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RIGHT TO FOOD IN INDIA

S. Mahendra Dev



CENTRE FOR ECONOMIC AND SOCIAL STUDIES

Begumpet, Hyderabad-500016

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Abstract

The objective of this paper is to examine right to food in the Indian context. We analyse the right to food in terms of availability, accessibility, adequacy and sustainability. These are examined in terms of equity and justiciability. The study is different from the earlier studies on food security as it is based on human rights approach. The issue of food is approached from the rights perspective. Specifically, the paper addresses the following questions:

- (a) What are the definitions, contents and obligations of right to food?*
- (b) How far India progressed in fulfilling right to food?*
- (c) What are the programmes and policies India followed in achieving right to food?*
- (d) What should be done to achieve right to food to all citizens of India?*

Progress is examined in terms of availability, accessibility (physical and economic). policies and Programmes are scrutinized in terms of obligation to respect, protect and fulfill (facilitate and provide).

India is signatory to many international treaties involving right to food. Indian Constitution also indirectly refers to right to food. Therefore, there is an obligation for the Indian Government (Centre and states) to fulfill the right to food of the people. In spite of many programmes, there are concerns regarding food and malnutrition. Some of the worst violations of the right to food can be seen in India today. We examined the problems of various welfare programmes. In order to realise right to provide, the following programmes have to be strengthened and implemented effectively.

(a) Public Distribution system and Annapurna schemes; (b) Extending Antyodaya Anna Yojana to all the destitutes in the country.; (c) Nutrition programmes for education (mid-day meal schemes) and Integrated child development schemes (ICDS); (d) Extending Maharashtra's Employment Guarantee Scheme (EGS) throughout India. Part of the wages can be paid as food; (e) Gender aspects of food security should be given importance in realizing right to food. Women's economic and social empowerment not only improves intra-household food distribution and health related matters but also improves the working of food and nutrition programmes.

We also examined the market reforms needed for achieving higher and sustainable growth in agriculture and right to food for the poor. All the things have to be based on rights based framework of equality, non-discrimination, transparency, accountability and participation (ENTAP). Better monitoring systems have to be developed at Central, state, district and village levels to realize right to food. Justiciability is one aspect of right to food. In this context, recent Supreme Court Orders and the Right to Food to campaign are in the right direction. However, one (particularly the poor) cannot go to court every time right to food is violated. It is the responsibility of citizens and NGOs to organize campaigns for better functioning of the programmes. Also there is a need for better delivery systems by the government with transparency and public accountability. Other rights such as right to health and education, right to information etc are equally important to realize right to food. We have to focus more on demand side (social mobilization, accountability etc.) in the rights approach. Finally, the paper argues that right to employment is crucial for achieving right to food.

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1. INTRODUCTION

Right to food is part of an overall goal of achieving right to development. The adoption by the United Nations in 1986 of the Declaration on the Right to Development was the culmination of a long process of international deliberation on human rights which were perceived from the very beginning as an integrated whole of all civil, political, economic, social and cultural rights¹. The Declaration says “ The Right to Development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in and contribute to and enjoy economic, social, cultural, and political development in which all human rights and fundamental freedoms can be fully realized” (Article 1, Paragraph 1). Because of its association with justice and equity, the Right to development is fundamentally different from conventional policies and progress for development, whether seen as increasing the growth of GNP, supplying basic needs, or improving the index of human development. The rights based approach imposes additional constraints on the development process, such as maintaining transparency, accountability, equity and non-discrimination in all the programmes. The individuals must have *equal opportunity* of access to the resources for development and receive *fair distribution* of the benefits of development.

¹ See Sengupta (2000, 2000a, 2002), Marks (2000) and Franciscans International (1999-2002). The right to development, as adopted by the Declaration and reaffirmed in the Vienna Declaration of 1993, reunified all these rights into an integrated and interdependent set of human rights, identified with a process of development. Osmani (2000) deals with a set of issues related to the human rights to food, health and education. He elucidates the philosophical underpinning of these rights, by using the conceptual framework of capabilities developed by Amartya Sen. In this context, the notion of ‘capability rights as goal rights’ is elaborated and contrasted with a popular version of libertarian rights. In this context see Sen (1982 and 1985).

Another important thing is that the right to development approach confers unequivocal obligation on duty-holders: individuals in the community, states at the national level, and states at the international level². Nation states have the responsibility to help realize the process of development through appropriate development policies.

Although all rights are important, right to food plays a pivotal role in the rights based approach to development. The objective of this paper is to examine right to food in the Indian context. We analyse the right to food in terms of availability, accessibility, adequacy and sustainability. These will be examined in terms of equity and justiciability. The study is different from the earlier studies on food security because it is based on human rights approach. The issue of food is approached from the rights perspective. Specifically, the paper addresses the following questions:

- (a) What are the definitions, contents and obligations of right to food? (Section 2)*
- (b) How far India progressed in fulfilling right to food? (Section 3)*
- (c) What are the programmes and policies India followed in achieving right to food? (Section 4)*
- (d) What should be done to achieve right to food to all citizens of India? (Section 5)*

2. DEFINITION, CONTENTS AND OBLIGATIONS OF RIGHT TO FOOD

In order to analyse right to food it is important to be clear about the definition, contents and obligations. This section covers these aspects.

2.1. Definition

The evolution of the human right to food derives from the larger human right to an adequate standard of living given in the Universal Declaration of Human Rights (UDHR), 1948. Article 25 (1) of the UDHR asserts that 'everyone has the right to a standard of living adequate for the health and well-being of himself and his family including food, clothing, and housing..'. In several other international instruments, the right to food is recognized as part of the right to an adequate standard of living, focusing especially on the need for freedom from hunger. The Preamble to the Constitution of the Food and Agricultural Organisation (FAO) 1965, declared that 'ensuring humanity's freedom from hunger' is one of its basic purposes.

2. See Sengupta (2000a)

The right to food, and the measures that must be taken, are laid out quite clearly in article 11 of the International Covenant on ³Economic, social and cultural rights. Paragraph 1 calls on States to “recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food... and the continuous improvement of living conditions”. Paragraph 2 is more precise, as it demands that States guarantee the fundamental right of everyone to be free from hunger, and asks them to take “individually and through international co-operation, the measures, including specific programmes, which are needed : (a) to improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources; (b) taking into account the problems of both food-importing and food exporting countries, to ensure an equitable distribution of world food supplies in relation to need”. The UN Convention on the Rights of the Child (CRC), 1989, goes beyond hunger and addresses the issue of child nutrition.

Towards the late 1990s, work on the human right to adequate food at the global level centred on a mandate from the World Food Summit (WFS) held in Rome in 1996. The summit adopted a Plan of Action aimed at reducing the number of undernourished people to half their number by 2015. The Plan of Action contained seven commitments that were to act as guiding principles to all those involved in formulating the policies to implement the Plan at the national and international levels and spelt out objectives and actions for the implementation of these commitments. Objective 7.4 (under commitment 7) stipulates the need ‘ to clarify the content of the right to adequate food and the fundamental right of everyone to be free from hunger...’. It also called upon UN commissioner for Human Rights ‘to better define the rights related to food in Article 11 of the Covenant and to propose ways to realize these rights’

The operational concept of right to food as used by FAO is that of food security which says ‘food security exists when all people, at all times have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life.

3. More on this see Ziegler (2002), Osmani (2000)

During the World Food Summit at Rome, the plenary of the parallel NGO forum proposed a Code of Conduct (CoC) on the Right to Adequate Food. The Code of Conduct (CoC) discusses the normative content of the Right to Adequate Food, the corresponding obligations of state and non-state actors, the role of civil society and the means and methods of implementation.

Article 4 of the Normative Content states that “The right to adequate food means that every man, woman, and child alone and in community with others must have physical and economic access at all times to adequate food or by using a resource base appropriate for its procurement in ways consistent with human dignity.” Article 4 further states that the realization of the right to adequate food requires: (a) the availability of food, free from adverse substances and culturally acceptable, in a quantity and quality which will satisfy the nutritional and dietary needs of individuals; (b) the accessibility of such food in ways that do not interfere with the enjoyment of other human rights and that is sustainable.

The CoC specified that the ultimate objective of the right to adequate food is the achievement of nutritional well being. It, therefore, states that the right to food needs to be understood in a much broader sense as the right to adequate food and nutrition. The CoC was recognized by the Office of the UN High Commissioner for Human Rights (OHCHR) and a series of expert consultations, conferences, studies steadily clarified the meaning of the human right to food. This finally culminated in the publication in May 1999 by the UN Committee on Economic, social and Cultural Rights of its General Comment 12 (GC12), considered to be the most authoritative interpretation of the right to adequate food. While reaffirming the definition of the CoC, it added – “the right to adequate food shall, therefore, not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients. The right to adequate food will have to be realized progressively”.

2.2. The Content of Right to Food

The General Comment 12 (GC12) says that the core content of the right to food is availability and accessibility. The availability also includes adequacy and acceptability.

2.2.1 Availability

The notion of availability as set out in GC 12 is as follows:

(a) Feeding oneself directly from the productive land or other natural resources

(b) a well-functioning processing and distribution system that can move food from the site of production to where it is needed in accordance with demand.

According to Asjborn Eide, senior fellow of the Norwegian Institute of Human Rights, it is not enough for the foodstuffs to be physically available. They also have to satisfy the following criteria in order to qualify as adequate:

(a) satisfy the dietary needs (energy and nutrients including the micronutrients like iron, vitamin and iodine);

(b) be culturally acceptable (fit in with prevailing food or dietary culture);

(c) be safe (free of toxic elements and contaminants); and

(d) be of good quality (in terms of, for example taste and texture)

2.2.2. Accessibility

The notion of accessibility in GC12 incorporates both physical and economic accessibility

Economic accessibility implies that the personal or household financial cost associated with the acquisition of food for an adequate diet should not be so high as to compromise on other basic needs. As the resources available to an individual or household are limited, an increase in the cost of acquisition of food for an adequate diet could lead to a cutting back on other items of essential expenditure. However, socially vulnerable groups such as landless persons and other impoverished segments of the population may need attention through special programmes to facilitate economic accessibility.

Physical accessibility means that adequate food must be accessible to everyone. The sections of the population deserving special attention and priority consideration in this respect have been identified as the physically and mentally vulnerable which may include infants and young children, elderly people, the physically disabled, the terminally ill and people with persistent medical problems. The victims of natural disasters or people living in disaster-prone areas and other disadvantaged groups have also been identified as deserving special attention.

The right to food also contains an element of sustainability. Adequate food must also be accessible in ways that are sustainable, that is, the long-term availability as well as accessibility of food must be ensured.

2.3. Obligations of the State

The enjoyment of the right to food depends on several factors, ranging from access to land to sufficient income-earning opportunities. The Committee on Economic, Social and Cultural Rights (ICESCR) has entrusted national governments with the primary responsibility of ensuring the right to food. Under the right to food, there are three different levels of obligation – the obligations to *respect*, *protect* and *fulfill* the right to food.

The obligation to respect, as set out in Para 15 of General Comment 12, means that State parties should not take measure that would hinder the access to adequate food. In other words, States must not interfere with individual's livelihoods. Or, as Asbjorn Eide explains, the States should, at the primary level, "respect the resources owned by the individual and the individual's freedom" to find:

- (a) *a job of his or her preference,*
- (b) *make optimal use of his or her own knowledge*
- (c) *take necessary actions and use necessary resources (alone or in association with others) to satisfy her or his needs.*

The obligation to protect means that the state has to ensure that non-state actors (enterprises or individuals) do not deprive other individuals or group of their access to adequate food. So, rather than passively acknowledging the rights and freedoms of individuals, the state has to take due account of and action against any negative interference of a third party in the efforts of the individuals or groups to satisfy their needs. As Eide argues, the State at the secondary level is also obliged to provide active protection against other more assertive or aggressive subjects, in particular against more economic interests. These sections could be exercising fraud, displaying unethical behaviour in trade and contractual relations, or be involved in marketing and dumping of hazardous or dangerous products and unfair market practices, such as 'withholding price information or creating monopolies'.

The obligation to fulfill includes the obligation to facilitate and the obligation to provide. The **obligation to facilitate** means that the State must be proactive in strengthening people's access to food and utilization of resources and means to access to food. The **obligation to provide** means that States must fulfill the right directly whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to

adequate food with the means at their disposal.

Eide maintains that the facilitation may take the form of improving measures of production, conservation and distribution of food through complete utilization of technical and scientific knowledge and by developing or reforming the agrarian system. He has also identified the situations in which states must undertake direct provision of food or resources (through direct food aid or social security):

(a) emergencies like severe drought or floods, armed conflict or the collapse of economic activities within a particular region of a country;

(b) normal circumstances like unemployment on account of economic recession, old age infirmity, disability, marginalisation of a section of population (e.g. due to structural transformation in the economy and production).

The core obligation in the case of the right to food relates to the State taking the necessary action to mitigate and alleviate hunger as provided for in Article 11 (2) of the ICESCR which recognizes the 'fundamental right of everyone to be free from hunger' even in times of natural and other disasters.

Violation of right to food

General Comment No.12 also refers to violations of the right to food, which occur when the state fails to ensure the satisfaction of, at the very least, the minimum essential level required to be free from hunger. Moreover, if a State claims it is unable to fulfill its obligation for reasons beyond its control (e.g. resource constraints), it has to demonstrate to CESCR that 'it has done everything in its power to ensure access to food, including appealing for support from the international community'. Violation of the right to food includes discrimination in the access to food as well to means and entitlements for its procurement 'on the grounds of race, colour, sex, language, age, religion, political or other opinion, national or social origin, property, birth or other status' in a manner that impedes the exercise of economic, social and cultural rights.

Implementing the right to food

Since the means of implementing the right to food vary across nations, GC 12 requires State parties to develop a national strategy to ensure food and nutrition security for all, based on human rights principles. At the international level, States are required to recognize the essential role of international cooperation and to comply

with their commitment to take joint and separate action to achieve the full realization of the right to adequate food.

3. PROGRESS ON RIGHT TO FOOD

As mentioned above, the content of right to food refers to availability, accessibility, adequacy and sustainability. We will examine the progress in the indicators relating to the contents of right to food in India. Availability, Accessibility and sustainability are not separate phenomena - they overlap. Food production is linked to livelihood access, food access and food consumption. Livelihood access in turn influences the demand for food and better prices and incentives for production. Better livelihood access also leads to better education, better living standards, better sanitation, and better knowledge of nutrition, better absorption and better health. For achieving accessibility it is also important that the poor have sufficient means to purchase food. The purchasing power of the poor to buy food can be ensured in two ways. One way is Government directly providing food or income support in the form of foodgrains at subsidised prices, nutrition programmes, employment programmes. The other way is to increase purchasing power by facilitating creation of productive employment through sectoral development. Here right to employment or livelihood is important.

3.1. Availability

3.1.1 Foodgrain production

One achievement of India is that it achieved self sufficiency of food grains at the national level. After remaining a food deficit country for about two decades after independence, India has not only become self sufficient in foodgrains but now has a surplus of foodgrains (GOI, 2003). The situation improved gradually after the mid-1960s with the introduction of high yielding varieties (HYVs) of crops, and the development of agriculture infrastructure for irrigation, input supply, storage and marketing. The era of all-round development on the agriculture front has been called the Green Revolution. The foodgrains production increased from about 50 million tonnes in 1950-51 to around 211 million tonnes in 2001-02. The production of oilseeds, cotton, sugarcane, fruits, vegetables and milk also increased appreciably.

However, in spite of the spectacular achievements, various constraints and disturbing trends continue to hamper the requisite growth of the agricultural sector. During the 1990s (1989-90 to 1999-00), the growth of agriculture decelerated as compared to the 1980s (1979-80 to 1989-90). The growth rate of foodgrains production declined to

1.92% per annum from 3.54% per annum. The growth rate of productivity in foodgrains decelerated to 1.32% in the 1990s as compared to 3.3% in the 1980s. The overall growth rate of crop production declined from 3.72% to 2.29% and productivity from 2.99% to 1.21% per annum.

3.1.2 Per capita Availability

The per capita net availability of foodgrains increased only about 10 per cent over the last 50 years (see Table 1). During the same period, per capita availability of pulses declined significantly. On the other hand, per capita availability of sugar and edible oils has increased over time. In the 1990s, per capita availability of foodgrains has not increased because of 60 million tonnes accumulation of foodgrains by the government and due to exports.

| Year | Table 1. Net Availability of Cereals and Pulses | | | | | |
|---------|---|-------|------------|---------------------|--------------------|-------------------------------|
| | Per capita net availability | | | Edible oil (Kg.) | Vanaspati (Kg.) | Sugar (Nov.-Oct.) (Kg.) |
| | per day (grams) | | | | | |
| Cereals | Pulses | Total | | | | |
| | | | Foodgrains | | | |
| 1951 | 334.2 | 60.7 | 394.9 | 2.5* | 0.7* | 5.0* |
| 1961 | 399.7 | 69.0 | 468.7 | 3.2 | 0.8 | 4.8 |
| 1971 | 417.6 | 51.2 | 468.8 | 3.5 | 1.0 | 7.4 |
| 1981 | 417.3 | 37.5 | 454.8 | 3.8 | 1.2 | 7.3 |
| 1990 | 435.3 | 41.1 | 476.4 | 5.3 | 1.1 | 12.3 |
| 1991 | 468.5 | 41.6 | 510.1 | 5.5 | 1.0 | 12.7 |
| 1992 | 434.5 | 34.3 | 468.8 | 5.4 | 1.0 | 13.0 |
| 1993 | 427.9 | 36.2 | 464.1 | 5.8 | 1.0 | 13.7 |
| 1994 | 434.0 | 37.2 | 471.2 | 6.1 | 1.0 | 12.5 |
| 1995 | 457.6 | 37.8 | 495.4 | 6.3 | 1.0 | 13.2 |
| 1996 | 443.4 | 32.8 | 476.2 | 7.0 | 1.0 | 14.1 |
| 1997 | 468.2 | 37.3 | 505.5 | 8.0 | 1.0 | 14.6 |
| 1998 | 417.3 | 33.0 | 450.3 | 6.2 | 1.0 | 14.5 |
| 1999 | 433.5 | 36.9 | 470.4 | 8.5 | 1.3 | 14.9 |
| 2000 | 426.0 | 32.0 | 458.0 | 9.1 | 1.3 | 15.6 |
| 2001(P) | 390.6 | 26.4 | 417.0 | 8.0 | 1.4 | 15.8 |

* Pertains to the year 1955-56.

(P) Provisional.

Source: Economic Survey 2001-2002, Government of India.

3.1.2. Changes in Consumption Patterns and demand for non-cereal food

In spite of increase in per capita real expenditures during the period 1972-73 to 1999-00, the per capita cereal intake declined in both rural and urban areas. However, the fall in cereal consumption was offset by increase in the consumption of non-cereal food. It is now widely recognised that the food basket is more diversified and dramatic changes in food consumption patterns have taken place in India in the post-green revolution period. For example, at the all India level, cereal consumption declined from 15.3 kilograms per capita per month in 1972-73 to 12.7 kgs per capita per month in 1999-00 in rural areas⁴. This is true for all classes (rich and poor). The cereal shares have seen a dramatic decline of more than 10 percentage points (between 1972-73 to 1993-94) in most regions – in both rural and urban India. Similarly, the share of meat and milk products, and vegetables and fruits has increased over time. Table 2 shows the following trends.

- (a) Cereal consumption has declined for all the classes
- (b) Rice consumption has not declined for the bottom 30%
- (c) Wheat consumption has been stagnant for the bottom 30%
- (c) Coarse cereal consumption has declined for all the classes
- (d) Budget share of non-cereal food has increased for all classes; the consumption of non-cereal food increased in constant prices even for the bottom 30%.
- (e) Budget share of non-food has increased for all classes

It may be noted that changes in consumption patterns may reflect substitution away from cereals to other food items as income rise. Deaton and Dreze (2002) with the help of data collected by National Nutrition Monitoring Bureau (NNMB) show the substitution from cereals towards other food items with rising per capita incomes.

According to some projections, the household demand for foodgrains would increase from 155 mt. in 2000 to 240 mt. In 2020; for milk and milk products from 64 mt. to 166 mt. and fruits and vegetables from 48 mt. to 113 mt. (Radhakrishna, 2002). The per capita availability of fruits was 58 grams per day and 179 grams per day for vegetables. Table 2 provides per capita availability and deficit of milk, egg and meat. It shows the need for increase in availability of non-cereal food. ***In terms of per capita availability non-cereal food like fruits, vegetables, milk, meat and fish India has not achieved self sufficiency.***

4. For more details on changing consumption patterns, see Rao, CHH (2000)

Table 2: Changes in Consumption Patterns: 1972-73 to 1999-00

Rice (Kg/month)

| Decile Group | 1972-73 | 1977-78 | 1983 | 1987-88 | 1993-94 | 1990-00 |
|--------------|---------|---------|------|---------|---------|---------|
| Lowest 30% | 4.82 | 5.17 | 4.44 | 5.74 | 6.10 | 6.60 |
| Middle 40% | 6.91 | 7.57 | 7.01 | 7.42 | 7.54 | 7.02 |
| Top 30% | 7.93 | 8.48 | 8.32 | 7.83 | 7.28 | 6.64 |
| All | 6.59 | 7.12 | 6.63 | 7.04 | 7.02 | 6.78 |

Wheat (kg/month)

| Decile Group | 1972-73 | 1977-78 | 1983 | 1987-88 | 1993-94 | 1990-00 |
|--------------|---------|---------|------|---------|---------|---------|
| Lowest 30% | 2.09 | 2.33 | 3.40 | 3.71 | 3.38 | 3.44 |
| Middle 40% | 3.58 | 3.73 | 4.18 | 4.70 | 4.17 | 4.47 |
| Top 30% | 6.08 | 6.20 | 5.90 | 6.49 | 5.73 | 5.76 |
| All | 3.88 | 4.05 | 4.46 | 4.94 | 4.40 | 4.55 |

Other Cereals (kg/month)

| Decile Group | 1972-73 | 1977-78 | 1983 | 1987-88 | 1993-94 | 1990-00 |
|--------------|---------|---------|------|---------|---------|---------|
| Lowest 30% | 4.45 | 3.92 | 4.11 | 2.82 | 2.28 | 1.41 |
| Middle 40% | 4.83 | 3.94 | 3.61 | 2.44 | 1.90 | 1.45 |
| Top 30% | 5.07 | 4.41 | 3.43 | 2.23 | 1.76 | 1.30 |
| All | 4.79 | 4.08 | 3.71 | 2.49 | 1.98 | 1.39 |

Total Cereals (kg/month)

| Decile Group | 1972-73 | 1977-78 | 1983 | 1987-88 | 1993-94 | 1990-00 |
|--------------|---------|---------|-------|---------|---------|---------|
| Lowest 30% | 11.36 | 11.42 | 11.95 | 12.27 | 11.76 | 11.44 |
| Middle 40% | 15.32 | 15.24 | 14.80 | 14.56 | 13.61 | 12.95 |
| Top 30% | 19.08 | 19.09 | 17.65 | 16.55 | 14.77 | 13.69 |
| All | 15.26 | 15.25 | 14.80 | 14.47 | 13.40 | 12.72 |

Budget Share of Food

| Decile Group | 1972-73 | 1977-78 | 1983 | 1987-88 | 1993-94 | 1990-00 |
|--------------|---------|---------|-------|---------|---------|---------|
| Lowest 30% | 81.22 | 79.50 | 75.94 | 74.21 | 69.76 | 62.71 |
| Middle 40% | 78.36 | 76.01 | 72.27 | 70.74 | 66.82 | 60.14 |
| Top 30% | 66.61 | 57.38 | 59.37 | 57.32 | 53.86 | 51.92 |
| All | 72.76 | 66.38 | 66.29 | 64.38 | 60.77 | 56.60 |

Expenditure on Non-cereal food (Rs. 0.00) /month 1990-91 prices

| Decile Group | 1972-73 | 1977-78 | 1983 | 1987-88 | 1993-94 | 1990-00 |
|--------------|---------|---------|-------|---------|---------|---------|
| Lowest 30% | 29.64 | 30.30 | 32.58 | 34.77 | 36.20 | 34.74 |
| Middle 40% | 35.41 | 35.55 | 37.33 | 39.45 | 40.40 | 40.16 |
| Top 30% | 38.74 | 34.86 | 38.38 | 39.41 | 38.76 | 41.60 |
| All | 36.26 | 34.43 | 37.16 | 38.71 | 38.91 | 39.95 |

Source: NSS Consumer Expenditure Surveys

Table 2a: Per capita Availability and Deficit of Milk, Egg and Meat

| Food Items | Per capita Availability | ICMR dietary guidelines for Indians | Per capita deficit |
|------------|-------------------------|-------------------------------------|--------------------|
| Milk | 216grams/day | 300 milli litre/day | 34 grams/day |
| Egg | 30 eggs/annum | 180 eggs/annum | 150 eggs/annum |
| Meat | 3.24 kg/annum | 10.95 kg/annum | 7.71 kg/annum |

Source: GOI (2003)

3.2. Adequacy

Once the foodstuffs are physically available, they have to satisfy the dietary needs (energy and nutrients including the micronutrients like iron, vitamin and iodine), among other criteria, to qualify as adequate. Thus nutritional aspects need to be duly taken into consideration in order to look at the adequacy aspect in the availability of food and not just physical availability.

Nutrition

There are two possible ways to assess the adequacy of food and nutrition and to detect the presence of inadequacy intake among individuals and population groups⁵. These are: Nutritional Intake Assessment and Nutritional Status Assessment. Measures of nutritional intake estimate the amount of food a person is eating and can be used to assess the adequacy of the quantity of dietary energy (and protein) supply. In simple terms, one can categorize people as being well nourished or undernourished based on whether their intake of food matches their food energy needs or nutrient requirements.

The nutritional status of an individual or a representative sample of individuals within a population can be assessed by measuring anthropometric, biochemical or physiological (functional) characteristics to determine whether the individual is well-nourished or under-nourished.

Thus one has to go for an assessment of adequacy from both these angles to substantiate whether the food that is available in adequate quantity is also nutritionally adequate or not.

5. see Shetty (undated); Also see Dreze and Sen (1989) for a discussion on intake and outcomes on nutrition.

Nutritional Intake Assessment

Calories and Protein

The per capita calorie intake for rural population declined from 2364 kcal per day in 1987-88 to 2030 kcal per day in 1999-00 (Table 3). For the bottom 30% of the population, the calorie intake increased up to 1993-94 and declined in 1999-00. In the year 1999-00, the calorie intake was 1626 kcal per day for the bottom 30% of population. This level is much below the norm of 2400 calories in rural areas. However, there is a controversy over the minimum calorie consumption per consumer unit per diem. Sukhatme (1982) and Minhas (1991) have questioned the sanctity of calorie norms widely used by nutritionists and consider them to be exaggerated. The NNMB data in 1996-97 shows that about 48 per cent of the households consumed more than adequate amount of both proteins and calories, while 20 per cent of households consumed inadequate amounts of both the nutrients.

Table 3: Average Per Capita Calorie Intake (kcal/day): Rural

| Decile Group | 1972-73 | 1977-78 | 1983 | 1993-94 | 1990-00 |
|--------------|---------|---------|------|---------|---------|
| Lowest 30% | 1504 | 1630 | 1620 | 1678 | 1626 |
| Middle 40% | 2170 | 2296 | 2144 | 2119 | 2009 |
| Top 30% | 3161 | 3190 | 2929 | 2672 | 2463 |
| All | 2268 | 2364 | 2222 | 2152 | 2030 |

Soucre: NSS Consumer Expenditure Surveys

The NSS data shows that the average protein intake in rural India remained at 62 grams per consumer unit per day until 1983 but declined by 2 grams in 1993-94. There are some states where the average protein intake has been declining continuously since 1972-73. These are Assam, Himachal Pradesh, Punjab, Tamil Nadu and Uttar Pradesh. In Kerala, Orissa and West Bengal, protein intake has increased. On the whole at the average level protein energy malnutrition is not apparent in any of the states. This, however, does not rule out the possibility of protein energy malnutrition in the lower expenditure groups (MS Swaminathan Research Foundation, 2001).

Micro nutrient deficiencies

Goitre due to iodine deficiency, blindness due to Vitamin A deficiency, dry and wet beriberi and pellagra were the major public health problems in pre-independent India.

Sustained dietary changes resulted in the elimination of beriberi and pellagra. However, there has not been any decline in the prevalence of anemia due to iron and folic acid deficiency; the decline in Vitamin A deficiency and iodine deficiency disorders has been very slow. Diet surveys have shown that the intake of Vitamin A is significantly lower than the recommended dietary allowance in young children, dietary adolescent girls and pregnant women. In these vulnerable sub-groups multiple nutritional problems coexist including inadequate intake of energy as well as of micronutrients other than Vitamin A (GOI, 2003).

Access to Drinking water

While empirical evidence tends to suggest a positive association between the calorie intake and nutritional status, the responsiveness is likely to be affected by the factors relating to health and environment. For example, safe drinking water is important for proper absorption of food. Around 23 per cent of the households get water from tap sources in rural areas (Table 4). Another 49 per cent of households get water from tube well/hand pump. But, there are considerable regional disparities in the major source of drinking water.

Table 4. Households by Major Source of Drinking Water (1995-1996) – Rural (%)

| States/Uts | Tap | Tube Well/ Pump | Tanker | Pucca Well | Tank/ Pond (Reserved) | River/ Canal | Other |
|-------------------|-------|--------------------|--------|------------|-----------------------------|-----------------|-------|
| Andhra Pradesh | 35.80 | 37.00 | 0.40 | 22.40 | 1.70 | 1.60 | 1.20 |
| Arunachal Pradesh | 60.20 | 10.70 | 0.70 | 0.10 | 8.20 | 8.00 | 8.20 |
| Assam | 7.10 | 55.50 | 0.90 | 13.30 | 7.40 | 3.00 | 12.70 |
| Bihar | 3.00 | 69.30 | 0.10 | 22.40 | 0.80 | 1.30 | 2.50 |
| Goa | 44.10 | 0.20 | 3.80 | 49.00 | 0.60 | 1.80 | 0.60 |
| Gujarat | 45.10 | 33.50 | 0.30 | 19.90 | 0.50 | 0.40 | 0.20 |
| Haryana | 34.40 | 47.50 | 0.30 | 17.80 | - | 0.00 | - |
| Himachal Pradesh | 82.50 | 0.70 | - | 5.00 | 4.00 | 1.20 | 6.60 |
| Jammu & Kashmir | 50.30 | 12.00 | 0.20 | 4.20 | 3.20 | 10.70 | 19.30 |
| Karnataka | 41.50 | 37.80 | 1.20 | 15.50 | 2.20 | 1.70 | 0.20 |
| Kerala | 11.50 | 0.50 | 0.40 | 79.40 | 1.80 | 0.10 | 6.10 |
| Madhya Pradesh | 10.50 | 54.40 | 0.60 | 28.30 | 0.10 | 2.80 | 3.20 |
| Maharashtra | 45.70 | 22.50 | 0.60 | 28.10 | 0.70 | 0.90 | 1.30 |
| Manipur | 12.50 | 4.70 | 0.70 | 3.40 | 42.90 | 6.50 | 28.70 |
| Meghalaya | 41.30 | 4.60 | 0.30 | 10.80 | 2.40 | 16.70 | 23.90 |
| Mizoram | 2.40 | 0.10 | - | 0.70 | 24.60 | 28.90 | 42.80 |
| Nagaland | 67.40 | 6.20 | 2.70 | 6.40 | 10.60 | 1.20 | 5.60 |
| Orissa | 2.80 | 50.30 | 0.30 | 34.10 | 3.80 | 4.10 | 4.50 |
| Punjab | 20.00 | 78.30 | 0.10 | 0.90 | 0.00 | 0.00 | 0.70 |
| Rajasthan | 28.40 | 34.60 | 0.30 | 26.10 | 5.30 | 3.10 | 1.70 |
| Sikkim | 84.10 | - | - | - | 4.20 | 3.40 | 8.20 |
| Tamil Nadu | 56.20 | 29.50 | 0.80 | 8.40 | 1.80 | 0.30 | 2.00 |
| Tripura | 32.40 | 38.70 | 0.50 | 6.30 | 1.40 | 1.90 | 18.70 |
| Uttar Pradesh | 8.30 | 69.30 | 0.20 | 20.50 | 0.00 | 0.30 | 1.30 |
| West Bengal | 3.90 | 82.30 | 0.10 | 11.30 | 0.40 | 0.30 | 1.50 |
| All India | 23.20 | 49.00 | 0.40 | 21.80 | 1.50 | 1.40 | 2.50 |

Source: Maternal and Child Health Care in India, NSS 52nd Round, July 1995 – June 1996, Report No.445.

Nutritional Status Assessment of Children and Women

The National Nutritional Monitoring Bureau (NNMB) provides the nutritional status of rural households in seven sample states for three periods: 1975-79, 1990-91 and 2000-01 (see Table 5). The children aged 1-5 years are classified into different nutritional grades based on weight for age. If those classified in moderate and severe malnutrition ranges are considered together, the percentage of children affected by malnutrition declined from 62.5 in 1975-79 to 56.2 in 1990-91 and further to 47.7 in 2000-01. It is clear that in spite of some improvements in nutritional status, nearly half of the rural children suffer from malnutrition⁶. Among the sample states, Madhya Pradesh and Orissa are having the highest incidence of malnutrition.

6. Children of the poor communities suffering from malnutrition not only do not achieve full genetic

**Table 5 Per cent Distribution of Children (Aged 1-5 Years)
by Nutritional Grade in Rural Areas of Selected States**

| State | Period | Normal | Mild | Moderate | Severe |
|----------------|---------|--------|------|----------|--------|
| Kerala | 1975-79 | 7.5 | 35.7 | 46.5 | 10.3 |
| | 1991-92 | 17.6 | 46.7 | 29.6 | 6.0 |
| | 2000-01 | 20.8 | 50.4 | 26.9 | 1.9 |
| Tamil Nadu | 1975-79 | 6.2 | 34.2 | 47.0 | 12.6 |
| | 1991-92 | 8.0 | 39.7 | 41.7 | 5.7 |
| | 2000-01 | 10.5 | 50.6 | 35.3 | 3.7 |
| Karnataka | 1975-79 | 4.6 | 31.1 | 50.0 | 14.3 |
| | 1991-92 | 3.6 | 33.6 | 54.5 | 8.3 |
| | 2000-01 | 7.2 | 45.2 | 45.2 | 2.4 |
| Andhra Pradesh | 1975-79 | 6.1 | 32.4 | 46.1 | 15.4 |
| | 1991-92 | 9.9 | 39.2 | 41.9 | 8.9 |
| | 2000-01 | 11.5 | 48.6 | 35.8 | 4.1 |
| Maharashtra | 1975-79 | 3.2 | 25.4 | 49.5 | 21.9 |
| | 1991-92 | 4.5 | 33.3 | 44.9 | 17.3 |
| | 2000-01 | 8.2 | 39.6 | 48.0 | 7.2 |
| Gujarat | 1975-79 | 3.8 | 28.1 | 54.3 | 13.8 |
| | 1991-92 | 2.4 | 34.9 | 50.8 | 11.8 |
| | 2000-01 | 7.4 | 43.7 | 40.0 | 8.9 |
| Madhya Pradesh | 1975-79 | 8.4 | 30.3 | 45.1 | 16.2 |
| | 2000-01 | 5.8 | 30.4 | 49.2 | 14.7 |
| Orissa | 1975-79 | 7.5 | 35.9 | 41.7 | 14.9 |
| | 1991-92 | 6.0 | 38.2 | 42.5 | 13.3 |
| | 2000-01 | 6.7 | 38.9 | 47.2 | 7.2 |
| All states* | 1975-79 | 5.9 | 31.6 | 47.5 | 15.0 |
| | 1991-92 | 7.2 | 36.3 | 41.1 | 11.1 |
| | 2000-01 | 9.0 | 43.3 | 41.3 | 6.4 |

Notes: Based on National Centre for Health Statistics (NCHS), standards

* Pooled estimates for Kerala, Tamil Nadu, Karnataka, Andhra Pradesh, Maharashtra, Gujarat, Madhya Pradesh and Orissa.

Source: National Nutritional Monitoring Bureau, *Report of the Repeat Surveys – Rural, 2001*, National Institute of Nutrition, Hyderabad. Quoted in Radhakrishna (2002)

National Family Health Surveys (NFHS I and NFHS II) provide information on undernourishment of women and children (Table 6). Comparison of Body Mass Index (BMI), which is essentially a measure of weight for height, brings this out clearly the undernourishment of women. At the all India level, 36 per cent of women were suffering from undernourishment in 1998-99. The malnutrition (weight for age) for children declined from 53.4 per cent in 1992-93 to 47 per cent in 1998-99 at all India level

(Table 6). But, the levels are still high. Inter-state disparities can be seen from Table 6. In Bihar, Madhya Pradesh, Orissa, Rajasthan and Uttar Pradesh, the incidence of malnutrition was more than 50 per cent in 1998-99. Malnutrition of women is also high in these states as shown by the body mass index.

Table 6 : Anthropometric Measures – Women and Children (%)

| States/Uts | Women BMI | Children below – 2 SD [#] | | | | | |
|-------------------|------------------------|------------------------------------|---------|----------------|---------|-------------------|---------|
| | <18.5Kg/m ² | Weight-for-age | | Height-for-age | | Weight-for-height | |
| | 1998-99 | 1992-93 | 1998-99 | 1992-93 | 1998-99 | 1992-93 | 1998-99 |
| Andhra Pradesh | 37.4 | 49.1 | 37.7 | ## | 38.6 | ## | 9.1 |
| Arunachal Pradesh | 10.7 | 39.7 | 24.3 | 53.9 | 26.5 | 11.2 | 7.9 |
| Assam | 27.1 | 50.4 | 36.0 | 52.2 | 50.2 | 10.8 | 13.3 |
| Bihar | 39.3 | 62.6 | 54.4 | 60.9 | 53.7 | 21.8 | 21.0 |
| Goa | 27.1 | 35.0 | 28.6 | 32.5 | 18.1 | 15.3 | 13.1 |
| Gujarat | 37.0 | 50.1 | 45.1 | 48.2 | 43.6 | 18.9 | 16.2 |
| Haryana | 25.9 | 37.9 | 34.6 | 46.7 | 50.0 | 5.9 | 5.3 |
| Himachal Pradesh | 29.7 | 47.0 | 43.6 | ## | 41.3 | ## | 16.9 |
| Jammu & Kashmir | 26.4 | 44.5 | 34.5 | 40.8 | 38.8 | 14.8 | 11.8 |
| Karnataka | 38.8 | 54.3 | 43.9 | 47.6 | 36.6 | 17.4 | 20.0 |
| Kerala | 18.7 | 28.5 | 26.9 | 27.4 | 21.9 | 11.6 | 11.1 |
| Madhya Pradesh | 38.2 | 57.4 | 55.1 | ## | 51.0 | ## | 19.8 |
| Maharashtra | 39.7 | 54.2 | 49.6 | 48.5 | 39.9 | 20.2 | 21.2 |
| Manipur | 18.8 | 30.1 | 27.5 | 33.6 | 31.3 | 8.8 | 8.2 |
| Meghalaya | 25.8 | 45.5 | 37.9 | 50.8 | 44.9 | 18.9 | 13.3 |
| Mizoram | 22.6 | 28.1 | 27.7 | 41.3 | 34.6 | 2.2 | 10.2 |
| Nagaland | 18.4 | 28.7 | 24.1 | 32.4 | 33.0 | 12.7 | 10.4 |
| Orissa | 48.0 | 53.3 | 54.4 | 48.2 | 44.0 | 21.3 | 24.3 |
| Punjab | 16.9 | 45.9 | 28.7 | 40.0 | 39.2 | 19.9 | 7.1 |
| Rajasthan | 36.1 | 41.6 | 50.6 | 43.1 | 52.0 | 19.5 | 11.7 |
| Sikkim | 11.2 | - | 20.6 | - | 31.7 | - | 4.8 |
| Tamil Nadu | 29.0 | 48.2 | 36.7 | ## | 29.4 | ## | 19.9 |
| Tripura | - | 48.8 | - | 46.0 | - | 17.5 | - |
| Uttar Pradesh | 35.8 | 59.0 | 51.7 | 59.5 | 55.5 | 16.1 | 11.1 |
| West Bengal | 43.7 | 56.8 | 48.7 | ## | 41.5 | ## | 13.6 |
| All India | 35.8 | 53.4 | 47.0 | 52.0 | 45.5 | 17.5 | 15.5 |

Note:

1. Includes percentage of ever-married women with BMI below 18.5 kg./m². Body Mass Index is the ratio of the weight in kilograms to the square of the height in meters (kg/m²). The data exclude women who are Pregnant and women who gave birth in the preceding two months.
2. The index for children is expressed in standard deviation units (SD) from the median of the International Reference Population Figures are for children born 1-47 months prior to survey.
3. #: includes children who are below-3 SD from the International Reference Population.
4. ##: Not available as children's height not measured 1992-93 figure for Jammu & Kashmir covers only the Jammu region.

Source: National Family Health Survey (NFHS-1 & 2), 1998-99, October, 2000, Table 7.5, page 246 and Table 7.17, page 270. For 1992-93 Table 10.10 page 286.

Some indicators on anemia of women and children based on NFHS data are given in

Table 7. It shows that more than 50 per cent of women and more than 70 per cent of children have anemia. Considerable regional disparities can be noticed in these indicators.

Table 7. Percentage of Women and Children with Anemia : 1998-99

| States | Percentage of Women with any anemia | Percentage of children with anaemia |
|---|--|--|
| Andhra Pradesh | 49.8 | 72.3 |
| Assam | 69.7 | 63.2 |
| Bihar | 63.4 | 81.3 |
| Gujarat | 46.3 | 74.5 |
| Haryana | 47.0 | 83.9 |
| Karnataka | 42.4 | 70.6 |
| Kerala | 22.7 | 43.9 |
| Madhya Pradesh | 54.3 | 75.0 |
| Maharashtra | 48.5 | 76.0 |
| Orissa | 63.0 | 72.3 |
| Punjab | 41.4 | 80.0 |
| Rajasthan | 48.5 | 82.3 |
| Tamil Nadu | 56.5 | 69.0 |
| Uttar Pradesh | 48.7 | 73.9 |
| West Bengal | 62.7 | 78.3 |
| India | 51.8 | 74.3 |
| Source: National Family Health Survey (NFHS-2), 1998-99 | | |

3.2. Accessibility

3.2.1. Physical accessibility

Availability or physical access of foodgrains at the national level is not a problem. However, it is a problem for North Eastern states and other remote and tribal areas. Also, it is a problem for vulnerable groups such as old age population, pregnant and lactating women, children, tribals etc. As shown below, Government has programmes to take care of the problems of physical access in remote areas and vulnerable groups.

Intra-household Distribution of Food consumption

One important dimension of physical accessibility is intra-household disparity in consumption. It is widely believed that in India, particularly among the rural poor,

food distribution is not based on 'need'. The breadwinner gets sufficient food, the children get the next share and the women take the remains. In times of scarcity, the dietary intake of women and children are likely to be most adversely affected. Among children, boys are given preference to girls in distribution of food. Several micro studies in different states have reported that intra-household distribution of food follows this traditional pattern even today. However, the empirical evidence shows that the intra-household discrimination is found in some areas only.

Haddad et al (1996) provide a review of the literature on intrahousehold bias for different countries. Food allocation is the most studied dimension of intra-household inequality. In general, the adjustment for body weight and activity tends to support gender neutrality of intra-household, although a slight pro-male bias persists. Boys may be favoured in India by being given first priority in breast-feeding and in food supplementation (Pettigrew 1986). In India, upper-middle caste groups favour sons more in food allocation than lower status groups and tribal groups (Warrier 1992). Miller (1981) found pro-male bias in North India while there was no sex preference in South India. Using village level studies of ICRISAT Behrman and Deolalikar (1990) do not find any evidence of gender discrimination in food intake.

An analysis of household expenditures on goods consumed exclusively by adults (an 'adult good') has been used as a parsimonious technique for examining discrimination within households. The basic idea is, do parents reduce expenditures on these adult goods more severely for an extra girl than for an extra boy? Subramanian and Deaton (1990) employ a representative sample of some 11,000 households from the state of Maharashtra, collected in 1983. They find some evidence of discrimination against girls under five years of age who live in rural households, but only in one (tobacco and *paan*) of the two identified adult goods (the other being alcohol).

Another way is to look at the outcomes (nutritional status) based on anthropometric measures. Sen and Sengupta (1983) studied the question of undernourishment of boys and girls in two villages of West Bengal. Based on weight-for-age indicator, they found bias to boys over girls. Sen (2001) cautions about the interpretation of causal process. The lower level of nourishment of girls may not relate directly to their being underfed vis-à-vis boys. 'Often enough, the differences may particularly arise from the neglect of health care of girls compared with what boys get' (Sen, 2001).

While comparisons of percentages of underweight girls and boys (1-5 years old) at the all India level show insignificant differences in the rates of malnutrition (i.e. ratio close to 1), disaggregated state level data from recent studies by Department of Women and Child Development (1995/96) and the NNMB (1994) show a distinct trend of higher percentage of girls than boys who are severely underweight. Notably, while Tamil Nadu, Mizoram and Manipur record some of the lowest rates of severely malnourished children, a disproportionate share of them are girl children. Their ratios are 1.91, 1.58 and 2.10 respectively (World Bank, 2001). It may be noted that these gender discrepancies are likely higher to be if child mortality rates are accounted for. The National Family Health Survey 1992/93 of 25 states found that girl child mortality (ages 1-4) is 43 per cent higher than boys. Post-neonatal mortality of girls is 13 per cent higher than boys. If these girls had been alive, they would almost certainly have added to the prevalence of female malnutrition⁷.

3.2.2 Economic Accessibility

Hunger

India has made significant progress in reducing the problem of hunger. Estimates of hunger (two square meals a day) based on self perception from NSS data show that less than 10 per cent of people suffer from hunger. However, in poorer states like Bihar and Orissa the per cent of people suffering from hunger is much higher. One of the major achievements of India in terms of food is that it averted famines since independence⁸. The last one was the Bengal Famine of 1943. But, chronic poverty is still high in the country. This is because lack of economic access (purchasing power) to food.

Poverty Ratios

The expenditure on food (calorie intake) with some allowance for non-food expenditure is mostly used as a basis for determining the poverty line. Thus, the incidence of poverty in a region may give some indication of the extent to which food is accessible to households. India is perhaps the only developing country, which has the longest time series of national household surveys starting from the early 1950s. Till 1973-74, National Sample Survey (NSS) data were available annually. Between 1972-73 and

7. By contrast, there are a few states (Karnataka 0.87, Gujarat 0.77, Goa -0.66 and Daman and Diu 0.70) where boys appear to be fairing worse than girls. In some states where studies of urban areas were conducted, a similar trend prevails.

8. More on this see Dreze and Sen (1989)

1999-00, six quinquennial surveys have been carried out with a large sample size of ten households per sample village. The official poverty ratios for all India and major states are given in Table 8. It shows that the rural poverty declined by about 10 percentage points in the 1990s while urban poverty declined by 9 percentage points during the same period. In almost all the states, poverty declined in the 1990s. However, rural poverty was above 40 per cent in three states viz., Orissa, Bihar, Assam and in three states (M.P., U.P. and West Bengal) it was above 30 per cent. In the case of urban poverty, states such as Orissa, M.P., Bihar, U.P. showed higher incidence in 1999-2000. Thus, although income poverty declined significantly at the all India level, regional disparities are quite high.

Table 8 Incidence of Poverty Across States

| States | Rural | | | Urban | | | Total | | |
|--------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| | 1973-74 | 1993-94 | 1999-00 | 1973-74 | 1993-94 | 1999-00 | 1973-74 | 1993-94 | 1999-00 |
| A.P. | 48.41 | 15.92 | 11.05 | 50.61 | 38.33 | 26.63 | 48.86 | 22.19 | 15.77 |
| Assam | 52.67 | 45.01 | 40.04 | 36.92 | 7.73 | 7.47 | 51.21 | 40.86 | 36.09 |
| Bihar | 62.99 | 58.21 | 44.30 | 52.96 | 34.50 | 32.91 | 61.91 | 54.96 | 42.60 |
| Guj. | 46.35 | 22.18 | 13.17 | 52.57 | 27.89 | 15.59 | 48.15 | 24.21 | 14.07 |
| Har. | 34.23 | 28.02 | 8.27 | 40.18 | 16.38 | 9.99 | 35.36 | 25.05 | 8.74 |
| Karn. | 55.14 | 29.88 | 17.38 | 52.53 | 40.14 | 25.25 | 54.4 | 33.16 | 20.04 |
| Ker. | 59.19 | 25.76 | 9.38 | 62.74 | 24.55 | 20.27 | 59.79 | 25.43 | 12.72 |
| M.P. | 62.66 | 40.64 | 37.06 | 57.65 | 48.38 | 38.44 | 61.78 | 42.52 | 37.43 |
| Mah. | 57.71 | 37.93 | 23.72 | 43.87 | 35.15 | 26.81 | 53.24 | 36.86 | 25.02 |
| Orissa | 67.28 | 49.72 | 48.01 | 55.62 | 41.64 | 42.83 | 66.18 | 48.56 | 47.15 |
| Punj. | 28.21 | 11.95 | 6.35 | 27.96 | 11.35 | 5.75 | 28.15 | 11.77 | 6.16 |
| Raj. | 44.76 | 26.46 | 13.74 | 52.13 | 30.49 | 19.85 | 46.14 | 27.41 | 15.28 |
| T.N. | 57.43 | 32.48 | 20.55 | 49.40 | 39.77 | 22.11 | 54.94 | 35.03 | 21.12 |
| U.P. | 56.53 | 42.28 | 31.22 | 60.09 | 35.39 | 30.89 | 57.07 | 40.85 | 31.15 |
| W.B. | 73.16 | 40.80 | 31.85 | 34.67 | 22.41 | 14.86 | 63.43 | 35.66 | 27.02 |
| India | 56.44 | 37.27 | 27.09 | 49.01 | 32.36 | 23.62 | 54.88 | 35.97 | 26.10 |

Source: Economic Survey 2001-02, Government of India

Alternative Estimates of Poverty: The official estimates of poverty are based on the Lakdawala Committee's methodology. If one notices the numbers in table 8, the urban poverty was higher than rural poverty in 9 states. This is unusual. Deaton and Dreze(2002) estimated alternative poverty ratios based on the unit prices generated from NSS data. They have also 'adjusted' for the non-comparability of 1999-00 NSS data. The alternative poverty estimates are given in Table 9. It shows that the rural

poverty was lower by around 2 percentage points while urban poverty for all India was considerably lower in the alternative estimates as compared to official estimates. It also shows that in all the states, urban poverty was lower than rural poverty.

Table 9 Alternative Estimates on Incidence of Poverty: 1999-2000

| States | Rural | | Urban | |
|----------------|----------|------------|----------|------------|
| | Official | Alternativ | Official | Alternativ |
| Andhra Pradesh | 11.05 | 26.2 | 26.63 | 10.8 |
| Assam | 40.04 | 35.5 | 7.47 | 11.8 |
| Bihar | 44.30 | 41.1 | 32.91 | 24.7 |
| Gujarat | 13.17 | 20.0 | 15.59 | 6.4 |
| Haryana | 8.27 | 5.7 | 9.99 | 4.6 |
| Karnataka | 17.38 | 30.7 | 25.25 | 10.8 |
| Kerala | 9.38 | 10.0 | 20.27 | 9.6 |
| Madhya Pradesh | 37.06 | 31.3 | 38.44 | 13.9 |
| Maharashtra | 23.72 | 31.9 | 26.81 | 12.0 |
| Orissa | 48.01 | 43.0 | 42.83 | 15.6 |
| Punjab | 6.35 | 2.4 | 5.75 | 3.4 |
| Rajasthan | 13.74 | 17.3 | 19.85 | 10.8 |
| Tamil Nadu | 20.55 | 24.3 | 22.11 | 11.3 |
| Uttar Pradesh | 31.22 | 21.5 | 30.89 | 17.3 |
| West Bengal | 31.85 | 21.9 | 14.86 | 11.3 |
| India | 27.09 | 26.3 | 23.62 | 12.0 |

Source: Economic Survey 2000-01 and Deaton and Dreze (2002)

Based on growth in average per capita consumer expenditure (APCE) during 1993-94 to 1999-00, Deaton and Dreze (2002) show a striking regional pattern : “except for Jammu and Kashmir, the low growth states from one contiguous region made up of the eastern states (Assam, Orissa and West Bengal), the so-called BIMARU states (Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh) and Andhra Pradesh. The high growth states, for their part, consist of the southern states (except Andhra Pradesh), the western states (Gujarat and Maharashtra) and the North western region (Punjab, Haryana and Himachal Pradesh). Further, it is interesting to note that this pattern is reasonably consistent with independent data on growth rates of per capita ‘state domestic product’ (SDP)”.

Poverty among Socially Disadvantage Groups

Scheduled Castes(SCs)

The rate of decline for SCs living below the poverty line was marginally higher than that of the total population between 1993-94 and 1999-00. The gap between the total population and the SCs also decreased during the same period in both rural and urban areas. However, the incidence of poverty amongst SCs still continues to be very high with 36.25 per cent in rural areas and 38.47 per cent in urban areas (Table 10). This is primary due to the fact that a large number of SCs who are living below the poverty line are landless with no productive assets and with no access to sustainable employment and minimum wages (GOI, 2003). The women belonging to these groups suffer even worse because of the added disadvantage of being denied of equal and minimum wages.

Table 10 Population Living below Poverty Line Scheduled Castes and Total

| Category | Rural | | Urban | |
|----------|---------|---------|---------|---------|
| | 1993-94 | 1999-00 | 1993-94 | 1999-00 |
| Total | 37.27 | 27.09 | 32.38 | 23.62 |
| SCs | 48.11 | 36.25 | 49.48 | 38.47 |
| Gap | 10.84 | 9.16 | 15.82 | 14.85 |

Source: GOI, 2003

Scheduled Tribes

The poverty among scheduled tribes also declined along with general population (Table 11). However, it is disquieting to note that the rate of decline in respect of STs is much lower than that of the general population. As a result, the gap between poverty ratios of STs and general population increased during 1990s. Further, the incidence of poverty among STs still continues to be very high with 45.86 and 34.75 per cent living below the poverty line in rural and urban areas respectively.

**Table11: Population Living below Poverty Line
Scheduled Tribes and Total**

| Category | Rural | | Urban | |
|----------|---------|---------|---------|---------|
| | 1993-94 | 1999-00 | 1993-94 | 1999-00 |
| Total | 37.27 | 27.09 | 32.38 | 23.62 |
| STs | 51.94 | 45.86 | 41.14 | 34.75 |
| Gap | 14.67 | 18.77 | 7.48 | 11.13 |

Source: GOI, 2003

Employment Growth

As mentioned above, creation of employment is one way of ensuring right to food. With increase in purchasing power, the poor can increase their food consumption. Therefore, it is useful to know about the overall employment growth rates in the Indian economy. The growth rate of rural employment was around 0.5 percent per annum between 1993-94 and 1999-00 as compared to 1.7 percent per annum between 1983 and 1993-94. The daily status unemployment rate in rural areas has increased from 5.63% in 1993-94 to 7.21% in 1999-00. As shown in Table 12, the overall employment growth declined from 2.04 percent during 1983-94 to 0.98% during 1994-2000. Much of the decline in the growth was due to developments in two sectors viz., agriculture and community social & personal services. These two sectors accounting for 70% of the total employment have not shown any growth during the 1990s. Similar trends can be seen for growth rates of employment based on current daily status.

**Table 12: Growth of Employment : Usual Status and
Current Daily Status**

| Industry | Usual Status: Principal and Subsidiary (% per annum) | | Current Daily Status (% per annum) | |
|----------------------------------|---|-----------------------|---------------------------------------|-----------------------|
| | 1983 to 1993-94 | 1993-94 to 1999-00 | 1983 to 1993-94 | 1993-94 to 1999-00 |
| Agriculture | 1.51 | -0.34 | 2.23 | 0.02 |
| Mining & quarrying | 4.16 | -2.85 | 3.68 | -1.91 |
| Manufacturing | 2.14 | 2.05 | 2.26 | 2.58 |
| Electricity, gas & water supply | 4.50 | -0.88 | 5.31 | -3.55 |
| Construction | 5.32 | 7.09 | 4.18 | 5.21 |
| Trade | 3.57 | 5.04 | 3.80 | 5.72 |
| Transport, Storage & Commn. | 3.24 | 6.04 | 3.35 | 5.53 |
| Financial Services | 7.18 | 6.20 | 4.60 | 5.40 |
| Community social & per. services | 2.90 | 0.55 | 3.85 | -2.08 |
| Total Employment | 2.04 | 0.98 | 2.67 | 1.07 |

Source: Planning Commission, GOI (2001) for Usual status estimates and Planning Commission, GOI, (2002) for Current Daily Status

RealWages

Another indicator of purchasing power is agricultural wages. At the all India level, the growth of real agricultural wages declined from about 5 per cent per annum in the 1980s to 2.5 per cent per annum in the 1990s. Table 13 provides growth rates of real agricultural wages for different states. Deaton and Dreze (2002) say that a healthy growth of real agricultural wages appear to be a sufficient condition for significant reduction in poverty in rural areas. In all the states where real wages have grown more than 2.5 per cent (Gujarat, Karnataka, Kerala, Tamil Nadu) have experienced sharp reduction in rural poverty. On the other hand, entire Eastern region (Assam, Orissa, West Bengal and Bihar), Andhra Pradesh and Madhya Pradesh experienced low growth in agricultural wages and lower reduction in poverty.

Table -13 Growth Rates of Real Agricultural Wages Across States 1990-2000

| States | Growth Rates of real wages (%) |
|----------------|--------------------------------|
| Andhra Pradesh | 1.3 |
| Assam | -0.7 |
| Bihar | 0.3 |
| Gujarat | 5.1 |
| Haryana | 2.7 |
| Karnataka | 3.2 |
| Kerala | 7.9 |
| Madhya Pradesh | 1.8 |
| Maharashtra | 1.6 |
| Orissa | 0.7 |
| Punjab | -0.8 |
| Rajasthan | 2.8 |
| Tamil Nadu | 6.7 |
| Uttar Pradesh | 2.5 |
| West Bengal | 1.6 |
| All India | 2.5 |

Source: Dreze and Sen (2002)

Access to PDS

The public distribution system (PDS) is one of the instruments to help the poor in accessing limited quantities of food at subsidized rates. National Sample Survey Organisation (NSSO) in its 55th round in 1999-2000 collected information on purchases of rice, wheat, sugar and kerosene made in fair price shops. These data have been analysed to examine the utilization of PDS. According to the 1999-2000 data, the PDS is accessible (Percentage of households purchases in Fair Price Shops) to about 30 percent of Indian rural households for rice and only 17 percent for wheat (Table 14). The corresponding figures for states show large variations – from 75 percent for Tamil Nadu to 17 percent in West Bengal (barring other Wheat eating States) in case of rice and 34 percent in Gujarat to 0.21 percent in Punjab (barring Rice eating states) in case of wheat. Access to PDS in poorer states like Bihar, Madhya Pradesh and Uttar Pradesh is low.

Table 14: Percentage of Household Accessing PDS : 1999-00

| States | Rural | | Urban | |
|----------------|-------|-------|-------|-------|
| | Rice | Wheat | Rice | Wheat |
| 1 | 2 | 3 | 4 | 5 |
| Andhra Pradesh | 62.93 | 1.84 | 29.34 | 15.86 |
| Assam | 37.22 | 1.74 | 22.28 | 1.25 |
| Bihar | 5.40 | 8.98 | 2.30 | 4.66 |
| Gujarat | 43.98 | 34.32 | 17.54 | 12.78 |
| Haryana | 0.72 | 2.16 | 0.35 | 1.34 |
| Himachal | 34.90 | 20.08 | 17.23 | 10.98 |
| J&K | 36.55 | 21.44 | 42.89 | 26.13 |
| Karnataka | 68.24 | 61.96 | 40.19 | 37.49 |
| Kerala | 68.52 | 37.08 | 59.99 | 39.88 |
| Madhya Pradesh | 16.10 | 10.90 | 6.81 | 3.45 |
| Maharashtra | 44.26 | 43.43 | 15.17 | 14.75 |
| Orissa | 51.38 | 4.98 | 29.76 | 17.72 |
| Punjab | 0.24 | 0.21 | 0.14 | 0.10 |
| Rajasthan | 0.61 | 5.46 | 0.28 | 2.41 |
| Tamil Nadu | 75.21 | 15.09 | 52.59 | 30.32 |
| Uttar Pradesh | 8.07 | 7.34 | 3.29 | 2.93 |
| West Bengal | 17.49 | 16.06 | 6.87 | 18.36 |
| All India | 32.38 | 16.59 | 20.28 | 15.12 |

Source: Estimated from NSSO 1999-2000 consumer expenditure data
Access indicates the percentage of households reporting purchases from PDS.

Some Recent Examples of Violation of Right to Food

The country's food stocks have increased to more than 65 million tonnes in recent years and the food subsidy is nearing Rs.30,000 crores. Yet hunger and malnutrition continue in the country. Half of India's women and 70 per cent of children suffer from anemia. This is the phenomenon of 'hunger amidst plenty'⁹. In this respect, India has violated right to food in its worst form.

Various micro studies have documented about the prevalence of hunger and starvation deaths in many parts of the country. A public hearing on hunger and the right to food held in Manatu block of Palamau district of Jharkhand following starvation deaths reveals gross irregularities in food related programmes and a disastrous level of public services (Bhatia and Dreze, 2002). Thousands of hunger-affected people

9. On this see Dreze and Sen (2002)

assembled for a public hearing on hunger and the right to food. A widow who testified at the public hearing in Manatu, had not eaten for three days and was too weak to stand up. A team comprising members of the Gram Swaraj Abhiyan and the Right to Food campaign visited Kusumatand village in Manatu. The fact-finding committee went to investigate three starvation deaths in the village, but found that the entire village lived in a condition of permanent semi-starvation. Despite wide media coverage, the government had not taken any serious steps to help the villagers. The main conclusions of the fact finding committee are the following¹⁰ :

- ❑ The people of Kusumatand (block Manatu, district) live in abject poverty. Many people are in the state of permanent semi-starvation. They drink highly polluted water. They are also deprived of proper facilities such as primary education, health care, and the public distribution system.
- ❑ Lack of food and clean water has created a horrendous trail of illness and death. The recent starvation deaths in the village are directly related to the lack of food and drinking water.
- ❑ The government has taken no serious action to address the problem. Development works are standstill. There are no drought relief programmes even though the area has affected by drought. Even after the hunger deaths occurred and received wide media attention, the government remained passive. Instead of taking the action to help the people of the village, the government dismissed the reports as 'baseless stories' attempted to muzzle those who have reported.
- ❑ Recent Supreme Court orders relating to the right to food (PUCL vs. Union of India and ORS) being grossly violated in Kusumatand and the surrounding villages. For instance, the PDS is non-functional and no mid-day meals are being given in the local schools. No attempts have been made to prevent hunger deaths.

In November, 2001, The Supreme Court ordered all state and Union territories to introduce mid-day meals in all government and government aided primary schools. Most states were resisting the order. Bihar, Uttar Pradesh and Jarkhand are violating the order of the Supreme Court completely. Karnataka and Chattisgarh are complying partly. The grain quality of the foodgrains is also hampering the scheme in Rajasthan.

There have been starvation deaths in many other places such as in Kashipur in Orissa and Anathapur in Andhra Pradesh. The KBK (Kalahandi-Bolangir-Koraput)

10. See website www.geocities.com/righttofood

region in Orissa is one of the highly food insecure region in the country¹¹. In village after village, poor people survive on a spartan diet (e.g. rice and salt), drink unsafe water and there are no access to health care. Diarrhoea is a common cause of death. Real wages are incredibly low. Massive environmental degradation clearly contributed to the crisis. In many villages, forests have been decimated and economic activities based on forests declined. In some areas, labour migration is the surviving strategy. Another major reason for backwardness in KBK region is rampant exploitation and corruption.

4 POLICIES AND PROGRAMMES FOR REALISING RIGHT TO FOOD

India has many international obligations to fulfill the right to food with respect to children as well as adults. India became a party in 1986 to the International Covenant on Economic, social and cultural rights, which is the most important human rights instrument for the right to food as it enshrines the right to food and the right to be free from hunger in its article 11. Another major step taken in the case of food was the convention on the Rights of the Child. The Government of India has also committed itself to the Convention on the Rights of the Child in 1990. This convention asserted the right of every child to adequate food and nutrition. The world community has finally committed it self to eliminate the hunger of children with the ratification of this convention. India was also part of the World Food Summit held at Rome in 1996.

Regarding national level obligations, poverty alleviation has been on the policy agenda for more than 50 years. As early as 1938, the Indian National Congress constituted a National Planning Committee (NPC) headed by Jawaharlal Nehru, which had declared that the social objective should be “to ensure an adequate standard of living for the masses, in other words, to get rid of the appalling poverty of the people”. The Constitution of India has a number of fundamental rights in Part III of the Constitution and are classified under seven broad groups as given below¹².

Right to Equality (Articles 14-18)

Right to particular freedoms (Arts. 19-22)

Rights against exploitation (Arts. 23-24)

Right to Freedom of Religion (Arts.23-24)

Cultural and educational rights (Arts. 29-30)

11. see Dreze (2003) for the situation in KBK region in Orissa

12. See CDHR (2002)

Part IV (Arts. 36 to 51) of the Constitution contains the Directive Principles of State Policy. The Directives, however, differ from the Fundamental Rights as they are not enforceable in the Courts and do not create any justiciable rights in favour of the individuals. Although there is no explicit provision for the 'right to food' in the Constitution of India, the comparable human right provisions in the Constitution of India are found in few Articles of Fundamental Rights as well as Directive Principles of State Policy. Article 21 of the Indian constitution provides the fundamental right to protection of life and personal liberty. The Directive Principles implicitly incorporates the right to food either in the form of non-justiciable right of the citizens (Arts. 39, 41) or in the form of directives in the nature of ideals of the state (Art.47) and these are:

Right to adequate means of livelihood (Art. 39 a)

Right of both sexes to equal pay for equal work (Art. 39 d)

Right against economic exploitation (Art. 39 e-f)

Right to work (Art. 41)

Right to public assistance in case of unemployment, old age, sickness, and other cases of undeserved want (Art.41)

The State shall endeavor to raise the level of nutrition and standard of living and to improve public health (Art.47)

The importance of reduction in poverty and provision of basic needs has been emphasized in all the five year plans since independence particularly since the 5th Five-Year Plan. But, there has been no legal backing for the right to food in India. Only in recent years, Supreme Court has been giving Orders on right to food and right to work. In practice, the Supreme Court started entertaining petitions regarding not only violations of civil and political rights, but also of economic and social rights. In May 2001, the People's Union for Civil Liberties (Rajasthan) submitted a petition in the Supreme Court, demanding that the country's gigantic food stocks should be used without delay to prevent hunger and starvation. Expressing serious concerns over the starvation deaths in some states, the Supreme Court (SC) observed in August 2001, that it was the primary responsibility of the Central and State Governments to ensure that the food grains overflowing in FCI godowns reached the starving people and not wasted by being dumped in the sea or eaten by rats. In September, the SC has directed 16 states, which had not identified the people below the poverty line (BPL) to do so within two weeks to enable the governments to distribute food to them under the public distribution system (PDS). In November

2001, SC gave interim order directing all State governments to introduce cooked mid-day meals in primary schools within six months of the order. Supreme Court hearings have led to a larger “right to food campaign”. The foundation statement of the campaign says “The Right to Food campaign is an informal network of organizations and individuals committed to the realization of the right to food in India. Realising the right to food requires not only equitable and sustainable food systems, but also entitlements relating to livelihood security such as the right to work, land reform and social security. We consider that the primary responsibility for guaranteeing these entitlements rests with the state”. So far, the Right to food campaign has focused mainly on the implementation of SC orders relating to the right to food.

4.1. Analysing programmes and Policies in terms Of Obligations of State

A useful framework to discuss policies and programmes for right to food is provided by three level obligations of the state – obligation to respect, obligation to protect and obligation to fulfill¹³.

4.1.1. Obligation to Respect: Under this obligation State should not deny food to any individual or any segment of society. Particularly during floods and droughts, some sections may be denied food as the rich corner the relief money or commodities. This is true of normal food security programmes for the poor. In many of the programmes, non-poor corner some of the benefits as compared to the poor.

4.1.2. Obligation to Protect : Land Ownership and Tenancy

One of the important obligations of the state with regard to any right is the obligation to protect. The obligation to protect in case of food implies ensuring the right to land and security of tenure. Agricultural land in India is overwhelmingly privately owned and operated with over 10 million holdings of which 63 per cent are in the small and marginal category. In this way the Government fulfils its obligation to respect in terms of privately owned land. It also protects in terms of ownership although land record system is not satisfactory. However, land ownership and operation is regulated by policies which place ceiling on agricultural land, restrict leasing, regulate rents and provide security of tenure. This regulation is deemed to be in the interest of both equity and growth (Srivastava et al, 2003). Abolition of Zamindari system (landlordism)

13. See Osmani et al (2003)

was one of the achievements immediately after independence. The policy of redistribution of excess land (above the ceiling limit) to the poor, however, has not been successful. There is no security for tenants except in West Bengal. There are gender inequalities in the ownership of land. The experience of past policies and the agrarian changes which have occurred in the last few decades, called into question some of these set of policies particularly on tenancy and womens' rights on land.

4.1.3. Obligation to fulfill

Under obligation to fulfill, government has to facilitate and provide benefits to the poor. Pro-poor growth strategy falls under obligation to facilitate. In the case of obligation to provide, the Government has several programmes see Table 15. The Central and State Governments of India implement a broad package of programmes to improve accessibility and adequacy of food and nutrition for the poor and vulnerable groups. They include Public Distribution System (PDS) and its sub-programmes (Annapurna Scheme and the Anthodaya Anna Yojana, a foodgrain price stabilization programme, food-for-work programmes such as the Jawahar Gram Samriddhi Yojana/Jawahar Rojgar Yojana (JGSY/JRY) and the Employment Assurance Scheme (EAS), The mid-meals programme and a number of direct nutrition programmes – Integrated Child Development Services, Balwadi Nutrition Programme, Day Care Centres Scheme, and Vitamin A and Iron Distribution programmes that are linked with the ICDS (World Bank, 2001)¹⁴ .

14. More on these programmes, see Mahendra Dev (2000), Mahendra Dev and Ravi (2000) and Mahendra Dev et al (2003a)

Table 15. Programmes to Improve Accessibility and Adequacy of Food and Nutrition

| Program/Scheme | Volume of Food-Based Transfer | Program Interventions |
|--|--|---|
| A. Targeted Public Distribution System | BPL/ APL: 35 kg rice and wheat/ family/ month | Price subsidies on rice wheat, sugar, edible oils. |
| 1. Antyodaya Anna Yojna | 35 kg of rice and wheat per family classified as poorest of the poor | A higher price subsidy on rice and wheat than BPL rates |
| 2. Annapurna Scheme | 10 kg/ month/indigent senior citizen | Free grain to indigent senior citizens |
| B. Food for Work | 1 kg of rice or wheat/workday | Employment in lean agricultural season for rural workers below poverty line |
| 1. Jawahar Gram Samridhi Yojana | | |
| 2. Employment Assurance Scheme | 1 kg of rice or wheat/workday | 100 days employment during lean agricultural season up to 2 members/family |
| 3. Swarnjayanti Gram Swarozgar Yojana | Up to 5 kg grains per person per day | Employment at minimum wage, partly paid in kind |
| 4. Food-for-Work | Food grains up to 5 kg per man-day | Employment in natural calamity areas |
| C. Mid-Day Meals Scheme | 3 kg rice or wheat/child/month for 10 mos. Or cooked meal (100gm/day) for 200 days | Cooked meal or distribution of food grains to primary schools |
| D. Nutrition Schemes with Food Supplementation | 0 to 6 yrs: 300 calories (ready to eat food) + 8-10 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 years old, immunization, health check-ups and referrals, income generating programs |
| 1. Integrated Child Development Services Scheme/ Tamil Nadu Integrated Nutrition Program | Malnourished Children: 600 calories + 20 gm protein for 300 days Adolescent girls: 500 calories + 20-25 gm protein for 300 days Pregnant & nursing mothers: 500 calories + 20-25 gm protein for 300 days | |
| 2. Pradhan Mantri Gramodaya Yojana | 300 calories and 8-10 gms of protein for Grade I & II children, double the amount for Grade III and IV children. | Supplementary feeding |
| 3. Balwadi Nutrition Program | 300 calories + 12 –15 gm protein for 270 days | Supplementary feeding to children 3-5 yrs, promote child's social and emotional development |
| 4. Day Care Centers | 300 calories + 12 –15 gm protein for 270 days | Day care services to children below 5 yrs to low income families, supplementary nutrition, health care, medical check up and immunization |

Source: World Bank (2001)

Details, Accessibility and Adequacy under the Programmes: Obligation to Provide

Public Distribution System

Public Distribution System (PDS) is one of the instruments for improving food security at the household level in India. PDS ensures availability of essential commodities like rice, wheat, edible oils and kerosene to the consumers through a network of outlets or fair price shops. They are supplied at below market prices to consumers, the access to the system till 1997 was universal. During the first few decades of its existence, the PDS had actually never operated as an anti-poverty programme but merely as an instrument of price stabilization. Till the late 1970s, the PDS was mainly restricted to urban areas and food deficit regions. The main emphasis was on price stabilization and as an alternative channel to private trade. Since the Sixth Five Year Plan, however, the welfare importance of the PDS has been recognized. Rural areas have also been covered in many states in the 1980s. In the 1990s, the government has decided to restructure the PDS in the form of Revamped PDS (RPDS) and Targeted PDS (TPDS). The PDS has been effective during drought years e.g. 1979-80 and 1987-88¹⁵. It is also effective in transferring foodgrains from surplus areas to few deficit regions like Kerala. However, present system of public distribution has many problems. The problems regarding access of PDS to poor are discussed below.

(a) There has been significant diversion of PDS Commodities. A study was conducted by the Tata Economic Consultancy Services to know how much of PDS supplies were diverted from the system. At the national level, it was found, there was a diversion of 36% of wheat supplies, 31% of rice and 23% sugar. The diversion is more in Northern, Eastern and North Eastern regions; it is comparatively less in Southern and Western regions.

(b) The overall impact of PDS on the poor seems to be less. Few studies have measured the welfare gains due to operation of the PDS. Parikh (1994) says that “the cost effectiveness of reaching the poorest 20 per cent of households through pds cereals is very small. For every rupee spent less than 22 paise reach the poor in all states, excepting in Goa, Daman and Diu where 28 paise reach the poor. This is not to suggest that pds does not benefit the poor at all, but only to emphasize that this support is provided at high cost”. A study by Radhakrishna et al (1997) concludes that the ‘potential benefits

15. See Tendulkar et al (1993)

from the PDS to the poor could not be realized cost-effectively due to weak targeting and leakages. The cost of income transfer was high mainly because the programme was open ended and never targeted' (p.49). The study also says that approaches other than quantity rationing, including self-targeting and other alternatives such as food stamps, need to be considered in order to deliver food transfers to the needy cost-effectively¹⁶.

(c) Poor states have not benefited much from PDS. The relationship between poverty and PDS off-take is weak across Indian states. Radhakrishna et al (1997) provides the following conclusions on regional disparities: (1) there is a regional mistargeting in the distribution of foodgrains through PDS. The off-take by states like Kerala and Andhra Pradesh, which are implementing subsidized food scheme, is high. On the other hand, the off-take by the poorer states like Bihar, Orissa and Madhya Pradesh is low ; (2) there has been poor targeting and access in majority of the states. The access of the poor to PDS is still limited even after four decades of PDS operations. Data for the year 1995 based on selected village surveys reconfirm the poor's limited access in Bihar and Uttar Pradesh found from the large household data set for 1986-87; (3) Empirical evidence for urban bias seems to be weak. Urban bias was severe only in two states viz., Jammu & Kashmir and West Bengal ; (4) In states like Andhra Pradesh and Kerala, the access of the poor is much better. However, even in these states, per capita monthly PDS cereal purchases tended to be regressive.

(d) Targeted public distribution system (TPDS) has undergone changes over time and it has some problems. TPDS was introduced in 1997 by issuing special cards to families below poverty line (BPL). Separate issue price is fixed for above poverty population (APL). There are problems with targeting of PDS. The Government's approach of TPDS relates to income based means test. It is known that it is difficult to identify poor through income-based means test. It should be avoided and some other indicators should be used for targeting. Targeting also leads to exclusion and inclusion errors¹⁷. The former error refers to exclusion of poor while the latter error refers to inclusion of non-poor. Both the errors seem to be high under TPDS. The challenge is to minimise the errors with innovative programmes.

16. See Ramaswamy (2002)

17. See Cornia and Stewart (1995), Sen (1995)

A recent study by Mahendra Dev et al (2003) based on NSS 1999-00 data shows that the income gains for rural poor have increased as compared to 1986-87. However, the gains due to PDS as per cent of per capita monthly expenditure are very low (Table 16).

**Table 16. Income gain per month due to PDS: All India
1986-87 and 1999-00**

| | Rural | | | | Urban | | | |
|----------------|---------------------------------------|--------|--|--------|---------------------------------------|--------|--|--------|
| | Income gain (Rs.) (current prices) | | % of gain to Mean per capita exp. (MPCE) | | Income gain (Rs.) (current prices) | | % of gain to Mean per capita exp. (MPCE) | |
| | 1986-7 | 1999-0 | 1986-7 | 1999-0 | 1986-7 | 1999-0 | 1986-7 | 1999-0 |
| Poor | 2.01 | 15.31 | 2.7 | 5.83 | 3.40 | 7.65 | 3.2 | 2.52 |
| Non-poor | 2.47 | 7.30 | 1.4 | 1.29 | 3.86 | 10.10 | 1.5 | 1.09 |
| All Classes | 2.30 | 9.48 | 1.6 | 1.95 | 3.68 | 9.87 | 1.7 | 1.16 |

Note: Income gain includes gains from all purchases of rice, wheat, sugar and kerosene made in fair price shops. Income gain for a given commodity is defined as

$IG = (P_M - P_D) * Q_D$, where IG is income gain, P_M and P_D are open market and fair price of the commodity and Q_D is the quantity purchased in fair price shop.

Source: Mahendra Dev et al (2003)

Annapurna Scheme

This programme is linked to the Targeted PDS. It provides 10 kgs of foodgrains per month for free to indigent senior citizens living alone. Approved during the 1999/2000 budget, it is now being operationalized. It is targeted at those who are eligible for old age pension, but do not receive them and who do not live with their children in the same village. The Ministry of Rural Development is charged with its implementation, with an annual foodgrain requirement estimated at 166,000 tonnes, issued by FCI at economic costs. The evaluation of this scheme is not readily available.

Antyodaya Anna Yojana

This programme was introduced in early 2001 is addressed to the poorest of the poor, as identified by gram panchayats and gram sabhas. Antodaya households have special ration cards and are entitled to 35 kg of grain a month at highly subsidized

prices (Rs. 2 a kg for wheat and Rs.3 kg for rice). In a survey of destitution in five states (Andhra Pradesh, Chattisgarh, Jharkand, Rajasthan and Uttar Pradesh) indicates that the programme is doing well, in contrast, with other components of the PDS¹⁸. The selection of Antyodaya households appears to be quite fair: among the 450 Antyodaya households living in the sample villages, a majority of them turned out to be poor. The programme has, however, some problems. In some areas, the survey found that many Antyodaya households had been deprived of their entitlements. Rationshop dealers took advantage of their powerlessness. Another major limitation of the scheme is its restricted coverage. It is less than 5 per cent of the rural population. The problems and limitations can be sorted out easily as this programme has lot of promise. In the budget 2003-04, an additional allocation of Rs.507 crores has been provided. With this expansion, 25 per cent of the population below the poverty line is to be covered in the fiscal year 2003-04.

Wage Employment Programmes

India has a long experience in experimenting with labour intensive public works. After independence in 1947, many schemes were sponsored by the Central Government, beginning with the Rural Manpower programme in 1960¹⁹. The Employment Guarantee Scheme (EGS) of Maharashtra has received acclaim from several sources. It is particularly interesting example because of its unprecedented feature of guaranteed rural employment which makes it a model for other states in India and throughout the developing world²⁰. At the national level, Jawahar Rojgar Yojana (JRY) and Employment Assurance Scheme (EAS) are the important programmes in rural areas. Food-for-work programme was started in 2000-01 as a component of the EAS in eight notified drought-affected states of Chattisgarh, Gujarat, Himachal Pradesh, Madhya Pradesh, Orissa, Rajasthan, Maharashtra and Uttaranchal. In terms of person days of employment created, India's rural public works programmes are the largest in the world. The JRY reached around a billion person days in recent years. JRY's share is quite high in the social sector expenditure. Recently JRY was revamped and named as JGSY (Jawahar Grameen Samridhi Yojana). Given the complementarity of the JGSY, EAS and Food for Work Programme,

18. See Dreze (2002)

19. From the fourth century BC when the ancient Indian political economist, Kautilya, wrote his *Arthashastra*, there has been emphasis on public relief works, particularly at times of famine.

20. The EGS is commended by the UNDP's Human Development Report (1993) as one of the largest public works programmes in the developing world.

all of which aim at the creation of employment opportunities in the rural areas, they were revamped and merged under the Sampoorna Gramin Rozgar Yojana (SGRY) scheme from September 2001.

Despite its implementation difficulties, evaluations of the longer running Maharashtra Employment Guarantee Scheme (MEGS) indicate that it played an important role in combating seasonal malnutrition among poor rural households. There are many direct and indirect benefits due to public works programmes. EGS has reduced unemployment in Maharashtra; increased the incomes of many participating households; acted as an insurance mechanism; impacted on agricultural growth and agricultural wages; organized the rural poor into a political force and has had a considerable impact on women (Dev, 1996). The national programmes JRY and EAS are, however, not as successful as Maharashtra EGS. The findings of the report of the concurrent evaluation (1993-94) are as follows.

(i) About 77.18 per cent of the works, the panchayat functionaries were the executing agency and only 2.02 per cent of works were executed by the contractors; (ii) A substantial amount of JRY funds has been spent on roads and buildings; (iii) wage and non-wage ratio has been 53:47; (iv) 47 per cent of employment is generated for SC/ST and 36 per cent for landless labourers; (v) Quality of majority of assets were found to be good and only 0.41 per cent of assets were not useful. 86 per cent of assets were reported to be durable; (vi) 70 per cent of the assets created were maintained by the panchayats. However, 13 per cent of the assets were not maintained at all; (vii) On an average employment generated under JRY in 30 days preceding the date of survey has been 11 days (GOI, 2001).

Other evaluations show that the resources were spread thinly so as to increase the coverage of areas/ beneficiaries without any concern for duration of employment. Projects selected bore no relationship to the local needs or the agricultural development strategy. A study on U.P. reports that the timing of works coincided with peak agricultural season and that the selection of works was not done in the gram sabha as required (GOI, 2000). Wage employment programmes, by effectively intervening in the labour markets, were expected to exert upward pressure on the market wages. This could not happen because of insufficient employment provided by these programmes. The share of women in employment generated under the programme was only 17 per cent. JRY and similar public works programmes have

tended to breed corruption. The fudging of muster rolls and of measurement books is very common resulting in huge loss of funds that could otherwise have been invested in building rural infrastructure.

Notwithstanding some of the problems mentioned above, there are two positive aspects of the programme (GOI, 2000). First, the programme did succeed in creating durable community assets in rural areas. It is true that some assets built have poor quality. Second, the programme led to empowerment of panchayats as the funds were placed at their disposal along with power to get the works executed through line departments.

4.3. Nutrition Programmes

ICDS

Malnutrition among children and women is severe in India. Integrated Child Development Services (ICDS) is one of the main programmes for providing nutrition. ICDS is perhaps the largest of all the food supplementation programmes in the world. It was initiated in 1975 with the following objectives:

- (i) To improve the health and nutrition status of children 0-6 years by providing supplementary food and by coordinating with state health departments to ensure delivery of required health inputs;
- (ii) To provide conditions necessary for psychological and social development of pre-school children through early stimulation and education;
- (iii) to provide pregnant and lactating women with food supplements;
- (iv) to enhance the mother's ability to provide proper child care through health and nutrition education;
- (v) To achieve effective coordination of policy and implementation among the various departments to promote child development.

Under universalisation of ICDS, world bank assistance is being received for expansion of the ICDS programme since 1990-91. The WB-ICDS project I (1991-97) covered 301 ICDS projects in the states of Andhra Pradesh and Orissa while WB-ICDS project II (1997-2000) covered 454 projects in the states of Bihar and M.P. This project has been extended upto 2002. The WB-ICDS project III (1998-2004) started in 1998-99 aims at covering 461 projects in the states of Andhra Pradesh, Kerala, Madhya Pradesh, Maharashtra, Rajasthan and Uttar Pradesh. The World Bank assisted ICDS programme in A.P. is being implemented in 257 blocks as part of the total programme of Andhra Pradesh Economic Reconstruction Programme (APERP).

The scheme was operational in 4384 blocks in 2000. By the end of 2001-02, 5171 blocks/urban areas are proposed to be covered which implies a 90 per cent coverage of blocks by the end of the Ninth Plan. Along with the expansion of this scheme the allocation of central government for this scheme have also increased. During the Ninth Plan a sum of Rs.4960 crore for ICDS scheme has been allocated against which Rs.2,159 crores were spent during the first three years.

During the Ninth Plan ICDS programme in Orissa and Andhra Pradesh were evaluated by the National Institute of Nutrition. The World Bank and Government of India have reviewed the ICDS programme in 1997. The findings are:

(a) ICDS services were much in demand but there are problems in delivery, quality and coordination. The programme might perhaps be improving food security at household level, but failed to effectively address the issue of prevention, detection and management of undernourished child/mother; (b) Children in 6-24 months age group and pregnant and lactating women did not come to the Anganwadi nor did they get food supplements ; (c) Available food was shared between mostly 3-5 year old children irrespective of their nutritional status; (d) There was no focused attention on management of severely undernourished children; (e) No attempt was made to provide ready mixes that could be given to 6-24 month child 3-4 times a day; nor was nutrition education focused on meeting these children's need from the family pot (f) childcare education of the mother was poor or non-existent; (g) there were gaps in workers training, supervision, and community support; (h) inter-sectoral coordination was poor (GOI, 2000).

Efforts are underway to rectify some of these problems. Closer collaboration between the ICDS and the health functionaries at all levels is being attempted.

NPNSPE

The National Programme for Nutritional Support to Primary Education (NPNSPE) aims to promote improved nutrition and attendance of primary school children in the whole country. The programme, more popularly known as the Mid-Day Meals Programme, seeks to attract children to enroll themselves in primary school, encourage regular attendance by providing supplementary feeding and improve their nutritional status. The NPNSPE programme expanded rapidly in the 1990s, but implementation problems hamper its effectiveness in achieving its intended goals. A recent survey of school level participation in the mid-day-meal programme found

that in 6 states distributing foodgrains, on average only 66 per cent of households with enrolled primary school children reported receiving their foodgrain allocations. The programme is plagued with some critical implementation problems²¹.

Supreme Court Orders

In recent years, the campaigns on right to food have given some dividends. Supreme Court (SC) has given interim orders in response to the writ petition filed by PUCL in April 2001²². The petition demanded the immediate utilization of the country's food stocks for drought relief and the prevention of hunger. The scope of the petition is not restricted to drought situations. It also focuses on the general need to uphold the "right to food" which flows from the right to life (Article 21).

In July 23, 2001 the SC directed the states to see that all the PDS shops, if closed, start functioning within one week from today and regular supplies made. In 20th August, 2001 hearing, the SC stated that it is the prime responsibility of the government to prevent hunger and starvation. In 3rd September in the same year, the SC asked the 16 states which had not identified beneficiaries for the Antyodaya Anna Yojana scheme to do so within two weeks. The 28th November hearing concluded with an important "interim Order" (valid for the duration of the proceedings). This interim order has three significant components: (1) It covers the benefits of eight nutrition-related schemes (PDS, Antyodaya, mid-meals, ICDS, Annapurna, old-age persons, NMBS and NFBS) into legal entitlements; (2) it directs all state governments to begin cooked mid-day meals for all children in government and government-assisted schools; and (3) it directs the state and central governments to adopt specific measures to ensure public awareness and transparency of these programmes. The court also gave a time frame for implementation and asked the respondents to file compliance reports before 11th February 2002, when the next hearing was scheduled.

On May 8, 2002, an interim order was passed by Supreme Court that deals with various aspects of governance and implementation of the food and employment schemes. (a) The order directs the states not to divert central funds meant for food and employment schemes for other purposes. (2) The gram Sabha i.e. the village councils have been authorized to conduct social audits over all food and employment schemes implemented in their area. (3) Dr. N.C. Saxena and Mr. S.R. Sankaran are

21. More on this see World Bank (2001)

22. See the website of the Right to Food Campaign (www.geocities.com/righttofood/) for the Supreme Court interim orders.

appointed as commissioners who are authorized to monitor the implementation of the schemes and redress complaints arising therein on behalf of the court. As mentioned earlier, many state governments have violated the interim orders. However, the Supreme Court directives have been putting pressure on the governments.

To sum up, the impact of the programmes under obligation to provide by the State is mixed. Whatever the reasons, diversion of resources at such a massive scale suggests serious failure on the part of government's part to discharge its obligation to provide.

5. HOW TO PROGRESSIVELY REALISE RIGHT TO FOOD?

5.1. Supply Side and Demand Side

In the food security discussions, the analysis generally focuses on supply side. In the rights approach, one has to go beyond supply side and focus more on demand side. Supply of food and nutrition is important but as a right demand side is more important. Unless citizens demand right to food, the governments may not fulfill their obligations.

While the State is the primary duty holder, the Declaration puts the responsibility for fulfilling rights on everyone – individuals, national governments and the international community. But States have the primary duty to create national and international conditions favourable for the realization of the right. In this context, the five principles of rights based approach i.e. ENTAP (Equity, Non-discrimination, Transparency, Accountability and Participatory) should be respected. In this section, we discuss how to progressively realize right to food in India keeping in view the State's obligations. We also discuss in this section on financial and institutional issues for realizing right to food.

Before going to these issues, we briefly document here the approach of Tenth Five Year Plan (2002-07) on improving food and nutrition.

5.2 Tenth Five Year Plan Approach

Similar to MDGs (millennium development goals) at international level, Tenth Plan for the first time sets monitorable targets for the Tenth Plan period (2002-07) and beyond (see Box). All the targets directly or indirectly are important for right to food also. The direct ones are those relating to poverty, gainful employment, potable drinking water and forest cover.

Box 1

Monitorable targets for the Tenth Plan and Beyond

- Reduction in poverty ratio by 5 percentage points by 2007 and 15 percentage points by 2012
- Providing gainful and high-quality employment at least to addition to the labour force over the Tenth Plan period
- All children in school by 2003; all children to complete 5 years of schooling by 2007
- Reduction in gender gap in literacy and wage rates by at least 50 per cent by 2007
- Reduction in the decadal rate of population growth between 2001 and 2011 to 16.2 per cent
- Increase in literacy rates to 75 per cent within the plan period
- Reduction of infant mortality rate (IMR) to 45 per 1000 live births by 2007 and to 28 by 2012
- Reduction of maternal mortality rate (MMR) to 2 per 1000 live births by 2007 and to 1 by 2012
- Increase in forest and tree cover to 25 per cent by 2007 and 33 per cent by 2012
- All villages have sustained access to potable drinking water within the plan period
- Cleaning of all major polluted rivers by 2007 and other notified stretches by 2012

Source: Planning Commission, GOI (2003)

For nutrition, however, specific goals are given. The goals set for Tenth Plan are:

- Intensify nutrition and health education to improve infant and child feeding and caring practices so as to
 - bring down the prevalence of underweight children under three years from the current level of 47 per cent to 40 per cent
 - reduce prevalence of severe undernutrition in children in the 0-6 years age group by 50 per cent
- reduce prevalence of anemia by 25% and that of moderate/severe anemia by 50 per cent
- eliminate vitamin A deficiency as a public health problem; and
- reduce prevalence of IDD in the country to less than 10 per cent by 2010

Initiatives in the Tenth Plan for improving food and nutrition

There will be a paradigm shift from:

Household food security and freedom from hunger to nutrition security for the family and the individual;

Untargeted food supplementation to screening of all the persons from vulnerable groups, identification of those with various grades of under-nutrition and appropriate management;

Lack of focused interventions on the prevention of over-nutrition to the promotion of appropriate lifestyles and dietary intakes for the prevention and management of over-nutrition and obesity.

Interventions will be initiated to achieve:

Adequate availability of foodstuffs by:

Ensuring production of cereals, pulses and seasonal vegetables to meet the nutritional needs;

- (a) Making them available throughout the year at affordable cost through reduction in post harvest losses and appropriate processing;
- (b) More cost-effective and efficient targeting of the PDS to address macro and micronutrient deficiencies. This may include providing coarse grains, pulses and iodized/double-fortified salt to below poverty line (BPL) families through the targeted PDS (TPDS);
- (c) Improving people's purchasing power through appropriate programmes including food for work schemes.

Prevention of under-nutrition through nutrition education aimed at:

- (a) Ensuring appropriate infant feeding practices (universal colostrums feeding, exclusive breast feeding up to six months, introduction of semisolids at six months);
- (b) Promoting appropriate intra-family distribution of food based on requirements'
- (c) Dietary diversification to meet the nutritional needs of the family.
- (d) Operationalising universal screening of all pregnant women, infants, preschool and school children for under-nutrition.

Operationalisation of nutrition interventions for the management of under-nutrition through:

- (a) Targeted food supplementation and health care for those with under-nutrition;
- (b) Effective monitoring of these individuals and their families;
- (c) Utilization of the panchayati raj institutions (PRIs) for effective inter-sectoral coordination and convergence of services and improving community participation in planning and monitoring of the ongoing interventions.

Prevention, early detection and appropriate management of micronutrient deficiencies and associated health hazards through:

- (a) Nutrition education to promote dietary diversification to achieve a balanced intake of all micronutrients;
- (b) Universal access to iodised/double fortified salt;
- (c) Early detection of micronutrient deficiencies through screening of all children with severe under-nutrition, pregnant women and school children;
- (d) Timely treatment of micronutrient deficiencies.

Nutrition monitoring and surveillance to enable the country to track changes in the nutritional and health status of the population to ensure that:

- (a) The existing opportunities for improving nutritional status are fully utilized; and
- (b) Emerging problems are identified early and corrected expeditiously.

Research efforts will be directed towards:

- (a) Review of the recommended dietary intake of Indians;
- (b) Building up of epidemiological data on:
- (c) Relationship between birth weight, survival, growth and development in childhood and adolescence;
- (d) Body mass index norms of Indians and health consequences of deviation from these norms.

In view of the massive inter-state (and, perhaps even inter-district) variations in the access to nutrition related services and nutritional status, state specific goals to be achieved by 2007 have been worked out taking the current status into account. National goals have been drawn taking into account the state specific goals (Table 17).

The approach of Tenth Plan is in the right direction. However, it is not clear how the targets set in the plan will be achieved. The mechanisms for raising the resources and the monitoring mechanisms are also not clear. It is not directly based on rights based approach.

5.3. Realising Right to Food

For realizing right to food, three things may be necessary²³. One is the process of formulation of policies. Second is the progressive realization of right and concern for disadvantaged. Third is monitoring and accountability. The process of formulation of policies should be participatory. Then only the policy makers come to know of the

23. More on this see Osmani (2003)

Table 17: NATIONAL AND STATE LEVEL GOALS FOR THE TENTH PLAN

| State Name | % under nourished Children < 3 years | | | | Infant Feeding Practices | | | | | |
|-------------------|---|------------------------------|---|--|--|---------------------------------|---|--|---|---|
| | Current Levels of Wt-for-age below - 3 SD | Tenth Plan Goal Redn. by 50% | Current Levels of Wt-for-age Below - @ SD | Tenth Plan Goal Redn. From Current Level of 47% to 40% | Current levels Of % children Breast Fed within One hour of birth | Tenth Plan Goal Increase To 50% | Curent Levels of % Children 0-3 Months Exclusively Breast fed | Tenth Plan Goal 80% of Children Upto 6 Months to be Exclusively Breast fed | Current Levels of Comple-mentary Feeding of infants aged 6-9 months | Tenth Plan Gola Intro-duction of semi Solids at 6 Months to 75% of children |
| Andhra Pradesh | 10.3 | 5.2 | 37.7 | 32.1 | 10.3 | 32.6 | 74.6 | 100.0 | 59.4 | 100.0 |
| Arunachal Pradesh | 7.8 | 3.9 | 24.3 | 20.7 | 49.0 | 100.0 | 33.9 | 49.1 | 60.2 | 100.0 |
| Assam | 13.3 | 6.7 | 36.0 | 30.6 | 44.7 | 100.0 | 42.5 | 61.6 | 58.5 | 100.0 |
| Bihar | 25.5 | 12.8 | 54.4 | 46.3 | 6.2 | 19.6 | 55.2 | 80.0 | 15.0 | 33.6 |
| Goa | .7 | 2.4 | 28.6 | 24.3 | 34.4 | 100.0 | | | 65.4 | 100.0 |
| Gujarat | 16.2 | 8.1 | 45.1 | 38.4 | 10.1 | 32.0 | 65.2 | 94.5 | 46.5 | 100.0 |
| Haryana | 10.1 | 5.1 | 34.6 | 29.4 | 11.7 | 37.0 | 47.2 | 68.4 | 41.8 | 93.6 |
| Himachal Pradesh | 12.1 | 6.1 | 43.6 | 37.1 | 20.7 | 65.5 | 17.5 | 25.4 | 61.3 | 100.0 |
| Jammu & Kashmir | 8.3 | 4.2 | 34.5 | 29.4 | 20.8 | 65.8 | 41.5 | 60.1 | 38.9 | 87.1 |
| Karnataka | 16.5 | 8.3 | 43.9 | 37.4 | 18.5 | 58.5 | 66.5 | 96.4 | 38.4 | 86.0 |
| Kerala | 4.7 | .4 | 26.9 | 22.9 | 42.9 | 100.0 | 68.5 | 99.3 | 72.9 | 100.0 |
| Madhya Pradesh | 24.3 | 12.2 | 55.1 | 46.9 | 9.9 | 31.3 | 64.2 | 93.0 | 27.3 | 61.1 |
| Maharashtra | 17.6 | 8.8 | 49.6 | 42.2 | 22.8 | 72.2 | 38.5 | 55.8 | 30.8 | 69.0 |
| Manipur | 5.3 | 2.7 | 27.5 | 23.4 | 27.0 | 85.4 | 69.7 | 100.0 | 86.8 | 100.0 |
| Meghalaya | 11.3 | 5.7 | 37.9 | 32.3 | 26.7 | 84.5 | 16.1 | 23.3 | 77.1 | 100.0 |
| Mizoram | 5.0 | 2.5 | 27.7 | 23.6 | 54.0 | 100.0 | 40.7 | 59.0 | 74.2 | 100.0 |
| Nagaland | 7.4 | 3.7 | 24.1 | 20.5 | 24.5 | 77.5 | 43.9 | 63.6 | 81.3 | 100.0 |
| Orissa | 20.7 | 10.4 | 54.4 | 46.3 | 24.9 | 78.8 | 58.0 | 84.1 | 30.1 | 67.4 |
| Punjab | 8.8 | 4.4 | 28.7 | 24.4 | 6.1 | 19.3 | 36.3 | 52.6 | 38.7 | 86.6 |
| Rajasthan | 20.8 | 10.4 | 50.6 | 43.1 | 4.8 | 15.2 | 53.7 | 77.8 | 17.5 | 39.2 |

| | | | | | | | | | | |
|----------------------|------|------|------|------|------|-------|------|------|------|-------|
| Sikkim | 4.2 | 2.1 | 20.6 | 17.5 | 31.4 | 99.4 | 16.3 | 23.6 | 87.3 | 100.0 |
| Tamil Nadu | 10.6 | 5.3 | 36.7 | 31.2 | 50.3 | 100.0 | 48.3 | 70.0 | 55.4 | 100.0 |
| Tripura | NA | 3..9 | NA | 24.9 | NA | 100.0 | NA | 70.0 | NA | 100.0 |
| Uttar Pradesh | 21.9 | 11.0 | 51.7 | 44.0 | 6.5 | 20.6 | 56.9 | 82.5 | 17.3 | 38.7 |
| West Bengal | 16.3 | 8.2 | 48.7 | 41.4 | 25.0 | 79.1 | 48.8 | 70.7 | 46.3 | 100.0 |
| A & N Islands | NA | - | NA | - | NA | - | NA | - | NA | - |
| Chandigarth | NA | 4.7 | NA | 27.0 | NA | 28.5 | NA | 60.0 | NA | 90.0 |
| Dadra & Nagar Haveli | NA | 8.8 | NA | 42.2 | NA | 72.2 | NA | 55.8 | NA | 69.0 |
| Daman & Diu | NA | 8.1 | NA | 38.4 | NA | 32.0 | NA | 94.5 | NA | 100.0 |
| Delhi | 10.1 | 5.1 | 34.7 | 29.5 | 23.8 | 75.3 | 13.2 | 19.1 | 37.0 | 82.8 |
| Lakshadweep | NA | 2.4 | NA | 22.9 | NA | 100.0 | NA | 99.3 | NA | 100.0 |
| Pondicherry | NA | 5.3 | NA | 31.2 | NA | 100.0 | NA | 70.0 | NA | 100.0 |
| All India | 18.0 | 9.2 | 47.0 | 40.0 | 15.8 | 50.0 | 55.2 | 80.0 | 33.5 | 75.0 |

Source for Current Level: NFHS 1998-99

- Notes: 1. NFHS was not conducted in States with a * mark, in these the values have been estimated.
2. Current status for children in 0-3 years age-group is taken as representing status for children in 0-6 years age-group
3. As NFHS data for Chattisgarh, Jharkhand and Uttaranchal are not available, goals laid down are for undivided states.
4. As NFHS data for A&N islands was not available, no goals have been set.

problems of the poor. Also one has to take care of the disadvantaged persons in providing food and nutrition. Monitoring and public accountability are important instruments for realization of right to food.

5.4. Obligation to Respect and Protect: Land Issues

Owning or operation of land is one of the instruments for availability and accessibility of food. The State has to respect and protect both ownership and security of tenancy. There is some consensus that although there is no case for relaxation of agricultural land ceiling, a greater liberalization of tenancy market is required. There are two arguments in favour of liberalization of tenancy market. One is that poor will get access to operation of land. Second one is that it increases access to credit for small and marginal farmers once tenancy is legalized. Another change needed is in the case of gender inequalitarian land laws and foster land ownership among women²⁴ including widows. Similarly, the legal and implementation framework is still biased against tribals and this could be one of the reasons for slow decline in poverty among them.

5.5. Improving adequacy and accessibility

There is a need for reforms in the food and nutrition based programmes in order to improve adequacy and accessibility. The reforms needed in the programmes are given below.

Procurement and Buffer stock Policies : Needed Reforms

(a) *Involvement of private sector*: FCI inefficiency also led to increase in economic costs of buffer stocks and which in turn led to increase in issue price. There is a need to involve private sector in storage and distribution of foodgrains. The inefficiency of FCI is known²⁵. This is also responsible for increasing economic costs of food subsidy. Private sector has to be involved in handling the grains particularly storage and distribution²⁶. Some studies have shown that private sector costs are lower than those of FCI in handling the grains.

(b) *Freeze minimum support prices for a few years*: In order to control the rise in minimum support prices, Commission for Agricultural Costs and Prices (CACCP) suggested freezing of MSP for a few years. It may be noted farmers are interested

24. More on gender and land rights see Agarwal (1994)

25. See Gulati et al (1996)

26. See World Bank, 1999 for some suggestions.

in the total net income (yield x price) from crops rather than only in price.

(c) *Decentralized procurement*: The Union Budget 2001-02 indicated enlarged role for the state governments in both procurement and distribution of foodgrains for PDS in an attempt to economise on procurement costs. It proposed that instead of giving subsidized foodgrains, funds would be provided to the state governments to enable them to procure and distribute foodgrains. Decentralised procurement already started in Uttar Pradesh, Madhya Pradesh and West Bengal. Decentralised procurement of foodgrains is intended to benefit both the farmers and consumers while simultaneously improving the financial position of the Government. However, state governments such as Punjab, Haryana, Andhra Pradesh and Kerala opposed the decentralized procurement because of the lack of infrastructure and resources with the states. These problems have to be solved before implementing the decentralized procurement.

(d) *Need for diversification of crops*: The changing consumption patterns have implications for food demand projections and need for more focus on non-cereal food crops and allied agricultural activities. Some forecasts on cereal demand show that 224 million tonnes (193.5 for food and 30.1 for feed) would be enough by 2020 (Dyson and Hanchate 2000). Even other forecasts show that it would be around 250 million tonnes. Thus there appears to be no case for concern over cereal demand outstripping cereal supply in the Indian context. Slow down in population growth and changing consumption patterns away from cereals would be responsible for slowdown in cereal demand in future. It also indicates the need to take care of the supply side factors for non-cereal food crops and allied agricultural activities (e.g. dairy). Public and private investment in infrastructure and research is needed for these activities. The minimum support policy has to be modified to encourage changes in cropping pattern.

(f) *Buffer stock levels*: The FCI role should be restricted to price stabilization and PDS operations may be left to states. FCI should procure only the required amounts in the open market. Various committees have suggested the optimal size of buffer stock which varies from 15 to 25 million tonnes depending on the season in a year. The Expenditure Reforms commission recommended 17 million tonnes as the total average stocks to be maintained for distribution and buffer stock. The private sector has to be involved in storage and handling the grains. Restrictions on storage may have to be removed.

Reforms in the Public Distribution System and other Programmes

In spite of spending Rs.25,000 Crores on food subsidy, many of the poor are not benefiting from the system. There is a need to have methods to reduce costs and reach the poor.

(a) *Geographical targeting is better.* As mentioned above, there is a need to have innovative programmes to minimize the errors of targeting. In this context, some studies have shown geographical targeting is better than income based targeting²⁷. In fact, the limited evidence on RPDS (revamped PDS) in Andhra Pradesh and Madhya Pradesh suggest that the performance of PDS in RPDS villages was much better than that in non-RPDS villages with similar socio-economic characteristics.

(b) *Cost Effectiveness:* Because of ineffective targeting, some estimates show that Rs.6 are needed to give Rs.1 to the poor under PDS. There are three principal reasons why the PDS does not deliver food subsidies efficiently (Ramaswami, 2002). These are: (a) targeting errors i.e. income transfer to non-target groups; (b) excessive costs of procurement, storage and distribution (relative to the private sector) and; (c) leakages or fraud, i.e. illegal diversions of subsidized grain to the open market. Our estimates show that out of around Rs.7000 crores consumer subsidy on wheat and rice, only Rs.1000 crores reach the poor (see Mahendra Dev et al, 2003).

(b) *Food coupon system or food credit card system could also be tried.* A food coupon system for distribution of rice and kerosene through PDS was introduced in Andhra Pradesh in 1998-99. The scheme was aimed at improving the delivery system of these two commodities. Under the scheme mere possession of card was not adequate to draw PDS rice. Physical presence of the cardholder whose photo was affixed on the card was insisted upon for obtaining the coupons. This has reduced the scope of diversion of rice and kerosene to a great extent, if not totally eliminated it. Another alternative is food credit card system which can be used by the customers to buy subsidized foodgrains from the market and the retailers can claim the subsidy from the government. However, private sector has to be ensured that they get reimbursements from the government without delay

(c) *Recommendations of High Level Committee on long term grain policy:* The committee has given short term and long term recommendations. Social Security programmes with some food component in India broadly fall into three groups :

27. Bigman and Srinivasan (2001) Jha and Srinivasan (2001)

employment programmes for the able bodied, welfare programmes or social assistance for specific vulnerable groups (including infants, pregnant and lactating women, disabled and old age persons) and programmes for basic education and nutrition of children. Once the current stocks are reduced, the committee recommends that the resultant savings should be used for these programmes. They recommend a food-based employment programme for the short run. The fiscal commitment should continue after stocks have returned to normal. This should be in the form of a food-linked employment guarantee component in the SGSY which is purely self-targeted. Linkage with food in such cases could be through the existing PDS system (by issuing coupons, or other food entitlement as wages). Expand the existing Antyodaya scheme of food support to become a food security system for the entire destitute population. Central support should be given to the extent of 50 per cent for moving to a cooked Mid-day meal scheme for all school-going children. Support and strengthen the programmes like ICDS to help women and children. On PDS, The committee recommends that a system of universal PDS be introduced²⁸ . .

(d) *Effective implementation of Food for work programmes (FFW) can improve food accessibility.* As mentioned above public works programmes have many direct and indirect benefits to the poor . In public works we can have two components. One is how to utilise the available excess stocks effectively for FFW. Second one is that we should also improve the effectiveness of cash for work programmes like SGRY in order to increase purchasing power for the unskilled workers. With the increase in purchasing power they can buy foodgrains in PDS or in the market. Therefore, food accessibility does not mean that we should deal with only foodgrains. We should also deal with increase in purchasing power. Another question is how to link it with PDS. One thing is to ensure that subsidized foodgrains under PDS are reached to the workers working in FFW. They will get double benefits (under FFW and PDS). Recently announced Prime Minister's *Sampoorna Rojgar Yojana* (Rs.10,000 crores) is supposed to provide full assistance for the states to implement FFW.

(e) *Improve the Effectiveness of ICDS and other nutritional programmes.* ICDS has been effective but there are some gaps in implementation as shown by several evaluations. Tamil Nadu Integrated Nutrition Programme (TINP) is effective in improving nutrition of children and enrolment in schools.

28. On the advantages of universal PDS, see Swaminathan (2000)

How different is TINP²⁹ ?

- The percentage of expenditure on nutrition in total revenue expenditure is highest in TN.
- Reduction in severe malnutrition among 6-60 months old children in 5 years during TINP-I.
- TINP-II showed systematic improvements in severe and moderate malnutrition reductions with increase in normal and mild malnourished categories for the children and reductions in low birth weights.
- Regular growth monitoring and selective feeding based on this information were identified as the main causes of success.
- Immunization of children and mothers was regular with (universal) coverage of 90% and massive doses of micronutrient supplementation like Vitamin A, iron and folic acids with a coverage rate varying from 35 to 60 percent.
- Better targeting of the schemes due to decentralization.
- Better management of the schemes leading to low level of leakage.
- Good coordination with health services in the later stages of the program.
- The nutrition centers in rural areas had two workers, one looking after the needs of the 0-3 year olds and the other to take care of pres-school education and nutrition of the 3-6 year olds. This resulted in good impacts for both the age groups unlike the experience in ICDS areas which favored the 3-6 year olds.
- Calorie-protein content of the food supplement is clearly stated with regular surveillance of the quality. Few deviations from quality had been observed.
- Some success seems to have been achieved in changing permanent nutritional behavior.
- Institutional sustainability is apparent as the program is now being completely managed by the staff as the World Bank input has come to an end.
- Strong political commitment to implement and improve the nutrition schemes.
- A recent policy note by the state government indicates a plan for (a) making the state malnutrition free along the United Nations advocated approach of “nutrition throughout the life-cycle” (b) change in focus of the programs from management to prevention of malnutrition (c) convergence of health and nutrition services under one department (d) focusing on nutrition and education of the adolescent girls and (e) economic empowerment of women.

29. This is based on Viswanathan (2003)

It is not clear why this has not been tried effectively in other states.

- (f) *Focus on women and other vulnerable groups:* Women's agency is important in realizing food. Widows and single woman should be given special attention. Women's empowerment in terms of active economic, social and political roles is important for not only improving intra-household distribution but also improving the government and NGO programmes.
- (g) *Regionally Differentiated Strategy:* Uniform policies at the national level may not be applicable at state level because the requirements of availability, accessibility of food and nutrition differ from state to state. For example, Kerala is a deficit state in foodgrains. Food availability is as important as food access. There are many surplus states in foodgrains (Punjab, Haryana, Madhya Pradesh, West Bengal). In Bihar, seasonal hunger is a problem than availability in a year.

Right to Food campaign proposals

The Right to Food Campaign has been advocating for programmes of employment for the able and food entitlements for the destitute as shown below.

- (a) *Expanding the Employment Guarantee through the country:* An application has been made to the Supreme Court arguing that the Maharashtra's successful Employment Guarantee Scheme should be expanded through the country. The scheme guarantees unskilled manual labour for any able bodied person who presents himself or herself for work. Each person is entitled to up to 100 days of employment. The greatest success of the scheme lies in the selection of the right beneficiaries. The Supreme Court has asked the respondents to reply to this application. The states have been filing their applications and the hearings are going on.
- (b) *A Social Security System for the Destitute:* Some of the most vulnerable people to hunger are the destitute including widows & old without family support, and physically and mentally disabled. These are people who would find it difficult to find an employment especially when the going gets tough. They would not be able to avail of employment opportunities even if employment were to become a right. To these people, The Right to Food Campaign argues for having direct food entitlement as a right. The application is being prepared arguing for a scheme that gives direct food entitlement for the destitute. The scheme should be universal in nature (covering all destitute, as are defined). They argue for the adoption of the many of the features of the Antyodaya Anna Yojana for this scheme.

Apart from the above, there is a need to promote grain bank schemes and food credit schemes³⁰.

5.6. WTO Agreement and Food Security

India does not have to reduce its subsidies due to WTO. It has to be vigilant regarding imports from other countries and change tariffs based on circumstances. India has submitted its proposals for the current negotiations on the Agreement on Agriculture in the areas of market access, domestic support, export competition and food security to the WTO in January, 2001. The guiding principles on which these are based are: Food & livelihood security of our people, protection of the interest of domestic farmers and maximising export opportunities for Indian agricultural products.

Implementation of the WTO agreement on Agriculture since 1995 has brought out the inadequacies inherent in the agreement. The ongoing negotiations in the WTO on the AOA provide an opportunity for India to rectify these inadequacies and inequalities. India would therefore do well to use this occasion to lay stress on the implementation of Uruguay round agreements to reduce subsidies and other distortions by developed countries.

5.7. Employment and Livelihoods: Labour Intensive Pattern of Growth

As mentioned above, right to fulfill includes right to facilitate. Productive employment is crucial for achieving right to food. One of the reasons for accumulation of over 60 million tonnes of food stocks with FCI is attributed to low purchasing power of the poor. Two factors could be responsible for the low purchasing power in the 1990s. First, high relative prices of food due to high procurement prices could have reduced the capacity of the poor to purchase more food grains. Second factor could be decline in employment opportunities inspite of high GDP growth. The solution to food security and reduction in poverty is to improve economic access through employment. Diversification and promotion of rural non-farm employment are needed to create productive employment. Therefore, right to employment is crucial for achieving right to food. As shown above, the experience of the 1990s in employment creation is not very encouraging.

30. On grain banks in Andhra Pradesh, see Satish (2000). On food credit scheme see Gopal and Ranjan (2002)

How to create more employment opportunities and improve their quality? There are mainly two approaches. One is through sectoral programmes and the other is through direct employment programmes. There is some overlapping in both the approaches. The elasticity of employment to GDP shows that for the entire economy it was 0.53 in the period 1977-83 and declined to 0.41 in the period 1983-94. The elasticity declined sharply to 0.15 in the during 1993-2000. Employment elasticities in agriculture and community social and personal services were zero during the same period. In the case of manufacturing it was 0.26 while in the case of services it was more than 0.50 during this period.

Agriculture still contributes 60% of the total employment in the country. In the decade 1983-94, agriculture contributed 50% of the additional employment. On the other hand, there was an absolute decline in agricultural employment between 1993-94 and 1999-00. In the process of economic development, the workers in agriculture are supposed to shift to non-agriculture. However, underemployment can be removed with higher agricultural growth. Also, agriculture has still potential of absorbing workers in regions with higher incidence of rural poverty such as Orissa, Bihar, Assam, M.P., West Bengal, Uttar Pradesh.

Within agriculture and allied activities, there seems to be some diversification towards non-cereal crops. Diversification to fruits and vegetables, fisheries, animal husbandry is expected to promote employment. For example, in Maharashtra, the requirement of person days per hectare per crop season for wheat is 143 while for vegetables it is 200. The corresponding numbers for fruits and grapes are 855 and 2,510 respectively. Thus, fruits in general require nearly six times and grapes in particular over seventeen times the person days required per hectare as compared with wheat. However, risk and uncertainty is associated with diversification. Technology, infrastructure and market have to be improved in order to shift the farmers to non-foodgrain crops.

Development of wastelands will also increase lot of employment opportunities. Currently, there are about 24 million hectares of land that are categorized as culturable wasteland and permanent fallows, which is feasible to be developed and brought into cultivation. There can be two alternatives here. First, one can think of distributing these lands to panchayats and small and marginal farmers. Another alternative is to give it to corporate sector on long lease of say 20 years. Panchayats and corporate sector can develop the waste land by raising resources in the market. However, one has to make sure that corporate sector does not occupy the fertile land.

Growth in Rural non-farm employment (RNFE) can improve rural wages and also be an escape route for agricultural workers leading to an improvement in their purchasing power. The importance of the rural non-farm sector in poverty alleviation and promotion of livelihoods is being increasingly recognised. Increase in rural non-farm employment is one of the main factors responsible for the reduction in poverty in the 1980s. The percentage of RNFE in total rural employment in India increased from 16.6 per cent in 1977-78 to 18.4 per cent in 1983, to 21.6 per cent in 1993-94 and to 23.8 per cent in 1999-2000. The growth rate (compound) in RNFE during 1977-83 was 4.06 per cent per annum while it was 3.28 per cent per annum and 2.14 per cent per annum during 1983-94 and 1993-2000 respectively. In other words, during the reform period ('93-94 to '99-00) the growth rate of employment in RNFE was lower than the pre-reform period. This is a matter of concern. However, this has to be seen in the context of the low overall growth of employment (around 1 per cent per annum) during the reform period. At the same time the expected growth in non-agriculture due to economic reforms does not seem to have materialised. As compared to the East Asian experience, the growth in RNFE in India has been much slower.

One of the challenges of the reforms now is to improve the quality of employment and incomes in the rural non-farm sector. A three-pronged strategy is needed for enhancement in the livelihoods of the rural poor. First, the Government should have policies to improve education and skills of the workers. Second, they should have several policies to increase employment for the unskilled workers. Third, the incomes of the women have to be improved by creating opportunities in the higher productivity sectors. Most of the women are confined to agriculture. There was only 0.7 per cent increase in the share of RNFE during the reform period. For the above three strategies, pro-poor growth engines have to be identified at sub-sectoral level rather than at the level of broad sectors. Public investment in agriculture and rural non-agriculture has to be improved significantly to improve the quality of RNFE. In order to improve rural non-farm sector, there is a need to look at issues such as, rural-urban linkages, sectoral and sub-sector potentials, markets, regulations and promotional policies, human capital, training, entrepreneurship, skills and finally infrastructure and technology. Rigidities in these factors have to be removed to promote rural non-farm sector. Allowing the poor to contribute to and benefit from increased growth rates will pose particular challenges as employment in India is largely in the unorganised sector.

Thus, right to employment becomes crucial for the success of right to food.

5.8. Sustainability of Right to Food

It is important to have sustainability as one of the important elements of right to food. Long term availability and accessibility of food has to be ensured. Technological improvements in agriculture, infrastructure and environment friendly agricultural practices are important for ensuring sustainable food production. Similarly, the food and nutrition programmes have to be cost effective and delivery systems have to be improved. Also, creation of productive or quality employment is needed for sustainability of right to food.

5.9. Costs of Realizing Right to Food

It is difficult to estimate costs for employment creation through sectors as we need to estimate required investments in different sectors. However, we can have some idea about the costs for different programmes for realizing right to food.

Methodology for estimating the costs: The cost of ensuring that the poor eat cereals as per the norms is estimated using the NSSO, 1999-2000 data (Table 18). We take two alternative norms. The ICMR norm prescribes minimum quantity intake for cereal for adult men, women and children. An average norm is worked out using the population proportions of NSSO data. The average norm estimated was 157.00 Kg per capita per annum. The second norm is the 143.00 kgs per capita per annum. This norm is prescribed by NIN. The average per capita cereal consumption of poor is 131.87 kg. For the poor the cereal consumption is 25.13 kgs lower than the ICMR norm (157.00 kgs). We assume that this gap will be filled by rice and wheat supplies through PDS. With an estimated 221.65 million poor, the total quantity of rice and wheat required to be supplied would be 5.57 million tones. From the PDS utilization data of 1999-2000 we have estimates of total PDS supplies of rice and wheat to poor as well as to all the consumers. In 1999-2000 the total aggregate supply to all the poor was 2.64 mt and for all the consumers it was 12.03 mt. For the same year the total central Government spending on the PDS was 73161 million rupees. This implies that to transfer a kg of rice/wheat to poor under present system, it cost the central Government Rs. 27.70. For all the consumers the cost was Rs. 6.08/kg. Under perfect targeting this would be the cost. Given the cost of transferring one kg of rice and wheat/rice, the total additional costs required to supply the additional quantities are worked out. To ensure that the poor consume cereals as per ICMR norm the additional amount required would be Rs. 154297 millions under the present system (Table 18). If there is perfect targeting, the cost would be Rs. 74027 millions. The costs for NIN norms are similarly worked out (Table 18).

Table 18: Cost of Ensuring Dietary Intake of Norms of Cereals to Poor

| | | | |
|----|--|-------------|--------|
| 1 | Population | | |
| | a) Rural | Millions | 713.34 |
| | b) Urban | Millions | 283.69 |
| | c) Total | Millions | 997.02 |
| 2 | Percentage of Poor | | |
| | a) Rural | % | 26.30 |
| | b) Urban | % | 12.00 |
| | c) Total | % | 22.23 |
| 3 | Number of Poor | | |
| | a) Rural | Millions | 187.61 |
| | b) Urban | Millions | 34.04 |
| | c) Total | Millions | 221.65 |
| 4 | Percapita per annum PDS Purchase of Rice+wheat by poor | | |
| | a) Rural | Kg | 12.12 |
| | b) Urban | Kg | 10.8 |
| 5 | Percapita per annum PDS Purchase of Rice+wheat by all | | |
| | a) Rural | Kg | 12.48 |
| | b) Urban | Kg | 11.04 |
| 7 | Aggregate annual PDS supply of Rice+Wheat -All India | | |
| | a) Poor | MT | 2.64 |
| | b) All | MT | 12.03 |
| 8 | Total Annual Spending on the PDS (Rice +Wheat) | Rs. Million | 73161 |
| 9 | Cost of transfer of one kg Rice+Wheat to poor (8/7a) | Rs 0.00 | 27.70 |
| 10 | Cost of transfer of one kg Rice + Wheat) to all (8/7b) | Rs 0.00 | 6.08 |
| 11 | Average cereal consumption of poor (per annum) | | |
| | a) Rural (11.23 kg*12) | Kg | 134.76 |
| | b) Urban (9.66kg*12) | Kg | 115.92 |
| | c) All India | Kg | 131.87 |
| 12 | NIN Norm for cereal consumption | Kg | 157 |
| 13 | Additional Aggregate Cereal quantity required to meet NIN norm | MT | 5.57 |
| 14 | Costs Required for supplying additional rice+wheat (in the existing system) (15a*9*1000) | Millions | 154297 |
| 15 | Costs Required for supplying additional rice +wheat (in perfect Targeting) (15b*10*1000) | Millions | 74027 |

ALTERNATIVE NORM DERIVED FROM ICMR

| | | | |
|----|---|----------|--------|
| 12 | NIN Norm for cereal consumption | Kg | 143.00 |
| 13 | Additional Aggregate Cereal quantity required to meet NIN norm | | |
| | a) For poor | MT | 2.47 |
| | b) For all | MT | - |
| 14 | Costs Required for supplying additional rice+wheat (in the existing system) | Millions | 68350 |
| 15 | Costs Required for supplying additional rice +wheat (in perfect Targeting) | Millions | 15002 |

Note: The norm is taken as the weighted average of norms specified for men, women and children using population weights. In case of rural areas the average norms under sedentary, moderate work and heavy work is taken, while in urban areas the norm taken is for sedentary work.

Source: Estimated by the author.

The report of Tenth Five Year Plan provides some estimates of gaps in requirement of funds for nutrition. These are given in Table 19. It shows that around Rs.2050 crores are needed to provide double the ration to all severely under nourished children and pregnant women. State level requirements can be seen from the table.

The high level Committee on Long-term grain Policy indicates that the proposals suggested in the report would 'release enough resources not only for support to farmers and better rural infrastructure, but also can make a real dent on malnutrition and hunger. It advocates enlargement of Antyodaya to all the destitute, a guaranteed employment of 30 days of employment for agricultural labourers, cooked meals in all schools and making ICDS more effective.

According to the Committee, very large fiscal resources of around Rs.10,000 crore annually will become available as the stocks are reduced to normal levels. It recommends expansion of SGRY by increasing cash component by at least Rs.5000 crore annually. Another recommendation is extension of 50 per cent Central support to states for moving to a cooked Mid-day Meal scheme for all school-going children.

In terms of resources, presently the Central Government spends lot of resources on existing programmes. In 2001-02, government spent Rs.25,000 crores on food subsidy and about Rs.10,000 crores on other programmes. It comes to around 1.6 per cent of GDP and 10 per cent of total government expenditure. Main problem seems is to improve the effectiveness of the programmes.

Table 19: Gaps in Requirement of Funds for Nutrition

| Sl. No. | State Name | Funds available for Supplementary Nutrition | | | Requirement of funds for Supplementary Nutrition | | | |
|---------|----------------------|---|--------|---------|--|---------|---------|---------|
| | | State Plan | PMG Y | Total | I* | II* | III* | IV* |
| 01. | Andhra Pradesh | 31.50 | 21.31 | 52.81 | 54.32 | 95.36 | 54.80 | 75.09 |
| 02. | Arunachal Pradesh | 9.28 | 10.23 | 19.51 | 2.28 | 1.03 | 0.86 | 7.23 |
| 03. | Assam | 30.00 | 26.94 | 56.94 | 55.67 | 44.69 | 31.82 | 27.63 |
| 04. | Bihar | 32.92 | 43.09 | 76.01 | 244.13 | 295.41 | 227.69 | 92.82 |
| 05. | Goa | 0.50 | 0.12 | 0.62 | 0.22 | 0.71 | 0.37 | 2.88 |
| 06. | Gujarat | 129.50 | 9.72 | 139.22 | 34.96 | 92.58 | 61.19 | 84.03 |
| 07. | Haryana | 3.50 | 2.52 | 6.02 | 10.17 | 27.76 | 18.10 | 30.18 |
| 08. | Himachal Pradesh | 9.40 | 10.59 | 19.99 | 2.13 | 7.96 | 5.12 | 19.29 |
| 09. | Jammu & Kashmir | 8.25 | 25.74 | 33.99 | 1.72 | 10.01 | 6.53 | 26.16 |
| 10. | Karnataka | 47.34 | 11.27 | 58.61 | 48.82 | 92.06 | 61.95 | 84.45 |
| 11. | Kerala | 0.30 | 10.36 | 10.66 | 16.35 | 16.52 | 9.44 | 43.47 |
| 12. | Madhya Pradesh | 51.25 | 17.07 | 68.32 | 142.43 | 189.26 | 141.91 | 90.45 |
| 13. | Maharashtra | 57.47 | 14.87 | 72.34 | 115.84 | 181.14 | 127.65 | 107.07 |
| 14. | Manipur | 8.29 | 7.28 | 15.57 | 3.10 | 1.46 | 0.91 | 8.67 |
| 15. | Meghalaya | 6.15 | 6.09 | 12.24 | 5.39 | 3.97 | 2.84 | 5.28 |
| 16. | Mizoram | 4.15 | 6.06 | 10.21 | 0.92 | 0.62 | 0.39 | 3.21 |
| 17. | Nagaland | 6.17 | 6.17 | 12.34 | 3.00 | 1.43 | 1.14 | 6.63 |
| 18. | Orissa | 54.79 | 14.78 | 69.57 | 87.04 | 87.01 | 58.98 | 67.74 |
| 19. | Punjab | 9.00 | 6.06 | 15.06 | 6.71 | 20.61 | 14.79 | 25.86 |
| 20. | Rajasthan | 25.69 | 14.46 | 40.15 | 56.76 | 161.41 | 119.56 | 62.64 |
| 21. | Sikkim | 4.21 | 4.22 | 8.43 | 0.99 | 0.26 | 0.18 | 1.35 |
| 22. | Tamil Nadu | 93.87 | 15.72 | 109.59 | 51.55 | 62.69 | 39.75 | 119.37 |
| 23. | Tripura | 8.72 | 7.62 | 16.34 | 5.03 | | | |
| 24. | Uttar Pradesh | 63.77 | 52.34 | 116.11 | 340.75 | 495.73 | 367.04 | 164.67 |
| 25. | West Bengal | 97.47 | 25.17 | 122.64 | 105.05 | 147.70 | 99.81 | 103.38 |
| 26. | A & N Islands | 1.54 | 1.54 | 3.08 | 0.33 | | | 0.93 |
| 27. | Chandigarth | 0.73 | 0.68 | 1.41 | 0.22 | | | 0.75 |
| 28. | Dadra & Nagar Haveli | 0.67 | 0.20 | 0.87 | 0.24 | | | 0.33 |
| 29. | Daman & Diu | 0.28 | 0.16 | 0.44 | 0.03 | | | 0.21 |
| 30. | Delhi | 25.17 | 1.66 | 26.83 | 5.51 | 12.90 | 10.69 | 8.85 |
| 31. | Lakshadweep | 0.28 | 0.27 | 0.55 | 0.05 | | | 0.15 |
| 32. | Pondicherry | 6.46 | 0.72 | 7.18 | 0.86 | | | 1.77 |
| | All India | 828.62 | 375.03 | 1203.65 | 1402.59 | 2050.27 | 1463.51 | 1280.55 |

I*. To provide nutrition @ Rs. 1/- per day for 300 days in an year to all pregnant women and children upto 6 years in the BPL families (by Planning Commission)

II*. To provide double the ration to all severely under nourished children and pregnant women (by Planning Commission)

III*. To provide double the ration to all severely under nourished children only (by Planning Commission)

IV*. To provide nutrition @ Rs.1/- per day for 300 days in an year to beneficiaries (72 in no.) as per ICDS norms of 1999 (by Department of WCD)

Source: GOI (2003)

5.10. Role of the Government in Implementing the Right to Food

The primary responsibility in implementing the right to food lies with the government (center and states). In order to fulfil the obligations all levels of government and public sector organizations must coordinate their actions. This coordination should be not only among themselves, but also with other parties within the country including NGOs, individuals and other national institutions, as well as with other countries and international organizations. Such coordination, or at least the existence of a functioning coordination mechanism, would be essential for effective implementation of right to food. But the absence of coordination can not justify the non-fulfillment of an obligation.

The government has the obligation to *provide* food to the poor and vulnerable groups. Effective implementation of the programmes mentioned above (PDS, nutrition programmes, direct employment programmes, Antodaya programme etc.) will partly satisfy the obligation to provide under right to food. The state also has the obligation of *provide* direct provision of food or resources during emergencies like severe drought or floods or armed conflict. The role of government as a *facilitator* is also important. The measures mentioned by us for creation of employment through labour intensive growth fall under the obligation to facilitate. It includes improving measures for development of sectors like agriculture and non-agriculture.

What are the constraints for implementing the right to food? Resource constraints, the usual problems of governance and institutions, lack of political will have been acting as constraints for implementing right to food. In the Indian case resources in terms of availability of foodgrains do not seem to be a problem. We have more than 50 million tones of foodgrains with the government. It is true that most of the state governments are having fiscal problems. However, it is the lack of political will rather than resources is the problem. Unfortunately, the institutional structures that could undertake appropriate delivery systems have eroded over the years, and there is an urgent need to reinvent them along appropriate levels.

At the national level, 20 countries in the world have constitutions that more or less explicitly refer to the right to food or a related norm. India's name figures in the list of these countries. However, there is no framework for achieving right to food. Enforce mechanisms are also weak or non-existent as a consequence of both the fact that national legislation is inadequate and the fact that economic, social and cultural rights are generally not considered to be justiciable, by their very nature. It is therefore not possible to bring a complaint before a court of law. However, there is now very

visible progress being made on the justiciability of the right to food. As jurisprudence builds up, it will also become increasingly clear how the right to food can be justiciable. There are already a number of cases of national jurisprudence that show clearly that the right to food or other economic, social and cultural rights can be considered justiciable. Although enforcement mechanisms are generally weak, there has been some encouraging progress. The PUCL's (People's Union for Civil Liberties) petition and the subsequent Supreme Court interim orders on right to food are in the right direction. The Supreme Court reminded Government's obligation of right to food and, at the very least, the people are not exposed to malnutrition, starvation and other related problems.

Monitoring mechanisms should be developed in order to fulfill the obligation of right to food. It is necessary to identify appropriate indicators and benchmarks to monitor the status of realization of right to food. The indicators or benchmarks have to represent not only the quantitative progress in providing a particular service to a population but also the qualitative manner the service is provided. The base line indicators should cover levels and trends of food security in its multiple dimensions – availability, economic access and absorption and other dimensions such as vulnerability, social exclusion, and acute destitution. India has a wealth of information on food security indicators. A baseline of key indicators can be developed even at the district level. Particular effort will have to be made to identify differences in trends in urban and rural outcomes and gender dimensions. The baseline exercise will not only lay out the facts (levels and recent trends in food security indicators and the efforts towards fulfilling right to food) but also identify some of the key policy challenges in reaching these goals. As noted above, the challenges are likely to be different between urban and rural areas and in different regions.

5.11. Ensuring and monitoring Five principles of Rights Based Approach

There is a need to ensure and monitor the five principles (ENTAP) of rights based approach.

Equity: Monitoring mechanisms should be adopted to help the poor and vulnerable groups. The latter category include children, pregnant women, widows, single women, old age population, destitute, disabled persons, socially disadvantage sections like scheduled castes and scheduled tribes. Also inequalities across and within states should be reduced. Production and distribution policies have to be sensitive to the local problems in ensuring food and nutrition.

Non-discrimination: Gender discrimination should be avoided and intra-household distribution should be improved. Similarly, as mentioned above, poverty among SCs and STs is high and they should not be discriminated while ensuring right to food. In other words, social exclusion should be avoided while identifying the beneficiaries under the programmes.

Transparency, Accountability and Participation: Right to information as demanded in Rajasthan would help transparency, accountability and participation in government programmes. Involvement of good NGOs make these rights based principles possible. On participation, decentralization of administration and involvement of Panchayats would help increase participation.

As Dreze and Sen (2002) mention, the losers due to corruption and other non-transparent methods have to be mobilized. They give the illustration of the work of Mazdoor Kisan Shakti Sangathan (MKSS) in Rajasthan. 'It has been noted, for instance, that drought relief programmes in Rajasthan in 2000-01 have been remarkably 'corrupt-free (at least in comparison with the situation that prevailed in earlier droughts) largely due to greater public vigilance as well as the improved accessibility of official records – both of which are closely related to the 'right to information' movement (p.367)³¹.

In order to achieve the goals of Tenth Plan and beyond on food and nutrition in a rights based perspective, effective monitoring system has to be introduced at different levels i.e. Centre, state, district and village levels. While the functions of the State in India have steadily increased, capacity to deliver has declined over the years due to administrative cynicism, rising indiscipline, and a growing belief widely shared among the political and bureaucratic elite that state is an arena where public office is to be used for private ends.

The working of public distribution system (PDS) illustrates the weak monitoring system in many of the programmes. The officials at the Ministry of Food at the Centre are aware that the numbers reported by the states are often unreliable, but they see no possibility for efficient checks of the provided information. The agencies seem to keep their bookkeeping straight. But these numbers, based on household survey do not reflect the reality in the villages, where only a fraction of the supply chain reaches the card holders. The supervision by the supply inspector on the block and village

31. More on transparency and corruption, accountability and countervailing power, see Dreze and Sen (2002).

level is in general weak. The vigilance committees of the PRIs comprise some of the same government officials who are supposed to be supervised by these committees. Field reports on UP show that in localities visited, there were no functioning vigilance committee on the district or block level³². There is also inadequate transparency regarding the beneficiaries' access to information about quantity, quality, prices, and times of supply was limited in several of the villages visited.

5.12. Conditions for Success

Political Will: In order to implement the programmes, political will is important. The Southern states in India have done well in terms of political will as compared to some of the Northern and Eastern states.

Resources: Resources are important for undertaking some of the programmes in realizing right to food. Growth of the economy and resources are important for sustainability of the programmes. However, resource availability can not be a pre-condition for fulfilling rights.

Effective Implementation: Providing resources is only one part of the story. Effective implementation of the programmes is important in order to reach the benefits to the poor.

Right to Information: As mentioned above, right to information would empower the poor regarding their rights in terms of government programmes and leads to accountability.

Social Mobilisation: Mobilisation of poor and other vulnerable groups and putting pressures on bureaucracy and politicians would enhance public accountability.

Decentralisation: Decentralisation is also important for accountability. It is also more participatory. The lower strata of society will have a chance to participate in local governance. It may be noted that women in panchayats are relatively doing well in solving people's problems. One can expect better delivery systems in PDS and other programmes if panchayats are involved.

5.13. Role of NGOs and International Organisations

NGOs in particular and civil society in general have to play a major role in fulfilling the right to food. They can help in two ways. First, NGOs themselves can organize

32. See Kriesel and Zaidi (1999)

innovative programmes for raising food security of the poor. Grain bank at local level is an example of NGOs innovative programmes. Secondly, they can help the government in fulfilling the obligation of right to food. NGOs have a major role to play in applying the principles of accountability, transparency and participation in implementing the right to food. NGOs can play a very effective role in the implementation of the rights. When the right to food has to be realized in a participatory manner, with participation of the beneficiaries in the decision making and benefit-sharing, with accountability, transparency and in a widely decentralized process, NGOs may have to play an even more crucial role in monitoring the programmes and delivering the services and sometimes may have to replace the existing bureaucracy. The human rights NGO People's Union for Civil Liberties and the Right to Food Campaign have played important role, in recent years, in highlighting the obligation of fulfilling the right to food by the government. However, there has been a proliferation of NGOs in India. The issues of funding, the identities and the commitments of NGOs are quite complex. There is a need for transparency and accountability for NGOs.

The charter of the United Nations recognized the obligation of international cooperation, by virtue of which the international community and multinational organisations are expected to cooperate with nation states to enable them to fulfil the human rights of the individual level. At one level, the developed countries can increase the target of at least 0.7 per cent of GNP to official development assistance (ODA). In practice, however, there is no big support from developed countries in fulfilling right to food in developing countries.

6. CONCLUDING OBSERVATIONS

The objective of this paper is to examine right to food in the Indian context. We analysed the right to food in terms of availability, accessibility, adequacy and sustainability. These were examined in rights based perspective. Specifically, the paper addressed the following questions:

- (a) What are the definitions, contents and obligations of right to food? (Section 2)
- (b) How far India progressed in fulfilling realising to food?
- (c) What are the programmes and policies India followed in realising right to food?
- (d) What should be done to realise right to food to all citizens of India?

Progress is examined in terms of availability, accessibility (physical and economic). Programmes and policies are scrutinized in terms of obligation to respect, protect and fulfill (facilitate and provide).

India is signatory to many international treaties involving right to food. Indian Constitution also indirectly refers to right to food. Therefore, there is an obligation for the Indian Government (Centre and states) to fulfill the right to food of the people. In spite of many programmes, there are concerns regarding food and malnutrition. Some of the worst violations of the right to food can be seen in India today. On the undernutrition levels are among the highest in the world. The problem of malnutrition is acute and widespread. It is extremely serious among women and children. The proportion of pregnant women with anemia is as high as 88 per cent. At the all India level, more than 50 per cent of the children under five are underweight in 1998-99. The percentage of malnutrition is much higher in poorer states like Bihar, Uttar Pradesh and Madhya Pradesh. On the other hand, India has accumulated more than 50 million tones of rice and wheat in public warehouses – largest accumulation in world history.

We examined the problems in various welfare programmes. In order to realise right to provide, the following programmes have to be strengthened and implemented effectively

- (a) Public Distribution system and Annapurna schemes
- (b) Extending Antyodaya Anna Yojana to all the destitutes in the country.
- (c) Nutrition programmes for education (mid-day meal schemes) and Integrated child development schemes (ICDS).
- (d) Extending Maharashtra's Employment Guarantee Scheme (EGS) throughout India. Part of the wages can be paid as food.
- (e) Gender aspects of food security should be given importance in realizing right to food. Women's economic and social empowerment not only improves intra-household food distribution and health related matters but also improves the working of food and nutrition programmes.

We also examined the market reforms needed for achieving higher and sustainable growth in agriculture and right to food for the poor. As mentioned above, we have a paradoxical situation of large accumulation of foodgrain stocks along with 260 million

population below poverty line. Continuous increase in procurement prices have led to accumulation of stocks much above the levels required for buffer stock. The steep rise in the procurement prices have discouraged the holding of stocks by the private sector, made exports uncompetitive and reduced the domestic consumption of food grains, particularly by the poor. Procurement system has to be decentralised. Private sector may have to be involved in storage and handling the grains. In the case of PDS, cost effective methods have to be tried in order to reach the poor effectively. In the case of agricultural policies, there is a need to have faster reforms in agriculture in order to have win-win-situation for farmer, worker and consumer. Supply side factors such as irrigation, infrastructure, technology, research and extension and, marketing have to be improved to have higher and sustainable growth. A multi-dimensional reform agenda has to be developed by improving incentives, rationalizing subsidies, promoting investments and protecting the poor. WTO provides opportunities and challenges for Indian agriculture. The expected gains since 1995 due to WTO i.e. reduction of agricultural subsidies by developing countries have not materialised. There is a need for extreme vigilance so as to take timely measures within the existing tariff bindings to restrict imports, which affect our producers' livelihoods. The viability of Indian agriculture depends on internal factors like public investment in infrastructure and research. Cost-reducing technology has to be promoted to compete in the world markets and to achieve food security for the poor.

The accumulation of foodgrains also indicates that there is a need for crop diversification in agriculture sector. This will also improve employment opportunities. Similarly, reforms should be undertaken for the growth of rural non-farm sector. The rigidities for increasing rural non-farm employment have to be removed in order to have rural transformation.

All the above things have to be based on rights based framework of equality, non-discrimination, transparency, accountability and participation (ENTAP). Basically we have to go beyond supply side and focus on demand side. Social pressures are needed for public action. Better monitoring systems have to be developed at Central, state, district and village levels to realize right to food. Justiciability is one aspect of right to food. In this context, recent Supreme Court Orders and the Right to Food to campaign are in the right direction. However, one (particularly the poor) can not go to court every time right to food is violated. It is the responsibility of citizens and NGOs to organize campaigns for better functioning of the programmes. Also there is need

for mechanisms for better delivery systems by the government with transparency and accountability. Public accountability is crucial for the success of right to food.

Other rights such as right to health and education, right to information, right to water etc. are equally important for realization of right to food. It may be noted that health facilities and drinking water would improve the food absorption by people and in turn nutrition.

Finally, the paper argues that right to employment is crucial for achieving right to food. As Amartya Sen and others argued that food availability is not a major problem at the national or local level. It is the economic access at the household level which is responsible for low accessibility of food. In this context, creating purchasing power through employment is crucial. The Government can facilitate labour intensive growth and provide direct programmes to generate productive employment which in turn can ensure right to food.

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