

## Food Security Related Laws in Nepal

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Apurba Khatiwada  
Advocate, Lecturer of Comparative  
and International Law

## Presentation Plan

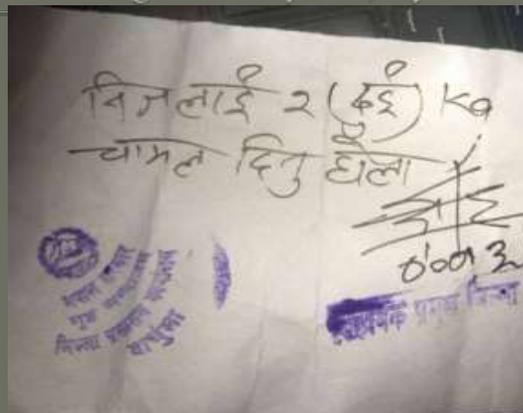
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- ◉ General Overview of the Present Scenario
- ◉ Constitutional Provision
- ◉ Legislative Framework
- ◉ Food Availability
- ◉ Food Accessibility
- ◉ Utilization
- ◉ Stability
- ◉ Conclusions

## General Overview of the Present Scenario

- According to FAO, in 2012, 18.5 percent of the Nepali population or 5 million Nepali were undernourished.
- Of the 75 districts in the Country, 42 districts are considered to be food deficit.
- Each year, natural disasters (particularly floods and landslides), poor rainfall, and unavailability of quality seeds on time make the situation even worse.

Nagarik Daily, 12 July 2013



- The note by the Chief District Officer, Darchula reads: “Give the bearer of the note 2 kg rice”

## Constitutional Provision

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- ◉ The Interim Constitution of Nepal provides a right of every citizen to “food sovereignty” as a fundamental right of the people.
- ◉ No effort to translate the constitutional provision into practice.

## Legislative Framework

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- ◉ Analysis has been made in accordance with the FAO’s definition of food security and the elements of food security.
  - ◉ Food Availability
  - ◉ Food Accessibility
  - ◉ Utilization
  - ◉ Stability

## Food Availability

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- ◉ Absence of food aid law.
- ◉ Land Act 1964 provides for compulsory deposit of food grains (the provision is no longer enforced). Nevertheless, the Act is not clear regarding the use of deposited food.

- ◉ Nepali legislative framework on food availability is characterized by regulatory approach.
- ◉ The Black Marketing Act 1975, the Competition Act 2007, the Consumer Protection Act 1997 and the Essential Commodities Act 1961 have taken negative measures that prevent unreasonable price hike of food, collusion, price fixing, and deflection in the supply of food from food scarce regions to other regions of the country etc.
- ◉ In addition, under the above mentioned laws government has authority to fix and monitor price of food stuffs.

## Food Accessibility

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- Land use and redistribution provisions under the Land Act 1964. Similarly, the National Code – Chapter on Land Use and the Water Resources Act 1992 also have provisions dealing with collective use or sharing of resources.
- Food deposit or stock provision under the Land Act 1964.
  - [The government of Nepal has deposited 19,675 metric ton food the last fiscal year to promote food security]

- Incentives and Safeguards in regard to access to food:

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- The Land Act provides agricultural debt related safeguards for farmers along with incentives for cooperative farming in order to ensure access to food and resources for farmers.
- The National Code Chapter on Land Use encourages cultivation by providing tax exemptions for turning barren or sandy land into low/paddy land.

- ◉ The Industrial Enterprise Act 1992 provides various incentives, including tax exemptions, in the establishment of few (agro) industries in remote regions of Nepal.
- ◉ The Forest Act 1993 provides access to community forest and forest products in addition to authorizing various economic activities by members of community forests in such forests.
- ◉ The Water Resource Act 1992 promotes farmer managed irrigation system.
- ◉ Government's assistance in the production of seeds, fertilizers etc. under the Local Self-Governance Act 1999.

## Utilization

- ◉ Consumers' right: Consumers' right to quality goods including right to information regarding price, quality, quantity, nature etc. proper labelling are provided in the Consumer Protection Act, Black Marketing Act.
- ◉ Quality control and standardization of food: The Local Self Governance Act, the Animal Health Act, the Food Act, Animal Slaughterhouse Act, the Seed Act.

## Stability

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- ◉ Regulation of Market: the Competition Act 2007, the Consumer Protection Act, the Black Marketing Act, and the Essential Commodities Act.
- ◉ Management of Resources: The Land Act 1964, the Local Self-Governance Act 1999, and the Essential Commodities Act.

## Conclusions

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- ◉ When the prevailing law are taken together and implemented in conjunction there is a promising legislative framework that can have positive impact on food security in Nepal.
- ◉ Absence of specialized food security law, however, makes it difficult to address all aspects of food security.
- ◉ Food security related laws are predominantly based on negative government regulation and not on the positive rights fulfillment approach. For example, there is a provision of food deposit but no provision regarding the distribution of the deposited food.

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- ◉ Absence of rights based approach.
  - ◉ No law specifically addresses the threat to food security from natural disasters and other emergencies, including the threat of climate change.

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- ◉ Most of the Laws that are relevant to food security are more than 40 years old, which were drafted when the situation of and challenges to food security were different. In addition, perhaps, for reasons not related to food security.
  - ◉ Perennial problem of poor enforcement of the existing law.