

COMMUNITY VIGILANCE ON HUNGER AND STARVATION

While India is rich in food supplies and self sufficient in its food requirements, infact it is a food exporting nation, yet acute hunger, malnourishment and starvation are prevalent.

People are unable to grow or purchase adequate food to meet their basic nutritional requirements on account of government policies and legislation that have disintitiled a large section of the population from a right to land, a right to adequate remuneration for their labor, access to credit, access to collective resources such as water, forest produce, minerals etc. It would appear therefore that poverty and starvation are a legal construct that determines the manner in which national resources including land (both privately owned and held by the government) are shared among people. All other things remaining the same, a change in the legal regime could completely alter the wealth of a citizen and his access to food.

In this context this workshop seeks to explore, whether in fact the government (both the Union and State government) can be held liable for causing acute hunger and starvation among particular groups and communities as a direct consequence of their policies.

The first part of the workshop will seek to come out with a comprehensive definition of hunger, identifying various degrees of food deprivation, its causal relationship to starvation. While the levels of malnutrition and hunger are so high in the community, the problem is disappearing from the health agenda, the health functionaries perception and even the community and community worker's perception of priorities in many parts of the country. Instituting a community level monitoring system can help in highlighting the issue for all concerned. And since till now, all measures on starvation are based on post-facto identification procedures, the workshop will attempt to establish a mechanism by which conditions of acute hunger can be identified earlier at a collective level for initiating collective administrative preventive relief measures.

Building on these definitions the second part of the workshop will look at the issue from another perspective, which is that people have been rendered unable to feed themselves on account of government policies and legal frameworks which are a mix of colonial laws and neo- liberal policies. This is to expose the reality that governments and laws make people poor and poverty results in starvation. It is also to affix liability upon government officials whose policies have these consequences and to ensure that the policy making mechanisms of the government (irrespective of what policy it is – x- port, infrastructure, interest rate) include an impact assessment mechanism on how it will effect the health and livelihood of people who are on the margin and are likely to be on the risk of

acute hunger on account of these policies and how it proposes to compensate them.

THE WORKSHOP CAN EXPLORE THE FOLLOWING ISSUES

First part of the workshop

- (a) How is Hunger defined and determined in India and what if any is its causal relationship to starvation?
 - i) Defining hunger can include various degrees of food deprivation including but not limited to 'starvation'

[Widening the definition of starvation is one important step, and the JSA/Commissioner's office has done significant work for that.]
 - ii) (Analyzing the judgments of Supreme Court and NHRC/ Statutes)
- (b) Mechanism by which conditions of chronic and acute hunger can be identified at a collective level for initiating administrative preventive measures, both for the long term and as emergency measures

Second part of the workshop

- (c) Whether the starvation deaths are predominantly among certain groups and communities in India and whether these communities lost their livelihood, land (for cultivation of food) as a consequence of change in Government Policy (now or in the past – even pre independence), or have not got their entitlements due to non-implementation of schemes meant to improve their socio-economic status and access to food, through a case study method
- (d) Whether the acts of omission and commission of the Government (state and Central Government) leading to the loss of livelihood, ability to be self sufficient as far as their food needs are concerned constitutes genocide and / or culpable homicide (304 part II) and /or criminal negligence ?

- (e) Legal Remedies available both in the national and international Jurisdiction? (Both civil (Tort claim) and criminal (complaint under section 200 of the Crpc) policy level (introduction of a health and nutrition assessment in policy formulation)

Chair: KB Saxena/Harsh Mandar/ NC Saxena/Veena Shatrughana

Part I

Speakers:

Presentation to introduce theme of the first part and clarify technical terms
[Defining Hunger/Starvation/Types of Malnutrition; Methods to Detect chronic and acute hunger at community level in early stages for prevention]--RP

Experience of monitoring nut. status in communities-- Samir Garg/Yogesh Jain/Sachin/ others?

Investigating a Starvation death, the JSA guidelines--Vandana Prasad/Veena S.

Experiences of investigating starvation deaths / whether any ethnic or regional pattern emerges of people who are prone to acute hunger / starvation

Rupesh-- Bihar
Sachin--Madhya Pradesh
Kavita--Rajasthan

Discussion

Part II

Speakers:

Connection between government policy and hunger deprivation / starvation

I would prefer if this section is on a case study method, whereby we work back on documented starvation deaths to see if a pattern emerges in that it is a consequence of government policies leading to extinction of peoples livelihood

(Kavita / Ritu could you suggest any speakers)

Health and livelihood impact assessments as mandatory prerequisites

Biraj Patnaik (Latin America experience)

State is liable for criminal negligence/ culpable homicide and / or genocide if any starvation death occurs / International and domestic remedies available

Nandita Rao / HRLN If they would like to speak
Discussion

Comment [RP1]: please suggest others who are going to be there, both for this and for the starvation death investigation

Comment [RP2]: Since it is only 3 hours, maybe we could pick up from the presentations of the morning plenary and use them to undertake this exercise. You yourself or someone else who understands exactly what you want to convey could do this as introduction to this part of the workshop. Sainath and the Orissa presentations will I am sure give you enough material to work with.
this may leave us more time for discussion.

