The Right to Food Campaign in India

A Case Study of Entitlement-Oriented Rights-Based Strategies Used to Reclaim the Right to Food for Vulnerable and Marginalized Groups
5. The Right to Food Campaign in India: A Case Study of Entitlement-Oriented Rights-Based Strategies Used to Reclaim the Right to Food for Vulnerable and Marginalized Groups

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LIST OF ABBREVIATIONS USED:

AA: Action Aid
AAY: Antyodaya Anna Yojana
AIR: All India Radio
AS: Annapurna Scheme
AYJ: Anna Yojana Scheme
BGVS: Bharat Gyan Vigyan Samiti
BNP: Balwadi Nutrition Program
BPL: Below Poverty Line
CEDAW: Convention on Elimination of all Forms of Discrimination Against Women
CoC: Code of Conduct
CRC: Convention on the Rights of the Child
EAS: Employment Assurance Scheme
EGA: Employment Guarantee Act
EGS: Employment Guarantee Scheme
ESCR: Economic, Social and Cultural Rights
FCI: Food Corporation of India
GDP: Gross Domestic Product
HRLN: Human Rights Law Network
HWG: Hunger Watch Group
ICED: Integrated Child Development Schemes
ICERD: International Convention on Elimination of all Forms of Racial Discrimination
ICESCR: International Covenant on Economic, Social and Cultural Rights
JGSY: Jawahar Gram Samriddhi Yojana
JSA: Jan Swasthya Abhiyan
MDMS: Mid-Day Meal Scheme
MKSS: Mazdoor Kisan Shakti Sangathan
MNCs: Multi-national Companies
NAC: National Advisory Council
NAPM: National Alliance of People’s Movements
NCDHR: National Campaign for Dalit Human Rights
NCDO: National Conference of Dalit Organizations
NCPR: National Campaign for the People's Right to Information
NCCRW: National Campaign Committee for Rural Workers
NFBS: National Family Benefit Scheme
NFWP: National Food for Work Programme
NFIW: National Federation of Indian Women
NGOs: Non-governmental Organizations
NHRC: National Human Rights Commission
NMBS: National Maternity Benefit Scheme
NTUI: New Trade Union Initiative
OHCHR: Office of the United Nations High Commissioner for Human Rights
PDS: Public Distribution System
PILs: Public Interest Litigations
PMGY: Pradhan Mantri Gramodaya Yojana
PUCL: People's Union for Civil Liberties
RTI: Right to Information
SCs: Scheduled Castes
SGRY: Sampurna Gramin Rozgar Yojana
STs: Scheduled Tribes
UDHR: Universal Declaration of Human Rights
UPA: United Progressive Alliance
UTs: Union Territories
1. Background and Rationale: Accessing the Right to Food in India

**Country and Programme Context:** The Right to Food is a Right enshrined under Article 11, Part 2 in the International Covenant on Economic, Social and Cultural Rights (ICESCR) that the Indian Parliament ratified in 1979:

“The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed: (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge; by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources; and, (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.”

Taking the above into cognizance, the newly formed United Progressive Alliance (UPA) Indian Government that was elected in 2004 released its ‘Common Minimum Programme,’ which clearly states that:

“...The UPA will work out, in the next three months, a comprehensive medium-term strategy for food and nutrition security. The objective will be to move towards universal food security over time, if found feasible.

The UPA Government will strengthen the Public Distribution System (PDS), particularly in the poorest and backward blocks of the country, and also involve women and ex-servicemen's cooperatives in its management. Special schemes to reach food grains to the most destitute and infirm will be launched. Grain banks in chronically food-scarce areas will be established. Antyodaya cards for all households at risk of hunger will be introduced.

The UPA Government will bring about major improvements in the functioning of the Food Corporation of India (FCI) to control inefficiencies that increase the food subsidy burden.

Nutrition programmes, particularly for the girl child, will be expanded on a significant scale...”

Despite such statements and the Right now being a justiciable right (and this has gained even more legitimacy with the UPA keeping up its pledges via passing of the nation-wide Rural Employment Guarantee Act (EGA) in the Indian Parliament recently in August 2005), there is an extremely high prevalence of hunger in India. This is particularly visible amongst vulnerable and marginalized groups of people (especially people belonging to indigenous tribes, interior rural areas or those belonging to the Scheduled Castes {SCs} and Scheduled Tribes {STs}). And even amongst such invariably poor groups, women and children suffer the most. This is ironic in the backdrop of a country whose food stocks have increased to more than 65
Several factors continue to plague the economic viability of the agricultural sector. Such factors include: the lack of political will (especially the functioning, and, in some cases, revamping of the distribution mechanisms relating to food so that such systems are more accountable and transparent); the pattern of growth of agriculture (that has bought about an uneven development across regions in its wake and which is characterised by low levels of productivity and degradation of natural resources in some areas); the lack of adequate capital and infrastructural support; and, demand-side constraints (such as controls on the movement, storage and sale of agricultural products). Consequently, agricultural growth has slackened since the 1990s. Agriculture has also become a relatively unrewarding profession due to a generally unfavourable price regime and low value addition, causing increased migration from rural areas as farmers abandon farming. Power structures in society wherein the rich and powerful have access to land (and the poor slave on the land) have an impact on food security and are inexorably connected to the issue of land rights. Recurring natural disasters like floods and droughts further exacerbate the situation (Bali Mahabal, March 2004).

As a result, the Right to Food is not realized in terms of availability, accessibility, adequacy and sustainability, and millions of people live in a state of perpetual hunger as many survive without even the minimum one meal a day as mandated by the Code of Conduct (CoC) on the Right to Adequate Food.  

**Policy and Legal Framework:** Fundamental to all modern day Constitutions - the Indian Constitution being no exception - is the “realisation of human rights” for all. Although there is no explicit mention of the Right to Food in the Constitution, there are several Articles that provision the realizing of this Right. For example, Article 19 enshrines the Right to “Freedom of Expression”; Article 14 enshrines “Equality before the Law”; and, Article 21 enshrines the “Right to Life”. Of particular importance, especially pertaining to the rights-based focus of this paper, is Article 19

3 1 Crore Indian Rupees = US$ 22,222. 1 US$ is around Indian Rupees 46 at the current exchange rates.
5 The Code of Conduct (CoC) as debated and arrived a consensus upon by a plenary of the parallel NGO Forum at the World Food Summit in Rome (1996) has since been recognised by the UN Office of the High Commissioner for Human Rights (OHCHR). It states: “The right to adequate food means that every man, woman and child alone and in a community with others must have physical and economic access at all times to adequate food and nutrition. The CoC was debated at in expert meetings/consultations and reflected upon in studies that finally resulted in the publication in 1999 of the UN Committee on Economic, Social and Cultural Rights (ESCR) of its General Comment 12 (GC12). Generally considered as the most authoritative interpretation of the right to adequate food, this Comment, while reaffirming the definition of the CoC, added: “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 will have to be realised progressively” (“Right to Food in India”, S.Mahendra Dev, Working Paper No. 50, August 2003, Centre for Economic and Social Studies, Hyderabad, India).
on “Freedom of Expression”, with its incumbent and inherent attachment to “Freedom of Information” - this particular Right has always suffered from an almost blanket-like and in-grained lack of provision of information from State-run departments to the citizens. Such lack of freedom of information effectively prohibits, for example, the hundreds of millions - who live below the poverty line (BPL) and who are largely dependent on Government-run food programmes - from examining State-run food ration shop records to finding out “why” they do not receive the rations that they are entitled to. The Right to Information (RTI) Bill was recently passed in the Parliament and is a step in the right direction (nine individual States have already passed laws pertaining to the RTI). However, it remains to be seen whether the Bill is followed in spirit on the ground, especially as it pertains to enabling access to the Right to Food.

No nation’s Constitution safeguards the collective human rights of all people as comprehensively or as specifically as the body of international human rights instruments. Incumbent with the provisions of these instruments is the obligation to respect, protect, ensure and promote the rights enshrined. Becoming a state party to an international human rights instrument is therefore important in showing a nation’s evolving stance on human rights, as well as signaling the intention to place in the view of the global community the human rights situations as exists in the party nation (through the reporting obligations contained in most instruments). India is a state party to several of the plethora of international human rights instruments, which, whilst not comprehensive, is significant from the view of ensuring and enabling access to the Right to Food. These includes the Universal Declaration of Human Rights (UDHR), the ICESCR, the International Convention on Elimination of all Forms of Racial Discrimination (ICERD), the Convention on the Rights of the Child (CRC) and the Convention on Elimination of all Forms of Discrimination Against Women (CEDAW).

Finally, the constitutional stipulations and international commitments are complemented by various policy and welfare provisions in relation to food security and distribution in the country. Noteworthy among them are the various Five-Year Plans, the PDS, and related schemes like the Annapurna Scheme (AS) and the Anna Yojaana Scheme (AYS). Child-focused food schemes like the Mid-Day Meal Schemes (MDMS) and the Integrated Child Development Schemes (ICDS), are also integral to this framework. The PDS is a Government-run food distribution network that enables the poor to access limited quantities of food at subsidized prices and has, in fact, been billed as the largest non-emergency food distribution programme in the world.

Coupled with all of the above provisions is the recently passed Rural Employment Guarantee (Food for Work) Act (EGA). It will be noteworthy to monitor how this Act is implemented in practice on the ground (as India, with a record of a strong legislative history, has documented corresponding poor implementation in this regard).

_The Right to Adequate Food and the Role of Civil Society in Enabling the Right:_ The Government has the obligation to provide food to poor, vulnerable and marginalized groups. It is also obligated to ensure direct provisioning of such food.
during emergencies. However, in spite of such obligations and an enabling policy framework towards realising this right, India still has a long way to go before the Right to Food can be progressively realised by all its citizens. The lack of fulfillment of this very basic right has serious implications that demonstrate the lack of capacity of the Indian State to perform its basic obligations to its citizens under a human rights approach. This has resulted in the world witnessing starvation deaths and deaths relating to malnutrition in many parts of the country – a matter of immense concern for a country which has millions of tonnes of food rotting in its State-run godowns (storehouses).

Taking note of such deaths, Indian civil society (NGOs, human rights and legal organisations, activists and practitioners) has led a concerted effort since 2001 to enable realization of the Right to Food. Entitled “The Right to Food Campaign”, the approach used in progressively realising this right (under the GC12 Framework) for poor, vulnerable and marginalized groups of people has culminated in perhaps one of the strongest civil society-led nationwide rights-based movements ever witnessed in any country, particularly in the developing world.

This paper studies the progressive realisation of this Right under an entitlement-oriented rights-based framework, and the role of (and processes used by) Indian civil society nationwide in helping such groups realize the Right. Using a dual approach that uses the demand-supply mechanism (of developing capacities of vulnerable and marginalized groups using campaigning, advocacy and lobbying tools, networking and the instrument of public interest litigations (PILs) on the demand side and playing a monitoring and capacity development role on the supply side to ensure that the duty-bearer is accountable for fulfilling its obligations in an accountable and transparent manner), the study of such an approach and the tools used assumes immense importance as it is rooted in principles of justiciability, accountability, transparency and sustainability. In the process, it has succeeded, to a large extent, in making the Right to Food justiciable by lobbying to get the EGA passed and in also lobbying the Supreme Court – the highest legal authority in the country -in holding the State Governments accountable if this Right is not met and has, in the process, also assisted poor, vulnerable and marginalized groups realize other rights, like the Right to Education, the Right to a Livelihood and the Right to Information.

2. The Study of the Right to Food Campaign in India using Rights-Based Strategies

Case Study/Project Context: As noted in the previous section, against the backdrop of the Indian State not fulfilling its basic obligations to its citizens in relation to realization of the Right to Food, an informal network of Indian civil society organizations and individuals committed to the realization of this Right started the “Right to Food Campaign” in 2001. The Campaign works under the overriding principle that everyone has a fundamental right to be free from hunger and under nutrition, and to enjoy a Right to Life that allows them a ‘life with dignity’. Realising this Right requires not only equitable and sustainable food systems, but also entitlements relating to livelihood security such as the Right to Work and accessing land reform guarantees and social security schemes. It considers that the primary
responsibility for guaranteeing such entitlements rests with the State. Lack of financial resources cannot be accepted as an excuse for abdicating this responsibility. In the present context, where people's basic needs are not a political priority, State intervention itself depends on effective popular organisation. Thus, the Campaign asserts a commitment to fostering this process through all democratic means.6

The Campaign is an outgrowth of the Supreme Court hearing on the Right to Food, held in response to a writ petition filed in April 2001 by the People's Union for Civil Liberties (PUCL) - a human rights NGO - in the north-western Indian State of Rajasthan. This case, handled by the Human Rights Law Network (HRLN), is technically and popularly known as “PUCL Vs. Union of India and others (Writ Petition [Civil] No. 196 of 2001)”. Briefly, the petition demands that the country's gigantic food stocks should be used without delay to protect people from hunger and starvation. Initially, the case was brought against the Government of India, the Government-run FCI, and six State Governments, in the specific context of inadequate drought relief. Subsequently, the case was extended to the larger issue of chronic hunger, with all States and Union Territories (UTs) as respondents.

The petition highlights two aspects of the State’s negligence in ensuring food security: the breakdown of the PDS, and the inadequacy of relief programmes in drought-affected areas. The petition eliminated one official excuse for both of these problems, namely the lack of funds. The Supreme Court has held that shortage of funds cannot excuse the failure to fulfil Constitutional obligations. Following on this, the petition asked the Supreme Court to intervene, by directing the Government to: a) provide immediate open-ended employment in drought-affected villages; b) provide “gratuitous relief” to persons unable to work; c) raise the entitlement to be received per family; and, d) provide subsidised food grain to all families. The petition also requested the Court to order the Central Government to supply free food grain for these programmes.

Supreme Court hearings have been held at regular intervals since 2001 (many more are expected during the next year or two); 45 interim applications have been lodged with the Supreme Court and significant "interim orders" have already been issued. For instance, the Supreme Court has passed orders directing the Indian Government to:

- Introduce mid-day meals in all primary schools;
- Provide 35 kilograms (kgs) of grain per month at highly subsidized prices to 15 million destitute households; and,
- Double resource allocations for the Sampurna Grameen Rozgar Yojana (SGRY), India’s previously largest rural employment programme.

Interim PILs submitted from time to time by PUCL have further enlarged and consolidated these demands. The initial petition focused on the drought situation prevailing at that time, especially in Rajasthan, but the litigation now has a much broader scope. The main concern is to put in place permanent arrangements to prevent hunger and starvation. The interim applications thus advocate the introduction of a

6 http://www.righttofoodindia.org/
nation-wide, combined with social security arrangements for those who are unable to work.\footnote{http://www.righttofoodindia.org/case/case.html}

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\textbf{Box 1: The National Rural Employment Guarantee Act – India’s Largest Work Guarantee Plan} & \\
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In August 2005, concerted efforts of the Campaign members (both groups and individuals)\footnote{The legislation is the brainchild of leading social workers and Indian economists, including Patnaik and Jean Dreze, a Campaign member, all of them grouped under the powerful National Advisory Council (NAC) that advises Mrs Sonia Gandhi, who chairs the ruling UPA coalition.} bore fruit when the National Rural EGA was passed by the Parliament and which promises wage employment to every rural household in which adult members volunteer to do unskilled manual work. Under this Act, the Government would be committed to spending ten billion dollars annually (slightly more than one percent of gross domestic product, (GDP) to ensure that impoverished rural households earn at least 60 rupees (about 1.50 U.S. dollars) a day for a minimum of 100 days a year. The legislation also enforces an obligation by the Government to provide employment or else pay an unemployment allowance, although the actual implementation would differ widely from State to State.

Deciding the minimum wages should have been left to each State, rather than fixing it at a flat 60 Rupees, since some progressive states like Kerala already had a fixed minimum wage that is more than twice that figure at around 134 Rupees (or more than three dollars).

A key feature of the new law is that it will be implemented through elected local bodies (like the Gram Panchayats)\footnote{Unit of local self-government at the village level.} and NGOs, unlike earlier poverty alleviation programmes that were tightly controlled by the Central or State Governments.\footnote{“India Passes World's Biggest Job Guarantee Plan”, Ranjit Devraj, Inter Press Service News Agency. Source: http://www.ipsnews.net/news.asp?idnews=30004}

Some 200 districts, including 150 districts already covered by an existing "food-for-work" programme, would benefit initially. It would then be gradually extended over the next five years to cover all of the country's 600 districts.

Deciding on what households will actually benefit is still vague because of differing assessments of poverty and deciding what exactly the poverty line is.

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Yet, it soon became clear that just tapping the legal process would not take the movement very far on its own. This motivated the effort to build a larger public campaign for the Right to Food that would combine social action with a mix of entitlement and rights-based strategies. Thus, was born the Right to Food Campaign in India that would take up a diversity of aspects related to this Right.

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\caption{Box 1: The National Rural Employment Guarantee Act – India’s Largest Work Guarantee Plan}
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Box 2: Some Abiding concerns of the Right to Food Campaign

* Effective implementation of all nutrition-related schemes;
* Introduction of cooked mid-day meals in all primary schools;
* Reform and expansion of the PDS;
* Realization of the Right to Work, especially in drought-affected areas;
* Social Security measures for the destitute.

Further issues are expected to be taken-up as the Campaign develops.

Stakeholders Involved: As mentioned above, the Right to Food Campaign functions on a decentralised level, that builds upon local initiative and voluntary cooperation. It consists of a range of NGOs and civil society groups and concerned individuals/activists/practitioners/professionals. The Campaign has a small "support group", a ‘coordinating and facilitating’ group and a Secretariat – the former effectively consists of members from 11 national organisations and they convened the first “Convention on the Right to Food and Work” in Bhopal in central India in June 2004. This group also considers the Supreme Court hearings and plays a basic facilitating role in the larger Campaign in terms of organizing events, meetings. It is therefore effectively the ‘steering committee’ of the Right to Food Campaign, composed of principally Delhi-based organisations that are able to attend the meetings on a regular, monthly basis). All members of the support group participate in the Right to Food Campaign in their personal capacity, without remuneration.

Communications are mainly undertaken via e-group mails and at meetings (such as the National Convention which is held mid-year at a central location in India to enable access for all participating and concerned individuals and groups). Access to the ‘Right to Food’ network may be made through any of the participant organizations, numbering hundreds, and via the Campaign website that can be accessed at http://www.righttofoodindia.org. This website is maintained by the small group of volunteers who comprise the Secretariat. The Secretariat members may be accessed at: righttofood@gmail.com.

11 The organizations include: Bharat Gyan Vigyan Samiti (BGVS), Parivartan, Action Aid (AA), HRLN, Jan Swasthya Abhiyan (JSA), People’s Union for Civil Liberties (PUCL), National Alliance of People’s Movements (NAPM), National Campaign for Dalit Human Rights (NCDHR), National Campaign Committee for Rural Workers (NCCRW), National Conference of Dalit Organizations (NCDO), National Campaign for the People’s Right to Information (NCPRI), National Federation of Indian Women (NFIW) and former “support group” members of the Right to Food Campaign, such as Professor Jean Dreze and Harsh Mandar. Source: http://www.righttofoodindia.org/contactus.htm
Objectives of the Project: The Campaign works under the overriding principle that everyone has a fundamental right to be free from hunger and under nutrition. With this in mind, the Campaign’s objective is to work towards putting in place permanent arrangements to prevent hunger and starvation, using multi-pronged entitlement-oriented rights-based strategies.

3. Process:

Rights-Based Strategies Used: The Campaign depended in part on formally petitioning the judiciary for the enforcement of the right of every Indian to adequate nourishment. In this, it was inspired by preceding rulings of the Supreme Court; the Court has held that in cases of Fundamental Rights, it was willing to give little latitude to governmental pleas of financial stringency (Murulidharan, 2004).12

Numerous activities undertaken under the umbrella of multi-pronged entitlement oriented rights-based strategies targeting various food-security related issues are organised under the umbrella of the Campaign (see figure below). They are almost entirely issue-based social-issues, and are designed to pursue and make progress on the specific issues concerned, bringing together the member organizations of most competence and concern with the issue, whilst attempting to bring in the rest of the campaign participants to lend their weight. While the scope of the Right to Food Campaign is potentially wide-ranging, some specific issues that have received special attention and which have especially broad and challenging rights-based implications, include demands for services that are a duty to be performed by the State (see Box 2).

What is commendable are that these strategies have been used with active participation of all concerned stakeholders on a nationwide level. It goes to the credit of the Campaign that the concerted use of such strategies have succeeded to a large extent in making the State accountable to the citizens and has now become an example that is generally acknowledged worldwide as one that is totally rights-based in methodology and practice.

Using the tool of legal actions: In India, the Supreme Court is independent of the Executive and the Legislature and is vested with the power of making *suo moto* judicial decisions in which the State can be held accountable if it fails to uphold the rights of its citizens. The Campaign used such a framework to its greatest advantage that led to the Court making decisions that favour the millions of hungry people across the country – decisions that serve as an example worldwide of how the justiciability of a particular human right can be upheld by using a strategy that combines judicial activism with judicial action.

The Campaign believes that a powerful tool in the fight for the Right to Food is the use of legal action. Article 21 of the Constitution is a guarantee of the “Right to Life”, and imposes upon the State the duty to protect it. This Right is fundamental - the violation of which the Supreme Court is bound to protect - under Article 32 of the Constitution. The Supreme Court has held in previous cases that the Right to Life includes the Right to Live with Dignity and all that accompanies it - in this case, it related specifically of the Right to Food. The petition argued, in essence, that the response to the prevailing drought situation by Central and State Governments, in terms both of policy and implementation, constitutes a clear violation of this Right. As mentioned elsewhere in this paper, it is from this standpoint of logic that the case to the Supreme Court of India was taken by PUCL. As a result of the legal actions taken (through the instrument of PILs), the Supreme Court has ordered the Government to make the nationwide full implementation of these schemes and many others concerning the Right to Food. This is the most important tool that the Campaign has used, with enormous success (refer to Section 4 for the outcomes of the use of such legal actions).

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By Upala Devi Banerjee.
Capacity development strategies: The nationwide Campaign, involving many organisations and individuals, have realised that to make the duty-bearers accountable to deliver on their obligations and for the claim-holders to claim their rights, a dual capacity development strategy is imperative. At the level of work with duty-bearers, such a strategy entails building capacities of concerned State public officials at the district and block levels through trainings, workshops and enlisting their participation at the public hearings so that they are better able to respond to the claims made by the people. At the level of working with the claim-holders, such a strategy involves building capacities that create sustained empowerment by raising awareness amongst the affected people through trainings/workshops/consultations that help create consciousness about their legal rights and entitlements so that they can take recourse to legal action; participate in meetings/campaigns/public hearings; review implementation of policy guidelines on the various food security programmes that the Court has ordered the State Governments to implement; and, lobby effectively and knowledgeably for policy changes.

Using the tools of campaigns, people-centred advocacy and lobbying: Campaigns, people-centred advocacy and lobbying have been used with maximum impact to raise awareness on the Right to Food and in lobbying the Supreme Court and related departments of the State Governments to meet their obligations in realising this Right. A multi-faceted strategy using street plays (for instance, on the MDMS), rallies, as well as promoting public education through the media, rallies, posters, booklets on issues like “Know Your Rights”, the EGS, etc. are undertaken on a nationwide basis so as to have the most impact. What is of importance is that all these activities are undertaken with active participation of all affected stakeholders, including women and children, and particularly those belonging to the poor and vulnerable sections.

For instance, on 9 April 2002, activities combining the above took place across the country as part of a “National Day of Action on Mid-day Meals”. This event was instrumental in persuading several State Governments to initiate cooked mid-day meals in primary schools. Similarly, sustained lobbying activities by members of the Right to Food Campaign have played a major role in the introduction of a large-scale programme of food-based social security for destitute households, announced by the Prime Minister on 15 August, 2002. A countrywide "rozgar adhikar yatra" (Right to Work convoy) was launched from Delhi on 13 May 2005. The aim of this yatra is to consolidate the campaign for a full-fledged, universal and irreversible EGA. Beyond this, the yatra seeks to affirm the Right to Work as an aspect of the fundamental Right to Live with Dignity.

Using action-oriented advocacy research: Research and surveys have played an important role in the Right to Food Campaign from inception - an informal survey of several villages in Rajasthan State was used to support the original PIL filed by the PUCL in April 2001. Realising the invaluable role such documentation played, field surveys have been used with optimum effect to supplement efforts in areas relating to:

- assessing the situation of food security in different parts of the country;
- guiding policy decisions on food schemes; and,
- monitoring the implementation of the various related Supreme Court orders.
Tapping into the Right to Information movement: The Right to Information Movement was initially born in Rajasthan State as a result of the lack of accessibility of citizens to access public records and the lack of accountability (coupled with resultant inefficiency and lack of transparency) of Government officials to account for decisions made on spending public money on services that were supposed to be public/development oriented. As a result of a massive campaign spearheaded by a mass-based people’s organization – the Mazdoor Kisan Shakti Sangathan (MKSS) - the Right to Information Movement was initiated and has since spread across the country, playing a vital role in enabling citizens to access public records, with evidences that suggest that the Movement has also been instrumental in reducing corruption in public life. Various Indian States have since enacted State-level Right to Information Acts and instruments of this type have been massively used by the Right to Food Campaign to facilitate rights and entitlements of the poor. For instance, the efforts of a Campaign member organisation - Parivartan – that used the Delhi Right to Information Act, led to targetting corruption by State-sanctioned ration shop owners and grain suppliers, with spectacular gains for the claim-holders.

Using the vehicle of public hearings: As noted elsewhere in this volume of case studies, public hearings (or Jan Sunways as such hearings are called in India) have been used to optimal effect to claim rights. Such hearings on the Right to Food have been frequently held in those States that have witnessed starvation deaths in recent years – Orissa, Madhya Pradesh, Jharkhand, Maharashtra and Rajasthan being cases in point – or in instances where poor people have not been able to access the PDS. These hearings provides a vital platform for the poor and marginalized people to voice their demands to duty-bearers through personal testimonies, learn about their entitlements and plan further action to claim their Right to Food. Some of these hearings have witnessed the demands made by claim-holders resolved on the spot. For instance, in a hearing that was attended by the Baigas - one of India's "indigenous tribes” – in the State of Madhya Pradesh - one of the main complaints of the participants related to the fact that the Forest Department did not allow employment programmes in "forest villages" inhabited by this tribe. This complaint was immediately resolved as the District Forest Officer agreed to retract this embargo. Similarly, the District Collector agreed to ensure that all Baigas get Antyodaya Cards (Food Ration Cards for those living below the poverty line) within a month, as per the latest Supreme Court Order (2 May 2003).

Capacity/Role of Duty-Bearers (including the Private Sector/Related Frameworks) in Addressing Demands: One of the best examples of where a duty-bearer has played an enabling role in addressing demands on claims made by the claim-holders is in the case of the claims made on the Right to Food in India. In this instance, the Supreme Court has played the most vital role in protecting the social and economic rights (especially of the poor and vulnerable groups of citizens) by progressively ruling that

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14 Please refer to the UNDP India case study in this volume of papers for a more detailed exposition of the Right to Information Campaign in India.
15 Please refer to the OXFAM GB Indonesia case study and the UNIFEM India case study in this volume of papers.
the Right to Food in India is a justiciable right. Further, the State can be held accountable and face legal action if this Right (and other accompanying rights, like the Right to Work and to a Livelihood) is not realized. (See Box below on instances of how judicial intervention has helped deliver claims on demands made).

**Box 3: The Supreme Court in India - Upholding the Rights of Poor, Vulnerable and Marginalized Citizens through Judicial Action and Protection**

There have been other comparable instances where the Court has stepped in to protect the rights of the citizens. In the Court's landmark judgment in the Visakha' case (which are famously called the Vishakha Guidelines on Sexual Harassment at the Workplace), sexual harassment at the work place was recognized under the Indian jurisprudence for the first time as a crucial problem faced by women workers. It thus set out detailed guidelines for prevention and redressal of this malaise. In doing so, the Court relied upon the CEDAW that India has both signed and ratified.

The most recent instances of such *suo moto* judicial activism demonstrated by the judges are in environmental issues and in issuing orders related to the Right to Food and Right to Work.

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**Monitoring to Ascertain Rights-Based Outcomes from the Rights-Based Strategies:**

The Campaign has adopted some strategies to monitor outcomes of the use of the rights-based strategies. Though not used nationwide and systemically, such strategies are a step in the direction towards developing formal monitoring mechanisms that could be used to monitor rights-based outcomes of the Campaign. For instance, it has developed extensive questionnaires for conducting detailed surveys that act as monitoring tools on all aspects relating to food security and detailed survey manuals accompany such questionnaires. What is of interest is that such tools have been used by claim-holders (the poor and vulnerable people who are the most affected and who have been trained to use them) to monitor outcomes and at times, in collaboration with the duty-bearer (in this case, the Supreme Court). The first such exercise was undertaken immediately after Supreme Court, in July 2001, ordered State Governments to ensure that all ration shops were open and functioning properly. A field survey was undertaken shortly thereafter by Campaign members to check the extent to which the order had been implemented.

In the case of monitoring of the MDMS, a regular system of monitoring the provision of such a daily meal (though not used nationwide) in the Government-run schools has been developed and is being used (for instance, in the central Indian State of Chhattisgarh, one of the Campaign member organizations - Bharat Gyan Vigyan Samiti (BGVS) - is trying to ensure regular monitoring of mid-day meals in a large number of schools by using a simple questionnaire. Such a system entails a visit to the

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local primary school without prior announcement, and enquiring about the mid-day meal from the teachers. The monitoring is done at the time the mid-day meal is served and the process is observed to ensure whether the food served has passed through several quality-control measures. All these questions are included in the simple questionnaire that the monitor fills up during the visit. In the same manner, a simple questionnaire has been prepared to monitor the performance of the ICDS by grassroots organisations associated with the Campaign. Questionnaires are available in several languages to make it more user-friendly.

In some instances, public hearings have been used as monitoring tools to actually ascertain whether the State Governments are abiding by the Supreme Court Guidelines on the Right to Food. For instance, following reports of "starvation deaths" in a village in the State of Jharkhand, members of the Right to Food Campaign conducted a survey of 21 randomly selected households in the village in June and July 2002. The survey results were used in a public hearing on hunger and the Right to Food in July 2002. At this public hearing, Campaign members also presented results of a survey of 36 villages in the block to which this village belonged. By making public the results of the survey findings, the duty-bearers (in this case, the block officials) were pressurized to act on why these deaths have occurred when the Supreme Court Orders has already issued orders on the Right to Food.

Similarly, Hunger Watch Group (HWG) - an offshoot of Jan Swasthya Abhiyan (JSA) - one of the Campaign member organizations consisting of a group of medical professionals - is in the process of developing guidelines for rigorous assessment of "starvation deaths" and nutritional emergencies. The draft guidelines can be accessed at http://www.righttofoodindia.org/research/HungerWatch_glines.doc. It is expected that such a systematic documentation will help in taking up the issue with the local courts.

Finally, at the level of duty-bearers monitoring the outcomes, the Supreme Court has appointed another "Commissioner" for the purposes of monitoring orders relating to the Right to Food. This increases to two the number of Commissioners that are actively involved in monitoring the Court orders at the State levels who have since vigorously introduced various measures to ensure that such monitoring is undertaken in a transparent and accountable manner. For instance, when some Campaign civil society stakeholders - activists of New Trade Union Initiative (NTUI) - working in the Sonebhadra district of Uttar Pradesh State brought the issue of 500 starvation deaths that have occurred in the district since the closure of a cement factory due to a lack of food and access to medicines to the notice of the Commissioners, they immediately wrote to the Chief Secretary of the State, urging his attention into the matter. As a result, a high level meeting of concerned officials was held and a survey conducted among the affected families, as a result of which all affected families were sold 20 kgs of wheat and rice at subsidized prices. The State Government also agreed to provide

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18 For a copy of the Mid-Day Meal monitoring questionnaire, please visit http://righttofood.tripod.com/research/BGVSmonitoring.html
19 http://www.righttofoodindia.org/research/research.html
free medical facilities and issue 2000 additional Antyodaya cards for those who are very poor.\(^{20}\)

4. Outcome (Results): Many positive outcomes that enable poor and vulnerable people’s access to adequate food have occurred as a direct result of the various strategies that has merged rights-based approaches with social activism and which are being used by the Campaign members. What is of even more significance is that such outcomes have had an impact at the policy level - with the Indian Parliament passing the EGA to be implemented in the rural areas across the country and the Supreme Court issuing interim orders that would enable accessing various new (and at times, even existing) policies to the Right, and in performing a “watchdog” role - and are, hence, hoped to have a sustainable impact.

- **Targeting the most vulnerable and needy via food security programmes**: The most positive (and rights-based) outcome of the Campaign has been its success in getting the EGA passed (the entitlements under the EGA have been documented in Box 1).

Other related successes abound. As mentioned elsewhere in this paper, as a direct result of the PUCL PIL, on 21\(^{\text{st}}\) July 2001, the Supreme Court directed all the States to ensure that all the PDS shops, if closed, are to start functioning within a week from the day the order was issued, and that provisions are made for regular supplies in these shops. On 20\(^{\text{th}}\) August 2001, the Court announced that it is the primary responsibility of the Government to prevent hunger and starvation.

Subsequently, Campaign efforts have resulted in the Court issuing orders to all State-run ration shops that all people living below the poverty line are entitled to a BPL Card through the PDS system. Holders of this Card must receive 35 kgs of grain per month at a subsidised price and the ration shops must remain open throughout the month to cater to this target group. Furthermore, to protect the misuse of the Cards, the Court stipulated that the Cards cannot be kept at the ration shops. What is of greater significance is the legal action that ration shops would face - licenses of those shops that cheat such people would stand cancelled. The Court also ordered that BPL Cards must be issued to all those on the BPL list immediately and that the new BPL survey that is to be conducted cannot be used to reduce the names of people already on the BPL list. BPL Card holders can also take recourse to law and can lodge complaints with the authorities if wrongly excluded from the BPL.

The Court further ordered implementation of the National Family Benefit Scheme (NFBS) under which every BPL family, on the death of the primary breadwinner, is entitled to a one-time payment of Rupees 10,000 in cash.

Similarly, the Court ordered that all vulnerable and marginalized groups of poor people (the aged, sick, destitute, pregnant and Lactating mothers, widows, single women without support and people belonging to the indigenous tribes) are to receive the Antyodaya Anna Yojana (AAY) Cards. As with the BPL Scheme, cardholders

under this Scheme are also to receive 35 kgs of grain each month (at a highly subsidized price of Rupees 2 per kg for wheat and Rupees 3 per kg for rice).

All destitute and senior persons, 65 years and over, under the AS must be given 10 kgs of free food grain per month.

- **Using the Mid-Day Meals Scheme to target the most needy and vulnerable Children:** Another very important rights-based outcome of the Campaign is the Supreme Court order under the MDMS that all children in Government-assisted primary schools across the country are entitled to one free cooked hot and nutritious meal a day for at least 200 days per year (in drought areas, meals to be given even during the school vacation season) and that the State Governments are liable to action if this order is not met. Only a few State Governments, if any, are yet to comply, but it is hoped that the Scheme would achieve universal coverage relatively soon. People belonging to the more vulnerable and marginalized groups like the SCs and STs are to be given preference as cooks/ helpers, and the meals are to be cooked in the school premises with the Central Government providing the funds for setting up the kitchen sheds and provisioning for the cooking materials. This landmark order was one of the first concrete achievements of the Campaign and the order has had far-reaching implications as many of these schools across the country are attended by students for whom this meal is the only meal they get in a day (for instance, in the drought-prone areas in Rajasthan State). The Scheme has also helped in increasing school enrollment and retention. At this point, the Campaign focuses not only on the implementation of Supreme Court orders but also on quality issues. In fact, quality issues are now the main concern in States where mid-day meals have been introduced.

- **Implementing nutrition and food supplementation schemes:** It is widely acknowledged that the young child is most vulnerable to malnutrition, morbidity, resultant disability and mortality. Recognising that early childhood development constitutes the foundation of human development, the ICDS was introduced in 1975 to promote holistic development of children under six years, through the strengthened capacity of communities and improved access to basic services, at the community level. The programme is specifically targeted to reach disadvantaged and low-income groups, for effective disparity reduction. Widely hailed as one of the world’s largest and most unique programmes for early childhood care, the Scheme suffered at the implementation stages, as it was patchy and extremely selective in its coverage. As a result of the diverse PILs filed by several organisations, and various interim applications filed under the on-going PUCL case, regarding the effective implementation of this Scheme, the Supreme Court concluded (from figures that had been submitted by the two Commissioners appointed to assist in its deliberations) that

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21 A study of the MDMS in three States of the Indian Union — Chhattisgarh, Rajasthan and Karnataka — conducted by the Centre for Equity Studies of the Delhi School of Economics indicates the nexus between improved student enrolment and retention and the free mid-day meal. A study of 81 schools in which free mid-day meals were introduced in July 2001, indicates class I enrolment rose by 15 percent within the year. Particularly impressive jumps were made in female enrolment in Chhattisgarh (17 percent) and Rajasthan (29 percent). “Groundswell for mid-day meal scheme”, by Kalpana Parikh & Summiya Yasmine. Source: [http://www.indiatogether.org/2004/jan/pov-midmeal.htm](http://www.indiatogether.org/2004/jan/pov-midmeal.htm)

at the minimum, this required that the number of *anganwadi* (child care) centers administering the ICDS needed to be increased from 600,000 to 1.4 million. It noted that the ICDS was "perhaps the largest of all the food supplementation programmes in the world". The Scheme, though "elaborate", needed to be expanded considerably "to ensure that nutritious food reaches all those who are undernourished or malnourished". It directed the Central Government to "file within three months, an affidavit stating the period within which it proposes to increase the number of *anganwadi* centers" so that coverage is extended to all the intended beneficiaries.\(^{23}\)

Along with the ICDS, the Court also directed implementation of other supplementary feeding programmes like the Pradhan Mantri Gramodaya Yojana (PMGY), the Balwadi Nutrition Program (BNP) and the National Maternity Benefit Scheme (NMBS)- whereby every pregnant BPL woman must be given Rupees 500 per child for the first two births 8–12 weeks prior to delivery.

Meeting food Security needs through livelihood-related initiatives: Before the recently-passed EGA, the National Food for Work Programme (NFFWP) was passed by the Supreme Court in 2002 that entailed that every person requiring work in famine/ drought/ scarcity affected areas must be given work in accordance with the terms of the State's Famine/ Relief/ Scarcity Codes, for which up to 5 kgs of food grains would be given per man-day. The Famine Codes are to be implemented in totality, failure to implement of which would result in the State facing legal action. This Programme was supposed to pave the way for the EGA.

Of the food-security livelihood-linked programmes, mention can also be made of the SGRY that stipulated that poor people (including daily-wage labourers, small farmers, people belonging to SC/ST groups and women) are to receive food in return for work at minimum wages, paid in grain and in cash. Payment must be made weekly to these people and the system of contractors is prohibited as is the use of machinery (as the use of such could substitute human labour). Moreover, the Scheme stipulated that the allocation of grain and cash are to be doubled for the months of May, June and July – these are the drought and famine-prone months in many parts of the country. Other similar programmes are the Jawahar Gram Samriddhi Yojana (JGSY) via which employment in the lean season is provided for rural workers below the poverty line; and, the Employment Assurance Scheme (EAS) that provides for 100 days of employment during the lean agricultural season for rural workers below the poverty line.

Linked to livelihood security is the issue of old-age pensions. These pensions assume immense importance for those BPL groups (for whom the monthly pensions are the only means of subsistence post-retirement). As a result of a Supreme Court Order, all destitute persons, 65 years and over, must receive Rupees 75 per month in addition to entitlements under the State Pension Scheme. Such payments are to be paid by the 7th of each month and no pension schemes are to be discontinued.

Accessing Government programmes on food-security related issues through the Right to Information: Via the civil society networks (especially the RTI

\(^{23}\) Ibid. Refer to footnote No. 9.
Movement) that the Campaign members are a part of, the RTI was effectively used by
the Campaign, especially through the medium of public hearings, with optimal results.
For instance, a Delhi-based member organization of the Campaign - Parivartan – is
helping Delhi residents use the Act and states that using the Delhi State RTI Act
provisions have made a considerable difference to demand proper functioning of the
PDS system. Through awareness-raising initiatives spearheaded by Parivartan, many
poor Delhi residents have filed RTI applications in Delhi’s Food and Civil Supplies
Department in relation to non-compliance of their entitlements under the PDS ration
card scheme. Their efforts have met with much success. In Delhi, the irregularities
have become public, people are becoming aware of widespread black marketing and
are pressurising ration shopkeepers to provide proper rations at prescribed rates (for
more instances on how public hearings using the Right to Information Act provisions
in various Indian States have resulted in poor people voicing their demands and
claiming rights, see Box below).

Box 4: Using the Right to Information through Public Hearings to Access Food
Security Rights:

Using enabling rights-based legislative provisions like the RTI provisions have had
far-reaching consequences in the Indian scenario and have attracted worldwide
attention for the apparent successes in making duty-bearers accountable in cases of
violation of rights. In a public hearing held in Delhi in October 2004, Janki, a slum
dweller from Delhi testified on how, despite buying no rations from January to April
2004 (as was apparent from the blank sheets in her ration card), the ration
shopkeeper's records shows that she took wheat and rice during these months. He
produced cash memos against her name, bearing signatures of people she did not
know. What the shopkeeper did was to produce false signatures and sold off the
rations that were Janki’s entitlements to other people at high rates. Several other
residents from other Delhi slums had similar tales to tell.

Many participants spoke of how they were not able to access the PDS in their State.
Participants from the eastern Indian State of Orissa testified that indigenous peoples in
their area had no ration cards despite intense poverty and severe malnourishment.
Advisasis (an indigenous tribe) from the State of Madhya Pradesh spoke of severe
drought, famine and unemployment in their region; those who have ration cards did
not have the money to buy even subsidised rations. One participant stated that wheat,
which is sold to them at Rupees 5 per kg, is sold to multi-national companies (MNCs)
at a lower Rupees 3 or 4 per kg. A few participants also talked about how they used
the Right to Information Act in their States to expose corruption in the PDS.24

In a backdrop where inadequate implementation of Government regulations (in this
case those concerning the PDS and food security) is the norm, such hearings, using
the legal provisions as stated under the State RTI Acts have played a vital role in
mobilizing uninformed and often poor and illiterate groups, and in making duty-
bearers accountable in bringing about a system of transparency.

The Campaign has also used a Copy of Supreme Court orders relating to the RTI on food security issues (this also occurred as a result of the Campaign members filing PILs to the Court on how the RTI should be used in cases related to violation of the Right to Adequate Food) be translated and displayed in all local governance bodies at the village levels (the Gram Panchayats), Government schools and State-run ration shops. The Gram Panchayats have been ordered to display lists of beneficiaries under various food-security related schemes. Also, State-run media institutions like All India Radio (AIR) and TV (called Doordasan) are to give due publicity to these Schemes and the related Court Orders. Finally, all public documents relating to Right to Food and the Schemes - including muster rolls – are to be available for inspection by the public on request and photocopies of the same to be given at cost price to the public if requested for.

5. The Value Added of Using Rights-Based Strategies:

**Positive Lessons Learned**

- **Strategies used have involved the poor and marginalized groups and have led to their empowerment:** The Campaign used strategies that combined social action with rights-based approaches like demonstrations/rallies/issue-focused campaigns, awareness-raising through capacity development initiatives like training on legal rights especially as they pertain to the Right to Adequate Food, public hearings, etc. As such information and awareness spread and a rights-unaware people became gradually empowered through the various capacity development initiatives, they started using tools like public hearings and surveys to demand accountability from the duty-bearers for failure in meeting their obligations. As their demands slowly started getting met, they became more confident and realised that they had control in changing their own lives. At the same time, even the general public became aware of such rights through the public meetings, events and the various public education initiatives that the Campaign was undertaking. Many such members of the general public joined the Campaign and lent their voice to this cause. As the Campaign grew in strength and the Supreme Court lent its support to the cause through the various orders and the appointment of the two Commissioners, it became apparent that the demand for claims to be met pertaining to the Right to Food was finally too loud to be ignored.

Strategies used combined the inherent strengths of the Campaign members and interested quasi-governmental civil society stakeholders: It is apparent that this Campaign has been able to achieve far-reaching success at a national level due to the inherent individual strengths that the Campaign members brought in – while organizations like PUCL and HRLN filed PILs in the Supreme Court and used their legal training and skills to successfully lobby the Court to pass the landmark judgements/orders, other members like JSA and the National Alliance of People’s Movements (NAPM) used their campaign, people-centred advocacy and mobilization strategies to effectively lobby and advocate and helped build people’s capacities to demand the effective implementation of their rights. Yet other members like the National Campaign for Dalit Human Rights (NCDHR), National Campaign
Committee for Rural Workers (NCCRW) and the National Conference of Dalit Organisations (NCDO) used their mass constituency base with the most poor and vulnerable groups like the dalits\(^{25}\) and indigenous populations (who are often the groups most left out of the Government schemes) to bring them together and unite and fight for their cause. And tapping into Government legally-mandated quasi-governmental agencies like the National Human Rights Commission (NHRC) (see Box below), other rights-based movements (and its networks) like the Right to Information Campaign, the active participation of individual NGOs like Parivartan and Action Aid (AA) and of concerned and individual civil society members like lawyers, academics, doctors and activists who lent their support to the cause in more ways than one, witnessed the harnessing of massive collective strength that led to the Campaign achieving such successes in a relatively short span of time.

**Box 5: The National Human Rights Commission - A Natural Ally in the Struggle for Accessing the Right to Food**

One of the most strategic allies that the Campaign has found in its struggle is the NHRC in India. A quasi-governmental organisation that has been set up by the State to redress rights violations, the Commission has put in place a Core Group on the Right to Food, that can advise on issues referred to it and also suggest appropriate programmes, which can be undertaken by the Commission. The Commission has, for instance, deputed officers to undertake independent investigations into starvation deaths in the State of Orissa and hearings were held as a result of which the Commission set out the concrete interim measures that were required to be undertaken, specifying their details in terms of location, time-frames and quantitative targets, the manner of their implementation and the monitoring mechanism that should be set in place in order to ensure the efficiency, integrity and accountability of the efforts that must be made.\(^{26}\) The Commission has dispatched similar fact-finding missions to the State of Uttar Pradesh (in the light of incidences of starvation deaths occurring in several districts in the State).

- **Using the Supreme Court to ensure justiciability, accountability and sustainability of the implementation of the Right to Adequate Food:** The Campaign tapped the Supreme Court – the highest legal authority in the country – to ensure that the Right to Adequate food is justiciable. Citizens could file PILs as a recourse mechanism if this Right is not met. Moreover, as a result of the Supreme Court orders, the State Governments and the related local structures were not only accountable for delivering on its obligations (in meeting the demands on the right of all citizens to access adequate food), but the process also ensured that the obligations to be fulfilled (through the implementation of various policies and programmes on food security) were justiciable and hence, sustainable (see Box below).

\(^{25}\) Often called the “untouchables” under the Indian caste system and who are at the lowest rung of this system. Such people have been relegated to undertaking the dirtiest of jobs, including scavenging and cleaning latrines.

\(^{26}\) [http://nhrc.nic.in/impdirections.htm](http://nhrc.nic.in/impdirections.htm)
Box 6: Ensuring Sustainability of Gains made

In Delhi, Parivartan's struggle (see outcomes of such struggles elsewhere in this paper) has led the Government to agree to some systemic changes in the PDS. The shops were economically unviable due to very low commissions for the PDS dealers. The Government recently announced that they would raise the commissions to make the PDS shops viable. Following dramatic improvements in the PDS in Sundernagari (a poor resettlement colony in Delhi), the Government has agreed to throw open the records of all the PDS shops in Delhi for public inspection every Saturday from 1.00 pm to 4.00 pm. People will be able to go to any office of the Food Department in Delhi and inspect the records of any shop falling in the jurisdiction of that office, without paying any fee and without giving any prior intimation. This is to be implemented in phases, starting on 1 April 2005 in two districts (east and north-east), with the rest of Delhi also to be covered soon. If any discrepancy is found in the records during public inspection, the shop will be suspended immediately and criminal proceedings will be initiated.27 Such a move that has been legally mandated with its implementation being the sole responsibility of the Government ensures that the gains made by the Campaign are also sustainable.

Linking the Right to Food with livelihood security: It is a well-documented fact that access to or realizing the Right to Food is not achievable without guaranteeing livelihood security. The Campaign proponents are well versed of such linkages and have, from inception, vigorously lobbied for the passing of the EGA as this would provide a legal guarantee of at least 100 days of employment on public works to any able-bodied adult who is willing to undertake casual manual work at the statutory minimum wage and would help, to an extent, in guaranteeing employment to the poorest of the poor and enable their access to food. As documented in Section 4, the Campaign has already made progress in lobbying the Supreme Court in passing various other orders that obligates the States to implement the various Food for Work programmes and along with the passing of the EGA in August 2005,28 could be stated as the most important step in making justiciable the Right to Work for poor people in the country, and will be the first step in such people realizing their Right to Food.

Challenges in Implementing Rights-Based Programming Strategies: Lessons Learned

Addressing deep-rooted endemic social norms vital for the Campaign to be sustainable: The Campaign has achieved dramatic results in a relatively short span of time due to the multi-pronged rights-based strategies used. However, it is apparent that unless concerted efforts are made to challenge some of the deep-rooted endemic issues like prevailing socio-cultural norms (that are always more difficult to target), many of the gains made through the Supreme Court orders will be lost. A very good

28 For critiques of the Bill as it has been tabled before the Indian Parliament in December 2004, please visit http://www.righttofoodindia.org/rtowork/ourcritiques.html
illustration of such a challenge is the evidence that many parents have been found to not permit their children to eat food in the schools that has been cooked by SC/ST employees (the Court had ordered that where possible, preference should be given to people belonging to SC/ST groups to operate the kitchen under the Mid-day Meal Scheme). This is the result of the deep-rooted discriminatory attitudes that still hold sway over the vast majority of the population due to the caste system. Non-discrimination and substantive equality are fundamental human rights principles to be promoted in rights-based food security policies\(^2\) and is an issue that must be addressed on an urgent basis under the Campaign as no system can prove effective if such deep-rooted and endemic cultural attitudes are allowed to hold sway.

**Monitoring of Supreme Court’s orders and effective implementation of policies/programmes a challenge:** The recently passed EGA, the Supreme Court’s order on the Right to Adequate Food and the various policies and programmes pertaining to food security can only prove effective in implementation if proper monitoring is undertaken. In a country with such a huge geographical spread; millions of poor, illiterate and hungry populace who are not aware of their rights; widespread famines, floods and droughts; and, a bureaucracy that can often be highly unaccountable in terms of transparency, it is apparent that the gains of the Campaign can only be sustained if stringent monitoring of the rights-based outcomes that are a direct result of the Campaign interventions are undertaken. As of now, the Campaign has put in place some monitoring strategies (as outlined in the Section on “Monitoring to Ascertain Rights-Based Outcomes from the Rights-Based Strategies”). However, it is apparent that the Campaign faces huge challenges in monitoring and that unless some well-thought out monitoring strategies are devised that are not only based on quantitative (number of people accessing food-security or food-for-work programmes or on tonnes of food being distributed) but also qualitative indicators (the quality of food distributed and the quality/level of access to these programmes) and that is undertaken on a macro (national) level, there will be many a gap between policy intent and policy implementation in respect of realizing this Right.

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