area of reform is storage governance. The CAG report recommends that FCI, in consultation with the Government of India, should make a cost-benefit analysis to augment its own storage facilities up to the level of minimum stock prescribed under stocking norms and avoid using CAP/open storage beyond what is necessary.<sup>413</sup> It also recommends that FCI analyse the causes of underutilisation of its Food Storage Depots and resort to hiring only after maximum utilisation of own godowns.<sup>414</sup> These recommendations are not merely managerial refinements. They go directly to the issue of whether the institution charged with central food security obligations is making rational use of public infrastructure.

The second area is direct delivery and movement planning. The audit recommends that FCI should strive for maximum direct delivery of wheat by State Government Agencies to FCI godowns so as to reduce payment of carry-over charges, and should prepare effective movement plans to ensure timely movement to recipient states while making best use of vacant storage in those states.<sup>415</sup> This is perhaps the clearest evidence that federal implementation under the NFSA requires a more integrated logistics-accountability model. Distribution at the state level depends upon movement decisions at the central level. The law should therefore treat movement planning as part of entitlement fulfilment rather than as a back-end operational concern.

<sup>411</sup> Jean Drèze & Reetika Khera, *The Public Distribution System in India: Policy Evolution and Current Challenges*, 47 *ECON. & POL. WKLY.* 15 (2013).

<sup>412</sup> National Food Security Act, 2013, S. 27.

<sup>413</sup> CAG Report No. 20 of 2023, *Recommendations on Storage of Food Grains*.

<sup>414</sup> *Id.*

<sup>415</sup> *Id.* *Recommendations on Storage of Food Grains; Recommendations on Movement of Food Grains*

Third, contractual and financial discipline in storage augmentation must be tightened. The audit's findings regarding delayed land acquisition, inadequate protection of financial interests, and non-recovery of damages demonstrate that weak contract enforcement can directly burden the food subsidy regime.<sup>416</sup> A rights-based welfare system cannot remain indifferent to such leakage, because excess expenditure and project inefficiency diminish the overall credibility and sustainability of the entitlement structure.

Fourth, grievance redress should be strengthened by linking beneficiary-facing complaints to supply-chain diagnosis. At present, a complaint system may register denial, but the system must also be able to determine whether the cause lies in state distribution failure, non-lifting, central movement delay, or storage mismanagement. Without this linkage, grievance redress risks remaining reactive and localised.

Fifth, transparency should be reconceived as end-to-end traceability. Disclosure obligations should not stop at ration shop records or beneficiary lists. They must also illuminate allocation, offtake, storage utilisation, and movement decisions in a form that can be monitored across institutional levels. Only then can transparency become a tool of accountability rather than a mere record of local delivery outcomes.

These reforms are not external to the statute's purpose. They are internal to it. A law enacted to secure food and nutritional security so that people may live a life with dignity necessarily carries with it an obligation to reduce avoidable institutional failure. Reform, therefore, should not be framed as administrative modernization alone. It should be understood as the completion of the statute's rights-bearing promise.

### VIII. Conclusion

The National Food Security Act, 2013 is one of the most ambitious welfare statutes in contemporary India. It recognizes food and nutritional security as matters of legal entitlement and places them within a framework explicitly tied to dignified life. In doing so, it carries forward the constitutional logic visible in Article 21, Articles 39(b) and 47, and the right-to-food jurisprudence of the Supreme Court. Yet the real challenge lies in implementation. This paper has argued that the central weakness of the NFSA is the persistence of fragmented federal accountability. The entitlement is created by statute, but its fulfilment depends on a divided chain of procurement, storage, movement, allocation, lifting, and distribution. The beneficiary experiences the right at the final point of delivery; the causes of failure may lie much earlier and elsewhere.

The CAG's 2023 audit of FCI makes this point with particular force. Its findings on avoidable hiring, underutilized capacity, avoidable carry-over charges, delayed storage augmentation, weak contract enforcement, and the need for better movement planning demonstrate that implementation failures are not local accidents. They are structural weaknesses within the institutions responsible for operating the national food security system.

This conclusion has an important legal implication. Under a rights-based statute, upstream operational failures cannot be dismissed as neutral administrative inefficiencies. They are part of the legal problem of non-realisation. If food is statutorily guaranteed and constitutionally connected to life with dignity, then every avoidable failure in storage, movement, or allocation weakens the actual content of the entitlement.

The future of the NFSA therefore depends less on symbolic reaffirmation and more on institutional integration. Procurement, storage, movement, and delivery must be understood as legally continuous stages in the fulfilment of a

<sup>416</sup> Id. Executive Summary.

single entitlement. Unless the law and administration are aligned on that premise, the statute will remain normatively powerful but operationally vulnerable. A mature food security regime requires more than distribution of grain. It requires distribution of responsibility with sufficient clarity that failure can be identified, corrected, and prevented. Only then can the statutory promise of food security be made genuinely dependable.

#### IX. References

##### A. Constitutional Provisions

1. INDIA CONST. art. 21
2. INDIA CONST. art. 39(b)
3. INDIA CONST. art. 47

##### B. Statutes

1. Food Corporations Act, No. 37 of 1964, S. 13
2. National Food Security Act, No. 20 of 2013
3. National Food Security Act, No. 20 of 2013, S. 3–6
4. National Food Security Act, No. 20 of 2013, S. 14–16
5. National Food Security Act, No. 20 of 2013, S. 22
6. National Food Security Act, No. 20 of 2013, S. 27

##### C. Cases

1. Maneka Gandhi v. Union of India, AIR 1978 SC 597
2. Paschim Banga Khet Mazdoor Samity v. State of West Bengal, (1996) 4 SCC 37
3. Minerva Mills Ltd. v. Union of India, (1980) 3 SCC 625 (SC)
4. People's Union for Civil Liberties v. Union of India, Writ Petition (Civ.) No. 196 of 2001
5. Swaraj Abhiyan v. Union of India, (2016) 7 SCC 498

##### D. Government Reports

1. Comptroller & Auditor Gen. of India, Performance Audit Report No. 20 of 2023: Storage Management and Movement of Foodgrains by Food Corporation of India (2023)

##### E. Books

1. Jean Drèze & Amartya Sen, An Uncertain Glory: India and Its Contradictions (Princeton Univ. Press 2013)

##### F. Academic Literature

1. Reetika Khera, Revival of the Public Distribution System: Evidence and Explanations, 44 Econ. & Pol. Wkly. 36 (2011)
2. Jean Drèze, Democracy and the Right to Food, 45 Econ. & Pol. Wkly. 67 (2004)