

RIGHT TO FOOD CAMPAIGN

New Delhi,
8th September 2010

STATEMENT ON THE PM'S OBSERVATION ON THE SUPREME COURT, MADE IN EDITORS' CONFERENCE ON 6th SEPTEMBER, 2010

The Right to Food Campaign is shocked at the Prime Minister's statement made to the editors' conference on 6th September, 2010, stating (with reference to the Supreme Court's direction of free distribution of grain to the poor) that the Supreme Court "should not go into the realm of policy formulation". This statement confirms the anti-poor outlook of this Government. We believe that when people use their constitutional rights - the right to life, right to freedom of speech and expression as well as right to approach courts - the Head of the Indian Executive should not interfere with their right to seek justice. This comment is all the more objectionable as it is likely to have a cascading effect down the bureaucratic chain and may lead to questioning of judicial intervention.

While we agree that ideally the role of the Courts in policy making should be limited but the citizens have a right to approach the Supreme Court in situations like the present scenario when the Executive has failed to ensure that the rights of people are protected. The Government has failed to ensure that

- nobody ever goes to sleep hungry,
- mothers don't have to teach their children how to live with hunger,
- hunger and starvation never happens,
- not a single grain is wasted due to poor management of the food economy,
- malnutrition in tribal and dalit children is prevented and deaths of infants due to malnutrition never happens,
- no woman suffers from anemia,
- the old and the vulnerable, the destitutes are not left to die lonely deaths,
- children are provided with midday meals in school and under six children in anganwadi centres of the ICDS,
- Dalit children get a meal with dignity and that there is no discrimination in the appointment of Dalit and Tribal cooks in the mid day meal scheme.
- food is available in the market at affordable prices

It is indeed ironic that while the same Prime Minister treated the delay in preparations for the Commonwealth Games as an emergency, the response to the hunger situation in the country is yet to come.

The PUCL, Rajasthan filed a case (Civil Writ Petition 196/200) in the Supreme Court in 2001 demanding accountability from the state for persisting hunger and starvation in the country. The initial order in this case clearly lays out the perspective with which the Supreme Court has been intervening on this matter by stating that, "*The anxiety of the Court is to see that the poor and the destitute and the weaker sections do not suffer from hunger and starvation. The prevention of the same is one of the prime responsibilities of the Government - whether Central or the State. How this is to be ensured would be a*

matter of policy which is best left to the government. All that the Court has to be satisfied and which it may have to ensure is that the foodgrains which are overflowing in the storage receptacles, especially of FCI godown, and which are in abundance, should not be wasted by dumping into the sea or eaten by rats. Mere schemes without any implementation are of no use. What is important is that the food must reach the Hungry." (Order dated 20th August 2001).

The fact that this Case has been continuing for nine long years in spite of more than 50 operative orders by the Supreme Court and more than 10 reports filed by the Supreme Court Commissioners shows the failure of successive Governments in eradicating hunger and starvation from the country.

The Prime Minister must realise that people are forced to approach the Courts when there is such abdication of responsibility by the elected Government and it is the democratic function of the Supreme Court to respond to such appeals for protection of rights provided in the Constitution. Had the government made its own policy on universalisation of ICDS, there would be no need for the order of December 2006 directing governments to set up anganwadi centres in all habitations and to reach out to all young children. Similarly, had the government made its own policy to prevent deaths of homeless persons during the severe winter, the Supreme Court would not have had to 'interfere' and direct states to provide shelters to homeless people (January 2010). Had the government dealt with the leakages in PDS, then there would be no reason for the Supreme Court to set up a Central Vigilance Committee to look into the functioning of PDS and suggest reforms (July 2006). Had the Government ensured that there was no corruption in the supply of food for children, the Supreme Court would not have to say that private contractors must be banned from supply for nutrition supplements (October 2004). Had the Governments ensured that their own policy of providing 35kgs of foodgrains per month for BPL families was implemented, there would be no need for the Supreme Court to give the order that the entitlement of BPL families to 35kgs a month must be protected (January 2008).

These are just to name a few instances where the Court has had to intervene to protect peoples' right to food since 2004 when the UPA I came into power.

The Prime Minister must realise that boasting about being the second fastest growing economy in a context where two thirds of our women are anemic, half the children are malnourished, almost one-third of adult men and women have a low body mass index, our malnutrition rates are higher than in some of the war-torn countries of Africa and India ranks 66 out of 88 countries by the Global Hunger Index, is like the **Emperor Without Clothes**.

In a situation where we are concerned about insufficient production of foodgrains, declining production of pulses and stagnant oilseed production, it is irresponsible to suggest to the editors that the only way to ensure poverty alleviation is "for more people to be taken out of agriculture". The Prime Minister's concern seems to be more towards expanding the reach of the corporates rather than protecting the livelihoods of more than 60% of our population who depend on agriculture.

The Prime Minister ought to understand the spirit in which the Supreme Court's remark on distributing foodgrains was made. Letting grains rot when there are so many people in the country who are hungry is immoral and cannot be justified.

The Right to Food campaign reiterates that the excess grains lying with the FCI must be immediately distributed by expanding the AAY to include all the vulnerable groups such as landless labourers, small and marginal farmers, slum dwellers, daily wagers in rural and urban areas, etc identified by the Government of India as per its own order on AAY issued in 2004 and by universalizing the PDS in at least the 150 poorest districts (that were identified for the National Food for Work Programme).

Further, we must move towards a Universal Public Distribution System along with putting in place mechanisms for incentivising agriculture, decentralised procurement, local storage, inclusive distribution and criminalizing neglect relating to hunger as it is no different from abetting homicide. In a context where the tax foregone (waived) by the Central Government on Corporate Income Tax, Personal Income Tax, Excise and Customs was Rs.5,02,299 crores in 2009-10 (79.54% of the aggregate tax collection); there can be no excuse to not spend on a universal PDS.

We are,

the Steering group of the Right to Food Campaign

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