

**RIGHT TO FOOD:  
FROM THE COURTS TO THE STREETS**

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The “rights approach” to development is a subject of much debate at this time. The notion is inspiring, but its practical implications are often far from transparent. In India, however, the rights approach to development seems to be taking shape within significant domains.

To illustrate, there is wide recognition today of elementary education as a fundamental right of all Indian children, and this acknowledgement has played an important part in the comparatively rapid progress of school attendance in the nineties (it is another matter that many children learn next to nothing at school). Similarly, India’s “right to information” movement is a visionary response to the disempowerment of the underprivileged in many walks of life due to the inaccessibility of public records. More recently, the right to food has been invoked by citizen’s organisations to challenge the scandalous persistence of endemic hunger in India – one of the most undernourished countries in the world.

The right to food is about freedom from hunger. This can be interpreted in two different ways, associated with different readings of the term “hunger”. In a narrow sense, hunger refers to the pangs of an empty stomach. Correspondingly, the right to food can be understood, roughly speaking, as the right to have two square meals a day throughout the year. In a broader sense, hunger refers to undernutrition. The right to food (i.e. to be free from undernutrition) then links with a wide range of entitlements, not only to food itself but also to other requirements of good nutrition such as clean water, health care, and even elementary education.

Our ultimate concern should be with the right to food in that broader sense. At this time, however, the right to food in the narrow sense also deserves close attention, given the availability of enormous food stocks in the country (more than 65 million tonnes at the time of writing). These food stocks present a unique opportunity to ensure that nobody goes to bed

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on an empty stomach. This, in itself, would not eradicate undernutrition, but it is clearly a requirement of the realisation of the right to food in a broader sense.

It is with this in mind that the People's Union for Civil Liberties (Rajasthan) submitted a writ petition to the Supreme Court in May 2001, demanding that the country's gigantic food stocks should be used without delay to prevent hunger and starvation. One year has gone by since the first Supreme Court hearing on this matter. It is a good time to take stock of what has been achieved, and to consider what remains to be done.

The right to food was in the spotlight for a little while, in late August and early September 2001, when the initial Supreme Court hearings coincided with a wave of starvation deaths in Orissa. Hardly a day passed, during that brief period, without hunger being the subject of front-page articles or thundering editorials in the national press. The issue was also raised in parliament, at political rallies, in TV shows, and all sorts of public debates. I even remember thousands of posters springing up in the streets of New Delhi, with arresting cartoons contrasting well-fed rats with famished human beings, and shrill slogans condemning the scandal of "hunger amidst plenty". From all this it looked like hunger had become a major political issue at long last.

This mirage, however, vanished on 11 September with the terrorist attacks on the World Trade Center and the Pentagon. Hunger instantly disappeared from the agenda as "terrorism" became the overwhelming focus of media attention, followed by the war in Afghanistan. Then came the 13 December attack on the Indian parliament and the precarious military stand-off between India and Pakistan, followed by the Gujarat massacres, and then another round of nuclear sabre-rattling. In the process, hunger and other social issues have been obliterated from the agenda, whether that of the government (which has become obsessed with "security" issues) or that of opposition groups (which have been constrained to put social issues on the back burner in order to oppose militaristic and communal tendencies).

With the public looking the other way, the government found it easier to evade the Supreme Court's strictures. In August, the central government had felt the heat, to the extent of taking some concrete steps to address the problem of "hunger amidst plenty". On 15 August, the Prime Minister announced what looked like a massive programme of employment generation, the Sampoorna Grameen Rozgar Yojana (SGRY). On 31 August, the central government

passed a fairly draconian order aimed at streamlining the public distribution system. Since then, however, nothing has happened. If anything, the early steps were reversed. For instance, the SGRY “guidelines” are virtually designed to ensure that the state governments fail to implement the programme – as is indeed happening today. Similarly, the release of foodgrains through the public distribution system was lower in 2001 than at any other time during the last twenty years (*Economic Survey 2001-2*, page S-22). As for food stocks, they have *increased* further since the Supreme Court hearing began.

On 28 November, 2001, the Supreme Court passed a significant “interim order” pertaining to eight nutrition-related programmes.<sup>1</sup> In brief, the interim order has three significant components: (1) it converts the benefits of these nutrition-related programmes into legal entitlements; (2) it directs the state and central governments to adopt specific measures to ensure public awareness and transparency of these programmes; and (3) it directs all state governments to introduce cooked mid-day meals in primary schools within six months. This interim order was intended to clear the way for consideration (at future hearings) of other directions sought by the PUCL petition, notably the introduction of an all-India “employment guarantee programme”.

The interim order has made an impact in some states. In particular, several states have introduced mid-day meals in primary schools, or are in the process of doing so. The interim order has also constrained some state governments to streamline and improve other food-related programmes. Yet the overall impact of the order, so far, has been quite limited. A number of states, notably Bihar and Jharkhand, have blissfully ignored it, in spite of a fair amount of public pressure. And even the states that have introduced school meals have a long way to go in making adequate arrangements for transport, fuel, utensils, hygienic preparation, and so on.

The consequences of this inertia are clearly visible on the ground. During the last few months, I have had occasions to spend time in highly deprived areas such as Surguja in Chattisgarh, Shankargah in Uttar Pradesh and Palamau in Jharkhand. Everywhere I went, the situation was similar: the public distribution has more or less broken down, and there are no

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<sup>1</sup> These are: Targeted Public Distribution System; Antyodaya Anna Yojana; Mid Day Meal Scheme; National Old Age Pension Scheme; Annapurna; Integrated Child Development Scheme; National Maternity Benefit Scheme; National Family Benefit Scheme.

employment programmes in the villages. The only food-based programme that seems to be achieving a modicum of success is the Antyodaya Anna Yojana, a programme of food-based social security for destitute households. Except for this limited scheme, India's food mountains remain out of reach of hunger-affected people.

Consider for instance Manatu block in Palamau district, Jharkhand. Several "starvation deaths" have been reported there in recent months, initially in village Kusumatand and more recently in other villages as well. I visited Kusumatand on three occasions in late June and early July, initially with a fact-finding team composed of members of Gram Swaraj Abhiyan and the "right to food campaign". In spite of some prior experience of India's most deprived areas, I was shocked by what I saw in Kusumatand. The entire hamlet lives in a state of permanent semi-starvation. Most people survive on small quantities of *khudi* (broken rice), supplemented with whatever wild food is available in the season, such as *mahua*, *saag* or *gethi* (a local root). When we visited the village, many people were eating lumps of plain *saag*, without rice. Some of them had nothing else to eat. Out of 21 randomly-selected households, 20 reported that they had to skip meals regularly.

In spite of this glaring emergency, the food assistance system is paralysed not only in Kusumatand but in the entire block. A quick survey of 36 villages in Manatu revealed that not a single BPL (below poverty line) family in these villages had received any grain from the public distribution system during the last two years. Employment programmes are nowhere to be seen, even though Manatu has been declared "drought-affected" in November 2001. Even Antyodaya households have been mercilessly robbed: in the 36 sample villages, Antyodaya households received only 25 per cent or so of their official entitlements (currently 35 kgs of grain per month) since the programme started in mid-2001.

This situation highlights the limitations of the legal process when it works in isolation from other forms of social action and political mobilisation. The Supreme Court orders are extremely useful in strengthening the bargaining power of all those who are working for the realisation of the right to food in India. But it would clearly be naive to expect these orders to be implemented without further public pressure. And even if they are implemented, the realisation of the right to food requires much more than legal provisions and sanctions. For instance, if a daughter does not receive a fair share of food in the family, and is

undernourished as a result, taking the parents to court may not be the best course of action. The right to food is not just a legal right.

For these and other reasons, the right to food campaign has to expand well beyond the confines of the Supreme Court, towards a broad-based popular movement. The process is already under way. On 9 April 2002, a national “day of action on mid-day meals” (planned in response to an appeal initially made by Bharat Gyan Vigyan Samiti) achieved success in building public pressure for the introduction mid-day meals in primary schools. More importantly, it brought together disparate groups with an interest in the right to food, paving the way for further concerted action in the future.

There have been further initiatives of this kind in recent weeks. On 9 July, for instance, a lively public hearing on hunger and the right to food was held in Manatu. For the government officials and private contractors who normally plunder development funds with impunity at the block headquarters, it was a shock to see the premises overwhelmed by thousands of hunger-affected people who were demanding their due. People listened for hours with remarkable attention and interest as the participants presented spirited testimonies about the hunger situation in the area and the dismal record of food-related programmes.

A public hearing may not sound like an effective response to the problem of hunger, but in fact it is a major step towards breaking the vicious circle of poverty and disempowerment in which the people of Manatu are trapped. The hearing was an opportunity for people to learn about their entitlements (most of them were in the dark in that respect) and to voice their demands. It gave them a glimpse of the possibility of change, a sense of their collective power, and an opportunity to discuss what can be done. The public hearing in Manatu was also a wake-up call for the bureaucrats, contractors, dealers and money-lenders who have been mercilessly exploiting the local people for so long. Last but not least, this event established the credibility and skills of Gram Swaraj Abhiyan, the local organisation that had convened the public hearing. Plans are afoot to follow up this event with a range of further activities, including the creation of a *jan suchna kendra* near the block office, a state-wide *dharna* for school meals, and also constructive activities in destitute hamlets such as Kusumatand.

Having said this, local action has stringent limitations as long as state policy remains what it is. To illustrate, there is little point shouting for school meals outside the block or even district offices as long as the state government fails to embrace the Supreme Court order in this respect. Similarly, there is no point struggling for local improvements in the public distribution system as long as issue prices are not lowered by the state government: as things stand, the issue prices of wheat and rice in Jharkhand are not very different from market prices, making a mockery of the whole programme.

This brings us back to the complementarity between local action and other processes, such as judicial activism and lobbying at the state level. In all these respects, there is an urgent need to bring the campaign to a higher plane, drawing on the whole spectrum of democratic institutions. Civil disobedience should also be considered, given that the right to food campaign is concerned with serious violations of fundamental rights.