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What forms of state provisioning best secure the rights of vulnerable groups?

Most marginalized communities and vulnerable groups suffer from specific constraints that would require particular measures. Discussions on the best way to guarantee their right to food involve difficult trade-offs, and also addressing the degrading stereotypes of the most vulnerable.

ARGUMENTS IN FAVOUR OF SPECIFIC ENTITLEMENTS

- Even under a universal entitlement approach, aged and disabled people, Dalits, and tribal groups would need specific unconditional support
- Destitute feeding programmes and community kitchens could provide a cohesive solution for homeless and poor residents as well as single migrants
- Out-of-school child labourers and street children are left out of the school meal programme, despite being the most vulnerable; they should be allowed to access all feeding programmes unconditionally
- Portability of rights would be required for seasonal migrants

ARGUMENTS AGAINST

- Budgetary and administrative complexity concerns
- Prohibitively expensive without targeting; but targeting the most vulnerable would require complex identification systems
- Implementation should be improved, instead of creating additional mechanisms
- Universal food schemes and/or overall economic growth would also ensure needs of vulnerable groups are met
- Portability would encourage unsustainable levels of migration to urban areas

Earlier drafts of India's food law contained many detailed provisions on these issues, but the final law excluded most of them.

This chapter looks at debates on how food programmes and the law should best address the food denials of those groups who are most food insecure and vulnerable, beyond provisions for broad categories of women and children. Who are the populations most vulnerable to hunger, and what should be the special strategies of the state to prioritize the right to food of the most marginalized communities? Earlier drafts¹ of India's food law contained many detailed provisions for this, but the final law excluded all these provisions.

Some believe that the entitlements already contained in NFSA are sufficient, if properly implemented, to secure the right to food of the most food vulnerable segments of the population. Others argue (as we have already seen) that only if the PDS is made universal will the food entitlements created by the law actually reach those who need it most, as any targeting tends to exclude the most powerless who lack the skills and social capital to negotiate official procedures to get listed for these programmes.²

Still others argue that even universal programmes could bypass the most vulnerable because of the extremely high social and economic barriers to access which they must confront. Therefore, any food guarantee law must contain special provisioning entitlements – often distinct from those which are adequate for other less vulnerable populations – which take into account the special social and economic burdens and barriers to food and nutrition access that they encounter.

FAO asserts that “all individuals have an equal right to food, but people's differing circumstances mean that different actions are required of the government in order for that right to be realized by *all* people ... A rights-based approach demands that those who are most vulnerable, for whatever reason, be sensitively and justly identified and empowered to claim their rights. It equally demands that any discriminatory



processes in governance and power structures be detected and corrected”.

There are debates about the nature of special measures that each vulnerable group requires. It is not possible to list exhaustively in this brief review all of these groups, nor the suggested range of special entitlements for each. But a few illustrations will suffice.

Prominent among other vulnerable groups are the aged.³ Owing to their diminished capacity to work, the aged earn less than younger generations. This not only threatens to decrease their access to food, but also makes them more vulnerable to poverty, homelessness, untreated illness, and violent abuse,⁴ which in turn further undermine their

1 For a summary of provisions in previous drafts, see: http://www.righttofoodindia.org/data/right_to_food_act_data/July_2011_comparison_nac_govt_draft_nfsbl.pdf

2 See for instance: Hirway, I. 2003. Identification of BPL Households for Poverty Alleviation Programmes. *Economic and Political Weekly*, Vol. 38 No. 45 – Nov. 8.

3 For a detailed report on the socio-economic characteristics of the elderly population in India, see: http://mospi.nic.in/mospi_new/upload/elderly_in_india.pdf

4 A survey conducted by an NGO on the condition of elderly individuals in India found that over a third had experienced some form of abuse. Verbal and emotional abuse was reported by 60–70 percent of respondents in some cities, and physical abuse by about a fifth of respondents in several cities (<http://www.helpageindia.org/pdf/surveysnreports/elderabuseindia2010.pdf>).

right to food.⁵ People with disabilities⁶ also face huge educational, social and physical barriers, and hence are at a significant disadvantage with regard to employment and therefore assured and dignified access to food. When disabled people are also members of other highly disadvantaged social categories like tribal or Dalit people, their challenges to secure work and food are compounded. Single women who are widowed, divorced or unmarried face various social restrictions and find it extremely difficult to secure gainful employment. Even when they are able to find jobs, they may be paid very low wages and forced to work long hours. To sustain themselves and their children, single women often have to mortgage or sell their assets in distress, or resort to undignified options such as sex work, begging, and sending their children to work.

For all of these groups, many commentators suggested inclusion of adequate unconditional monthly pensions in the food law, and early official drafts did so.⁷ But these entitlements were eventually eliminated from NFSA, presumably not for any significant reason of principle, but for fiscal considerations.

Migrants constitute a large proportion of destitute and homeless people in cities across India. These men, women and children often adopt circular patterns of migration, from the countryside to cities and back, and may usually be concentrated in certain vulnerable occupations and unsheltered environments. In their struggle for survival, these individuals experience significant economic

distress in cities where they are exploited as cheap labour. In such circumstances, they become vulnerable to multiple deprivations and face great difficulty in accessing social security programmes along with basic facilities for food, health, housing and education. A major challenge is also the absence of portability of food rights, especially of PDS and pensions, but also admission into child feeding centres and even schools.

Advocates for these groups argue therefore that it is crucial for the state to recognize the portability of socio-economic rights for migrants who are seasonally on the move; they should be able to access their entitlements unconstrained by their physical location. But this was not accepted in the food law, perhaps because of unstated fears about larger movements of rural populations into cities. However, subsidized meal programmes supported by public funding could become an important intervention to raise the nutrition status of urban homeless women, men and children. This would also free up a good portion of their daily incomes which they are currently forced to invest in relatively expensive street food, which is low in nutrition and hygiene.

Early drafts of NFSA contained such provisions for destitute feeding, and community kitchens to supply affordable food to homeless people and poor residents.⁸ Debates were first about whether this should be left to private charity, but evidence was mustered about how both religious and secular feeding charities have declined to negligible levels.⁹ Questions arose also about how these should be organized, and suggestions ranged from extending the mandate of child feeding centres to mandating religious and social charities with official support. There were discussions also about the desirability and feasibility of gatekeeping for these centres. Whereas it was considered feasible to prepare such lists in rural contexts, gatekeeping in the anonymous and highly mobile urban context, even if desirable, was not practical. On the other hand, the opening of these centres to non-poor people would enhance the dignity and quality of the services. The Parliamentary Standing Committee opposed

5 Studies on the effect of pensions report that while they help meet costs for food and other basic needs, they are inadequate for health and family needs (http://www.righttofoodindia.org/data/pensions/Old_Age_Pension_Scheme_in_Jharkhand_and_Chhattisgarh.pdf). In this context, the direct provisioning of food would have a significant positive impact. In September 2014, the government of Uttarakhand announced a food security scheme for elderly women which proposed to provision free food grains to all women over 60 in the state. At the time, it was estimated that the scheme would target about 500 000 beneficiaries. It went on to instate a midday meal scheme for the group, to be implemented through the Anganwadi system.

6 For a discussion on the prevalence and particulars of disability in India, see: http://mospi.nic.in/Mospi_New/upload/disability_india_statistical_data_11mar2011/Chapter%204-Dimension_Disability.pdf

7 See for instance: NAC (National Advisory Council). 2011. *National Food Security Bill, 2011*, p. 5 (available at http://www.indiaenvironmentportal.org.in/files/nfsb_final.pdf).

8 Ibid.

9 For a case study on the nature of food provisioning by religious charities, see: <http://centreforequitystudies.org/wp-content/uploads/2012/08/Religious-charities-in-Delhi.pdf>



destitute feeding and community kitchens because it feared that “it would be difficult for the administration to identify destitute and homeless people, and that it would break the social fabric as non-earning members of the family may be pushed out of homes to feed themselves.”¹⁰ Supporters of the measures felt that these objections unjustly stereotyped the poor as charity-seekers without basic dignity, and were dismayed that these arguments came from lawmakers.

A major problem faced by many of these most vulnerable populations is that they lack proof of identity and registration,

10 Government of India. 2013. *The National Food Security Bill, 2011*. Standing Committee on Food, Consumer Affairs and Public Distribution (2012-13). New Delhi (available at <http://www.prsindia.org/uploads/media/Food%20Security/SC%20Report-Food%20Security%20Bill,%202011.pdf>).

and therefore in effect are not recognized as citizens. In India, this is a major concern for urban slum and homeless populations, migrants, and also forest dwellers, who often lack basic identity documents and are therefore barred from accessing their rights, including entitlements under food security law. Therefore, although it is beyond the scope of a food and nutrition security law, the strategies for poverty reduction and food security and nutrition in many countries also include registration programmes. This may be controversial, as it is sometimes seen as an attempt to control marginalized groups. In India there have been official efforts for providing biometric identity cards to all people, and for linking food security and other entitlements to these cards, but this has been opposed by critics for extending the reach of what they fear may become a surveillance state.

Some argue that people who live with starvation should have first claim under a food law.¹¹ Amartya Sen argued famously how democracy is the strongest defence against famines. But it seems powerless against endemic individual starvation. Governments in India (as in most parts of the world) typically deny the existence of starvation. In early drafts state governments were obliged to establish protocols for preventing starvation, providing effective and adequate relief in case of starvation, investigating starvation deaths, assigning accountability, and preventing non-recurrence. But eventually these entitlements were excluded from the purview of the law.

11 See for instance: Parulkar, A. 2012. *Starving in India: The forgotten problem*. The Wall Street Journal – India, 9 April 2012 (available at <http://blogs.wsj.com/indiarealtime/tag/starving-in-India>).

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