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**INTERGOVERNMENTAL WORKING GROUP FOR THE
ELABORATION OF A SET OF VOLUNTARY GUIDELINES TO
SUPPORT THE PROGRESSIVE REALIZATION OF THE RIGHT
TO ADEQUATE FOOD IN THE CONTEXT OF NATIONAL FOOD
SECURITY**

Rome

Right to Food Case Study: India

**Study conducted for FAO in support of the Intergovernmental Working
Group on the Elaboration of a set of Voluntary Guidelines for the
Realization of the Right to Adequate Food in the context of National
Food Security**

This Annex is available (in English only) from the Food and Agriculture Organization of the UN (FAO), on request. It can also be obtained from the FAO website at www.fao.org/righttofood.

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February 2004

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LIST OF ACRONYMS

AAY	Antyodaya Anna Yojana
APL	Above Poverty Line
APRS	Andhra Pradesh Rytu Sangam
AS	Annapurna Scheme
BMI	Body Mass Index
BNP	Balwadi Nutrition Programme
BPL	Below Poverty Line
CACP	Commission on Agricultural Costs and Prices
DCCS	Day Care Centre Scheme
DRDA	District Rural Development Agencies
DWCRA	Development of Women and Children in Rural Areas
ECA	Essential Commodities Act
FAO	Food and Agriculture Organisation
FCI	Food Corporation of India
GKY	Ganga Kalyan Yojana
ICDS	Integrated Child Development Services
ICESCR	International Covenant on Economic, Social and Cultural Rights
IRD P	Integrated Rural Development Programme
JPRGY	Jai Prakash Rozgar Guarantee Yojana
MKSS	Mazdoor Kisan Shakti Sangathan
MSP	Minimum Support Prices
MT	Million Tonnes
MTCT	Mother to Child Transmission
MWS	Million Wells Scheme
NABARD	National Bank for Agriculture and Rural Development
NACO	National Aids Control Organisation
NFHS	National Family Health Survey
NGO	Non-Governmental Organisation
NHRC	National Human Rights Commission
NNMB	National Nutrition Monitoring Bureau
OBC	Other Backward Castes
PDS	Public Distribution System
PMGY	Pradhan Mantri Gramodaya Yojana
PUCL	People's Union for Civil Liberties
SC	Scheduled Castes
SGRY	Sampoorna Gram Rojgar Yojna
SGSY	Swarnajayanti Gram Swarajgar Yojana
SITRA	Supply of Improved Tool Kits to Rural Artisans
SSRY	Swarnajayanti Sahri Rozgar Yojana
ST	Scheduled Tribes
TINP	Tamil Nadu Integrated Nutrition Project
TPDS	Targeted Public Distribution System
TRYSEM	Training of Rural Youth for Self Employment
WFP	World Food Programme
WPI	Wholesale Price Index

About the Study

The study is conducted by Professor Amitabh Kundu of the Jawaharlal Nehru University with assistance from Prof Satish Jain pertaining to constitutional and legal matters. Mr Niranjana Sarangi has provided valuable inputs in terms of data analysis and drafting of the Report. The analysis is based largely on secondary data, overview of research studies, policy documents etc. and an assessment on the movement on right to food, as reflected in the media. In many cases, unpublished household level data have been obtained from the files of the national data gathering agencies and tables have been generated through appropriate reaggregation, to suit the requirements of the study.

Given the differences and discrepancies in the major sources of the data and their interpretations, an attempt has been made not to take extreme viewpoints in assessing trends or making judgments on the state of food security. However, departures have been made from the dominant viewpoint, whenever the analysis of the data and their reliability necessitated or permitted that. The study uses primary and tertiary data as well, particularly in analyzing the situations of vulnerable groups. Two of these groups, scheduled caste and scheduled tribes emerge as hot spots in terms of food insecurity due to historical and socio-cultural factors, resulting in their economic discrimination. The third group is the marginal farmers in Andhra Pradesh, who have become extremely vulnerable due to programmes of economic liberalization and opening up of agricultural sector to modern technology and farming practices without a supporting social security system. The last group is the HIV infected and affected households, which has emerged as alarming in terms of numbers, due to wide spread poverty and lack of awareness among people.

The preliminary results of the study were presented in a Workshop organised by the Council for Social Development in Delhi comprising academics, government officials and representatives from international organizations, including FAO and national non-governmental organizations. A large number of issues got sorted out through intensive discussion and a few areas like participatory processes, problems of marginal farmers, HIV affected households etc. were identified as needing a sharper focus. The study thus benefited a lot from the discussions and could incorporate most of the suggestions. The authors are grateful to Prof. Muchkund Dubey and Dr M. D. Ashthana for providing academic leadership and organizational support to the Workshop

A. Introduction

Inclusion of the case study for India, a country pursuing the objective of food security in a market based economy with limited state intervention, for presentation and discussion in the Inter Governmental Working Group on Voluntary Guidelines for achieving right to food, is important and useful for building up a comparative perspective at international level. Its significance does not get minimised by the fact that the country had in recent past foodstock of over 60 million tonnes (MT) and is actively considering the possibility of increasing food exports, since large sections of its population still remain undernourished. They are exposed to various health hazards, reflected in high infant and child mortality rates and high levels of stunting. It is in the context of such paradoxes that one welcomes the emergence of the right to food movement in the country and the constitutional, legal and macro-economic policy debates on it. Given this perspective, preparation of the country paper, overviewing the legal, institutional and planning framework, assessing the successes and failures of state interventions, identifying the vulnerable sections of population and the nature of their vulnerability and underlining the critical areas of concern along with lessons learned assumes considerable importance.

It is indeed true that policies and programmes in recent years have experienced significant changes, often attributed to structural reforms. The nature of public and social institutions designed for redistribution of benefits of development in favour of the poor has undergone radical transformation with the ushering in of decentralisation and a new system of governance since the early nineties. Some of these changes, by emphasizing the need for enhancement of efficiency, reduction of subsidies, and provision of minimum needs based on “affordability” of households, have affected the scope and the coverage under food security arrangements and the functioning of the delivery system. However, democratic processes and active civil society organizations, in some instances, have made abandoning of social obligations difficult. Also, in situations of inaction by government agencies or inadequacies in their efforts - due to financial or other constraints - the judiciary has often intervened, at times, broadening the scope of right to life by linking it to right to livelihood and to food security. Furthermore, there is an increasing trend of involving non-governmental organisations and local communities in planning, designing and implementing of programmes for the purposes of more effective implementation and better targeting.

It is well-known that the benefits of development over the last half a century since Independence have not reached equitably across various social, regional and occupational groups, even with respect to something as basic as right to food. While the production statistics suggest adequacy of availability at macro level, there are pockets of serious deficiencies. These have been highlighted not only by civil society organizations and the media but also by government agencies and departments. The differentials in nutrition, based on gender, caste and geographical locations have continued to be a major source of anxiety for policy makers, administrators and grass root organisations. It is in the context of this complex scenario, with considerable regional and social differentiation with implications of economic vulnerability that the right based approach assumes importance.

An overview of the literature as also of the functioning of administrative and socio-political institutions in India suggests that the right based approach is yet to become the norm in decision making. It would, however, be a mistake to think that the right based approach exists merely as a subject of philosophical speculation or for occasional invocation in situations of moral outrage. The approach enjoys a definite status (see Appendix I) and importance in policy discussions, administrative decisions and social mobilization. An important reason for this lies in the fact that India is a party to several international declarations and covenants which oblige the parties to follow right based approaches in certain domains.

The question whether there exists a right to food in India should be answered in the affirmative, with suitable qualifications, notwithstanding serious debate among legal experts on questions such as whether violation of the right is a justiciable offence, whom to identify as guilty in cases of violations and what is to be the redressal mechanism. In the context of international law, it would be important to remember the observation by Georges Abi-Saab that it “does not arise from a vacuum or a social void, and does not always emerge in the legal universe with a ‘big bang’”. In most cases it is the result of progressive and imperceptible growth, through the process of development of the values of a society. Similarly, the emergence of national law on right to food in India, too, has to be assessed in terms of constitutional provisions, court judgments, administrative orders and functioning of public institutions linked with provision of food. The right to food in India is indeed not an empty box but certainly it does not exist in as transparent a manner as many would like.

India is a signatory to the International Covenant on Economic, Social and Cultural Rights (ICESCR) as well as several other multilateral treaties having a bearing on the right to food. The general principles of Indian law governing the relationship between municipal law and international law can be summed up in the following points:

(i) International treaties do not automatically become part of Indian law. The treaties have to be incorporated into the legal system through appropriate law. Article 51(c) of the Constitution, [in Part IV titled The Directive Principles of State Policy, henceforth called directive principles] which says that the State shall endeavour to ‘foster respect for international law and treaty obligations in the dealings of organized people with another’, does not have the implication of making international law a part of domestic law.¹

¹ There are pronouncements by the Supreme Court which seem to imply that if there is no inconsistency between international law and Indian law or it is the case that there are no domestic laws bearing on the relevant issue then one can proceed as if the relevant parts of international law are incorporated in the domestic law. For instance in *Vellore Citizens’ Welfare Forum v Union of India* [(1996) 5 SC 647], the court, while holding that ‘Precautionary Principle’ and ‘Polluter Pays Principle’ were part of the environmental law of the country, observed: ‘Even otherwise, once these principles are accepted as part of the customary International Law there would be no difficulty in accepting them as part of the domestic law. In *Vishaka v. State of Rajsthan* [AIR 1997 Sc 3011], the Court observed: ‘It is now an accepted rule of judicial construction that regard must be had to international conventions and norms for construing domestic law when there is no inconsistency between them and there is a void in the domestic law’.

(ii) Indian courts generally interpret domestic laws in a manner that, to the extent possible, harmony is maintained between international law and the domestic law. It is a fundamental principle in Indian law that, wherever possible, a domestic statute must be interpreted consistent with India's international obligations. If the terms of the legislation are not clear or may have more than one meaning, the treaty itself becomes relevant, for there is a prima facie presumption that Parliament does not intend to act in breach of international law, including a treaty obligation. Furthermore, if one of the meanings of the legislation is consonant with the treaty obligations and another or others are not, the meaning which is consonant is to be preferred.

(iii) In case of conflict between international law and municipal law, the municipal law prevails.²

In view of the above, it is clear that enactment of legislation giving effect to provisions of international covenants provides a firmer legal basis for rights than mere ratification or accession as the case may be.

In view of the trends in food availability, nutritional deficiency and complex legal situation determining "entitlement to food", the present paper attempts to determine the status of the right to food in India. It analyses whether the macro environment in the country is conducive to the effective and progressive realization of the objective of providing adequate food to all sections of population. More specifically, it analyses in detail the trends in production, distribution and consumption of food and the functioning of the institutions involved in these processes. It also overviews the programmes and schemes designed with the objective of facilitating access or provisioning of food. An attempt is made to have a close look at the process of social mobilization around the right to food. Programmes, schemes and the mobilization process are also analyzed from the point of view of replicability. Finally, it overviews the findings and draws inferences in an attempt to build up a perspective for strengthening the right to food by proposing appropriate institutional reforms and policy interventions, that would have significance for other less developed countries in the world.

The organization of the paper is as follows: The second section, which follows the present introductory section, overviews the long term trends in production, distribution, consumption and utilization of food in an attempt to understand the level of food security. The next section analyses the existing legal framework and the functioning of the judiciary in the context of economic, social and cultural rights in general and the right to food in particular. Functioning of institutions linked with the food security system has been analysed in the fourth section. The fifth section overviews the macro economic

² Equally well established is the rule of construction that if there be a conflict between the municipal law on one side and international law or the provision of any treaty obligations on the other, the courts would give effect to municipal law. If, however two constructions of the municipal law are possible, the courts should lean in favour of adopting such construction as would make the provisions of municipal law to be in harmony with the international law on treaty obligations. Every statute, according to this rule is interpreted, so far as its language permits, so as not to be inconsistent with the comity of nations on the established rules of international law, and the court will avoid a construction which would give rise to such inconsistency unless compelled to adopt it by plain and unambiguous language. [In Khanna, J.'s minority opinion in *ADM Jabalpur v S. Shukla* AIR 1976 SC 1207]

policies, sectoral allocations focusing on agriculture, rural development and social welfare interventions. The programmes and policies concerning poverty alleviation, employment generation and food security have been analysed in the following section in the context of fulfillment of right to food. It further reflects on how in a country, where production and distribution of food and provision of other basic services continue to be determined largely by market forces, civil society organizations, community, media etc. have been engaged in restructuring of the institutions and better planning and monitoring of the programmes for achieving the goal of right to food. The seventh section analyses the socio-economic conditions of two vulnerable groups of population identified in the study (a) Scheduled Caste and Scheduled Tribe population (b) Marginal farmers in the state of Andhra Pradesh. An attempt has been made here to see how the existing legislative and administrative interventions are respecting, protecting and fulfilling their right to food. The last section presents the lessons learned and their implications that can be presented before the Inter Governmental Working Group of FAO as inputs for finalization of voluntary guidelines for achieving right to food at global level.

B. Food Production, Poverty and Nutritional Status: An Overview of Trends

The present section has been organized in three subsections. The first analyses the long-term trend in food production and progress towards food security. The second section assesses the poverty trend in the country within a macro economic framework, highlighting regional variation and multidimensionality of the phenomenon. The implications of food production and poverty trends for the health and nutrition status of the population has been analysed in the final section.

(a) Food Production and Food Security

The debate concerning access to food in recent years has been around the “paradox” of mounting stocks of foodgrains on the face of prevailing undernourishment. Fortunately, the debate has been empirically grounded which has helped in focusing on the critical issues, underlying the strategy of planned development followed since Independence and has opened up a few new perspectives. It would be useful to have a view on these issues and perspectives based on an overview of trends and pattern in this area.

India experienced a relatively high growth in foodgrain production (3 per cent per annum against population growth of 2 per cent) in the fifties, after achieving political Independence in 1947. This was made possible through measures of land reforms and expansion in cultivated area³. Sixties saw technological breakthrough but that was limited to a few regions. Consequently the aggregative growth rate was low and that in per capita terms was negative (Table 2.1). Spread of the seed, fertiliser and irrigation technology in different parts of the country led to a recovery in the growth rate in the seventies. As a result, production of foodgrains once again increased by 3 per cent. The total production went up from 50 MT in 1950-51 to 130 MT in 1980-81 (Graphs 2.1 and 2.2), which was considered to be adequate to meet certain normative requirement of the entire population. India can thus be said to have achieved food security at macro level in the late seventies.

³ Chand, Kumar and Sinha (2003)

Eighties witnessed a major consolidation of the process of seventies in wider areas and crops, registering a record growth rate 3.8 per cent⁴.

There was a significant setback in agriculture sector in the nineties, the growth figures (for foodgrain production) declining to 2.72 per cent (Radhakrishna 2003). This growth rate nineties has been inadequate to maintain the per capita availability, by offsetting the factor of population growth (Graph 2.3). The availability of food (87.5 per cent of production + imports-exports + changes in government stock) in per capita terms had increased by 1.2 per cent per annum during eighties but in the subsequent decade, it came down by 0.28 per cent (Saxena 2003). In the year 2001-02, however, the provisional figures of foodgrain production has, however, been very high, 212 MT, giving a growth of 6.3 percent over the previous year.

Despite this faltering on agricultural front in the nineties, India has not only remained self sufficient in food grain production, but also has been able to build a reserve to meet exigencies, as noted above. Further, it has been able to protect the domestic economy from the fluctuations in world market and reduce seasonal as well as regional variation in the prices of food grains. (Tyagi 1990 and Bhalla 1994).

The process of agricultural development has unfortunately been limited to a few agro-ecological regions. The upper Indo-Gangetic plains of Punjab, Haryana and West Uttar Pradesh have experienced rapid growth through adoption of “Green Revolution technology” and consequently, the benefits have mostly gone to large farmers. Besides, parts of the southern peninsular delta, covering a few districts of Andhra Pradesh, Tamil Nadu and Karnataka, have seen agricultural prosperity and here even small cultivators have participated in the growth process. Importantly, these are also the areas where incidence and severity of poverty were not very high. In contrast, the poor ‘rainfed’ parts of central and eastern India, covering the states of Madhya Pradesh, Bihar, Orissa, Assam, West Bengal and parts of Andhra Pradesh (Telengana) and Maharashtra (Marathwada) have remained agriculturally backward. Parts of ‘arid’ Gujarat and Rajasthan also have been bypassed in the growth process.

(b) Poverty Trends

Poverty, measured as percentage of people below certain level of consumption expenditure taken as poverty line⁵, to the total population was around 55 per cent from the mid fifties until the early seventies. After that, there has been a systematic decline (Graph 2.5). It came down sharply from 55 percent in 1972-73 to 36 percent in 1993-94, the decline being significant in both rural and urban areas. This has been attributed to growth in income (particularly in agriculture), improvement in real wages and launching of anti-poverty programmes.

The poverty statistics unfortunately, is fraught with controversies due to difficulties in fixing calorie (or other nutrient) norm for healthy and productive life, determining basket of goods and services and poverty line consumption expenditure (that would ensure the

⁴ Bhalla and Singh report the growth rate of food production during sixties and seventies to be 2.3 percent which went upto 2.9 per cent during eighties

⁵ The poverty line expenditure guaranteed (in the year when the analysis was undertaken) a person with consumption pattern similar to those in his/her expenditure class, a calorie in take of 2400 in rural and 2100 in urban areas.

predetermined calorie intake), updating the expenditure by choosing the appropriate price indices etc. More recently, FAO stipulating that the minimum intake for South Asia could be 2110 calories and that the subsistence limit can be even less viz. 1810 calories, also undermine the confidence in official estimates of poverty (given by Planning Commission), based on a higher calorie norm. Furthermore, the controversy regarding canvassing of questionnaire (for eliciting information on certain consumption items) by placing alternate reference periods at the same time makes the data for the year 1999-2000 (55th Round) questionable. Consequently, a number of “non-official” estimates⁶ have been given for this year, besides that of Planning Commission. Despite the differences on the magnitude, all these estimates suggest decline in poverty during nineties. The official estimates of poverty in rural and urban India, based on both quinquennial as well as annual data, has been shown in Graph 2.5. It also depicts the levels of severe poverty which has been estimated by Radhakrishna (2002) by taking 75 per cent of the poverty line expenditure as the cut-off point.

Regression growth rates computed by pooling the annual and quinquennial data (Radhakrishna 2003) shows that rural poverty (head count ratio) has declined at an annual rate of 2.5 percent per annum during 1970-89. This can be explained in terms of increase in per capita real expenditure by 1.54 percent and real price of cereals declining by 0.67 per cent. In urban areas, poverty has gone down annually by 2.0 % which has been backed up by an increase in per capita real expenditure of 1.45% and a decline in real price of cereals by 0.82%. The fall in foodgrain prices in real terms can be inferred from the negative growth of the ratio of foodgrains to manufacturing prices during the period 1971-80 and 1981-90 (see Table 2.2)⁷. Importantly, per capita cereal consumption and expenditure on cereals are noted as going down during seventies and eighties which reflects growing affluence of the population, both in rural and urban areas.

The rate of poverty reduction has been low during nineties⁸. The deceleration can be attributed to increase in price of cereals in real terms (1.20% per annum) and a lower increase in the annual per capita real expenditure, leading to a much sharper decline in per capita cereal consumption than the preceding decades. Slowing down of employment growth and that of non-agricultural activities are also the contributing factors. The rate of decline in urban poverty, however, seems to have been maintained and this has sharpened rural-urban disparities. Furthermore, despite urban India doing fairly well in terms of growth in income, employment etc., intra-urban inequality across expenditure groups has sharpened over the years⁹.

There is not adequate evidence to suggest that growth reduces inequality but the data do indicate that the poor have become better off with growth. The impact of agricultural

⁶ See Angus Deaton and Jean Dreze (2002), Sundaram and Tendulker (2003), Angus Deaton (2003) and Abhijit Sen and Himansu (2004).

⁷ The ratio of agriculture to manufacturing prices can also be seen to have gone down during seventies and increased marginally during eighties, suggesting thereby that the agricultural prices did not register any increase in relative terms during the two decades.

⁸ The regression growth rates estimated by combining the annual and five yearly data work out to be around 1 per cent (Ravi, 2000). Deaton and Dreze, however, would place the poverty figure somewhat at a higher level since their poverty estimate for the year 1999-00 is , . The rate of reduction in poverty by this revised figure would still be lower during late nineties compared to the preceding years.

⁹ This would imply that rural poor are able to better their economic conditions through migration to cities and towns, although their relative position could be worse due to high intra-urban inequality.

growth in terms of poverty reduction has particularly been observed as significant¹⁰. A recent study for FAO¹¹ on the Role of Agriculture, estimates the elasticity of poverty reduction with respect to output growth as high and significant in all major sectors, particularly in agriculture. The study further demonstrates negative impact of relative food prices and positive impact of real wage rate, irrigation and development expenditures on poverty reduction in the country.

Importantly, the spatial map of poverty have undergone significant change during the period from 1993-94 to 1999-00, as poverty can be seen as getting concentrated in a few regions. The decline in poverty in less developed states like Assam and Orissa (pertaining to Eastern region) is marginal while in case of a few others like Madhya Pradesh and Uttar Pradesh (pertaining to Central region), it is low. These states report poverty much above the national level, which may be attributed to structural factors and inadequate growth¹². The developed states like Punjab and Haryana in northern region, Gujarat in the western region and Karnataka in the southern region, along with backward states of Rajasthan in the north and Kerala in the south, that had a low level of poverty have reported sharp decline as well. As a consequence, the inequality in the levels of poverty across regions has gone up sharply during the nineties¹³ (Table 2.3 and see note).

Interestingly, rural poverty across states can be noted to be negatively and significantly correlated with per capita income as also with several developmental indicators, in the seventies, eighties and nineties. This leads to the straightforward conclusion that rural poverty is caused by absence of development. The corresponding correlations of urban poverty, too, are negative but not statistically significant (Kundu 2001). One may, therefore, argue that while rural poverty is primarily due to low level of economic development, urban poverty is caused by both lack of development as well as nature of development.

It would be important to view poverty as a multi dimensional phenomenon since deficiency in income or consumption expenditure gets reflected in adverse physical and health conditions. The magnitude of these deprivations has been brought out by two recent large scale nation wide surveys. A survey by National Council of Applied Economic Research, covering aspects of human development, shows that 50 percent of the rural households report 'capability poverty'; 67 percent do not have domestic lighting, 75 percent lack access to tap water and most importantly 67 percent are not covered under public distribution system (PDS) of foodgrains (Shariff, 1999). Similarly, National Family Health Survey (1998) reveals that 71 percent of rural households did not have any toilet facility; 19 percent of villages did not have health facility and 51 percent

¹⁰ The relationship between agricultural growth and income poverty reduction has been extensively studied in India. See Datt and Ravallion (1998), Fan, Hazell and Thorat (1998) among others. This was also further investigated in the IGIDR study for the FAO project on the Roles of Agriculture (2003), wherein it was seen that the elasticity of poverty reduction has remained high and significant with respect to output growth in all major sectors and particularly with respect to agricultural growth. The study further showed with recent data the linkages through relative food prices, real wage rate, irrigation and development expenditure. The access to water for irrigation is very important in this endeavour as we argue later.

¹¹ The project on Role of Agriculture conducted by Indira Gandhi Institute for Development Research (2003)

¹² The share of Bihar, Orissa, Madhya Pradesh and Uttar Pradesh in the total of rural poor was 53 percent in 1993-94 which has gone up to 61 percent in 1999-00.

¹³ The coefficient of variation in levels of poverty across states in 1993-94 was around 38 percent both in rural and urban areas that have gone up to 59 percent and 48 percent respectively in the 1999-00.

of the villages did not have drainage facility while 36 percent of ever married women aged 15-49 have chronic energy deficiency; 54 percent of women aged 15-49 in rural areas have no education, about half of the pregnant women suffer from iron deficiency. By constructing an index for standard of living for NFHS households and linking it with consumption expenditure data from NSS, Radhakrishna (2003) argues that among the “poor”¹⁴ households, 57 per cent in rural areas and 50 per cent of in urban areas report stunting (deficiency in terms of height-for-age). Clearly, any strategy for poverty alleviation must go beyond income poverty and address the inadequacy of basic needs as well as productive assets.

Income growth during the past few decades has had an impact on multidimensional aspects of poverty. The impact has been higher in the presence of a few other supportive measures. The most important complementing factors are education, health and public policy interventions. Undoubtedly, participatory growth process has had a stronger impact in reducing poverty.

(c) Cereal Consumption and Health

The paradox of food “deficiency amidst plenty” makes it imperative to ask if India indeed have hungry millions and if so what is the magnitude and changes therein over time? The National Sample Survey provides information on this, collected by canvassing a direct question to the heads of the household regarding adequacy of food to all its members. The figure was as low as 7 per cent in rural and 3 per cent in urban areas in 1983. This has been declining systematically ever since and these are as low as 0.5 per cent in rural and 0.1 per cent in urban areas in 2002-03. Researchers as well as policy makers have not taken this data seriously since there is gross underestimation due to reluctance of persons publicly admitting their incapacity to provide for his or her family.

The recent problems in assessing poverty and hunger using NSS data in India has prompted researchers to look at direct assessment of nutrition or calorie intake to determine changing level of welfare of the population¹⁵. Given the problems with certain quinquennial rounds of NSS data due to draught (1987-88) or problems in canvassing the questionnaire (1999-00), researchers have pooled yearly with five yearly data and estimated growth rates through regression analysis. A study by Radhakrishna shows that during 1970-89, per capita cereal (real) expenditure had declined by 0.69 per cent and 0.18 per cent per annum in rural and urban areas respectively (Table 2.4). A corresponding decline is noted in per capita cereal consumption in physical terms as well. The total expenditure as well as food expenditure has, however, grown in per capita terms, suggesting diversification of consumption and food basket. This, combined with favourable cereal prices, led to the expectation that calorie intake would go up substantially. The growth in per capita calories was, however, as low at about 0.2 per cent per annum both in rural and urban areas.

¹⁴ Poverty line has been identified for the standard of living index in such a manner that the percentage of households below the line works out to be the same as with NSS data on consumption expenditure.

¹⁵ In addition to the problems in the determination of calories norm, poverty line, price indices for updating income/consumption figures, the recent controversy suggests that there are problems even in determining appropriate reference for obtaining reliable information on consumption expenditure.

In the nineties (post-liberalization period), the annual per capita real expenditure in rural areas increased by 1.18% per annum - less than the previous decade while real cereal prices increased at 1.20% (Table 2.4). As a consequence, the per capita cereal consumption as also the calorie intake declined at 2.14% and 1.53% respectively. In urban areas, the annual growth rate of per capita expenditure was 2.77%, suggesting that liberalization process the 1990s benefited urban households more than the rural ones. However, increase in real cereal price by 1.17% per annum resulted in a decline in per capita cereal consumption and calorie intake at 0.28% and 0.44% per annum, respectively.

One would, thus, observe that during seventies and eighties, the fall in cereal consumption was more than compensated by increased consumption of non-cereal foods which led to an increase in per capita calorie intake, both in rural and urban areas. This, however, did not happen during 1990s. It implies that the increased consumption of non-cereal food items could not compensate the loss of (food) energy intake due to fall in cereal consumption.

This decline in cereal (also food) expenditure as also cereal consumption in physical terms has often been attributed to income growth, decline in poverty and shift of consumption pattern from cereal to non-cereal food items at higher levels of Engel's curve wherein food intake gets a lower budgetary allocation. Rao (2000) argues that the decline in calorie intake can not be taken as an indicator of deterioration in human welfare as it is accompanied by increase in non-cereal and non-food consumption. This indeed seems to be the case in rural areas as consumption basket has been diversified with improvement in infrastructure and penetration of urban market. There are nonetheless, serious damaging impacts of decline in calorie intake on health status of population that can not be wished away.

The nutritional situation in the country would indeed not look very alarming once we are prepared to accept a lower calorie norm. FAO norm, for example, is much below that taken as the basis for computation of poverty by Planning Commission. One can build up a case for lowering the norm as life styles have become more sedentary over the years due to availability of modern gadgets, as also access to higher level of transport and communication facilities. Also, with decrease in the incidence of water borne diseases due to improvement in sanitary conditions, fewer calories are likely to be wasted in fighting such ailments¹⁶, lowering down the requirement. On the other hand, increase in informalisation of workforce, greater distance between place of work and that of residence etc., would discount the thesis of sedentary lifestyle. Similarly, improvement in sanitary conditions has been marginal in relatively backward regions where poverty is concentrated and hence its impact in terms of reducing calorie requirement can not be taken seriously.

In view of the divergence in the conclusions, an attempt has been made in the paper to have a fresh look at the nutritional situation using NSS large sample data, by covering 15

¹⁶ A recent study by Meenakshi and Vishwanathan (2003) analyses the sensitivity of the statistical results to changes in calorie adequacy norm and comes out with somewhat different results based on the data available from the last three quinquennial rounds. By taking a "more realistic calorie adequacy line" of 2200 per person or 2700 per consumer unit, they demonstrate that calorie deficiency situation has not worsened so significantly, as one may infer with the planning Commission norm. Depth and severity of calorie deprivation (measured through Foster, Greek and Thorbeck index), too, seems to have gone down in many states with 2200 as the norm.

major states of the country that account for about 95 percent of the population and classifying them into five regions. It is observed that during nineties, per capita calorie intake has declined in rural areas but increased in urban areas. Even in case of the latter, the rate of growth during 1993-99 is less than that of 1983-93. Furthermore, there has been decline in calorie intake to a greater or smaller extent in all the regions over the past two decades (Table 2.5). Importantly, the percentage of calorie deficient population has gone up over the years, when one considers the Planning Commission norms for rural and urban areas. By the FAO norms, however, the percentage figure can be noted to be stable. Surprisingly, the calorie deficiency does not show positive relationship with per capita income or other indicators of economic development. While a few of the backward states like Rajasthan and Orissa (along with the developed states of Punjab and Haryana) report low percentage of calorie deficient population, the developed states of Tamil Nadu, Gujarat, Karnataka and Maharashtra exhibit high figures. It would, therefore, be difficult to hypothesise that it is absence of economic growth which has been responsible for low calorie consumption.

The calorie intake per day for the bottom 30 percent of the population in both in rural and urban areas works out to be 1700 which is about 75 per cent of the poverty line requirement, even below the lower limit set by FAO for South Asia. It is indeed alarming that barring in a couple of states, the percentage of calorie deficient population works out to be above 97 percent by Planning commission norms for this segment of population. One would argue that positive growth in cereal expenditure (which could be poverty induced) has not been able to sustain the growth in calorie intake for this segment of the population. There is diversification in consumption basket, as reflected in an increase in the growth in non-food consumption but that seems to have come through a reduction in growth in food consumption and calories during nineties¹⁷. Undoubtedly, cereal price rise has adversely affected the calorie intake of the bottom 30 per cent households since their price elasticity of cereal is close to one¹⁸.

Nutritionists argue that calorie intake is a poor measure of nutritional status because the later depends on non-nutrient food attributes as well, such as access to basic amenities like sanitation, drinking water and medical facilities (Mortorell and Ho, 1984). It would, therefore, be worthwhile to use anthropometric measures, for analyzing the changes in physical wellbeing of the population.

¹⁷ The poorest three deciles consumed 11.76 kg of foodgrains per month against 14.8 for the top three deciles (Saha 2000) in 1993-94. Even if we choose to ignore higher non-food intake of the latter group, the deficit in food for the former would work out to be about 3 kg per capita. So long as this cereal gap persists, any slowing down in the growth of calorie intake for the bottom 30 per cent population must be viewed with concern.

¹⁸ These distressing figures lend credence to the criticism, by scholars like Suryanarayana, relating to the usage of the NSS data that show a secular declining trend in poverty since mid seventies. He argues that poverty was over reported during fifties and sixties as substantial number among them, primarily agricultural labourers, got a large share of wages in kind (often cooked meal) which was not properly reported. This practice of providing meals seems to have gone down in recent decades, resulting in problems of non-comparability over time. Further, NSS canvassed an integrated schedule to collect information on productive activities and consumption during 1964-71. Given the universal tendency to underreport income, one is inclined to believe that the consumption too, was underreported, due to the respondent trying to ensure consistency. This could have resulted in overestimation of poverty in the sixties. As this integrated schedule was no longer canvassed in subsequent years, poverty figures have become more realistic and came down below the earlier estimates. Finally, during fifties and sixties, a large part of consumption of cultivating households came from homegrown stock, valued at farm harvest prices that were below their market prices. This would have resulted in overestimation of poverty as poverty lines are computed at market prices which exceed farm prices by trade and transport margin. Indeed, increased monetization in eighties and nineties is likely to reduce overestimation of poverty. A part of the decrease in poverty can, therefore, be attributed to the problems of data comparability.

The National Nutrition Monitoring Bureau (NNMB) provides the nutritional status of rural households in nine sample states. The data show that the percentage of moderate and severe undernourished (weight for age) children has come down from over 60 in 1975-79 to less than 50 in 2000-01 (Radhakrishna). In spite of this, nearly half of the rural children are currently malnourished. National Family Health Survey (NFHS) data reveal more or less similar pattern¹⁹ (Table 2.6). Taking the figure for children below the age of four years as being roughly comparable for the children below three, one would argue that the undernutrition (weight-for-age) has declined from 53.4 per cent to 47.0 percent over the period from 1992-93 to 1998-99. Similarly, the figure for adult undernutrition (by BMI classification) has declined from 46.0 percent to 37.4 for males and from 45.8 to 39.4 for females during 1991-2001 (Table 2.7), as per information from NNMB²⁰.

One would thus note that despite the disquieting trend in food energy intake, nutritional status has improved to a certain extent during nineties. Inter-state analysis reveals a weak correlation of per capita calorie consumption not only with nutritional status but also per capita SDP. This mismatch has been attributed to the differences in education, health, availability of safe drinking water and environmental sanitation which intervene between food and nutritional status (Seckler, 1982, Pelletier, 1995). This has prompted a few scholars to raise the question whether calorie intake matter at all in the context of nutrition and development. It may, nonetheless, be argued that nutritional status would have been much better, had calorie intake also gone up or maintained, along with improvements in micro environment and medical facilities. Improvement in food consumption is, thus, a necessary but not a sufficient condition for overcoming health problems. The importance of nutrition intake, however, is highlighted by the fact that calorie intake has a strong positive relationship with infant mortality rate and child mortality rate across the states which has been strengthened over time. Given this macro scenario on nutrition and health status, the debates and discussions pertaining to food security and 'right to food' assume great importance in the country.

C.1 IMPLEMENTATION OF THE RIGHT TO FOOD

C1.1 Enabling Legal System

In the context of rights in general and the right to food in particular the most important facets of the Indian Constitutional system are the following: (i) The development of the thesis of basic structure of Constitution and its non-amendability; this development came about in the context of conflict, since the commencement of the Constitution until the deletion of right to property from the Part pertaining to Fundamental Rights, between right to property and some of the economic, social and cultural rights; (ii) Novel and ingenious use of right to life for deriving the existence of or amplifying the scope of economic, social and cultural rights; and (iii) The thesis of harmonious construction.

¹⁹ Taking the nutritional figures from NFHS II for children below age 4 in 1993 as comparable with that for those under age 3 in 1998, one would argue that the percentage of malnourished children has gone down from 53.4 per cent to 47.0 per cent.

²⁰ UNICEF has come out with the statistics that about two and a half million children have died before the age of five, which constitute more than a fifth of the child mortality occurring worldwide.

Recently there have been some important developments with respect to right to food with the Supreme Court issuing a series of interim orders in a public interest litigation case. These interim orders have had the effect of converting provisions under a few government schemes into entitlements that could have implications for the Indian legal system. The significance of this development from the perspective of right to food cannot be overstated. Whether this case will break new ground from a legal and constitutional perspective would of course be known only when the final judgment is given. It is possible, and not unlikely, that from a legal and constitutional point of view the case would get classed as a special case of more general derivation of economic, social and cultural rights from the right to life mentioned above in (ii). We first discuss each one of these three facets and then discuss the recent developments mentioned above relating to right to food.

(a) The Thesis of Basic Structure of Constitution and Its Non-Amendability

The rights, civil and political as well as economic, social and cultural figure in Parts III and IV of Indian Constitution. One important distinction between the rights of the two parts is that the rights of Part III, fundamental rights, are justiciable, the rights of Part IV are not. As it is possible to categorize the rights of Part III as primarily civil and political, and those of Part IV as essentially social, economic and cultural; it is often argued that the distinction relating to justiciability mentioned above implies a subordinate place for social, economic and cultural rights. Importantly, this reasoning can be shown to be erroneous. The chequered history of Indian Constitutional law reveals that, if we choose not to include the right to property among civil and political rights, there has never been any serious conflict between the two sets of rights. In retrospect it would seem that the real conflict was between the right to property on the one hand and the economic, social and cultural rights on the other hand. Once the right to property ceased to be a fundamental right, the apparent conflict between the two sets of rights became non-existent.

At the commencement of Indian Constitution, the right to property was included among fundamental rights. Some of the laws having redistributive implications naturally conflicted with the right to property. For the protection of fundamental rights in the Indian Constitution, Article 13 stipulates that laws in violation of any of the fundamental rights, are to the extent of their inconsistency, null and void. The Constitution under article 368 has provision for amending the constitution. The obvious question, therefore, is whether a constitutional amendment having the effect of curtailing or abrogating any of the fundamental rights could be treated on the same footing as an ordinary enactment having inconsistency with some fundamental right.

The above question was of great importance in the development of Indian Constitutional system. The only way to protect legislation which aimed at redistribution and thus conflicted with the right to property was through constitutional amendment. Such constitutional amendments were resorted to and predictably were challenged.

In *Shankari Prasad Singh v Union of India* [AIR 1951 SC 458], the question arose whether the constitution (First Amendment) Act, 1951, curtailing the right to property was valid. The court rejected the argument that fundamental rights could not be amended;

the fundamental rights were immune only against ordinary legislations but not from constitutional amendments under article 368. The court adopted a similar view in 1964 in *Sajjan Singh v State of Rajasthan* [AIR 1965, SC 845] wherein it upheld the validity of the Constitution (Seventeenth Amendment) Act, 1964. The majority was of the opinion that the conclusion of the court in *Shankari Prasad* on the relationship between article 13 and article 368 was correct. *Hidayatullah, J.*, however, doubted the correctness of the majority viewpoint. *Modholkar, J.*, another judge who disagreed with the majority viewpoint, voiced a novel argument. He argued that every constitution has certain fundamental features which could not be altered.

The next important case, *Golak Nath*, propounded the thesis of non-amendability of fundamental rights. *Golak Nath* [I.C. *Golak Nath v. State of Punjab* AIR 1967 SC 1643] was decided by an eleven-judge bench which split 6 to 5. The majority ruled that the parliament's power did not extend to curtailing or abrogating of fundamental rights of Part III of the Constitution. The next important milestone in the development of constitutional law is the judgment in *Kesavananda Bharati v State of Kerala* [AIR 1973, SC 1461]. Here, the court ruled that the Parliament had the power to amend fundamental rights under Article 368, provided the amendment did not affect the basic features of the constitution. If a constitutional amendment entailed a change in a basic feature of the constitution, it would be invalid. The crucial difference between *Golak Nath* and *Kesavananda Bharati* formulations is that according to *Golak Nath* all fundamental rights were non-amendable; according to *Kesavananda Bharati* they were non-amendable to the extent they constituted the basic structure of the constitution. The thesis of the basic structure of the constitution is now well settled; and has been reiterated times and again. One of the most important cases in which it has been reiterated is *Minerva Mills Ltd. v Union of India* [AIR 1980 SC 1789].

The thesis of basic structure of constitution is of great importance for the protection of rights. As most rights which are classed as human rights, in all likelihood, constitute part of the basic structure of the constitution, they cannot be abrogated or abridged; thus providing a secure foundation for their legal existence and realization.

(b) The Use of Right to Life for Deriving Economic, Social and Cultural Rights

The most important case relating to right to life in the initial years of the Republic was that of *A.K. Gopalan v State of Madras* [AIR 1950 SC 27]. The judgment of this case has been much criticized, and in fact for valid reasons, for interpreting article 21 quite literally. The judgment entailed that the court could not go into the question whether the procedure established by law for depriving a person of his liberty was reasonable or not. This of course meant that the legislature could decide on any procedure whatsoever no matter how unreasonable. Interpreted thus, article 21 became ineffective in putting any restriction on the power of the legislature regarding laying down of procedure for depriving a person of his liberty. In *Maneka Gandhi* [AIR 1978 SC 771], the Supreme Court took a diametrically opposite view. In its judgment, the court held that the procedure affecting any of the rights had to be reasonable. Indeed, the word 'procedure' in article 21 in itself meant 'right and just and fair' procedure, and not 'arbitrary, fanciful or oppressive' and any procedure which was not 'right, just and fair' was no procedure at all. The court also said that the right to liberty implied other rights as well: 'It is obvious

that Article 21, though couched in negative language, confers the fundamental right to life and personal liberty.’ The court also held that the concept of liberty covers a variety of rights which go to constitute the personal liberty of man. Maneka Gandhi, thus, completely overturned Gopalan. In the post-Maneka era the words ‘according to procedure established by law’, became synonymous with ‘the due process of law’.

The Supreme Court in the last 25 years or so has made use of Article 21 to derive several economic, social and cultural rights. In what follows we discuss some of the landmark judgments.

The Supreme Court has held that the right to livelihood is included in the right to life. Some of the most important cases bearing on the right to livelihood include *Olga Tellis, D.K. Yadav Hansraj and L. Chulani*. [*Olga Tellis v Bombay Municipal Corporation* AIR 1986 SC 180; *D.K. Yadav v J.M.A. Industries* (1993) 3 SCC 259; *Dr. Hansraj L. Chulani v Bar Council of Maharashtra and Goa* (1996) 3 SCC 345]. This derived right, however, seems to impose only negative duties:

‘The state may not by affirmative action, be compellable to provide adequate means of livelihood or work to the citizens. But, any person who is deprived of his right to livelihood except according to just and fair procedure established by law, can challenge the deprivation as offending the right to life conferred by article 21.’²¹

In *Mohini Jain v. State of Karnataka* [AIR 1992 SC 1858], the judgment of the court implied right to education not only for basic education but for higher education as well. The Court said that: ‘the State is under a constitutional mandate to provide educational institutions at all levels for the benefit of the citizens’. In *Unni Krishnan* [*Unni Krishnan v State of Andhra Pradesh* AIR 1993 SC 2178], a more moderate view emerged. In its judgment, the Court observed ‘that among the several articles in Part IV, only Article 45 speaks of a time-limit; no other article does. Has it no significance?Does not the passage of 44 years—more than four times the period stipulated in Article 45—convert the obligation created by the article into an enforceable right?’ Furthermore, the Court noted the fact that Article 45 does not speak of the “limits of its economic capacity and development” as does Article 41, which inter alia speaks of right to education. The Court thus came to recognize the right to education as “a right to call upon the State to provide educational facilities ... within the limits of its economic capacity and development”. It argued that “by saying so, we are not transferring Article 41 from Part IV to Part III—we are merely relying upon Article 41 to illustrate the content of the right to education flowing from Article 21. We cannot believe that any State would say that it need not provide education to its people even within the limits of its economic capacity and development. It goes without saying that the limits of economic capacity are, ordinarily speaking, matters within the subjective satisfaction of the State.”

The issue in *Unni Krishnan* was whether the state could permit private professional educational institutions to charge capitation fee for admission of students. The *Mohini Jain* ruling was problematic because of possible infeasibility due to financial reasons of

²¹ *Olga Tellis v Bombay Municipal Corporation* AIR 1986 SC 180

meeting the public demand for professional colleges. In its judgment in Unni Krishnan case the court made two important points namely that the right to education was a fundamental right and that it flowed from article 21; the precise scope and content of the right, however, had to be determined in the light of the directive principles. The court held that the State must provide education till the age of 14 years. After that stage, the obligation of the State for providing education was subject to its economic capacity. Through the 86th constitutional amendment, right to education became a fundamental right and is now included in Part III. It is, thus, no longer merely a derived right.

From the point of view of right to health, the case of Consumer Education and Research Centre v. Union of India²², concerning asbestos industry, is important. As long years of exposure to asbestos can result in debilitating asbestosis, the Court mandated compulsory health insurance for every worker as enforcement of the worker's fundamental right to health. Article 21, in conjunction with the relevant directive principles, has been used by the Supreme Court to derive right to health and medical care to protect the health of a worker while in service as well as after retirement. The other important cases relating to right to health include Vincent Panikulangara v India [AIR 1987 SC 990]; Parmanand Kataria v Union of India [AIR 1989 SC 2039]; and Paschim Banga Khet Mazdoor Samiti v State of West Bengal [AIR 1996 SC 2426]. An analysis of judicial view from Vincent to Paschim Banga clearly shows that access to medical treatment has become a part of the content of Article 21. In Paschim Banga, the State has been placed, despite financial constraints, under an obligation to provide better equipped hospitals with modernized medical technological facilities.

In addition to deriving individual rights from Article 21, the Court has also derived some collective rights, particularly those relating to environment. The Supreme Court has, in a number of cases, taken cognizance of the various environmental problems and given judgments which amount to a partial recognition of right to a healthy environment.

Some of the landmark cases relating to environmental rights include: M.C. Mehta v Union of India [AIR 1988 SC 1037] in which tanneries polluting water were ordered to be closed; Vellore Citizens' Welfare Forum v Union of India [1996 AIR SCW 3399] in which the court laid down the 'precautionary principles' that the state governments and statutory authorities must prevent causes of environmental degradation; Indian Council for Enviro-Legal Action v Union of India [1996 AIR SCW 1069] in which the principle of 'Polluter pays' was pronounced, i.e., one who carries on hazardous activity is liable for the loss caused to others. On the relationship between environmental rights and Article 21, the thinking of the Supreme Court seems to be that the right to life includes enjoyment of water and air free from pollutants as pollution-free environment is essential for healthy life.

Derivation of so many different rights from the right to life and liberty is possible only if the latter is viewed as the ensemble of all entitlements necessary for the realization of the

²² AIR 1995 SC 922

right. This indeed seems to be the viewpoint adopted by the Supreme Court. The following excerpts from judgments make the point particularly clear:

“... the question which arises is whether the right to life is limited only to protection of limb or faculty or does it go further and embrace something more. We think that the right to life includes right to live with human dignity and all that goes along with it, viz., the bare necessities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and commingling with fellow human beings. Of course, the magnitude and content of the components of this right would depend upon the extent of the economic development of the country; but it must, in any view of the matter, include the right to the basic necessities of life and also the right to carry on such functions and activities as constitute the bare minimum expression of the human self.”²³

In *Bandhua Mukti Morcha* [AIR 1977 SC 1361], the Supreme Court imbued right to life and liberty with very rich interpretation:

... to live with human dignity, free from exploitation. It includes protection of health and strength of workers, men and women, and of the tender age of children against abuse, opportunities and facilities for children to develop in a healthy manner and in conditions of freedom and dignity, educational facilities, just and humane conditions of work and maternity relief. These are the minimum conditions which must exist in order to enable a person to live with human dignity. No government can take any action to deprive a person of the enjoyment of these basic rights.

In passing judgment on this case, the Court made another very important point that although it might not be possible to compel the State through the judicial process to make provision by statutory enactment or executive fiat for ensuring implementation of rights contained in the directive principles, but “where legislation is already enacted by the State providing these basic requirements, the State can certainly be obligated to ensure observance of such legislation” It further argued that “inaction on the part of the State in securing implementation of such legislation would amount to denial of the right to live with human dignity enshrined in Article 21.”

(c) The Thesis of Harmonious Construction

In the initial years of the Republic, as has already been noted, the constitution was interpreted quite literally in various contexts. In the context of the relationship between the fundamental rights and the directive principles also, a literal interpretation, implying that the former takes precedence over the directive principles, was taken. In *Champakam* [State of Madras v Champakam Dorairajan AIR 1951 SC 226], the Court took the view that the fundamental rights were more important than the directive principles. Das, CJ, speaking for the court observed:

‘... the Directive Principles of State Policy, which by article 37 are expressly made unenforceable by a court cannot override the provisions found in part III which, notwithstanding other provisions, are expressly made enforceable by appropriate writs, orders or directions under article 32. The chapter on fundamental rights is sacrosanct and

²³ *Francis Coralie v. Administrator, Union Territory of Delhi* [AIR 1981 SC 746]

not liable to be abridged by any Legislative or Executive act or order, except to the extent provided in the appropriate article in Part III. The Directive Principles have to conform to and run as subsidiary to the chapter on fundamental rights.’

Although the major change in this connection came about in 1973, the signs of the changing judicial attitudes were discernible as early as 1958. In the Kerala Education Bill [AIR 1958 SC 956], the Chief Justice (CJ), while still declaring the fundamental rights to be more important, argued for a harmonious interpretation of the two. He observed:

‘Nevertheless, in determining the scope and ambit of the fundamental rights relied on by or on behalf of any person or body, the Court may not entirely ignore these directive principles laid down in Part IV of the Constitution but should adopt the principle of harmonious construction and should attempt to give effect to both as much as possible.’

Since *Kesavananda Bharati*, both fundamental rights and directive principles have come to be regarded more or less equally important and complementary. As was observed by Hegde and Mukerjea, JJ, in *Kesavananda Bharati*: ‘The fundamental rights and directive principles constitute the ‘conscience of the Constitution...’ There is no antithesis between the fundamental rights and directive principle.’ In *Minerva Mills*, Chandrachud, CJ, said: ‘Those rights [Fundamental rights] are not an end in themselves but are the means to an end. The end is specified in Part IV.’ In *Unni Krishnan, Jeevan Reddy, J*, said that ‘the provisions of Part III and IV are supplementary and complementary to each other,’ and that the ‘Fundamental Rights are but a means to achieve the goal indicated in Part IV’.

It has now become a standard judicial strategy to read fundamental rights together with the directive principles; generally with a view to define or enlarge the scope of the fundamental rights. The Supreme Court has successfully used the directive principles both for broadening the existing rights and creating new rights.

A particularly important illustration of this strategy is provided by the enrichment of the content of Articles 23 and 24²⁴. Prior to 1982, these articles were seldom used. Since 1982 these articles have become powerful instruments in the hands of the Supreme Court for improving the condition of the labourers in the country. Supreme Court has interpreted these articles to declare every form of forced labor inconsistent with fundamental rights. Giving a very liberal interpretation to article 23, the Court has pronounced that payment of wages at a rate less than the minimum wage rate is tantamount to forced labor. In the words of Bhagwati, J:

‘Where a person is suffering from hunger or starvation, when he has no resources at all to fight disease or to feed his wife and children or even to hide their nakedness, where utter grinding poverty has broken his back and reduced him to a state of helplessness and despair and where no other employment is available to alleviate, the rigour of his poverty, he would have no choice but to accept any work that comes his way, even if the remuneration offered to him is less than the minimum wage. He would be in no position

²⁴ Article 23 prohibits traffic in human beings and forced labour; article 24 employment of children in factories.

to bargain with the employer; he would have to accept what is offered to him. And in doing so he would be acting not as a free agent with a choice between alternatives but under the compulsion of economic circumstances and the labor or service provided by him would be clearly ‘forced labour’ [People’s Union for Democratic Rights v Union of India AIR 1982 SC 1473].

In Sanjit roy v State of Rajasthan [AIR 1983 SC 328], the Supreme Court has ruled that even those persons who were employed on famine relief work must be paid wages at a rate not less than the minimum wage rate. Rejecting the argument of the State that its capacity to provide famine and drought relief would be lessened if it had to pay wages at the minimum wage rate to those employed on relief works, Bhagwati, J., Observed:

‘The State cannot be permitted to take advantage of the helpless condition of the affected persons and extract labour or service from them on payment of less than the minimum wage. No work of utility and value can be allowed to be constructed on the blood and sweat of persons who are reduced to a state of helplessness on account of drought and scarcity conditions. The state cannot under the guise of helping these affected persons extract work of utility and value from them without paying them the minimum wage. Whenever any labour or service is taken by the state from any person, whether he be affected by drought and scarcity conditions or not, the State, must pay, at the least minimum wage to such person on pain of violation of article 23...’

(d) Provisions under Government Schemes being treated as Entitlements by Judiciary

The most important legal developments in the context of right to food are due to the interim orders issued by the Supreme Court in a Public Interest Litigation (PIL) case filed by a non-governmental organisation (NGO) named People's Union for Civil Liberties (PUCL) in Rajasthan, the final judgment for which is yet to come²⁵. The central premise of the PIL is that the right to food flows from the right to life guaranteed in the Article 21 of the Constitution. Although the initial PUCL petition filed in 2001 pertained only to six states, the Court has broadened the scope of the petition to cover the entire country.

Through a number of interim orders issued till date²⁶ the Supreme Court has (i) stressed the utmost importance of provision of food to aged, infirm, disabled, destitute women and

²⁵ The petition initially came up for hearing on the 9th May 2001. The respondents are: the Union of India, all the state/UT governments, and the FCI.

²⁶ In September 2001, the Court issued a notice demanding explanations for the failure to identify the BPL families – the beneficiaries of the TPDS. At two subsequent hearings, the court expressed its dissatisfaction with the progress in this regard. Disposing off the plea of non-compliance due to resource crunch, the court directed the state governments to "cut the flab" in their spending programmes for generating funds for meeting the nutritional needs of the people. In November 2001, it asked the Union government to indicate how the benefits of welfare and food security schemes it had formulated would actually reach the intended beneficiaries. Simultaneously, it directed every State and Union Territory government to serve mid-day meals with specified nutritive value, to children in government and government-aided primary schools, for a minimum period of 200 days a year. In March 2002, the court wanted the State governments to consider the proposal of an employment guarantee scheme, which could be an iron-clad guarantee of food security. Two months later, the court spelt out detailed directions on the implementation of various schemes. In November 2002, the Supreme Court asked the state governments to lay down clear procedures of accountability. Every State was required to publicise the details of the court's order in gram panchayat offices, school buildings and fair price shops within eight weeks.

men, pregnant and lactating women and destitute children, especially when they or their family members do not have sufficient funds to provide food for them, (ii) given direction to the States to see that all the PDS shops start functioning, (iii) ordered the states to implement food-for-work programmes in all scarcity areas and (iv) ordered implementation of the food based schemes including Mid-day Meal scheme (MMS), Targeted Public Distribution Scheme (TPDS), Antyodaya Anna Yojana (AAY), Annapurna Scheme (AS) and Integrated Child Development Scheme (ICDS) within a definite time frame²⁷, the details of which are discussed in section 6 below. Most importantly, through one of the interim orders, the Court has appointed two former civil servants as "commissioners" who are expected to look into any persisting grievances that were not amenable to established procedures of redress. It is obligatory for the governments to provide information that the Commissioners would require. The latter have been empowered to recommend a course of action to the governments to ensure compliance of the directions of the Court.

The Supreme Court has thus made it a "duty" of every State and Union Territory, to ensure that death owing to starvation and malnutrition does not take place²⁸. This implies that people who are too poor to buy their own food, need to be ensured minimum means of subsistence by the state either through direct food aid or access to gainful employment. Implicitly, it has suggested that through the Chief Secretaries, the entire government machinery would be held accountable for any failure that may occur in this context. Further, while recognizing the importance of interventions like distribution of food through anti-poverty programmes, it has also ordained pursuance of long-term strategies for raising capabilities of the people, by providing them work and durable means of livelihood.

From the perspective of right to food possibly the most important achievement of the interim orders is that the benefits of the eight food-related schemes sponsored by the central government have become legal entitlements for the relevant sections of population. The order of the Court holding that the 'famine code' of each state is binding on the state, unless there are better measures available is also of great legal significance. Another important point concerns the Court's not giving months and years for implementation of schemes and realization of the outcome which suggests viewing food more as a right than as a "meta right". Holding the Chief Secretaries in the states responsible for failure in implementation of programmes or starvation deaths suggests an anxiety to set up a system whereby an appropriate system of accountability can be set in operation. Taken together, these developments amount to making significant progress towards having food as a legally enforceable right.

²⁷ The directions under various schemes include identification of beneficiaries as well as fixing of the quantum of disbursement. For instance, the Court has directed the State Governments to implement the Mid-Day Meal Scheme by providing every child in every Government and Government assisted Primary School prepared meal with at least 300 calories and 8-12 grams of protein each day of school for a minimum of 200 days in a year.

²⁸ The constitutional underpinning for such orders is in Article 47, which requires the States to raise "the level of nutrition and the standard of living of its people" as its primary duty.

CI.2 Institutional Framework concerning Food Procurement and Distribution with special emphasis on Recent Reforms

The governmental policy towards food security stands on three pillars; procurement, pricing and distribution. The functioning of the public institutions involved with these activities is discussed in the present section, highlighting the major changes that have been brought in recent years.

(a) Food Corporation of India and Procurement of Foodgrains

Direct state intervention in agricultural marketing, particularly foodgrains, was started in mid sixties due to famine like situation created through successive bad harvests and the policy decision to achieve food security and self sufficiency at national level. The central government set up Food Corporation of India (FCI) in 1965 under Food cooperation Act 1964, with the objective of maintaining price stability in food items and protecting the farmers against the volatility in the market²⁹, besides ensuring adequate supply for PDS and other welfare schemes. FCI operates through a country-wide network with its Corporate Office in New Delhi, 5 Zonal Offices, 22 Regional Offices, 1 Port Operation Office, 173 District Offices and over 2178 depots. The system of minimum support prices (MSP), initially started for wheat and rice, presently covers seven cereals, four pulses, eight oilseeds, besides raw cotton, copra, jute, sugarcane and tobacco. Despite MSP being announced for all these commodities, it is wheat and paddy that account for large percentage of the procurement.

It may be noted that FCI procures grains in traditionally surplus regions. Procurement of wheat takes place on a voluntary basis in local markets through official agencies at predetermined prices. Farmers are free to sell to these agencies or the free market. The procurement is as high as three fourth of the market arrival in Punjab and Haryana, between 20 and 30 percent in Rajasthan and Uttar Pradesh and less than 10 per cent in all other states. The acquisition takes place through mandatory levy, under the orders issued by the State Governments under the Essential Commodities Act, imposed on traders and millers. They are required to sell a fixed percentage of their total milled rice to the state agencies. The levy as a percentage of market arrivals varies from 10% in Pondicherry to 75% in Haryana, Punjab, Orissa and Andhra Pradesh. Besides, FCI gets its paddy milled by private millers on payment of fixed charges.

Procurement by government accounted for about 16 and 20 percent of total output of rice and wheat respectively in early nineties, the total figure being around 30 MT. With the launching of the policies of liberalization the procurement was coming down to 12 and 18 percent until 1997-98. Importantly, it has increased again in the late nineties, the figure touching all time record figure (25 per cent for rice and 30 per cent for wheat) in 2000-01. The off-take by the state governments from FCI godowns, on the other hand, was high 19.7 MT in 1996-97 but this declined dramatically to 15.2 in 2001-02, against the procurement of over 40 MT. The percentage of off-take to allotment (to states) also came down from over 70 in early nineties to less than 30. The stock touched an all-time high figure of 63 MT against annual requirement of 20 MT for ensuring food security.

²⁹ In case of oilseeds, National Agriculture Cooperative Marketing Federation of India is the central government designated agency to undertake procurement, carrying out its operations on a small scale to help farmers get a competitive price. Also, Cotton Corporation of India, provides price support and undertakes marketing operation in different states except Maharashtra.

Importantly, the off-take of foodgrains has gone up above 25 MT bringing down the stock to 35 MT in July 2003. Welfare schemes that took not more than 2 MT until late nineties, increased their disbursement to 10.5 MT, thanks to judicial and administration actions³⁰ and grassroot mobilization. Open market sales and exports (at prices below economic cost), too, have reached all time high records, the total being 14 MT against the figure of less than 1 MT before 1999-00. It is nonetheless important to note that the huge buffer stock was built basically due to the faulty system of procurement which has not been corrected as yet. Further, unloading of foodgrains in the market at low prices under different anti-poverty schemes has resulted in the grains (meant for distribution under the latter) coming back illegally to FCI.³¹ Also, the storage of massive foodstock has been responsible for high carrying cost (42 per cent of the central food subsidy), in addition to the cost of pilferage, wastage and deterioration in grain quality.³²

The socio-political rationale for providing the massive subsidy on foodgrains, by procuring these in surplus regions and transporting them to backward regions, should be subjected to scrutiny³³. It has been argued that lowering down of MSP alone can bring down the deficits substantially. Also, a strategy has been proposed (Department of Food and Public Distribution 2002) to encourage foodgrain production in less developed regions through, besides others, a decentralised procurement policy³⁴. This is expected to compensate not only for the decline in the procurement in presently surplus states (due to the reduced MSP) but also increase consumption of the poor by providing them purchasing power, thanks to the labour using technology in the less developed states.

Decentralised procurement system has partially been introduced since 1997 with the objective of restricting the role of FCI to maintaining a food security reserve only. The system has become operational in the states of West Bengal, Uttar Pradesh, Madhya Pradesh. However, for success of this system, whereby the state governments procure, store and distribute a large part of the foodgrains on their own with some financial support from central government, the surplus states like Punjab and Haryana are expected to move away from production of wheat and rice with the reduction in MSP while deficit states are required to increase their production and/or buy from surplus states. The surplus states would, then, be free to sell their surplus to deficit states or international market which will remove one of their long standing grievances³⁵.

Lowering of MSP would lead to massive saving on acquisition and carrying cost of grains (due to reduced procurement), a part of which would have to be paid as compensation to farmers in surplus states and as transport subsidy to governments in

³⁰ Government has taken a measures such as lowering of issue prices under the TPDS (for households below as well as above Poverty Line), increasing of monthly allocation under various food linked welfare schemes, as discussed in the following section.

³¹ Ahluwalia (1993)

³² Economic cost of the FCI includes minimum support price (MSP) paid to the growers, transportation costs, handling, storing and distribution costs and buffer stock maintain costs.

³³ For a critical appraisal of FCI operations see Government of India (1991) and Ray (1993)

³⁴ Saxena argues that in January 2002, farmers in east UP were getting only Rs. 330 to 350 per quintal for paddy whereas Punjab farmers were getting 540 for the same crop.

³⁵ Also, it may be necessary for the FCI to extend its operations to eastern states, due to its geographical location as also inadequacy transport facilities, at least for a few more decades.

deficit states during the first three years. Studies show that the total compensation to be paid to farmers and state governments would be about Rs. 60 billion only, one fourth of the amount disbursed as food subsidy during 2002-03, as shown below. This magnitude of expenditure required in the first year can easily be done away after the third year, resulting in substantial national savings. Unfortunately, the new system is yet to make an impact due to strong opposition coming from the surplus states like Punjab, Haryana and Andhra Pradesh, besides the difficulties due to inadequacy of infrastructure in the backward states.

(b) Commission on Agricultural Costs and Prices and Trends in Foodgrain Prices

Agricultural Prices Commission (later named as Commission on Agricultural Costs and Prices (CACP)) was set up in 1965 to advise the government on regular basis for evolving a balanced and integrated price structure in the country. One of the responsibilities of CACP is to recommend MSP for procurement of select commodities, as noted above, for ensuring price stability and inducing the farmers to go in for modern technology. The MSP are announced by the central government (based on the recommendations of CACP) but often the state governments, particularly the prosperous states like Punjab and Haryana, provide a bonus or an incentive over this price for the benefit of their farmers.

Cereal prices in real terms, determined through this system, had declined during seventies but have registered a significant rise since mid eighties³⁶. The increase in prices is largely due to increase in MSP announced by the government which is often viewed as a political decision. The data for the nineties, however, reveal that government has increased it, over that recommended by CACP, only marginally by one or two per cent (that too for wheat only). The responsibility of increasing MSP during nineties by about 60 per cent, compared to less than 20 per cent increase in wholesale price index (WPI), must therefore be attributed to the methodology adopted by CACP for computing input costs. Prices have not been determined just to cover the cash costs, but also family labour, land and capital. Importantly, the average excess of procurement price announced for wheat over cost of production during eighties was 63 per cent which increased to 96 per cent in nineties. A similar trend is observed in case of rice as well³⁷.

Increased stockpiling of foodgrains by the FCI, as noted above, can be attributed to policy induced increases in MSP, besides the open ended procurement policy (without a ceiling) and increase in the rates of state levies. Increases in MSP has induced farmers, particularly in the surplus states of Punjab, Haryana, Andhra Pradesh and Uttar Pradesh to divert land to rice and wheat from coarse grains which is the staple food of the poor, besides cotton and oilseeds. This has also been a disincentive to crop diversification. Farmers have been unwilling to go in for any other crop, even with some price support, since procurement is done only when the market prices fall below the support price which mostly is not the case (Economic Survey, 2002-03).

A recent study by Parikh et al. (2003) demonstrates that an increase in the MSP of wheat and rice leads to decline in overall GDP, increase in aggregate price index and reduction

³⁶ In recent years, once again, it has shown a declining trend.

³⁷ (Saxena 2003)

in investments. Indeed, it has a positive impact on agricultural income initially but after the third year, this turns out to be insignificant. More importantly, this leads to worsening of the economic situation for the bottom 60 per cent of the rural and total urban population. Furthermore, increase in foodgrain prices has been taken as responsible for the slower decline in poverty and malnourishment during nineties (Radhakrishna 2003).

(c) The System for Public Distribution of Foodgrains

Public intervention in distribution of food and other essential commodities, through a network of outlets or fair price shops, started in India during the World War II with the objective of meeting the additional food demand linked to war and ensuring food availability to urban dwellers. The system continued thereafter when India launched programmes for planned development, possibly with a similar logic, as rapid pace of industrialisation was expected to create additional demand for agricultural products³⁸. The Public Distribution System (PDS) was restructured in the mid sixties with the setting up of FCI in the wake of food grain shortages. At this time, PDS was perceived more as an economic instrument of price stabilization and not so much as a welfare programme, focused on poverty alleviation. Nonetheless, it was restricted to urban areas and food deficit regions until the late seventies and had universal coverage until late nineties. Because of the emphasis was on the price stabilization through PDS operations, it virtually became an alternative to private trade. It may be noted that the system requires arrangements for identification of the poor, for delivery of foodgrains to Fair Price Shops and its distribution to be made by the state governments.

The welfare implications of the PDS have come to limelight since the early seventies, with the launching of anti-poverty programmes in the Fifth Plan. The system is being perceived as an institution for transferring food grains from surplus areas to few deficit regions on a long term basis (Mahendra Dev, 2003), besides becoming effective tool of dealing with drought situations as in 1979-80 and 1987-88. The welfare dimension has got further underlined during eighties, with rural areas being brought under its ambit.

Nineties has witnessed a paradigm shift in Indian economic policy when the government reshaped, within a broad framework of economic liberalization, the food distribution and other social security policies. The central government revamped the existing structures pertaining to food distribution by assigning larger responsibilities and powers to the state and local governments and ensuring a more participatory mechanism. It streamlined the operations of PDS as also other anti poverty programmes using the PDS infrastructure. Emphasis was laid in the former on sharp targeting, by converting it to Targeted PDS, for the maximum benefit of the vulnerable sections of society. As a result, it is currently being run largely as an instrument of the government's poverty eradication programme. Consequently, the food subsidy of the central government has gone up from 60 billion in 1996-97 to over 240 billion in 2002-03. As a percentage of the central government expenditure, the subsidy has increased from 3 to 5. It currently accounts for more than 1 per cent of GDP.

Targeted PDS has placed the beneficiary households into two categories; (a) above poverty line (APL) and (b) below poverty line (BPL) and made foodgrains available at

³⁸ The government, however, did not procure much grain as the requirement could be met through food aid and subsidized imports.

different prices since 1997. The initial allocation of the ration of 10 kgs. per BPL family per month was doubled in the Union Budget 2000-01. The amount was further enhanced to 35 kgs. per family per month, made available at 48 per cent of the economic cost. The same is the quota for the APL families who get their supply at 70 per cent of the economic cost.

It may be argued that the multi commodity universal PDS has over time been transformed into almost a single commodity system which has increased the cost of operation and rendered many fair price shops non-viable. Given the small margin of operation, many dealers openly admit black market sales without which they claim, it is impossible to carry on business, after making illegal payments to all concerned officials³⁹. Consequently, they try and make good by diverting PDS grains to open market, overcharging the genuine beneficiaries, opening their shops for smaller durations etc. The earlier system whereby regular shopkeepers dealing in many commodities, took the additional responsibility of running a fair price shop, had ensured efficiency and profitability of shop owners but resulted in leakages of PDS items in to free market. Restricting eligibility only to licensed dealers, under the new system, has given local political leaders leverage in issuance of licenses. Due to these difficulties, its success in providing food security to poor has at best been limited⁴⁰, despite the government incurring heavy expenditures on it. In some areas, they have to pay higher market prices despite the presence of PDS (Radhakrishna and Indrakant, 1987). Further, attempts to sharply focus the programmes on the poor or putting a cap on the number of BPL households to reduce the budgetary deficits have led to increase in the cost of the programme as also exclusion of genuine households.

Recent studies on the economics and functioning of PDS have drawn pointed attention to the high costs associated with the distribution system (much higher than that of private traders) and carrying the buffer stock (Dutta and Ramaswami 2001), resulting in a decline in consumer's share in food subsidy. Besides, there are costs of mistargeting in terms of criterion of eligibility. Even if we consider as high as 40 per cent of the bottom rung households as constituting the target, the studies show that less than a quarter of the total food subsidies reach them. Average per capita subsidy provided through PDS, thus, works out to be less than Rs. 7 in Andhra Pradesh, possibly the best performing state in the country, the figure being less than Rs. 2 in an average performing state of Maharashtra. As a percentage of household expenditure, the subsidy component works out to be as low as 1.5 for the targeted households, both in rural and urban areas. Further, the cost of reaching one rupee subsidy to the target population works out to be between Rs. 3 to Rs. 4.

The other major problem in the PDS is regional mistargetting (Radhakrishna 2003). The states that show low off-take of foodgrains under BPL (as a percentage to allotment) are the less developed states like Himachal Pradesh, Uttar Pradesh, Madhya Pradesh, Rajasthan and Bihar, besides West Bengal and of course Punjab and Haryana that are the states of procurement. The southern states, on the other hand, report reasonable off-take, besides Gujarat and Maharashtra. Among the poor states, Orissa and Assam report high off-take. The low off-take is due to poor states not having the finance and administrative

³⁹ Testimonies provided at a public hearing on the right to food in Shankargarh in Allahabad District in Uttar Pradesh, on the 9th April, 2002.

⁴⁰ (Parikh, 1994)

structure to lift their quota (despite that being doubled under TPDS) and reach it to the poor. All these underline the limitation of using PDS as a programme for alleviating poverty and regional inequity.

A study by the World Bank (Kozel and Parker 1998), basing on the data from 30 villages in Uttar Pradesh and Central Bihar concludes that among the anti-poverty programmes, the TPDS is the one, most often cited by the poor as essential. One should, therefore, think in terms of having a wider coverage under the system despite it having leakages to non-poor. It is proposed that this should be achieved with innovative linkages with employment and nutrition programmes and involving Panchayati Raj Institutions. In a few states like Rajasthan, Andhra Pradesh and Karnataka, such alternate food security schemes have already been launched that include setting up of Grain Banks.

A wide basis of consensus seems to be emerging to restructure the system through the initiation of food stamps and food credit cards (10th Five Year Plan document) wherein the responsibility of purchase, storage, movement and distribution is that of the private sector. Admitting that even the system may not be free from corruption, Ramaswami (2004) argues that it would be cheaper to investigate into food stamp fraud than illegal grain diversion. It is, thus, expected to bring down the cost of distributing the foodgrains and reduce mistargetting.

CI.3 Macro Policies concerning Agriculture and Strategy for Redistribution

The paradox of “food and nutrition deficiency in the middle of plenty” has been noted to be due *not* to shortfalls in production or supply but to management failure to carry the available supply to the needy. The Long Term Grain Committee (Government of India 2002) has pointed out that “the excess stocks are more accurately attributed to a failure in consumption than to increased production”. The attention has, thus, shifted from supply to demand factors⁴¹. Understandably, the failure of various employment generation and anti-poverty programmes in making purchasing power or food available to the needy has come under scrutiny and criticism.

Viewing food insecurity as a management failure and searching for solutions in terms of improving anti-poverty programmes and concerned institutions would unfortunately be inadequate to face the challenge of the crisis. A shift of focus from production to distribution or from increasing supply to demand generation could give wrong signals. The problem of increasing effective demand among the poor is not a matter of micro management but of the total strategy of development. It is not possible to put aside the issues concerning production system, particularly technology, cropping pattern, regional spread etc. if food security is to be guaranteed. In fact, the strategy of achieving macro level food security has itself been responsible for the problem of food insecurity at household level. This is because regional inequality and lack of purchasing power among landless and marginal farmers, has been built into the strategy adopted for agricultural development since the sixties (Radhakrishna 2003). It would, therefore, be important to

⁴¹ Saxena (2003) argues that since the number of officially declared poor people is only 261 million in the country, bridging the gap of 3 kg between the top 30% and the bottom 30% would require less than 10 MT of foodgrains to wipe out hunger and food based poverty from India. This is very much within the resources available with the state – both financial and physical. In his analysis he gives emphasis on “commitments from both from the Centre and from the States to improve programme management and governance” for tackling the problem.

overview the macro economic strategy, sectoral policies and resource allocation having a bearing on production, procurement and provisioning of foodgrains, and social development, in an attempt to identify the major areas of concern, as discussed below:

(a) Land Distribution

The obligation to respect, protect and fulfill the right to food, as stipulated in the ICESCRs (see box 3), would, in the Indian context, have much to do with right to land and security of tenure. Importantly, agricultural land is predominantly privately owned and operated with over 10 million holdings, of which nearly 63 percent are in the small and marginal category. However, state regulates ownership, purchase and leasing in of land through policies and legislations that place ceilings on holding size of large farmers, overviews rental structure and provides security of tenure (Srivastava et al, 2003). Government's recognition of private ownership of land and designing a system to ensure small farmers pursuing agricultural activities may be taken as an indication of the state respecting and protecting the right to food.

The most notable development after Independence is the abolition of the Zamindari (land lordism), which for centuries has denied ordinary people access to land. Although this, as also Land Ceiling Act, may be seen in some way, interfering with the private property rights, these have been hailed as positive developments in the context of protecting the right to food. Similarly, maintenance of land record system and its usage by judiciary in guaranteeing ownership rights to marginal farmers, despite its numerous inadequacies, have proved to be extremely important in this context. Furthermore, legislations pertaining to security of tenure have played a major role in protecting access to land.

Unfortunately, implementation of these policies and legislations has been patchy except in a few states like West Bengal. It has been successful only when there has been strong collective action by the rural poor and a high degree of political commitment in government. Due to various loopholes in the Indian legal system, particularly the Land Ceiling Act, land has remained concentrated in a few hands while the number of landless labourers growing over the years. Also, there are pervasive gender inequalities in ownership and inheritance of land for which the legal system is yet to find a remedy. Despite laws preventing sale of tribal property, indigenous tribal population have had difficulties in retaining their land. Often they lose ownership of land informally, due to their being illiterates and not knowing the legalities, and formally, with launching of development projects in tribal areas (World Bank, 1999).

The strategy of boosting agricultural production during the past four decades has, unfortunately, ignored land distribution issues, after the half hearted implementation of land reform measures in the fifties. The inequality in distribution of operated area was less than that in ownership holdings in fifties as small holders, with larger number of family labour, leased in land. Importantly, the inequality measured through Gini coefficient in operational holdings declined during 1950-60 and remained stable during 1960-70. During the subsequent decades, however, this has gone up steadily⁴². That can be attributed to decline in small farmers leasing in land and many among the large farmers becoming lessees, taking advantage of modern system of cultivation.

⁴² The Gini index of operational holdings has gone up from .587 in 1971 to .624 in 1981 and to .624 in 1991.

Consequently, the gap between the inequality in ownership holding and operational holding has declined.

Despite all land reform measures, India continues to have 90 percent of its farmers in small holdings (less than 1 hectare of land, and somewhat more in dryland areas), operating 50 percent of the area under cultivation. This is unlikely to change dramatically in the next few years. It would, therefore, be necessary to ensure that a large part of the benefit of growth goes to small holders and landless labourers. It is their integration in the development process, through provision of infrastructural facilities, credit, access to modern technology that can leverage growth and poverty reduction in the country. This is expected to give a boost to rural non-farm sector, opening up employment and income opportunities for rural poor including the socially underprivileged groups.

(b) Subsidised Inputs

The growth strategy in agriculture during the past three decades has been critically dependent on provision of personalised inputs such as power, water and fertiliser. The intensity of private capital has been encouraged to grow at a fast pace, particularly in regions that experienced rapid agricultural growth during sixties and seventies (Green Revolution areas). Fertiliser, pesticides and diesel accounted for a mere 15 per cent of total inputs in 1970-71 which went up to 51 per cent in 1994-95⁴³. For large farmers in commercial cultivation, their share is as high as 70 per cent. Marketable surplus, however, has grown at a much lower rate. This implies that output sold in the market by large majority of small farmers has not increased as much as the value of monetized inputs. This has caused serious difficulties in organising working capital for a large number of farmers, who had to borrow heavily for purchasing the inputs. The low growth in marketable surplus and uncertainties of modern agriculture have led to defaults in loan repayment, being responsible for suicide deaths, as discussed in case of small peasants in Andhra Pradesh.

This shift in policy, laying emphasis on provision on subsidized inputs, despite deteriorating financial situation of both central and state governments, has meant meager investment in rural road, irrigation, rural power and technological upgrading during nineties. Maintenance of rural infrastructure has, thus, been grossly neglected. Due to lack of maintenance of irrigation channels, it is estimated that only 30 to 40 per cent water entering the irrigation system reaches the end users⁴⁴. Besides, the present strategy of emphasising on personalized inputs and ignoring rural infrastructure is damaging soil and aquifers which in turn is constraining productivity.

(c) Infrastructural Investment

Significant investments were made until late seventies on major and minor irrigation schemes but that has come down sharply in subsequent years. Importantly, despite these investments, about 64 percent of the total cropped area still depends on monsoons. A

⁴³ More specifically, the price policy for fertilizers, besides creating serious financial problems for government, has led to distorted and lopsided pattern of application of urea, phosphate and potash, having serious environmental consequences and has made an adverse impact on the productivity as well. Moreover, studies (Gulati and Kalra 1992) show that elasticity of foodgrains output to irrigation is much higher than that to fertilizers.

⁴⁴ Saxena (2003) argues that 10 per cent improvement in water management efficiency would add 14 million hectares to the irrigated area.

large part of irrigation potential in the country remains unutilised due to inadequacy of investment, besides of course inter-state and environmental water disputes, problems of water logging, salinity, etc. More importantly, not many irrigation projects have been taken up in eastern and north eastern regions. Besides the inadequacy of funds, incapacity of the governments to launch participatory water and land management projects, ensuring local supervision and clear enunciation of entitlements, has been a constraint for successful utilization of irrigation potential in dry and drought prone areas. This has also been responsible for shifting of production base from potentially low-cost regions⁴⁵ to high cost regions, causing serious regional imbalance and increasing the burden of storage and transport of foodgrains, as discussed in the previous section.

The increase in production costs and slowing of growth in productivity, notably in the Punjab and Haryana can be attributed to this environmentally unsustainable approach. Irrigation water has been used for producing paddy and sugarcane in semi-arid areas instead of confining these largely to areas with high (local) water resources. The limited availability of low-cost sources of farm power in the former has led to high investment in more costly options such as diesel engines, which is socially suboptimal.

In the ninth and the tenth Plan, government has tried to address a few of these problems. The announcement of National Agricultural Policy (2000), emphasis on 'Rainbow Revolution', introduction of Kisan Credit Cards in 1997-98, creation of Watershed Development board with the NABARD (1999-2000), launching of Centrally sponsored scheme on-farm water management for increasing crop production in eastern India are a few of the measures. The Tenth Plan has clearly enunciated the need for a regionally differentiated strategy for infrastructural development, based on agro-climatic conditions and natural resources. It proposes credit-linked-capital-subsidy scheme for construction/modernisation/expansion of cold storage/storage facilities in urban and rural areas for effective operation of decentralised food procurement policy as discussed in an earlier section.

(d) Privatisation of Market

Policies to provide price support to farmers, procurement of foodgrains (by prohibiting movement and trading in food grains across zones even within the states) and its disbursement below market prices by the government, restrictions on their storage and movement through Essential Commodities ACT (ECA) etc. have seriously restricted the scope of private trade in foodgrains⁴⁶. The Department of Consumer Affairs of the Ministry of Consumer Affairs, Food and Public Distribution, is entrusted with regulation of domestic and interstate trade and implementation of ECA and Prevention of Black Marketing & Maintenance of Supply of Essential Commodities Act (1980). The Department also ensures standards of grades and measures across the country⁴⁷.

⁴⁵ Non-availability of electricity in Eastern India, is responsible for only 20 per cent of ground water being utilised with no increase in area under new technology, resulting in stagnation of yields.

⁴⁶ The restrictions have been justified as a precaution against private traders going in for monopoly profits through collusion in the market although as Dreze (1990) has argued "there is little evidence that food markets in India easily lend themselves to collusion and manipulation ... If anything, zoning is likely to facilitate such (collusive) practices"

⁴⁷ There are several other factors that adversely affect the operations of private traders. The periodic releases from FCI stocks at subsidized prices and their systematic reentry into open market depresses the prices, particularly in deficit areas. (Ramesh Chand, 2002). Furthermore, reservation of agro-processing units to small sector which use inefficient

The central government decided to do away with the zonal restrictions in 1993 and permit free interstate and intra-state movement of food grains and advised the states/UTs to launch appropriate measures. Exports and imports of foodgrains that too were strictly regulated till early nineties got liberalized, with quantitative restrictions being gradually dismantled along with reduction in tariffs on imports. Importantly, the process of internal trade reforms has been intensified since 1995, following implementation of WTO agreement on agriculture. There are, however, a number of states that have not altogether lifted the restrictions on storage and movement of foodgrains, as presented in Table 5.1. The Working Group for the Tenth Plan (Government of India 2001) notes that “the restrictions have continued even without adequate justifications because it hits the interests of certain class of renters who have had a parasitic existence on the restrictions imposed decades earlier”.

Apart from restrictions on trading across and within states, private operators have been facing serious problems in movement and marketing of certain food items (Table 5.2). For example, under ECA, they are required to obtain permits and licenses from several authorities, submit returns periodically and carry out inspections, all these increasing the transaction costs. Dasgupta (2003) has analysed the impact of the controls and concludes that these impose significant costs on the administration as well as on traders and consumers, providing no justification for their continuance in the long run. These act as strong disincentives for organized companies to enter in the food sector, exploit economies of scale and modernize it. Moreover, there are deficiencies in terms of godown and cold storage capacity and marketing facilities where investment by private sector has not been encouraged in the past.

The Working Group of the Tenth Plan (Government of India 2001) has recommended a number of tax concessions for strengthening the role of private trade in storage and distribution of foodgrains. Accordingly, the Department of Consumer Affairs has issued a Central Order which allows any dealer to freely buy, stock, sell, transport, distribute, dispose, acquire, use or consume any amount of wheat, paddy/rice, coarse grains, sugar, edible oilseeds and edible oils, without a license or permit⁴⁸. Besides, state governments would have to take permission from the Centre for regulating distribution of any specified commodities. Furthermore, there is dereservation of manufacturing of a few farm implements from the small scale sector which is likely to increase their availability and quality of the products.

The central government has launched several measures to improve agricultural marketing by establishing regulated markets, constructing warehouses, grading and standardizing the products (along with weights and measures) and providing information on agricultural prices. It has advised the state governments to enact marketing legislations to increase competitiveness and transparency and protect the interests of the farmers. As a result, 99 per cent of the 7,262 wholesale markets in the country have been covered under

technologies has been responsible for the low extraction rates for both wheat and rice by 10 to 20 per cent, much below the international standards.

⁴⁸ See Removal of (Licensing Requirements, Stock Limits and Movement Restrictions) on Specified Foodstuffs Order, 2002, under Section 3 of the Essential Commodities Act, vide GSR 104 (E), dated 15.2.2002.

regulation by March 2000. Similarly, 15% of nearly 28,000 rural periodical markets have been brought under regulation.

Despite these measures, private traders are still not allowed to directly procure foodgrains from farmers. Further, all commission agents, traders, processors, weigh persons, surveyors, brokers etc. are required to obtain licenses through a cumbersome and lengthy process. The elaborate documentations for licensing and illegal payments made to meet the requirements result in significant escalation in marketing and trading costs. The laws and controls, thus, continue to repress private sector foodgrain marketing, undercutting its potential contribution to long-term food security.

The official market committees in the states of Uttar Pradesh, Punjab and Haryana have been noted to have made it illegal for farmers to sell their produce through alternative channels. The regulated markets have, thus, emerged as taxing mechanisms, rather than facilitating farmers to get the best price. Also, private transporters of grains have received a low priority on railway movement, forcing them to rely on more expensive truck transport. Similarly, selective credit control policy has restricted access of private sector to trade financing. All these have come in the way of growth of private trading activities on food items. It is, therefore, argued that an efficiently functioning market, within the legal and institutional framework laid down by the state, is urgently required for ensuring food security in all parts of the country and in all seasons (Vyas 2000). More importantly, the civil society must play a key role in structuring the institutional system to make it transparent, responsive and accountable.

(e) The Regional Dimension

There exists significant disparity in levels of agricultural development, which has accentuated during nineties, the growth being extremely uneven across and within states. It is only the states like Punjab, Haryana, Andhra Pradesh and Uttar Pradesh that could take advantage of the new strategy and offer marketable surplus. As a result, FCI has procured much of its stock from these states. This production and procurement strategy, which has regional inequality built into it, can thus be questioned on grounds of equity as well as sustainability. The only alternative seems to be decentralised procurement policy, as discussed in a preceding section⁴⁹.

The major challenge would, however, be promotion of agricultural growth in hitherto bypassed areas, in order to sustain the momentum in reducing poverty which, unfortunately, has got concentrated in a few regions where agricultural growth has slowed down in recent years. Reversing this deceleration would require a strategy to address the multiple problems of poverty in these regions. For this, there is the need to lay greater emphasis on irrigation development, which may not comprise construction of

⁴⁹ The Sen Committee has worked out the economics of this package. The total compensation to both farmers and State governments would be at most Rs. 6000 crore in the first year, and declining from this subsequently. As against this, the savings on acquisition and carrying costs on the reduced procurement, envisaged at about 10 MT, will be about Rs. 10,000 crore in the first year, Rs. 12,500 crore in the second years, Rs. 15,000 crore in the third year and so on, assuming that the entire reduction in procurement will save on additional stockholding. There may be further savings in subsidies which would have been required to dispose additional stocks. Thus reducing MSP will be truly a win-win policy with environmental benefits thrown in as a side fallout.

large multi-purpose dams but alternate irrigation methods like watershed programmes, minor irrigation schemes, better harvesting of water resources etc. Besides, development of other infrastructural facilities would also be important components in the strategy. A recent initiative to connect all major parts of the country through high quality surface transport infrastructure (golden quadrilateral and east west and north-south corridors) is a good measure to improve livelihood opportunities in remote underdeveloped areas.

C1.4 Resource Allocation across Sectors and its Implications

An analysis of the plan expenditures of central and state governments across sectors reveals an interesting trend and pattern. It may be seen that the share of expenditures in social services has gone up from about 16 percent in the sixth and seventh five year plans (as also two consecutive annual plans) to about 18 per cent in the eighth plan. The figure has gone up further to about 22 percent in the ninth plan. In fact, expenditure on education, medical and health care, housing and various social amenities have gone up not only in terms of share to total expenditure but also in per capita terms. Unfortunately, this has been inadequate in making a significant dent on mal-nutrition and poor health status of the population, as discussed in earlier sections. One would argue that such safety nets are poor substitutes of availability of employment and increased purchasing power. Non realization of the targets in nutritional front in the nineties can, therefore, be linked to failure of the macro strategy, particularly pertaining to agriculture and rural development.

Inadequacy of investment in infrastructural facilities would largely explain the sluggish growth in agriculture and rural non-farm activities. It may be seen in table 5.3 that the share of agriculture and allied sectors in total plan expenditure has declined from about 6 percent to less than 4 percent in 2001-02 over the past three Five Year Plans. Similarly, the allocation for rural development has gone down from 7 percent to 6 percent. Special area development programme has also received smaller allocation of funds in the nineties and subsequent years compared to the preceding decade.

Importantly, the decline has taken place, mostly in the state sector while the central government expenditures have remained more or less stable over the years. Interstate analysis of the infrastructural and rural development investment reveals that it is extremely unequal in space. While the developed states have maintained or even increased their expenditures in per capita terms, there have been dramatic shortfalls in the less developed states. The problems of food and nutritional deficiency in the country can be, therefore, be directly linked to regional inequality, since the deprivation seems to be concentrated in a few pockets in the relatively backward states.

The emergent changes in the allocation of resources, as analysed above, may be interpreted to suggest weakening of government's commitment with regard to its obligation to protect and fulfill the right to food. Indeed, the government failed in achieving the food security goals due to inherent and contingent factors in implementation, snags in legislation, and above all lack of political will and apathy of the bureaucracy. The role of the deficiencies in infrastructural investment in agriculture and rural development in less developed regions can't be over emphasized in this context. A view has, thus, emerged that physical infrastructure like irrigation, power and rural roads must receive greater allocation, even if that comes at the cost of social sector programmes. Also, given the high growth of unemployment growth during nineties, the thrust of

development strategy as also anti poverty programmes must be promotion of labour intensive technology. Unfortunately, despite this avowed thrust, excavators, trucks and tractors have been used on a big scale, in flagrant violation of the guidelines specified by the Planning Commission⁵⁰. Consequently, labour component of the projects have been small and the food meant to be given as a part of wages, have often been diverted and sold in the market, distorting the prices for farmers.

Without questioning the validity of the argument for increasing investments on infrastructure and increasing labour intensity in different sectors, there is ample evidence to suggest that much better impact on food and nutrition can be achieved by restructuring the social sector strategy. The major criticism of the expenditures in anti poverty programmes and social sectors has been lack of people's participation, since a technocratic and top-down has been followed in their implementation. Leakages have been high as the schemes have been not been restricted to villages where minimum agricultural wages are not substantially (at least 25%) below the statutory minimum wages fixed by Government.

One of the ways to improve administration of social sector activities would be to involve the stakeholder in monitoring and designing the project. For this, it would be important to develop indicators for assessing public participation, budgetary practices and effective implementation. Transfer of funds and food grains could be linked to a certain extent, to such indicators. This can put the states into a competitive mode and prompt them to improve their score on the indicators. This is possible only when the information regarding release of funds and execution of works, persons employed, payments made etc. become accessible to all concerned through media or internet.

There are, however, apprehensions that given the highly stratified and unequal socio-economic structure of Indian villages, the dominant landowning and caste elites would come to control the implementation of these programmes. Recognizing this, the constitutional amendment has reserved large percentages of the total seats of the Panchayat Raj institutions for women (along with one-third of the posts of chairpersons) and SC/ST population which promises a better management of social sector, leading to fulfillment of the commitment to the right to food in the country.

C1.5. Programmes and Schemes towards attaining Food Security

The present section overviews the existing programmes and schemes having a bearing on food security and analyses how the participatory processes have played increasingly important role in their formulation and implementation in recent years.

(a) Programmes for provision of Subsidised Foodgrains

The major intervention for the provision of subsidized foodgrains is through TPDS which has been discussed in the previous section. Although it aims at targeting by providing subsidized grains to people BPL, there is a felt need to focus it further to the poorest sections, particularly among rural population. Keeping this in view, AAY has been

⁵⁰ A study by Deshingkar and Johnson (2002) reveals that in Krishna district, excavators were employed in 40 out of 54 works. This has brought windfall gains to the rich who own the machines and hire them out for public works.

launched in 2001 for the benefit of ten million rural families that are poorest of the poor, with the allocations of 25 kgs of foodgrains per family per month, to be given at a price, much below that charged from BPL families. The draught situation and subsequent NGO mobilisation, media coverage, filing of PIL etc., made the government increase the allocation to 35 kgs. A recent evaluation (Dreze 2002) in five states reveals that its success in reaching the poor is much better than TPDS. The major criticism, however, is that its coverage is less than 5 per cent of rural population and large sections of the poor get excluded from the scheme.

There is yet another scheme, called Annapurna, for providing 10 kgs. of grains per month free of cost to senior citizens, who are not getting the benefit of Old Age Pension Scheme. Although the former started as a centrally sponsored scheme, implemented by Ministry of Rural Development, it has subsequently been transferred to the states. Targeting under the scheme has, once again, been observed to be better here compared to TPDS while leakages work out as much less.

(b) Employment Generation for Poor

The government has been experimenting with a number of self employment programmes for the poor with the objective of lifting them above the poverty line on a sustainable basis, guaranteeing long term food security. Integrated Rural Development Programme (IRDP), introduced in selected blocks in 1978-79 and universalised since 1980, has been the instrument of intervention, whereby assistance was provided to rural poor in the form of subsidy and bank credits, enabling them to find productive employment opportunities. Subsequently, Training of Rural Youth for Self Employment (TRYSEM), Development of Women and Children in Rural Areas (DWCRA), Supply of Improved Tool Kits to Rural Artisans (SITRA), Million Wells Scheme (MWS) and Ganga Kalyan Yojana (GKY) were introduced as sub-programmes to take care of the specific needs of the beneficiaries and remove their technological and other constraints. The Mid-Term Appraisal of the Ninth Plan, however, came out with the finding that these “presented a matrix of multiple programmes without desired linkages”. It was further argued that the programme was subsidy driven and ignored the processes of economic and social intermediation, necessary for its success.

A committee was constituted by the Planning Commission (Planning Commission 1997) which recommended merger of all self-employment schemes in a single programme called Swarnajayanti Gram Swarojgar Yojana (SGSY). It emphasises a shift from individual beneficiary approach to a group-based approach and identification of activity clusters (micro enterprises) in specific areas around which strong training and marketing linkages, infrastructure support etc. can be built⁵¹. The programme has had problems in initial years as it lays emphasis on social mobilization, group formation and establishing linkages with NGOs, wherein the District Rural Development Agencies (DRDA), responsible for administering it, lacked in the requisite expertise.

⁵¹ The programme stipulates that 50 per cent of the self-help groups must be formed by women and that 50 per cent of the benefits should flow to SC and ST. There is also a mandate for including disabled persons in the list of beneficiaries. The subsidy is fixed at 30 per cent of the project cost subject to a maximum of Rs. 7,500 per beneficiary. In the case of SC/ST, the enhanced limit is 50 per cent of the project cost subject to a maximum of Rs. 10,000. In the case of group projects, the subsidy is 50 per cent of the project cost subject to a ceiling of Rs. 125 thousand.

Integration and amalgamation has taken place in case of wage employment programmes as well. Sampoorna Gram Rojgar Yojna (SGRY) has been launched in 2001, replacing all earlier wage based programmes like Jawahar Gram Samridhi Yojana, Jawahar Rozgar Yojana and Employment Assurance Scheme. Even the programmes like Food for Work, started in eight draught affected states have been amalgamated into it. It is a centrally sponsored scheme implemented through Gram Panchayats, with the states meeting only 12.5 of the cost. The focus of the programme is on food security which is manifest from the fact that 5 MT of foodgrains is being provided annually by the central government.

(c) Nutrition Support and Human Development

Mid Day Meal Scheme and Prime Minister's Gramodaya Yojana are the two schemes currently under operation that seek to improve the nutritional standards of children, besides overall human development. The first scheme is expected to improve, besides nutritional level of children, enrolment and attendance in schools. The second scheme addresses to the nutritional needs of children in 0-3 age group by providing supplementary food. Additional Central Assistance is available for this purpose, of which 15 per cent is earmarked for the nutrition component. Besides these, Day Care Centre Scheme which was started in 1975 in pursuance of National Policy for Children, provides day-care services to children (in 0-5 age group) of mainly migrants, casual and agricultural labourers and construction workers. The Scheme is being implemented by Central Social Welfare Board, Bhartiya Adimjati Sewa Sangh and Indian Council for Child Welfare.

(d) Food and Nutrition Supplementation Programmes

The earliest intervention launched for nutrition and health of children was Balwadi Nutrition Programme (BNP) in 1971. The programme provides supplementary nutrition consisting of 300 calories and 12.15 gms. of protein every day per child in the age group of 3-5 years.

The major Scheme in this context is Integrated Child Development Services (ICDS) which is in operation since 1975. Its objective is to improve nutritional and health status mainly of pre-school children (up to 6 years of age), pregnant women and nursing mothers, belonging to poor families and living in disadvantaged areas including backward rural areas, tribal areas and urban slums. It stipulates provision of a package of services such as pre-school education, immunization, health check-up, referral services & health education through effective convergence of inter-sectoral services⁵².

The Scheme was launched initially in just 33 blocks of the country. The World Bank evinced interest in it and funded Tamil Nadu Integrated Nutrition Project (TINP), a state

⁵² ICDS envisages provision of supplementary nutrition for the target groups as shown below.

Recipients	Calories	Grams of Protein
Children upto 6 Years	300	8-10
Adolescent Girls	500	20-25
Pregnant and nursing mothers	500	20-25
Malnourished Children	Double the daily supplement provided to the other children	

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sector project, during the period 1980-89. Encouraged with the success of TINP, the World Bank entered the programme in a big way by launching the first World Bank assisted ICDS Project covering backward and tribal blocks in Andhra Pradesh and Orissa in 1990. The Second phase of Bank Assisted Project came into operation in the states of Bihar and Madhya Pradesh while the third phase covers the states of Uttar Pradesh, Tamil Nadu, Maharashtra, Rajasthan and Kerala. Presently, the government is strengthening the project also through the participation of World Food Programme (WFP). This is expected to streamline the food aid programmes focused on specific groups such as disadvantaged women and children in big urban areas, viz. Mumbai, Kolkata and Hyderabad.

Recently, a National Nutrition Mission has been set up in 2001 with the objective of providing subsidized foodgrains to adolescent girls and expectant and nursing mothers belonging to BPL families. It is headed by the Prime Minister and its Executive Committee functions under the Ministry of human Resource development.

**Government Interventions Relating to Employment, Food and Nutrition:
Financing Arrangements and Coverage**

Program/Scheme	Nature of intervention
a. Provision of Subsidised Foodgrains	
1. Antyodaya Anna Yojana (AAY)	35 kg of rice and wheat per family classified as poorest of the poor; Higher subsidy on rice and wheat than under TPDS for BPL
2. Annapurna Scheme (AS)	10 kg per person per month; Free grain to indigent senior citizens
b. Employment Generation for the Poor	
1. Sampoorna Grameen Rozgar Yojana (SGRY) (incorporating Jawahar Gram Samridhi Yojana and Employment Assurance Scheme and Food for Work prog) Centrally sponsored wage employment scheme (12.5% cost met by states) implemented along with food security through Gram Panchayats	Employment in lean agricultural season for BPL rural workers; creation of community assets. Facilitating employment generation programmes through provision of foodgrains in drought prone areas
2. Swarnajayanti Gram Swaroggar Yojana (SGSY) (incorporating all progs like IRDP, TRYSEM, MWS and DWCRA pertaining to self employment) Centrally sponsored scheme (25% cost met by states), Self Employment Prog. through Self Help Groups. It also covers Food for Work prog. Which was launched drought affected rural regions in eight states	Employment at minimum wage partly paid in kind. Payment of 5 kg. of foodgrains per person per day (as envisaged under FFW) continues along with some cash payment.
3. Jai Prakash Rozgar Guarantee Yojana (JPRGY)	Proposes to provide employment in most distress districts

4. Swarnajayanti Sahri Rozgar Yojana (SSRY) replaces all urban anti-poverty programmes	Covers both self as well as wage employment programmes in urban areas.
c. Nutritional Support and Human Development	
1. Primary Education with Nutritional Support (MMS): The objective is universalisation of primary education	3 kg rice or wheat (uncooked) for 10 months or cooked meal (100gm/day) for 200 days per child per month in government and aided primary schools.
2. Day Care Centre Scheme (DCCS)	300 calories+12-15 gm protein for 270 days; Day care services to children below 5 years to low income families, supplementary nutrition, health care, medical check up and immunization
3. Pradhan Mantri Gramodaya Yojana (PMGY): The objective is sustainable human development having components like primary health, primary education, drinking water and electrification, besides nutrition	Focus on critical areas for sustainable rural development
d. Food and Nutrition Supplementation Schemes	
1. Integrated Child Development Scheme (ICDS)/Tamil Nadu Integrated Nutrition Program (TNINP)	Children between 0 and 6 yrs: 300 calories ready to eat food and 8-10 gm protein for 300 days. Malnourished children: 600 calories and 200 gm protein for 300 days. Pregnant and nursing mothers: 500 calories+ 20-25 gm protein for 300 days Adolescent Girls: 500 calories+20-25 gm protein for 300 days; Supplementary feeding, growth monitoring and promotion, nutrition and health education to adult women and adolescent girls, pre-school education to 3-6 yrs old, immunization, health check-ups and referrals, income generating programs
3. Balwadi Nutrition Program (BNP)	300 calories+12-15 gm protein for 270 days; Supplementary feeding to children 3-5 years, promote child's social and emotional development

C1.6 Monitoring of Programmes and a Shift towards Participatory Approach
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A major criticism of the above mentioned programmes has been non involvement of local governments and community based institutions in designing and implementing them. It is argued that people's participation has mostly been nominal as the Village Presidents has

often assumed the role of Gram Panchayats. Fudging of muster rolls and official registers has been common due to lack of transparency in employment generation programmes. Even, the list of beneficiaries is not known even to the members of the Gram Panchayats. There are of course a few schemes launched by NGOs and communities that have been successful and drawn international attention but their outreach has been very small.

The importance of adopting a participatory approach in programme formulation and implementation has been recognized in the nineties, which is making a distinct impact in terms of better targeting and improving efficiency of the delivery systems. The government has recognised the role of self help groups and NGOs not merely for credit mobilization but also designing and implementation of various schemes.

The year 2001 has, however, turned out to be a major landmark in terms of people's awareness and participation in anti-poverty programmes, particularly pertaining to provisioning of food. Monsoon failure for the third successive year for a large part of the country and incapacity of several state governments to make food available to poor drought-affected citizens, as spelt out in their "famine codes" or "scarcity manuals", led an NGO filing a PIL in the Supreme Court, as discussed in section 3. This initiative of the PUCL and the proactive stand taken by the Judiciary has resulted in a number of NGOs and public spirited citizens, launching the RTF Movement in India.

The movement has spread in many states during 2001-02, particularly those with high concentration of poverty and starvation. For example, a petition has been submitted by PUCL (Ranchi) in the High Court of Jharkhand, demanding immediate implementation of the Supreme Court orders. A similar petition has been filed in Allahabad high court, Uttar Pradesh (UP) as well, focusing on mid-day-meal scheme. Further, slums and resettlement colonies in urban areas have become the thrust areas of RTF campaign. *Public hearing (Jan sunwai) on various poverty alleviation programmes* was pioneered by the Mazdoor Kisan Shakti Sangathan (MKSS) in Rajasthan as part of the struggle for the right to information and this has been adopted as a tool of awareness building within the RTF campaign. In 2002, four public hearings have been held in different places of the country, such as Shankargarh in UP, Palamau in Jharkhand, Kalahandi in Orissa and Kelwada in Rajasthan. These have created an awareness concerning legal entitlements among otherwise disempowered citizens. Besides, it has helped in improving accountability in the official machinery by creating awareness within the local structures of power. The details of the activities of the NGOs undertaken during the last two years are given in appendix II.

It is, thus, evident that the RTF movement is gradually taking shape in India through a participatory process. There are indications that it will become stronger over the next few years. The movement, nonetheless, has a long way to go in breaking down barriers of official cynicism and apathy. Its success could be measured by the degree to which it can prompt the state governments to move away from *ad hoc* responses and institutionalise a system of legal entitlements to food.

A major criticism of the anti poverty and nutrition based schemes in the country has been their multiplicity. Keeping this in view, the government has already consolidated these into two or three major programmes, as may be seen in the Panel above. A comparative

assessment of these listed under category A and B in the Table⁵³ shows that programmes linked to employment generation fare much better than those based on food transfer, in terms of cost effectiveness. TPDS, Antyodaya and Annapurna belonging to the latter category have a benefit-cost ratio, about half that of the former. The public works programmes generating employment have undoubtedly been found very useful during drought years⁵⁴. Even in normal years, these have the advantage of self targeting since people are required to put in their physical labour in order to benefit from these. Studies reveal that about 90% the beneficiaries under Employment Guarantee Scheme in Maharashtra in early eighties were poor (Dandekar 1983). The more recent versions like SGRY have also been considered superior to TPDS. This is despite the fact that the former mostly fail in creating durable and productive community assets (Parikh 1994). If such benefits materialize, their impact would be much higher than that of TPDS which emerges as the most expensive of all schemes as a mechanism of fund transfer. Further, SGRY has the indirect benefits of increasing agricultural wages, stabilising labour market etc.

These wage employment schemes have been evaluated as more effective than even the self employment programmes like SGSY or IRDP (Ravallion and Datt 1995). An assessment of the Employment Guarantee Scheme in Maharashtra shows that the poorer households benefit most from participation in public works, the gains tapering off with rising income levels. In case of IRDP, however, the benefits appear to be uniform across income classes although a few recent studies suggest that there has been improvement in its targeting in recent years.

ICDS has been reported to be the least expensive among all the programmes currently under implementation, in terms of the cost of transferring a rupee to poor, as self targeting is built into it. It has both short as well as long term benefits. It has succeeded in demonstrating that a limited package of health linked nutrition intervention, through village-based para-professionals, is operationally feasible and cost-effective and that it can make a substantial impact on the health status of children of vulnerable groups in rural India. Given all these advantages of ICDS, it would make sense to substantially increase its allocations, particularly in districts with high incidence of poverty.

Despite the significant advantages of wage employment and nutrition based programmes, it must be pointed out that these are subsidy driven and impose fiscal burdens on government or international donors that are not sustainable in the long run. Understandably, in the present environment of globalization, the government is switching over to self employment programmes, based on provision of credit at reasonable interest rates that reduce the financial burden on the state and are replicable on a large scale. The sustainability of these programmes gets insured through low administrative costs, increased saving among beneficiaries and high rate of loan recovery⁵⁵. It can also be argued that skill formation among the poor is an integral part of self employment programmes which is mostly absent in provisioning of wage employment. Empowerment of women is yet another key concern in promoting self employment, which gets ignored in the latter case. One can, however, argue that often the self employment schemes entail significant hidden transaction costs and

⁵³ See Radhakrishna et al (1997) and Mahendra Dev (1998)

⁵⁴ The incidence of poverty has not increased in India in drought years mainly because of such employment programmes as undertaken in the drought affected states of Gujarat and Rajasthan in 1987/88.

⁵⁵ See Yaron, 1992.

consequently may not be as affordable to the poor as they appear. These include costs of meeting procedural formalities, opportunity cost of waiting time and paying bribes to lending officials.

Evaluations of self employment programmes have further revealed that group lending is more successful in terms of targeting and sustainability rather than lending to individuals⁵⁶. It also helps in bringing down the hidden costs noted above. Furthermore, central or state government programmes are less successful in reaching the poor, compared to those involving local self governments, local communities and NGOs. Programmes based on age, gender and other vulnerabilities also are more effective in reaching the targeted groups (e.g. nutrition programmes, programmes for children and women, programmes for elderly, widows and handicapped) and bringing down the administrative costs.

C.2 FOOD SECURITY AND RIGHT TO FOOD FOR THE IDENTIFIED VULNERABLE GROUPS

Three vulnerable groups of population have been identified in the study for an in-depth analysis; one suffering from serious socio-economic deprivation due to historical reasons and the other getting trapped in the process of immiserisation as a result of cotemporary development process in the country. The first group comprises scheduled castes (SC) and scheduled tribes (ST), constituting for 17 per cent and 8 per cent of the country's population respectively. They exhibit low levels of development and limited access to basic amenities and productive resources that have a direct bearing on their food security. These deprivations date back to the pre-colonial period. The government, after Independence, has guaranteed Constitutional equality to all sections of population and launched developmental measures to eliminate disparity and discrimination. The inequalities nonetheless persist in a significant manner. It has, therefore, been considered important to focus on right to food of these sections of population in the present study.

The second group, selected for the focused analysis, is marginal farmers, having less than one hectare of operational holding in the state of Andhra Pradesh that accounted for 45 percent of the state's rural population in 1983. The share has gone up to 71 percent in 1999-00. This state has emerged as a hotspot in the hunger map of India with over a thousand agricultural workers, primarily opting for commercial crops like cotton, committing suicide during the past three years. This has been attributed to the adoption of a corporate model of agricultural development and liberalisation of trade. Besides, the heavy social and economic costs associated with the incidence of suicides, it is matter of human tragedy and shame.

An important category of vulnerable households in India, emerging very strongly, is that having an HIV positive or AIDS patient, which has been selected as the third category. Among diseases that have afflicted the country in recent years, this is the most devastating, debilitating and fast growing menace. Due to their transmission mechanisms, this affects the population during their working age or even earlier which gives the category extra significance and reasons for concern.

⁵⁶ The Ninth Five Year Plan of India emphasizes on group lending in the case of IRDP. Also see World Bank (1998) on informational problems in the credit programmes.

(a) SC and ST Populations: An Analysis of Food Security

One of the dominant features of Indian social structure is caste system, characterized by about 3000 'castes', placed in a complex nexus of hierarchical relationship. Of these, as many as 779 have been designated, as per the Constitution of India (Article 341, 342 and 366), as SC who occupy the lowest rung in terms of ritualistic ordering⁵⁷. Despite "untouchability" being abolished in 1950 through the adoption of the Constitution (Article 17)⁵⁸ and subsequent passing of Protection of Civil Rights Act (1955) and SC and ST (Prevention of Atrocities) Act (1989), violations of their economic, social, civil and political rights have been rampant. Importantly, the central as well as state governments have launched several programmes and schemes for their advancement in successive Five Year Plans⁵⁹. And yet, they constitute bulk of poor in the country, falling in agricultural labourer, small farmer and casual worker category (Singh & Malik 2001). Importantly, the SC population is unevenly distributed across states, its share in the state population being high in Punjab (28.3%), Himachal Pradesh (25.3%), West Bengal (23.6%), and Uttar Pradesh (21.1%)⁶⁰.

More than 400 communities in the country belong to ST as per the Indian Constitution. Their spatial distribution is more uneven compared to SC as majority of them are located in central and eastern parts of India, besides the northeast where they constitute numerically, socially and politically the dominant community. They live in difficult terrains such as hills, forests, deserts and perpetually snow bound areas, in small and scattered hamlets. These geographical factors are, at least partially, responsible for their social exclusion and economic marginalisation.

A large majority of SC and ST population reside in *rural areas*. These, together with other backward castes, account for 50 per cent of the rural population in the country. Their share in rural poverty, however, is as high as 81 percent in 1999-00. The percentages of poor among SC and ST population (in rural areas) are very high - 48 and 50 respectively in 1993-94 - much above the national average of 37 per cent (Table 7.1 and 2.4). Indeed, there has been some decline in the poverty, their percentage figures being 35 per cent and 44 per cent respectively in 1999-00, much above the national average of 27 per cent. One would, however, note that the decline in case of SC is much higher than that of ST or total rural population. As a consequence, the percentage share of tribal population among the rural poor has increased from 14.8 in 1993-94 to 17.5 in 1999-00 and the disparity in poverty levels between SC and ST has widened over the years (Table 7.2 and 2.4).

The pattern in case of *urban areas* emerges as somewhat different. SC and ST population had recorded poverty percentages of 51 and 43, the former being higher than the latter, as opposed to that in rural areas in 1993-94. The figures have gone down to 39 and 38

⁵⁷ A list of socially deprived ("untouchable") castes was prepared by the British Government in 1935. These were mentioned in a specific "schedule" with the objective of providing special government protection, assistance and representation in the legislature, in government employment, and in university placement.

⁵⁸ As per Article 17 "Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "untouchability" shall be an offence, punishable in accordance with law".

⁵⁹ For details see South Asia Human Rights Documentation Centre (2001)

⁶⁰ The figures are close to national average of 17 percent in Andhra Pradesh, Karnataka, Orissa, Bihar and Madhya Pradesh and less than 10 percent in the remaining states.

respectively in 1999-00. One may argue that the difference between SC and ST population in urban areas was very high - much more than that in rural areas in 1993-94. Now, since the development process during 1994-00 benefited SC much more than ST in rural areas, the disparity between them has gone up, as mentioned above. In urban areas, too, benefits in terms of poverty reduction has been high among SC than that of ST, so much so that the disparity in their poverty levels which was very high, has declined substantially, the two figures now coming close to each other. Poverty among ST, however, continues to be marginally less than SC in 1999-00 but these are much above the national average of 24 per cent for urban areas (Table 7.1, 7.2 and 2.4).

Looking at the spatial scenario, the incidence of rural poverty among SC can be noted as high in less developed states of Bihar, Uttar Pradesh and Madhya Pradesh, as well as developed states of Maharashtra, Tamil Nadu and West Bengal (Table 7.1). The three backward states account for over 54 per cent of the poor among SC in rural areas and 33 per cent in urban areas in 1999-00. In case of ST, Orissa, Madhya Pradesh and Bihar, report the highest levels of deprivation, their average poverty figures being 65 and 55 per cent in rural and urban areas respectively (Table 7.2). The first two states account for 48 per cent of the poor among ST rural population in 1999-00, the corresponding urban figure being 35 percent. Interestingly, the developed states of Gujarat, Maharashtra and West Bengal, too, report very high poverty levels among ST, both in rural and urban areas. The picture is same in case of SC; only the state gets replaced by Tamil Nadu. One may, therefore, argue that economic development of the state has only a marginal impact on the poverty of the SC and ST population. Even urbanisation does not seem to make a dent on their poverty levels, as poverty among SC in urban areas is higher than that in rural areas. Among STs, urban poverty is comparatively less but that is due to selective and skill linked migration among tribals to urban areas.

Several among the developed states reporting high figures for rural as well as urban poverty among SC and ST population, despite their low poverty levels at aggregative level implies that here a large segment of the poor belong to either of these two disadvantaged groups⁶¹. Importantly, calorie deficiency in these states, too, works out as high and the figures are not very different from that of Bihar, Madhya Pradesh and Orissa. This may be explained partly in terms of coexistence of affluence with poverty in the developed states, implying a high incidence of vulnerable populations like SC and ST. Large tracts of land here fall in 'rainfed' (West Bengal, Maharashtra), 'semi-arid' (Maharashtra) and 'arid' zones (Gujarat) which have low agricultural productivity. It is here that the SC and ST population tend to get concentrated.

The major factor responsible for the persistence of rural poverty among tribals is land alienation. Their displacement from homeland due to launching of large development projects, increasing urbanization and losing ownership rights over land and forest resources, have accentuated the problem. Further, the level of occupational diversification among them is low – more than 70 per cent being dependent on agriculture either as self-employed persons or casual labourers. Many of them are cultivating land in difficult terrains. The discrimination in the rural labour markets is also high and consequently they can find only low level jobs outside agriculture. Lack of

⁶¹ Punjab wherein only 6 percent of its rural population were poor in 1999-00, the scheduled castes accounted for 78 percent of them. This is more than twice their share in rural population.

employment opportunities in tribal regions has forced them to seek absorption in equally low productive occupations in urban areas (Radhakrishna 2003).

Calorie deficiency has been computed for different social strata using the NSS data for the last two decades for *rural areas* only. It may be noted that the percentage of calorie deficient population works out to be the highest among ST followed by SC and other backward castes (OBC) (Table 7.3). The difference between ST and other group (excluding ST, SC and OBC) is fifteen percentage points by the official norm and as high as seventeen points by FAO norm in 1999-00. More importantly, the deficiency figure for the total population has gone up marginally by FAO norm and significantly by official norm during 1983-00. The increase is largely due to increase in calorie deficiency among ST population.

The persistence of severe socio-economic inequality, as discussed above, despite the Constitutional provision of a Commission to monitor the conditions of socially and educationally backward classes and propose policy measures for their upliftment is indeed very disturbing. Keeping these in view, a few steps have been proposed to tackle the problem in recent years. The sixty-fifth Amendment of the Constitution provides for establishment of National Commission for SC & ST in 1990. As per recommendations of the Commission, 27% of the vacancies in civil posts and services under the Government of India are to be reserved for socially and economically backward castes in case of direct recruitment.

Central assistance for Special Component Plan is a major scheme implemented by the Ministry of Social Justice for the upliftment of SC. National Scheme for Liberation and Rehabilitation of Scavengers has also been revamped in recent years to place them in other occupations. Sanitary marts are being set up by organizing them into groups and cooperatives so that they can manage these marts cum production centres on commercial basis. There exists a centrally sponsored scheme, offering scholarships to school children from families engaged in unclean operations. Construction of hostels, book banks, coaching centres etc. are also being taken up for helping them in pursuit of their education.

For economic empowerment of these groups, four apex financial corporations have been set up. These are National Scheduled Caste Finance and Development Corporation, National Backward Classes Finance and Development Corporation, National Safai Karmacharis (cleaning workers) Finance and Development Corporation and National Minorities Finance and Development Corporation. Besides, a separate Ministry of Tribal Affairs has been set up exclusively to cater to the needs of ST population.

(b) Marginal Farmers in Andhra Pradesh

The development process in the state of Andhra Pradesh has been an enigma to socio-economic analysts as well as political leaders. While the state has recorded high growth in income, particularly, in modern industries like computers and high income tertiary activities (including farmed out jobs from foreign companies), urban poverty has worked out to be high – 27 per cent against the national average of 24 per cent. Surprisingly, rural poverty which was as high as urban poverty in 1973-74 has come down sharply, the former being just 11 per cent, less than half of the latter in 1999-00.

Despite Andhra Pradesh showing such a low figure of rural poverty (all India figure being 27 per cent), the state reports much higher percentage of calorie deficient population than the national average, by both official as well as FAO norms (Table 7.3 & 7.4) in 1999-00. It may be noted that some of the developed states, such as Gujarat, Punjab, Haryana and Tamil Nadu have still higher figure of calorie deficient population wherein calorie deficiency is compensated by other nutrients, as revealed through NSS data. Given these contradictory perspectives, the large number of suicide deaths in Andhra Pradesh, particularly among the marginal farmers, needs to be examined within the framework of macroeconomic development as also the specific conditions of this vulnerable section of population.

For focusing attention on the marginal farmers, the percentages of calorie deficient population have been computed for different occupational categories in the state of Andhra Pradesh as well as at national level, using the data for the last three quinquennial NSS rounds for rural areas only. It may be noted that marginal farmers report the highest figures both by the official as well as FAO norms. The self employed as well as non-farm workers report low figures. Calorie deficiency relates negatively with size of land holding which suggests that calorie intake of marginal farmers is constrained by their affordability which is adversely affecting their health status. The same pattern can be observed at the national level as well.

The similarity between the state and the country, however, ends here. Poverty and calorie deficiency among marginal farmers in the state is higher than the landless households in 1999-00, which is not the case in rural India. Further, the percentage of deficient population among marginal farmers in the state (although less than the national figure in 1983) has gone up over the years, both by FAO as well as official norms, which again is not the case at the national level. Also, landless households seem to have improved their economic conditions much better than the marginal farmers during the nineties in the state.

It has been argued that adoption of modern capital intensive technology by small farmers in cotton and sugarcane cultivation in the state of Andhra Pradesh have exposed them to high risks, as occasional crop failures are jeopardising their survival strategy, forcing many to commit suicide. A study by Vandana Shiva and Jafri (2002) attributes this to commercial farming practices such as monoculture, dependence on non-sustainable practices and use of modern varieties of seed, fertiliser and pesticide. These have also been noted to be ecologically disastrous. The farming practices, driven by multi nationals result in heavy debt burden for purchase of the costly inputs. It promises huge profits but, at the same time, increases risks of crop failure and vulnerability to pest attacks, frequently placing them at the mercy of moneylenders.

A study by a Hyderabad based NGO in the state, AWARE, reveals that 90 per cent of the households reporting suicide cases during 1997-98 were those that have shifted from traditional to modern cultivation of cotton during the past ten years⁶². Unfortunately, most of them received no support from the government in making this transition or in coping with its uncertainty. Importantly, 83 per cent of the land cultivated by these families was un-irrigated, about one-third of it being procured on lease. A study by a peasants' organisation called Andhra Pradesh Rytu Sangam (APRS), reveals that the

⁶² Quoted in Sridhar (1998)

farmers who leased in lands to raise cotton crops became more vulnerable to the uncertainties than the others⁶³. Furthermore, for meeting the high cost of cultivation associated with the new technology, the farmers had to take loans from private financiers as they did not have their own land to offer as collaterals, as required by banks and public financing agencies. Only 10 percent of the finances came from public sources. Taking advantage of the situation, the private financiers often acted as seed, fertiliser and pesticide merchants and sold sub standard stuff. The annual rates of interest on such loans were between 36 per cent and 120 per cent. The failure of the Government's Extension Department to provide the appropriate inputs or even timely advice to farmers resulted in serious pest attack, causing widespread damage to the crop. There was also no debt relief from the cooperative banks from where a few of them had taken loans.

Taking a serious view of the suicides by farmers during the past five years (80% of these were during the year 2001-02), the Human Right Council in Vishakhapatnam in Andhra Pradesh has appealed to the National Human Rights Commission (NHRC) to direct the Sessions Judges of various districts to inquire into the primary causes for the suicides and award suitable relief to the families, "as this amounts to violation of right to life"⁶⁴. Their cases would get strengthened as many of the deaths have taken place due to delays in implementation of certain decisions about compensation etc. by the government departments "on purely technical grounds".

(c) HIV/ AIDS affected Households

The problem of HIV/AIDS has not yet been considered as alarming and taken up with a sense of urgency in India although the number of households affected by it has been estimated to be very high and growing exponentially over the years⁶⁵. It has moved from urban to rural areas and from high risk groups like sex workers to general population, the explosive spread taking place due to mother to child transmission (MTCT). The epidemics is trapping the women population which currently accounts for 25 to 40 per cent of all HIV infections, including MTCT and pediatric HIV (See NACO 2003).

Available data on HIV and AIDS with the health departments in different states have serious problems of credibility due to under reporting. And yet, the states like Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, Gujarat, Maharashtra along with two north eastern states of Manipur and Meghalaya have a large number of officially reported cases⁶⁶. Till October 2003, Andhra Pradesh had reported 4,339 cases, Gujarat 3,488, Tamil Nadu 24,667 and Maharashtra 9,234, adding up to the total figure 56,151 cases in the country.

Deficiencies in the data system, dependent on officially reported cases, have led to alternate methodologies for estimating the figures based on purposive samples that are

⁶³ Op. Cit.

⁶⁴ See Venkatesan (2002)

⁶⁵ The first case was reported in Chennai, the capital of Tamil Nadu in 1986.

⁶⁶ The states where HIV prevalence in antenatal women is 1% or more are considered high prevalence States

subjects of debate in the country. Estimates have been obtained based on the reported cases through sentinel surveillance conducted at public sites, particularly antenatal clinics. Unfortunately, the government has no method of obtaining information from private sector, which provides for 80 per cent of health care in the country. Despite these problems in the estimation procedures, National Aids Control Organisation (NACO) has estimated the total number of HIV cases to be as high as 3.82 million in 15-49 age group in the year 2002 or 0.8 per cent of the concerned population. NACO suggests pegging up of the figure by 20% to take care of the cases that remain unaccounted for due to the inadequacies in its methodology. The adjusted figure of HIV infections, thus, works out as at 4.58 million which constitutes about 10 per cent of all people living with HIV/AIDS in the world. The total number of new infections has been estimated to be over 0.6 million in 2002. Importantly, there has been a decline in transmission through blood and “drug use through injections”, their percentage share in total new cases going down from 6.1 and 5.3 in 1999 to 2.99 and 2.87 in 2002. The cases of mother and child transmission have, however, increased from 0.3 percent to 2.6 per cent.

The disaggregated estimates at state level suggest that its spatial coverage has increased over the years. The incidence, however, varies widely across regions within the country, the high levels of infections being noted in the states wherein a large number of cases have been officially reported. The most affected state happens to be Maharashtra due to the location of Mumbai, the business capital of India. HIV is estimated to cover 60 per cent of Mumbai’s sex workers, 14-16 per cent of the cases coming to sentinel STD clinics and over two per cent of the women attending antenatal clinics⁶⁷. Andhra Pradesh and Karnataka have emerged as new states besides the north eastern states and Tamil Nadu. A major challenge in dealing with this epidemic would, thus, be its regional spread in this geographically vast country during the past five years.

AIDS, potentially the most serious health and social problem in India, have implications that go much beyond the realm of public health. It has a poverty and food security dimension. It is observed that many among the affected persons belong to families that have weak economic status. The linkage can be seen to be two-fold, as noted in Regional HDR on HIV/ AIDS in South Asia (2003). While low human development increases vulnerability to AIDS, the latter tends to reverse the gains from human development. Hunger, indeed reduces the ability of a household to control circumstances and make choices that are physically safe. Similarly, social stigma attached to the disease makes it difficult for the affected persons to maintain their previous economic relations. It also affects socially often reducing him or her into a single member household⁶⁸. While information of the occurrence of the disease is itself scanty, no attempt is being made to collect information on various household characteristics of HIV affected persons, for various socio-economic reasons. None would deny that without these information, it is impossible to design a strategy for intervention for achieving the right to food for the affected persons. Importantly, NACO has initiated a study with the objective of analysing the nature and manifestation of this epidemics in six high prevalence states.

⁶⁷ The percentage of HIV cases among women attending antenatal clinics is as high as 6.5 per cent in Namakkal in Tamil Nadu (the town specializing in truck building industry) and 5.3 per cent in Churachandpur in Manipur (the town having high percentage of mixed population).

⁶⁸ In the countries in sub-Saharan Africa, the families often become female headed, which increases its socio-economic vulnerability.

Hopefully, this would feed into formulation of the third National Aids Control programme scheduled to begin in 2005.

D. Conclusions and Lessons Learned: Implications for FAO Guidelines

The conclusions and policy perspectives emerging from the study have been presented, as per the framework in the Draft prepared by FAO for the Intergovernmental Meeting in October 2003, highlighting their relevance for the FAO Guidelines. The sub-themes identified in the draft but not emerging as significant in the present study, due to specificity of the Indian situation, have been excluded in this section.

(a) Guideline 2: Economic Development Policies

1. The process of economic development in India during the past few decades has made a distinct impact on multidimensional aspects of poverty through increased agricultural production and improvement in public distribution of foodgrains. The reduction in poverty and progress towards food security has been facilitated by the presence of a few supportive factors like access to education, health and productive assets. Any strategy for ensuring food security must, therefore, go beyond income poverty and address the inadequacy of basic needs as well as productive assets.

2. With significant reduction in poverty, food deficiency has got concentrated in remote and backward areas, where cultivation and procurement/distribution of agricultural produce is difficult. The major challenge in sustaining the momentum in reducing poverty would be promotion of agricultural growth in these regions.

3. Maintaining low foodgrains prices has paid rich dividends in terms of poverty reduction and food security in several states and the country. Any move towards liberalisation of prices must, therefore, examine its implications and launch measures to protect the vulnerable sections that are likely to be hit adversely.

4. Hike in procurement price for select agricultural products is noted to have a negative impact on growth in investments, national income, income in non-agricultural sectors etc., with adverse implications for the wellbeing of bottom 60 per cent of rural and urban population. It has a positive impact on agricultural income in the short run but after a couple of years, this too turns out to be insignificant. There is an emergent need to lower down the procurement prices.

(b) Guideline 3: Strategies

1. Non realization of the targets in terms of food and nutritional can be linked to failure of the macro strategy, particularly pertaining to agriculture and rural development. Safety nets created through increased expenditure in social sectors are poor substitutes of availability of employment and increased purchasing power that alone can make a dent on the situation.

2. The socio-political rationale of procuring foodgrains in surplus regions for distribution in backward regions involving massive subsidy in transport and storage, should be subjected to scrutiny. Efforts must be made to extend the decentralised procurement system, presently in operation in a few regions, to cover the whole country.

3. The Neglect of investment in infrastructure, particularly in less developed states have been responsible for shifting of production base from potentially low-cost regions to high cost regions, causing serious regional imbalance in agricultural development. For encouraging foodgrain production in less developed regions, it would be important to provide power, road and marketing network in the backward regions. A credit-linked-capital-subsidy scheme for construction/modernisation/expansion of cold storage/storage facilities in the backward regions would be useful for effective operation of decentralised food procurement and distribution system.

4. Employment generation schemes have been proved to be superior to public distribution of food grains due to self targeting to ensure food security. This is despite the fact that the former mostly fail in creating durable and productive community assets. If such benefits materialize, their impact would be much higher. Further, the former has the indirect benefits of increasing agricultural wages, stabilising labour market etc. Importance of these programmes in difficult areas with low possibility of promoting non farm employment and in drought like situations can not be over emphasized.

5. The wage employment programmes unfortunately are subsidy driven and ignore the processes of economic and social intermediation. Also, these do not help in skill formation among the poor or empowerment of women that are key concern in promoting self employment. For better targeting and greater success in terms of ensuring food security on a sustainable basis, emphasis must be given to involvement of local governments and NGOs for identification of beneficiaries and creation of productive assets that can enhance the productivity in agriculture.

6. Evaluations of self employment programmes reveal that these entail significant leakages to non targeted population as also hidden transaction costs and consequently may not be affordable to the poor. These costs involve meeting procedural formalities, waiting time and paying bribes to lending officials. In view of the criticism, the new programmes have been designed moving away from individual beneficiary to a group-based approach and identification of activity clusters (micro enterprises) in specific areas with strong training and marketing linkages, infrastructure support etc. These are expected to curb leakages and the hidden costs. Further, local self governments, local communities and NGOs are being involved in the programmes as central or state administered programmes have been proved to be less successful in reaching the poor. Importance of a participatory approach is being recognized not merely for credit mobilization but also designing and implementation of the food based schemes. These hold out an immense possibility.

(c) Guideline 4: Market System

1. An efficiently functioning market within a legal and institutional framework laid down by the state, is urgently required for ensuring food security in all parts of the country and

in all seasons. Here, the civil society would have to play a key role in making the framework transparent, responsive and accountable.

(d) Guideline 7: Access to Resources and Assets

1. The process of agricultural growth in the country has benefited only a small section of marginal farmers and landless labourers. It is their integration in the development process through provision of infrastructural facilities, access to credit, modern technology etc. that holds the key to growth and poverty reduction in the country. This would necessitate land reforms to be brought into the core of agricultural development strategy.

2. The programmes of providing subsidized inputs, mostly appropriated by medium and large farmers, has led to high personalized investment and adoption of environmentally unsustainable modes of cultivation, damaging soil and aquifers. Given the deteriorating financial situation of both central and state governments, these have been responsible for meager investment in rural road, irrigation, rural power and technological upgrading and deterioration of maintenance of infrastructural facilities like irrigation channels and rural roads etc.

(e) Guideline 6: Legal Framework

1. International treaties, like ICESCR as well as several other multilateral treaties, having a bearing on the right to food, do not automatically become part of Indian law unless these are incorporated into the legal system through appropriate law. Mere ratification or accession of treaties does not provide an adequate basis for recognition of the implicit rights to become a part of domestic law. In view of this it would be desirable if there is enactment of legislation giving effect to provisions of the relevant international covenants relating to human rights. A firmer legal basis would exist for human rights recognized in international law if such enactments are there.

2. Indian courts generally interpret domestic laws in such a way that, to the extent possible, harmony is maintained between international law and the domestic law. In case of inconsistency between international law and municipal law, the municipal law prevails. It is, therefore, important that the domestic laws inconsistent with human rights recognized in international law should be repealed. Very often, the full implications of laws are not obvious. Determination of whether a set of laws are inconsistent with a given right may require elaborate scrutiny of the relevant laws. In the Indian context, there is need to do such an exercise to determine if there are any laws which might have implications inimical to the right to food.

3. The Supreme Court has been using the strategy of reading fundamental rights together with the directive principles; generally with a view to define or enlarge the scope and ambit of the former. It has successfully used the directive principles both for broadening and creating rights. However, it must be recognized that a derived right is not on the same footing as a constitutionally guaranteed right. For instance, the status of right to education, now that it is a fundamental right along with other rights of Part III, is qualitatively different from the status it had after the judgment in Unnikrishnan, which pronounced right to education as a fundamental right. In the context of right to food, it would be desirable if a similar inclusion of it is done in Part III.

4. Even if right to food is recognized as a fundamental right, its realization would depend on whether the appropriate institutions for its implementation exist or not. Therefore it is crucial that such institutions are legally protected in case they exist and are statutorily created in case they do not exist.

(f) Guideline 9: Nutrition

1. Marginal improvement in nutritional status despite disquieting trend in food energy intake is due to progress in education, health (including modern medicines), availability of safe drinking water and environmental sanitation and access to technological support system. Stagnation and even decline in energy intake has thus turned out to be the critical lagging factor in improving the quality of life which underlines the importance of food security.

2. A limited package of health linked nutrition intervention, through village-based para-professionals, is operationally feasible and cost-effective. It can make an impact on the health status of children of vulnerable groups of population. The major criticism of highly targeted schemes covering well identifiable groups by physical characteristics like the aged, expecting and lactating mothers or the poorest of the poor, that can be implemented at low administrative costs, is that their coverage work out to be very low. It would therefore be important to increase its allocations, particularly in the districts with high incidence of poverty.

(g) Guideline 11: National Financial Resources

1. Attempts to reduce the budgetary deficits and sharply focus the programmes for distribution of subsidized foodgrains, by putting a cap on the number of poor households have led to increase in the administrative cost of the programme as also exclusion of genuine households. A universal system, on the other hand, increases the possibility of mistargetting but lowers down the cost of transferring resources. Restructuring the PDS through the initiation of food stamps and food credit cards wherein the responsibility of purchase, storage, movement and distribution is that of the private sector seems to emerge as a possible alternative.

(h) Proposed New Guideline: Social Sectors

1. Administration of social sector programmes would have to be improved by involving the stakeholder in monitoring and designing the project. For this, it would be important to develop indicators for assessing public participation, budgetary practices and effective implementation. Transfer of funds and food grains can be linked to these indicators. This can put the states into a competitive mode and prompt them to improve their score on the indicators. For this, information regarding release of funds and execution of works, persons employed, payments made etc. must become accessible to all concerned.

2. Given the highly stratified and unequal socio-economic structure of Indian villages, the dominant landowning and caste elites could come to control the implementation of these programmes. Recognizing this, the constitutional amendment has reserved fixed percentages of the total seats of the Panchayat Raj institutions for women (along with one-third of the

posts of chairpersons) and SC/ST population which promises better management of social sector and fulfillment of the commitment to the right to food in the country.

(i) Proposed New Guideline: Awareness Building and Grass-root Mobilisation

1. People's movement and right based institutions around food, which has created an awareness concerning legal entitlements among disempowered citizens as also helped in improving accountability in the official machinery and local structures of power, needs to be strengthened. The movement must break down barriers of official cynicism and apathy. Its success needs to be measured in terms of the extent to which it can prompt the state governments to move away from *ad hoc* responses and *institutionalise* a system of legal entitlements to food.

(j) Guideline 12: Targeting Vulnerable Groups

1. Severe socio-economic inequality has persisted in the country despite various Constitutional provisions and that of a monitoring the conditions of socially and educationally backward classes through a Commission. In view of this, a few steps have been proposed to tackle the problem in recent years. The sixty-fifth Amendment of the Constitution in 1990 provides for establishment of National Commission for SC & ST whose recommendations have been responsible for certain posts in the government to be reserved, certain apex financial corporations to be set up as also launching of major development schemes for their benefit.

2. Adoption of certain commercial farming practices such as monoculture, use of modern varieties of seed, fertiliser and pesticide have pushed the farmers into high risk endeavors and proved to be ecologically disastrous. The farming practices, often driven by multi nationals resulted in heavy debt burden for purchase of the costly inputs in the hope of reaping huge profits. In the absence of adequate credit facilities and social security system, this has placed them at the mercy of moneylenders often leading them to suicides. Given that such transitions are and would take place in different regions, it is argued that the Government's Extension Department must organize provision of appropriate inputs including credits and extend timely advice to keep the farmers on a sustainable growth path.

Appendix I

An Analytical Framework for Analysing the Right to Food

Ensuring a right is generally seen as determining relationship between distinct agents; between individuals, or between an individual and an institution, or between an individual and the state. A right is expected to ensure for the right-holder certain kinds of behaviour from those persons or institutions he or she is expected to deal with in this connection. It, however, may not be able to ensure or translate his or her endowments into certain outcome in terms of access to certain bundle of goods and services, say means of survival, which is sought to be guaranteed by the right. As entitlements depend on both the rights and the initial endowments, it follows that while the existence of an entitlement incorporating say provision of adequate food need not imply the existence of a right to food, lack of any such entitlement may imply either the non-existence of such a right or simply the failure of institutional system. Conceptually, it would therefore make sense to make a distinction between rights and entitlements, the former, defined in this narrow sense, being neither a necessary nor a sufficient for the latter. In the context of availability of food, it is important to note that, despite legal or constitutional provisions, a large number of persons in a country may not be able to translate their endowments into an outcome in which they have access to adequate food, necessary for survival. Being free from hunger is not only a matter of right but also of entitlement. Starvation can occur not necessarily because of an absence of legal provisions stipulating right to food but because of the inadequacy of prevailing production and institutional system entitling adequate food to everyone. Starvation can occur not necessarily because of an absence of legal provisions stipulating right to food but because of the inadequacy of prevailing production and institutional system in entitling everyone to adequate food.

Although the content of the concepts like rights and entitlements is conceptually interesting, maintaining the distinction between the two is not usual in common parlance or academic and policy literature. Right to food has often been understood as synonymous with entitlement to food. Keeping this in view, it would be appropriate to define right to food in a way which is inclusive of the required entitlements. Right to food in the paper has thus been defined to cover entitlement to “adequate and culturally acceptable” food or implying the right not to be hungry.

Viewing the idea within this broader framework, it would be necessary for a state guaranteeing right to food to ensure that the societal process which transforms endowments into entitlements functions in a manner so that the required entitlements do materialize. From the perspective of right to food, therefore, it is necessary to make an analysis of the existing endowment situation of the individuals, their physical and mental capabilities, technology of production, system of distribution, fiscal and financial system etc. and to propose a controlling and monitoring system binding on all relevant institutions to ensure adequacy of food.

If a country does not fulfill the requirements for realization of right to food for everyone due to not having the productive capacities or elaborate social security arrangements, the relevance of its acceptance of the right to food would lie in the shaping of political decisions, building appropriate institutions and in pursuing a development strategy

towards the objective of eliminating hunger. Sen holds the view that even in such cases, “right to food” is not an empty box. Citing the example of India wherein the Directive Principles of the State Policy in the Constitution stipulate that “the state shall, in particular direct its policy towards securing ... an adequate means of livelihood” , he argues that here right to food can be seen to exist as a “meta right” which entitles the people to have policies for eradication of hunger. Understandably, it is relatively easy for a state to accept the right to policies for eliminating hunger and thereby give food the status of a meta right. This would make it obligatory for the state to adopt a genuine policy package for the purpose and be in a position to demonstrate why and how these would ensure the required entitlements to food.

For any rights system to become operational in a country, there conditions need to be met: (1) unambiguous determination of cases of violations of rights (2) identification of violators of rights and (3) establishment of a system of redressal. In case of metarights, it is extremely difficult to ensure whether the measures taken by the state indeed would be conducive for realization of rights. Constructing unambiguous indicators for determining violations or identifying the violators would require a thorough understanding of the process of development and of distribution of gains accruing from it. But such problems exist even in case of some institutional rights. It may not always be easy to decide whether right to freedom of speech or right to equality has indeed been violated and if so, to determine who the violators are. Despite Indian Constitution enshrining right to life as a fundamental right, murders take place and in several cases, the guilty go unpunished. Similarly, right to equality does not ensure non-discrimination based on gender or caste which has increased in certain areas, even by official records. The problems in cases of meta rights are understandably much more serious. Consequently, fulfilling the three conditions might be quite difficult as not only an in-depth understanding of the institutional structure but also the capability to guide its functioning would be required; which in many situations the countries may not possess. This, however, does not empty the meta-right of its content as it can provide a basis for a critical evaluation of the process of progressive realisation and social mobilization.

It would be interesting to explore the relationship between the right to food and the normative theories and structures of welfare economics. The most important evaluative structure in welfare economics is that of welfarism. Welfarism requires that states that are indistinguishable from the point of view of personal utility levels must not be treated differently from the point of view social desirability. A large variety of rules which have been prominent in the literature are of this type. Utilitarianism is an important rule satisfying the requirement of welfarism. Under utilitarianism the social states are judged in terms of sum totals of the utilities of all individuals and utility from a commodity or service tends to go down as an individual acquires more of it. Given this framework, it is possible to build up a case of eliminating hunger by redistributing food, when the total availability in a society is adequate, as is the case in India since late seventies. But that would be contingent on accepting the clause of additivity of individual utilities as also nature of individual utility functions⁶⁹.

It is thus, clear that although there are contexts in which there is no conflict between utilitarianism and right to food; it is not the case there is never any conflict between the

⁶⁹ The counter argument can be built by arguing that marginal utility may not be high for those whose level of overall deprivation is high

two. It is not difficult to construct plausible examples where the two would conflict. This of course implies that the right to food is not derivable from utilitarian ethics. Similar remarks apply to the framework for measuring Poverty, although it appears more favourable for redistribution from non-poor to poor, as it permits welfare functions of certain types for the latter and assigns zero utility to the non-poor. Even to maximin criterion, which permits zero welfare for all except the worst off person suffers from this inadequacy. The reason why the right to food is not derivable from any welfarist rule is that the provision for adequate food under any of them is context-dependant.

One of the implications of the Arrow Impossibility Theorem, which demonstrates the incompatibility of unrestricted domain, independence of irrelevant alternatives, the weak Pareto principle and non-dictatorship, is that the rights in the sense as they are commonly understood are not in general compatible with an approach in which the social evaluations depend only on individual preferences over social states. Arrow in his formulation assumed neither cardinal utility nor interpersonal comparability. It is clear that if the relative ranking of two situations is going to depend only on personal welfare levels of the individuals constituting the society and not on any other consideration (which all welfarism must stipulate), then realization of rights (say to be free from hunger) becomes context specific. One can always propose an alternate context, (like redistribution affects efficiency of the rich or makes poor lazy etc.), diluting the force of the argument behind right to food.

The arguments for right to food therefore must be placed within a framework which goes beyond the standard welfare economics framework. The informational basis for evaluative considerations would have to be significantly broader than what is required under welfarism. For example, the causes of welfare or misery of individuals must not be viewed as irrelevant information for the evaluation. The society should be prepared to view a situation where certain number of people experience misery due to hunger with greater alarm and needing immediate intervention than another where they suffer due to obesity, the welfare levels of individuals in the two situations being identical. Unless there is a feeling of anger and anguish against hunger, theories of social science would not be able to uphold a right based approach to food. In analysing the national and international law and administrative and institutional system in the country, one should therefore enquire whether this sense of anger and anguish characterise their norms of functioning, without which the right to food, viewed as a process of entitling people to the subsistence needs, is unlikely to materialize.

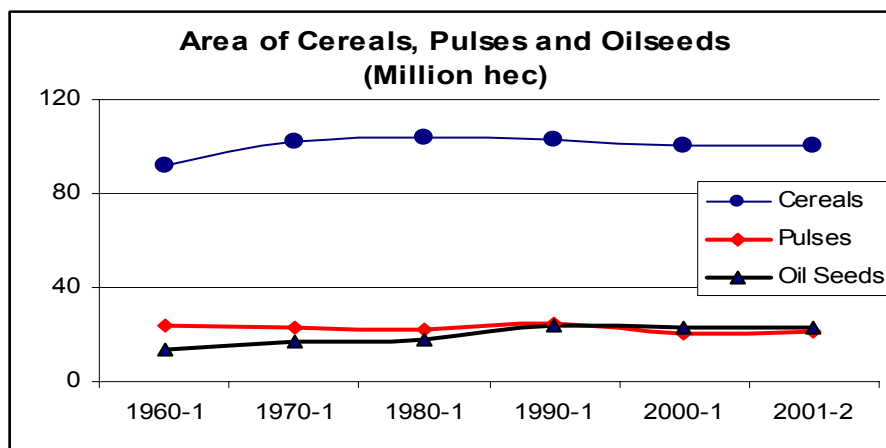
Appendix II

Civil society initiatives during recent years for creating public awareness about Right to Food

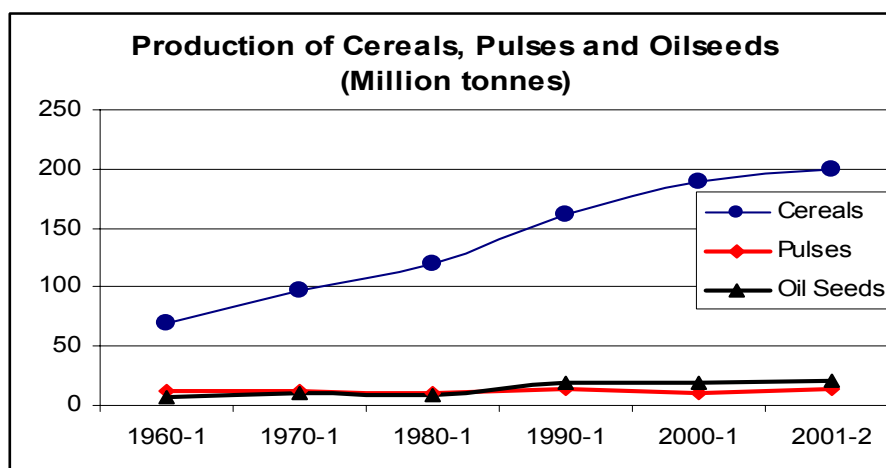
- Public Hearing on Hunger and RTF was conducted at Manatau, Palamau district, Jharkhand on July 9 2002, by a local NGO, 'Gram Swaraj Abhiyan' following three cases of reported starvation deaths.
- All India Democratic Women's Organisation (AIDWA) conducted demonstration in Delhi and in 17 other states in India on December 10 2002, asserting the basic human right for a life without hunger.
- Public Hearing on Hunger and RTF was conducted at Shankargarh in Allahabad district of UP on 9 April, 2002.
- Janmanch, an NGO in Delhi conducted the "National Day of Action on Mid-Day Meal Scheme" on April 9 2002.
- A cross-section of people's organizations and groups working on food security in various parts of the state of Maharashtra, such as from Mumbai, Pune, Nasik, Sangli, Kolhapur, Aurangabad, Beed, Raigad, and Thane districts organized a meeting on 12th September, 2002 and decided to start 'Anna Adhikar Abhiyan' (RTF) in the state. They charted out a course of action for intensifying the campaign.
- Public Hearing on Hunger and RTF was conducted at Kaniguma village, Thuamul Rampur block of Kalahandi district in Orissa by a local NGO, 'Sammukhya' on October 23, 2002.
- Public hearing in Delhi on 10 January 2003, organized by the RTF Campaign focused on starvation and plight of poor masses. Near about 700 people from all over the country presented their plight and sufferings before the gathering that included Nobel laureate Amartya Sen and other noted social workers.
- Janmanch started a movement called 'Bija Satyagraha' on 5 March 2003, to defend India's bio-diversity and food security in which 1500 groups from across India participated.
- A Delhi based foundation 'Navdanya' started a movement for RTF called "Anna Swaraj" through a 'Padyatra' in UP.
- Fian International mobilized people for filing cases and making appeals to the state authorities in UP against the local administration's refusal to pay minimum wages to the manual scavengers with remarkable success.
- A Dharna (demonstration) was organized in Jaipur, Rajasthan on 16 August 2003 demanding Right to work.
- Fian organized a meeting in Mau district in UP on 7th July 2003 to focus attention on the malfunctioning of rice distribution and food for work programme.
- People in a resettlement colony in Delhi, motivated by a local NGO called Parivartan, filed applications seeking information about PDS ration records from Delhi's Food and Civil Supplies Department on August 29 2003.
- All India Conference on Rights, organized by Lok Raj Sangathan, charted out a course for the realization of rights of individuals at Indian Social Institute, New Delhi.
- Public hearing, organized by Adivasi Mukti Sangathan in Sendwa, Barwani district, Madhya Pradesh (MP) focused on corruption in relief programmes and the use of labor dispensing machinery in public works.
- Public hearing was organized by Sambhav in Shivpuri, the Sahariya belt of western MP on 30 May 2003.
- Public hearing in Baigachak of Dindori district, MP on June 8 2003, convened by Baiga Mahapanchayat, modeled on the traditional tribal Baiga panchayat, addressed the issue of food security. The district collector after the hearing, agreed to ensure that all baigaa would get Antyodaya cards within a month, as per the latest Supreme Court order.

A public hearing took place in Kerpai, Kalahandi district of Orissa on 4 June 2003, attended by hundreds of tribals from the surrounding villages as well as local government officials.

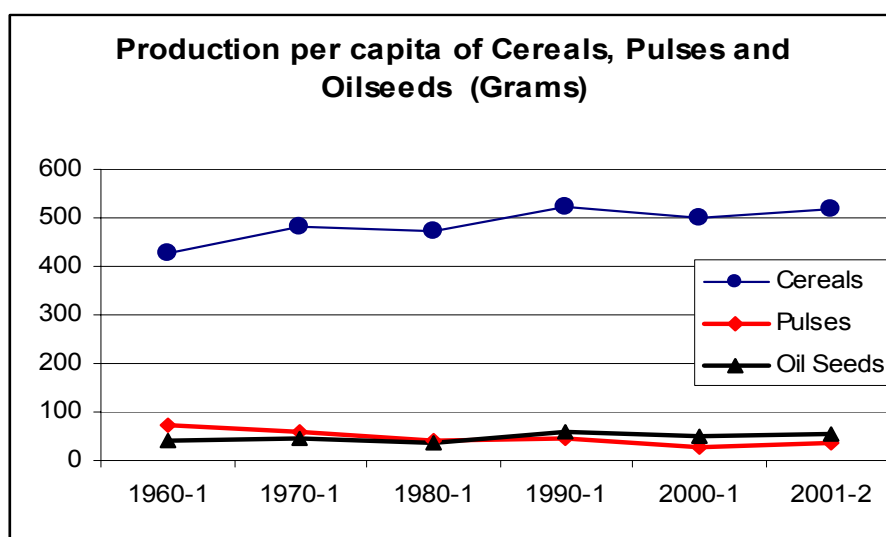
Graph 2.1: Area of Selected Commodities in India, 1960-61 to 2001-02



Graph 2.2: Production of Selected Commodities in India, 1960-61 to 2001-02



Graph 2.3: Productions per Capita of Selected Commodities in India, 1960-61 to 2001-02



* The estimates for the year 2001-02 are provisional.

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Note: The poverty figures for 1999-00 are questioned by various scholars on the grounds of questionnaire canvassing and also use of reference period. For detail discussion one can refer to Angus Deaton and Jean Dreze (2002), Sundaram and Tendulker (2003), Angus Deaton (2003) and Abhijit Sen and Himansu (2004).

Table 2.3 Percentage of People Below Poverty Line by Regions - 1983-2000

States	1983			1993-94			1999-00		
	Rural	Urban	Total	Rural	Urban	Total	Rural	Urban	Total
Northern	27	31	28	23	22	23	10	13	11
Western	40	41	40	32	33	32	19	23	21
Central	48	52	49	42	40	41	33	33	33
Eastern	63	39	59	50	28	46	40	25	38
Southern	38	45	40	25	38	29	14	24	17
Total (15states)	47	43	46	37	34	36	27	25	27

Note: The calculations are made from the unit level records of NSSO consumption expenditure survey for the 38th, 50th and 55th round, using official poverty line for rural and urban areas. Instead of whole of India, fifteen major states (that constitute more than 90 percent of the population) have been taken into consideration and have been divided into five geographic regions. The *Northern* region includes the states of Haryana, Punjab and Rajasthan while the *Western* region comprises the states of Gujarat and Maharashtra. The *Central* region includes Madhya Pradesh and Uttar Pradesh; *Eastern* region includes Bihar, Orissa, West Bengal and Assam while Andhra Pradesh, Karnataka, Tamil Nadu and Kerala constitute the *Southern* region.

Table 2.4 Growth Rates of Total Expenditure, Food Expenditure and the Cereal Expenditure at 1990-91 Prices and Per Capita Calorie Intake

(Per cent per annum)

	Bottom 30%	Middle 40%	Top 30%	All classes
Rural				
Per capita cereal expenditure				
1970-89	0.09	-0.58	-1.28	-0.69
1990-98	-1.38	-2.34	-2.43	-2.14
Per capita food expenditure				
1970-89	1.34	0.87	0.74	0.89
1990-98	-0.48	-0.78	-1.12	-0.88
Per capita calorie intake				
1970-89	0.16	0.15	0.40	0.23
1990-98	-0.96	-1.63	-1.76	-1.53
Per capita total expenditure				
1970-89	1.71	1.40	1.45	1.54
1990-98	1.19	1.11	1.23	1.18
Urban				
Per capita cereal expenditure				
1970-89	0.07	-0.33	-0.18	-0.18
1990-98	-0.67	-0.55	0.30	-0.28
Per capita food expenditure				
1970-89	1.29	1.19	0.69	0.97
1990-98	0.08	0.03	-0.23	-0.08
Per capita calorie intake				
1970-89	0.31	0.05	0.32	0.21
1990-98	-0.58	-0.74	-0.05	-0.44
Per capita total expenditure				
1970-89	1.44	1.50	1.40	1.45
1990-98	1.70	2.27	3.31	2.77

Source: Ravi (2000).

Table 2.5 Average Calorie Intake (kcal) per Capita per Day

States	1983			1993-94			1999-00		
	Rural	Urban	Total	Rural	Urban	Total	Rural	Urban	Total
North	2596	2202	2510	2448	2117	2365	2410	2249	2369
Western	2136	2020	2099	1943	1960	1949	1999	2037	2013
Central	2377	2075	2323	2250	2074	2214	2239	2126	2216
Eastern	2112	2096	2110	2132	2117	2129	2087	2171	2101
Southern	2099	2092	2097	1978	1937	1966	1958	2032	1980
Total (15states)	2229	2085	2198	2137	2020	2109	2123	2099	2117

Source: NSSO (GoI). The figures are computed from the unit level records on quinquennial household consumer expenditure surveys of NSSO pertaining to 38th, 50th and 55th round. Also see NSSO Reports on "Nutritional Intake in India" pertaining to 38th, 50th and 55th round. See note table 2.3 for classification of regions.

Table 2.6 NFHS Estimates of Undernutrition among Children, India

	1992-93			1998-99		
	Age < 4 yrs			Age < 3 yrs		
	Rural	Urban	All	Rural	Urban	All
Andhra Pradesh	52.10	40.20	49.10	n.a	n.a	37.70
Assam	51.80	37.30	50.40	36.60	27.30	36.00
Bihar	64.10	53.80	62.60	55.10	47.40	54.40
Gujarat	45.80	40.50	44.10	n.a	n.a	45.10
Haryana	39.40	33.00	37.90	n.a	n.a	34.60
Karnataka	57.30	47.00	n.a	46.40	38.70	43.90
Kerala	30.60	22.90	28.50	n.a	n.a	26.90
Madhya Pradesh	59.40	50.10	57.40	58.40	44.30	55.10
Maharashtra	57.50	45.50	52.60	53.20	44.10	49.60
Orissa	54.90	44.30	55.30	n.a	n.a	54.40
Punjab	47.40	40.00	45.90	31.80	18.60	28.70
Rajasthan	41.10	43.90	41.60	n.a	n.a	50.60
Tamil Nadu	52.10	32.30	46.60	38.30	33.50	36.70
Uttar Pradesh	50.50	46.90	49.80	53.60	42.60	51.70
West Bengal	60.40	44.80	56.80	52.60	31.50	48.70
India	59.90	45.20	53.40	49.60	38.40	47.00

Source: National Family Health Survey (NFHS) 1992-93 and 1998-99

Table 2.7 Distribution (%) of Adult Males and Females in Rural Areas According to Body Mass Index (BMI) Classification

	Males						Females					
	1991			2001			1991			2001		
	CED	Normal	Obesity	CED	Normal	Obesity	CE D	Normal	Obe sity	CE D	Nor mal	Obe sity
Kerala	36.9	57.9	5.2	22.4	63.5	13.9	27.8	60.0	12.2	18.7	57.7	23.6
Tamil Nadu	42.1	53.0	5.0	35.5	57.6	7.0	45.0	48.8	6.2	38.2	52.8	8.9
Karnataka	52.1	45.0	2.8	36.2	56.6	7.1	53.1	42.8	4.0	41.7	50.4	7.9
Andhra Pr.	41.3	52.6	6.1	37.4	55.4	7.2	47.3	47.1	5.6	42.0	50.2	7.8
Maharashtra	52.9	44.4	2.7	41.2	53.7	5.2	54.9	42.2	2.9	45.1	49.3	5.6
Gujarat	56.8	37.5	5.7	37.1	56.1	6.8	49.1	47.1	3.9	33.3	58.9	7.8
Madhya Pr.	n.a	n.a	n.a	42.8	54.8	2.3	n.a	n.a	n.a	41.9	54.4	3.6
Orissa	43.8	54.5	1.7	38.6	59.1	2.3	49.1	49.4	1.5	46.0	50.5	3.3
West Bengal	42.7	52.7	4.7	40.5	56.5	3.0	44.5	51.4	4.2	45.9	49.2	4.8
All (9 States)	46.0	49.8	4.2	37.4	56.9	5.7	45.8	48.9	5.3	39.4	52.5	8.2

Note: CED – Chronically Energy Deficient

Source: National Nutrition Monitoring Bureau Report 1991 and 2001.

Table 4.1: Foodgrain Allocation and Offtake under PDS

	Wheat		Rice	
	Allocation	Offtake	Allocation	Offtake
1992-93	9.3	7.5	11.5	9.6
1993-94	9.6	5.9	12.4	8.9
1994-95	10.8	4.8	13.3	8.0
1995-96	11.3	5.3	14.6	9.5
1996-97	10.7	8.5	15.1	11.1
1997-98	10.1	7.1	12.8	9.9
1998-99	10.1	8.0	12.9	10.7
1999-00	10.4	5.8	13.9	11.3
2000-01	11.6	4.1	16.3	8.0
2001-02	13.1	5.7	17.2	8.2
2002-03	29.5	6.1*	27.4	7.4*
Buffer stock Norm#	14.3		10.0	

For the Month reporting Maximum (July)

Table 5.1 Storage & Trade Restrictions pertaining to Foodgrains in different States

Restrictions on Storage			
State	Commodities	Agents	Limits: Stocks/Time Period
Gujarat	Pulses	License holders Others	25 quintals 9 quintals
Andhra Pradesh	Rice, Pulses & oils Raw materials Finished	Wholesale dealers	1 month 3 months
Punjab	Rice		250 quintals
West Bengal	Paddy/Rice Wheat	Wholesale dealers Wholesale dealers	750 quintals 400 quintals
Kerala	Sugar		250 quintals
Uttar Pradesh		Wholesale dealers	1000 quintals
Maharashtra		Wholesale dealers	15 days
Assam		Wholesale dealers	10 quintals
Tamil Nadu	Rice	Wholesale dealers	
Jammu & Kashmir	Paddy/Rice	Wholesale dealers	

Restrictions on Trading		
State	Agents	Restrictions
Andhra Pradesh	Farmers	Permit required for direct sales outside state
Tamil Nadu Tanjore district	Farmers Farmers	Permit required for direct sales outside state Control on movement of paddy out of district
Jammu and Kashmir	Wholesale dealers	movement of paddy and rice restricted with the special objective of preventing smuggling across international borders
West Bengal	Wholesale dealers	movement of paddy and rice restricted with the special objective of preventing smuggling across international borders

Source: Government of India (2001)

Notes: (a) There is generally no limit on storage of wheat and its products (as in case of rice) although the central government has permitted them to impose stock-limits, in specific situations.

(b) Some of the restrictions imposed by states are through written orders while others are only oral. For example, there are informal restrictions on movement of grains across the states during certain seasons. It is difficult to do documentation of these orders except by conducting an extensive survey of the trading associations that have to bear the brunt of these restrictive and often illegal practices.

Table 5.2 Barriers to Interstate Movement and Trade of Foodgrains

Legal provision: Article 301 of the Indian Constitution allows State legislatures to “impose such reasonable restrictions on the freedom of trade, commerce or movement across or within the State as may be required in the public interest”. Article 304 provides for a state to impose by law, any tax, on goods imported from other states, that is also imposed on goods produced in the state concerned.

Road infrastructure: National highway networks are designed for shifting local traffic to side-roads and taking long distance traffic upto certain load. Road transport authorities are expected to ensure compliance of permissible load restrictions.

Detention of vehicles: Vehicles have to stop for payment of octroi and sales tax, entry permit, tolls etc. at city entry points and Police Check-Posts. Besides there are checking by Flying Squads. Studies reveal that paper clearance/check-posts etc. account for 12% of total trip time between Delhi and Mumbai.

Interstate and National Permits: Permits are issued by paying motor vehicles tax of a State for operating vehicles within the state. For operating in more than one state, two types of permits are issued: (a) countersignature permits and (b) permits under reciprocal agreements wherein operator pays tax of both the home state and of the other state. National permits introduced by government of India in 1975 are issued for movement between the home state and three or more states wherein an operator pays tax for home State and a composite tax for each of the other States.

Other Barriers in Trucking Operation: Complex paperwork – 58 forms under Central Motor Vehicles Rules, 1989; Complex Practices, particularly since certain goods entering a state require Entry Permit; Form 32 to be filled in by the buyer with information on the consignment, e.g., nature of the commodity, name and address of the seller, total amount of goods in terms of quantity and value, name of the transporter, registration number of the truck, date of dispatch, etc.

Source: Based on information in Debroy and Kaushik (2002)

Table 5.3 Allocation of Plan Expenditure (Centre and States/UTs) to Sectors Having Implications for Food Security

	Sixth Plan	Seventh Plan	Eighth Plan					Ninth Plan					Tenth Plan Ist Year
	1980-85	1985-90	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02*	2002-03*
	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	RE	BE
Plan Expenditure (Rs. Billion)	1093	2187	729	881	982	1074	1190	1298	1516	1606	1857	2163	1440
<i>Percentage distribution of plan expenditure across the sectors</i>													
Agriculture and Allied Activities	6.1	5.8	5.8	4.8	5.5	4.7	5.0	4.6	5.1	4.6	4.1	3.9	2.6
Rural Development	6.4	7.0	7.0	8.0	8.9	9.3	8.0	7.8	7.2	7.0	5.3	6.4	4.5
Special Area Programmes	1.4	1.6	1.8	1.8	1.5	0.4	0.4	0.7	0.8	0.8	0.6	0.4	0.0
Social Services	14.5	16.0	15.5	15.9	17.7	19.4	21.2	20.7	25.6	23.9	22.0	25.3	21.5

Note: Expenditure on social services include education, medical and public health, family welfare, housing, urban development and other social services.

* The figures for 2001-2 and 2002-3 pertain to the Central plan only since figures for States/UTs sector are not available.

Table 7.1: Incidence of Poverty among SCs in Selected States

State	Percentage of People Below Poverty Line		Percentage Share of each State to Total Poor in India	
	1993 -94	1999 -00	1993-94	1999-00
Rural				
A.P	26	17	4	4
Bihar	71	59	16	19
M.P.	45	41	7	7
Maharashtra	51	32	6	5
Tamil Nadu	44	32	7	7
U.P.	59	43	26	28
W.B.	46	35	12	11
Rural India	48	35	100	100
Urban				
A.P.	46	42	5	9
Bihar	57	51	5	6
Karnataka	63	47	7	5
M.P	64	56	12	10
Maharashtra	54	41	15	14
Tamil Nadu	62	46	13	9
U.P	59	44	15	17
W.B	39	28	7	6
Urban India	51	39	100	100

Source: Same as Table 2

Table 7.2: Incidence of Poverty among STs in Selected States

State	Percentage of Poor		Percentage share in Poor	
	1993 -94	1999 -00	1993-94	1999 - 00
Rural				
A.P	26	23	4	3
Assam	42	39	3	4
Bihar	69	59	11	10
Gujarat	31	28	6	5
M.P	57	57	26	30
Maharashtra	52	44	10	13
Orissa	71	73	16	18
Rajasthan	46	25	7	6
West Bengal	62	50	2	6
Rural India	50	44	100	100
Urban				
A.P	46	48	8	10
Bihar	35	43	6	11
Gujarat	36	38	8	7
Karnataka	63	52	10	11
M.P	66	53	25	22
Maharashtra	61	43	24	16
Orissa	63	59	12	13
Rajasthan	8	22	1	3
W.B	24	34	2	3
Urban India	43	38	100	100

Source: Same as Table 2

Table 7.3 Select Poverty and Nutritional Indicators in the Rural Areas in India*

	1983					1993-94					1999-00				
	Perso ns	poor	Calori e Intake	Offici al Norm	FAO Norm	Perso ns	poor	Calori e Intake	Offici al Norm	FAO Norm	Perso ns	poor	Calori e Intake	Offici al Norm	FAO Norm
Household Type															
Self-employed in non-agriculture	12	45	2126	73	37	13	33	2058	78	36	14	24	2071	78	37
agricultural labour	27	65	1948	79	47	28	54	1918	83	47	31	40	1950	84	46
Non-agricultural labour	6	49	1989	79	46	7	42	1944	84	46	7	27	1978	84	44
Self-employed in agriculture	46	38	2457	56	22	41	30	2341	61	21	38	20	2334	65	23
Unspecified	8	30	2278	63	28	11	21	2152	72	31	10	14	2245	68	29
Operational Holding															
Landless	4	48	2027	75	44	10	42	1890	84	50	6	29	1972	81	47
<1 hectare	38	55	2007	77	43	56	41	2053	77	37	66	30	2081	78	37
1-2 hectare	12	51	2209	68	32	16	33	2252	66	25	14	22	2256	69	28
2-4 hectare	17	46	2307	62	27	11	26	2358	59	20	9	17	2344	63	22
>4 hectare	28	32	2544	52	20	7	18	2542	50	16	6	11	2449	54	17
Social Group															
ST	10	64	2028	77	41	11	50	1982	80	42	10	44	2039	83	44
SC	18	59	2073	73	40	21	48	2012	79	40	20	35	2026	80	41
Others (OBC included)	72	40	2305	63	29	68	31	2199	69	29	38	26	2129	75	34
OBC	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	32	16	2271	67	27
All	100	47	2229	66	32	100	37	2137	72	33	100	27	2123	74	34

* Note: The figures pertain to 15 major states

Table 7.4 Select Poverty and Nutritional Indicators in the Rural Areas of Andhra Pradesh

	1983					1993-94					1999-00				
	Perso ns	poor	Calori e Intake	Offici al Norm	FAO Norm	Perso ns	Poor	Calori e Intake	Offici al Norm	FAO Norm	Perso ns	poor	Calori e Intake	Offici al Norm	FAO Norm
Household Type															
Self-employed in non-agriculture	14	20	2093	74	32	13	10	1959	85	44	13	8	2022	82	64
agricultural labour	39	38	2063	75	38	36	23	1907	85	47	45	15	1941	85	57
Non-agricultural labour	6	27	2031	76	39	6	19	1855	88	49	6	8	1864	89	47
Self-employed in agriculture	34	19	2439	57	20	27	11	2231	69	24	28	7	2104	76	68
Unspecifice	7	12	2237	67	28	18	13	2118	75	32	8	4	2124	71	72
Operational Holding															
Landless	4	31	2095	75	38	9	17	1871	86	51	4	8	1962	81	34
<1 hectare	46	29	2059	76	38	63	17	1976	83	42	71	12	1969	83	41
1-2 hectare	10	28	2205	69	32	13	14	2116	74	34	12	7	2054	81	37
2-4 hectare	15	28	2223	65	26	9	14	2231	69	23	8	9	2122	75	29
>4 hectare	24	20	2491	54	17	6	8	2472	53	14	4	6	2323	63	19
Social Group															
ST	6	36	2012	80	37	9	26	2043	79	39	7	23	1911	83	48
SC	19	37	2125	71	35	19	26	1883	87	47	22	16	1923	87	47
Others (OBC included)	75	23	2242	67	29	71	12	2078	77	35	45	10	1985	83	40
OBC	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	25	3	2147	73	25
All	100	27	2205	68	30	100	16	2037	79	38	100	11	2007	81	38

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