CHAPTER-5
POLICIES, PROGRAMMES AND SCHEMES RELATING TO
FOOD SECURITY IN INDIA.

I. Prelude

The Government of India perceives, in its five year plan,¹ the food security to be a situation where everyone has access, at all times, to the food needed for all active and healthy life. Thus, the essential elements of food security are (a) adequate availability of food, (b) efficient distribution through trade or public distribution system, and (c) availability of adequate purchasing power in the hands of the people.

The Union Minister of Food and Civil Supplies, the Ministry of Food and Consumer Affairs (responsible for allocation of food to various states and governs the Public Distribution System-Department of Food and Public Distribution) and the Food Corporation of India (statutory corporation fully controlled and managed by the Government of India) are primarily responsible for administering various aspects of food management and security. India's food policy seeks to achieve the social justice through price, food production and distribution polices, it also seeks to achieve the objective through the mechanism of public distribution system, through various poverty alleviation programmes and through programmes launching direct attack on hunger and malnourishment.²

The Five-year Plan aims at a paradigm shift in the initiatives of the government with regard to food and nutrition security; (a) From household food security and freedom and freedom from hunger to nutrition security for the family and the individual; (b) Untargeted

¹ Food and Nutritional Security, 10th Five Year Plan, Chapter 3.3, p.67, Planning Commission, Government of India, retrieved from www.planningcommission.nic.in on 11/04/2013/ 09:45P.M.
² N.C. Saxena ,Food Assistance Programmes and Their Role in Alleviating Poverty & Hunger in India, 3, (2002).
food supplementation to screening of all the powers from vulnerable groups. The Government of India has adopted many food-based schemes and assistance programs during the last 67 years and the number of food-based schemes has increased lately. Some of these schemes are: Targeted Public Distribution System, Aatyodaya Aanna Yojana, Mid Day Meals Scheme, Sampoorna Grameen Rozar Yojana, Food for Work Scheme, National Old Age Pension Scheme, National Maternity Benefit Scheme, National Family Benefit Scheme, Annapurna Scheme, Integrated Child Development Scheme, Improving Agricultural Productivity Scheme, and Employment Assurance scheme. There are also state-run schemes, although the funds involved in such schemes is marginal as compared to the Government of India-funded Schemes.

These polices, programmes and schemes relating to food security can be broadly divided into four categories; a). Entitlement feeding; b). Food Subsidy Programmes; c). Employment generation Programmes; d). Social Security Programmes.

These comprehensive programmes address the nutritional needs of a person from the time of birth through to the old age. The Integrated Child Development Scheme seeks to take care of the nutritritional challenges faced by infants and young children (0-6 years) and pregnant women, nursing mothers and adolescent girls; the Mid-Day Meals Scheme provides meals to all primary school children; the Targeted Public Distribution System, provides subsidized grain to families below the poverty line; the social assistance programmes cover the aged who are left out of the social security net. For decades, these programmes have succeeded in preventing the kind of large-scale families that occurred in the years before independence (such as Bengal famine of 1943). Yet they have been unable to substantively address the problem of chronic hunger.

This is not only because of gaps in implementation, but also because, as many activists argue, they do not provide for sustainable
and lasting livelihood options. The problem is compounded by the fact that concerted efforts has been lacking, except in a few States like West Bengal who undertake land reforms, give communities rights over natural resources, and address the structural causes of poverty. Caste and gender discrimination have also been major contributing factors.

On the contrary, the last two decades have witnessed an unprecedented alienation of indigenous people and other marginalized communities from their land and other natural resources; displacement due to industrial projects and large dam in rural areas; and fundamental changes in the nature of poverty with unbridled urbanization and the disenfranchisement of large section of urban populations. Global pressures on the Indian economy and the pursuit of deflationary, neo-liberal policies by successive governments from the early 1990s have abetted in this pauperization of millions of Indians.

The importance of the Right to Food Case\(^3\) has to be viewed in this macro-context. Therefore, interventions by the Supreme Court through interim order in this case become critical. The Right to food case is perhaps the largest continuing mandamus in the world on this issue. It is also one of the largest and most complex legislations involving a wide range of state and civil society actors in India. More than 400 affidavits have been submitted and the Supreme Court in this has passed 47 interim orders over the five years.

Essentially, the interim order\(^4\) that converted the benefits of these eight "schemes" into legal entitlements. This means, for instance, if someone has an Antyodaya card but he/she is not getting her/his full quota of 35 kg of grain per month at the official prices (Rs.3/- per kg for rice and Rs.2/- per kg of wheat), he/she can claim his/her due as a matter of right, by going to court if necessary. In the

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\(^3\) People's Union for Civil Liberties v. Union of India. Writ petition (civil) No.196 of 2001

\(^4\) Ibid.; (order on dated 28 November 2001)
case of mid-day meals, the interim order went further than just giving a legal protection to existing entitlements. It also directed the government to replace monthly "dry rations" of grain with daily, cooked mid-day meals. The basic idea of this order was that, at the very last, the government should be held accountable to what it claims to be doing to protect the right to food, i.e., implement these food-related schemes.

II. Polices and Schemes Relating to Food Security

The researcher will endeavour hard to discuss the nature and effectiveness of the implementation of these food assistance schemes by the government agencies. However, the impact of the Supreme Court intervention on these schemes and government action will be assessed in this section. The problems existing in these schemes, which prevent their effective implementation, are largely symptomatic of the reasons for failure of efficacy of other schemes as well.

i. Public Distribution System

"There is no true food security, no matter how much is produced, if the food producing resources are controlled by a small minority and used only to profit them. In such a system, the greater profit will always be found in catering to those who can pay the most—not the hungry"\(^5\)

A differential pricing policy is adopted by the Government of India to implement its food security system i.e. by procuring the foodgrains from the market and distributing the grains through the Public Distribution System at a price, which should ideally be lower than the open market price. The Public Distribution System and its impact on the prices can be explained through the traditional demand supply framework. The Public Distribution System, which is a significant component of the food security system in the country, is

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expected to influence the market prices and reduce the fluctuations therein, by regulating the supply in line with the demand.6

The Public Distribution System evolved as a system of management of Scarcity and for distribution of food grains at affordable prices. Over the years, Public Distribution System has become an important part of Government's policy for management of food economy in the country. Public Distribution System is supplemental in nature and is not intended to make available the entire requirement of any of the commodities distributed under it to a household or a section of the society.

Public Distribution System is operated under the joint responsibility of the Central and the State Governments. The Central Government, through Food Corporation of India, has assumed the responsibility for procurement, storage, transportation and bulk allocation of foodgrains to the State Governments. The operational responsibility including allocation within state, identification of families below the poverty line, issue Ration Cards and supervision of the functioning of Financing Planning Standard Board, rest with the State Governments. Under the Public Distribution System, the commodities namely wheat, rice, sugar, and kerosene are being allocated to the States/Union Territories for distribution. Some States/UTs also additional items of mass consumption through the Public Distribution System outlets such as cloth, exercise books, pulses, salt and tea, etc.7

Public Distribution of essential commodities had been in existence in India during the inter-war period. Public Distribution System, with its focus on distribution of foodgrains in urban scarcity areas, had emanated from the critical food shortages of 1960. Public

Distribution System had subsequently contributed to the containment of rise in food grains prices and ensured access of food to urban consumers. As the national agricultural production had grown in the aftermath of Green Revolution, the outreach of Public Distribution System was extended to tribal blocks and areas of high incidence of poverty in the 1970s and 1980s.

Public Distribution System, until 1992, was a general entitlement scheme for all consumers without any specific target. Revamped Public Distribution System was launched in June 1992 in 1775 blocks throughout the country. The Targeted Public Distribution System was introduced with effect from June 1997.  

a. Revamped Public Distribution System

The was launched in June 1992 with a view to strengthen and streamline the Public Distribution System as well as to improve its reach in the far-flung, hilly, remote and inaccessible areas where a substantial section of the poor live. It covered 1775 blocks wherein area specific programmes such as the Drought Prone Area Programme, Integrated Tribal Development Projects, Desert Development Programme, and certain Designated Hill Areas identified in consultation with State Governments for special focus, with respect to improvement of the Public Distribution System infrastructure. Foodgrains for Distribution in Revamped Public Distribution System areas were issued to the States at 50 paise below the Central issue price. The scale of issue was up to 20 kg per card.

The Revamped Public Distribution System included area approach for ensuring effective reach of the Public Distribution System commodities, their delivery by State Governments at the doorstep of FPSs in the identified areas, addition ration card to the left

8 Parsai Gargi, Food Bill Final Draft After BPL Estimates, The Hindu, Apr. 5, 2010,
out families, infrastructure requirements like additional Fair Price Shops, storage capacity, etc. and addition commodities such as tea, salt, pulses, soap, etc. for distribution through Public Distribution System outlets.

b. **Targeted Public Distribution System**

In June 1997, the Government of India launched the Targeted Public Distribution System with focus on the poor. Under the Targeted Public Distribution System, States are required to formulate and implement foolproof arrangements for identification of the poor for delivery of food grains and for its distribution in a transparent and accountable manner at the Fair Price Shop level.

The Scheme, when introduced, was intended to benefit about six crore poor families for whom a quantity of about 72 lakh tones of foodgrains was earmarked annually. The identification of the poor under the scheme is done by the States as per State-wise poverty estimates based on the methodology of the "Expert Group on estimation of proportion and number of poor" chaired by Late Prof. Lakdawala. The allocation of food grains to the States/UTs was made on the basis of average consumption in the past i.e. average annual off take of food grains under the Public Distribution System during the past ten years at the time of introduction of Targeted Public Distribution System.

The quantum of food grains in excess of the requirement of Below Poverty Line families was provided to the state as transitory 'allocation' for which a quantum of 103 lakh tones of foodgrains was earmarked annually. Over and above the Targeted Public Distribution System allocation, additional allocation to States was also given. The transitory allocation was intended for continuation of benefit of subsidized foodgrains to the population above the Poverty Line as any sudden withdrawal of benefits existing under Public Distribution System from them was not considered desirable. The transitory
allocation was issued at prices, which were subsidized but were higher than the prices for the Below Poverty Line Quota of foodgrains.10

Keeping in view the consensus on increasing the allocation of food grains to Below Poverty Line families, and to better target the food subsidy, Government of India increased the allocation to Below Poverty Line families from 10 kg to 20 kg of food grains per family per month at 50 per cent of the economic cost and allocation to Above Poverty Line families at economic cost. The allocation of Above Poverty Line families was retained at the same level as at the time of introduction of Targeted Public Distribution System but the Central Issue Price for Above Poverty Line were fixed at 100 per cent of economic cost from the data so that the entire consumer subsidy could be directed to the benefit of the Below Poverty Line population. However, the Central Issue Price fixed for Below Poverty Line, Antyodaya Anna Yojana and Above Poverty Line, have not been revised from very long period even through procurement costs have gone up considerably.11

The end retail price is fixed by the State/Union Territories after taking into account margins for wholesales/retailers, transportations Charges, levies, local taxes etc. Under the Targeted Public Distribution System, the States were requested to issue foodgrains at a difference of not more than 50 paise per kg over and above the Central Issue Price for Below Poverty Line families. Flexibility to State/Union Territories has been given in the matter of fixing the retail issue prices by removing the restriction of 50 paise per kg over and above the Central Issue Price for distribution of foodgrains under Targeted Public Distribution System except with respect to Antyodaya Anna Yojana where the end retail price is to be retained at Rs.2 per kg for wheat and Rs. 3 per kg for rice.12

11 Id. at 68.
12 The task of making the PDS work- The Hindu, (July 8, 2010), p. 7.
The broad results of the National Service Scheme show that 39 per cent of the population reported purchasing cereals from Public Distribution System in 2009-10 as against 26 per cent in 1993-94 and 23 per cent in 2004-05. The coverage in rural areas is 44.9 per cent compared with 26 per cent in urban areas. Total purchase of rice from Public Distribution System in 2009-10 is 17.5 million tonnes, almost double of the corresponding purchase of 9.8 million tonnes in 2004-05. Similarly, for wheat, the purchase at 7.7 million tonnes in 2004-05. For those households purchasing cereals from Public Distribution System, the average quantity purchased is 20.0 kg per month (21.1 kg in rural areas and 19 kg in urban areas).13

Food Security means that every man, women, 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.14 In order to improve access to food, the government introduced the Public Distribution System 15 in 1951 which had its origin in the "rationing system"16 introduced by the British during world-war-II. The Public Distribution System (reintroduced as the Targeted Public Distribution System in 1997) is managed by the Department of Public Distribution. The Department of Public Distribution is charged with the prime responsibility of the management of the food economy of the country.

The twin objective rates for the farmers.

(1) Remunerative rates for the farmers.

(2) The Supply of foodgrains at reasonable prices through the Public Distribution System.

Until 1997, the food distribution through the Public Distribution System was available for all Citizens irrespective of their economic status. However, the Government of India changed its policy

13 Ibid.
14 ICESCR, Part-II, Article 4, General Comment, 12. Para .4 and 8.
15 Supra n. 03; (Order dated 2nd April, 2003)
16 Distracting from Entitlement- The Hindu, (July 26, 2010)
and decided to make it available only to those who fall below the poverty line. Under this new scheme, viz., the Targeted Public Distribution System special cards were issued to the families below poverty line and foodgrains were sold to them at fair price shops at specially subsidized prices. Under this each poor shops at specially subsidized rates. Although coverage of the scheme was reduced, as many people were excluded from the benefit of the scheme, however this targeting of the welfare action was in consequence of the State's international obligations. However the then Finance Minister has made a pledge in his budget speech delivered on 8 July 2004 to strengthen the Public Distribution System.

The Public Distribution System, as it stood earlier, was criticized for its failure to serve the population below the poverty line, its urban bias and negligible coverage in the states with the highest concentration of rural poor. General Comment 12 provides that the national Strategy should be based on a systematic identification of policy measures and activities relevant to the situation and control. As further, elaborated that the first step in any such strategy should be to map the situation for the different groups and the different regions within the country, taking into account the different groups and the different regions within the country, taking into account the differences that might exist on the basis of gender, ethnicity or race, and between rural and urban areas. Such mapping is necessary to identify those who are food insecure and to develop appropriate responses to food insecurity.

Further, with a network of more than 46.2 million fair Price Shops distributing annually more than Rs.,300,000 million to about 160 million families, the Public Distribution System in India is

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17 A. Sen, "hunger in India," Address made at a public hearing on hunger and the right to food, Delihi University, 6, (10 January 2003).
18 Retrieved from http://indiabudget.nic.in/on 26/03/2013/01:02P.M.
19 ICESCR, GC 12, Para.22, which provide the states should ensure that policies and administrative decisions are in compliance with the obligations under Article 11 of the covenant.
20 Ibid. (para. 13)
perhaps the largest distribution network of its type in the world. This huge network can play a more meaningful role only if the system transfers the macro level self-sufficiency in foodgrains achieved by the country into macro level, by ensuring availability of food for the poor households.21

Indeed the Government of India, by introducing such a system, has partly fulfilled its obligation under Article 11. Formulation of national strategies is essential but not sufficient for full compliance of the Right to Food and Food Security provisions; the States are also obliged to implement and monitor these strategies in accordance with the provisions of General Comment 12. The government has not been able to give full effect to the Right to Food as the Public Distribution System has not been effective and problem of starvation has been sharply increasing.

The off-take of the foodgrains by the states is even lower by the Below Poverty Line families. The total off-take of food grains through Public Distribution System shops which was 26 million tonnes in 1996-97 has plummeted to 11.3 million tonnes in 2001-03,22 despite hefty increase in the annual food subsidy from 606.6 million in 1996-97 to 2400 million tonnes in 2002-03.23 Prof. Sen argues the reason for this is that the subsidy is mainly geared to keep food prices his for the seller of food-farmers in general- rather than a make food prices lower for the buyers of food. This high incentive to produce more while giving little help to poorer people to buy foodgrains and results in marginal success of the Public Distribution System.24 Such lopsided food policy violates the government's obligation under human rights

21 Supra n. 17 at 07
24 Supra n. 17 at 03

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law of equitable distribution of food-production and to ensure food security to all.25

Furthermore, the identification of the Below Poverty Line families is known to be highly unreliable and unscientific, due to inaccuracies in the baseline surveys26 as well as personal and political influences. As a result, many eligible household are actually excluded. Besides a review of the Below Poverty Line list is long overdue.27 Eide in his Study argues that "one of the most pressing tasks is to identify hunger and the particular causes of their hunger.... precise identification, using the human right framework, of the food insecure or vulnerable groups-who they are, where they are located and the particular causes underlying their vulnerability-will vastly improve the possibility of developing precise and appropriate responses to those particular situations."28 Therefore, failing its groups, the Government of India is violating its international obligations under the covenant.

Additionally, the quality and quantity of the foodgrains distribution through the Public Distribution System is low, thereby violating one of the core components of the Right to Food and Food Security.29 The food grains have to satisfy dietary needs (energy and nutrients including micronutrients like iron, vitamin and iodine) among other criteria, to quality as adequate. Thus, nutritional aspects need to be duly taken into consideration in order to satisfy the adequate aspect in the availability of food against just physical availability.

25 Supra n.19.
26 The poverty line is defined as the level of per-capita expenditure at which minimum calorie requirement (2400 calorie per day in rural areas and 2100 calories in urban areas- as determined by the Indian Council of Medical Research) are met, based on observed consumption pattern.
27 The Right to Food in India, written statement submitted by South Asian Human Rights Documentation Centre (SAHRDC), E/CN.4/2003/NGO/158. on 23/03/2012/02:38P.M.
29 Supra n. 19, Para .24, "the food shall be available in the quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture."
A World Bank report shows that help of the stock of Food Corporation of India is at least two years old, 30% between 2 to 4 years old and some grain as old as 16 years, thus unfit for human consumption.\textsuperscript{30} Article 47 of the Constitution of India explicitly states, "The State shall regard the raising of the level of the nutrition and the standard of living of its people and the improvement of public health among its primary duties..." The problem has arisen partly due to the government's relaxation of quality standards while procurements are made.\textsuperscript{31} The Supreme Court in \textit{Tapan Kumar Sdhakaran v. Food Corporation of India and others}\textsuperscript{32} passed a detailed judgment regarding the obligation of the Food Corporation of India, an agent of the State and an important factor in the food grains trade of the country. It must conform to the latter and spirit of Article of 47 the Constitution.

At present, both Below Poverty Line and Above Poverty Line households are entitled to 35 kgs of food grain per month, but the issue price is higher for Above Poverty Line households. In fact, it is so high that most Above Poverty Line households do not buy grain from the Distribution System. Thus in practice the Distribution System is restricted to Below Poverty Line Households.

In 2001, \textit{Antyodaya} cards were introduced as a sub category of Below Poverty Line cards; however, the Supreme Court later stated that \textit{Antyodaya} Programme should not be restricted to those with a Below Poverty Line card.\textsuperscript{33} Thus, \textit{Antyodaya} Cards have become a Separate card, Distinct from either Below Poverty Line or Above Poverty Line. Some households also have other cards, such as Annapurna Cards. Under this scheme each poor family is entitled to 10 kgs of food grains per month (20 kgs with effect from April 2000). Especially at subsidized rates. Although the Coverage of the scheme

\begin{itemize}
\item \textsuperscript{30} Supra n. 28 at 12.
\item \textsuperscript{31} Supra n. 17 at 08.
\item \textsuperscript{32} (1996) 6 SCC 101-111.
\item \textsuperscript{33} Supra n. 03.
\end{itemize}
was reduced, as many people were excluded from the benefit of the scheme, however this targeting of the welfare action was in consonance of the State's interventional obligations.\textsuperscript{34} Main Orders under the Scheme are:

- Identification of Below Poverty Line families;
- Accessibility of ration shops and regular supply of grain;
- Accountability of Distribution System deals;
- Permission to buy in installments;
- Awareness generation;
- Below Poverty Line list.

The government policies and Practices are in direct violation of India's international obligations under the covenant, however it also needs to be mentioned that the Public Distribution System (Control) order, 2001 has been promulgated which seeks to plug loopholes in the Public Distribution System and make it more efficient and effective. Whether such efforts will be translated in practice is yet to be seen.

Also the ceiling of maximum amount of food grains that a family will get has been fixed by the government which at 20 kgs (equivalent to approximately 400 calories) proves to be extremely low for the family even of the nominal number of persons per family and is much less than the nutritional requirements as recommended by the Indian council of Medical Research (2400 calories per day in rural areas and 2100 calories in urban areas).\textsuperscript{35} The Special Rapporteur also in his report acknowledged that both the quality and quantity of the food available are fundamental.\textsuperscript{36} Therefore, by not maintain the

\textsuperscript{34} \textit{Supra} n. 16.
\textsuperscript{35} \textit{Supra} n. 03; Compared to rise of per head food grains absorption of below 190 kgs. In India, Barzil has higher per head absorption of grains.
\textsuperscript{36} The Right to Food, second Report of the Special Rapporteur, E/CN.4/2002/58. >on 23/04/2013/03:09A.M.
standards of both quality and quantity the Government of India is in
direct violation of Article 11 of the Covenant.

Further, week monitoring, lack of transparency and inadequate
accountability of officials implementing the scheme plague the system.
Massive corruption is institutionalized and built into the system. The
Public Distribution System shopkeepers are manipulations, not
entrepreneurs, and certainly not committed to the interests of the
poor or driven by markets. One of the case studies conducted in the
remote Allahabad district provides the evidence that large quantity of
grain meant for distribution to Below Poverty Line households in the
district was being sold the black market. The Kotedars (dealers)
themselves are caught in a web of corruption; at the every step, they
have to pay bribes: to get a license, to lift a quota from the Food
Corporation of India, to keep the inspector at bye, etc. This bribe
accounts to be Rs. 58 per quintal. As against this, the official
commission is only Rs. 6 per quintal (dealers by wheat at Rs 4.65 per
kg.) This means a loss of Rs. 52 per quintal which they recover
through black markets^37 Also, in a other survey carried out in some
states like Orissa and Rajasthan showed that the FPS in some villages
in Orissa opens only once every two or three months. At other times,
individuals have to go to a Distribution System shop 20 to 30
Kilometers away. In addition, it if in Rajasthan most Distribution
System shops were open between two to ten days and not for 23 days
as per the requirements.^38 These hurdles deny meaningful access to
the Distribution System programmes and thereby deny access to
adequate food.

As previously argued, good governance is acknowledged as
essential for realization of all human rights, thus the Indian
government does not fulfill its obligations of implementation of the

38 K. Chameray, "No Food," Humanscape India Magazine, Vol. X, no.11, February ,
2003, p. 55.
Right to Food at the national level. Further, the systems suffers from problems like the price changed exceeding the official price by 10 to 40% resulting in economic inaccessibility, bad delivery and infrastructure at districts and block levels and shortage of funds with state governments resulting in several millions tones allotted food grains uplifted from Food Corporation India, which requires effective governance. State governments claiming resource constraints are under an obligation to demonstrate good faith regarding their liability to comply with their legal duty. Going a step further the Supreme Court in Paschim Banga Khet Mazdoor Samity v. State of Bengal\textsuperscript{39} held that preservation of human life is of paramount importance. State cannot avoid their Constitutional obligations in that regard because of financial constraints.

Thus the Public Distribution System, one of the primary mechanisms to fight hunger, is underfunded and under titled. The benefit levels are far too meager and abysmally low due to insufficient outreach and exclusion of significant classes of the people, with no regard to human need. Essentially, the interim order of 28 November 2001 converted the benefits of these "Schemes" into legal entitlements. The basic idea of this order was that, at the very least, the government should be held accountable to what it claims to be doing to protect the right to food, i.e., implement these food-related schemes. Many of the subsequent hearings were concerned with the implementation of the 28 November order. In other words, the scheme covered by the 28 November order became the object of further order over the years. The Court directed the State Governments "to complete the identification of Below Poverty Line families, issuing of cards and commencement of distribution of 25 kg grain per family per month latest by 1\textsuperscript{st} January, 2002"\textsuperscript{40}Note that the entitlements of Below Poverty Line families were subsequently raised from 25 kgs of grain per month to 35 kgs.

\textsuperscript{39} (1996) 4 SCC 37
\textsuperscript{40} Supra n. 03; (Order dated 28\textsuperscript{th} November, 2001).
On several occasions, the Supreme Court directed the government to ensure that all ration shops open regularly. For instance, one of the very first interim order, 41 states: "we direct the States to see that all the Public Distribution System shops, if closed, are re-opened and start functioning within one week from today and regular supplies made." Similarly, an interim order 42 states: "The respondents shall ensure that the ration shops remain open throughout the month, during fixed hours, the details of which will be displayed on the notice board."

The licenses of Public Distribution System dealers and shopkeepers should be cancelled if they: (a) do not keep their shop open throughout the month during the stipulated period; (b) fail to provide grain to Below Poverty Line families strictly at Below Poverty Line rates and no higher; (c) keep the cards of Below Poverty Line householders with them; (d) make false entries in the Below Poverty Line cards; (e) engage in black-marketing or siphoning away of grains to the open market and handover such ration shops to such other person/organizations". Further, "the concerned authorities/functionaries would not show any laxity on the subject." 43 Arrangements must be made to permit the Below Poverty Line household to buy the ration in installments." 44 "wide publicity shall be given so as to make Below Poverty Line families aware of their entitlement." Orders relating to the "Below Poverty Line list" are also relevant to the Public Distribution System, since the Below Poverty Line list is the basis on which Below Poverty Line and Above Poverty Line ration Cards are distributed.

Note in particular that (1) the Central Government and State Government have been directed to frame clear guidelines for proper identification of Below Poverty Line families," 45 and (2) no-one is

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41 Ibid.; [Order dated 23rd July, 2001].
42 Ibid.; [Order dated 8th May, 2002].
44 Ibid.
supposed to be removed from the Below Poverty Line list until such time as the Court deliberates this matter.\(^{46}\)

ii. **Antyodaya Anna Yojana**

*Antyodaya Anna Yojana* is step in the direction of making Targeted Public Distribution System aim at reducing hunger among the poorest segments of the Below Poverty Line population. A National Sample Survey Exercise points towards the fact that 5 per cent of the total population in the country sleeps without two square meals a day. This section of the population can be called "hungry". In order to make Targeted Public Distribution System more focused and targeted towards this category of population, the "*Antyodaya Anna Yojana*" was launched in December, 2000 for one crore poorest of the poor families.

*Antyodaya Anna Yojana* contemplates identification of one crore poorest of the poor families from amongst the number of BPL families covered under Targeted Public Distribution System within the States and providing them food grains at a highly subsidized rate of Rs. 2 per kg. for wheat and Rs. 3 per Kg for rice. The States/Union Territories are required to bear distribution cost, including margin to dealers and retailers as well as the transportation cost. Thus, the entire food subsidy is being passed on to the consumers under the Scheme. The scale of issue that was initially 25 kg per family per month has been increased to 35 kg per family per month with effect from 1\(^{st}\) April 2002.

The identification of the *Antyodaya* families and issuing of distinctive Ration Cards to these families is the responsibility of the concerned State Governments. Detailed guidelines were issued to States/ Union Territories for identification of the *Antyodaya* families under the *Antyodaya Anna Yojana* and additional *Antyodaya* families under the expanded *Antyodaya Anna Yojana*. Allocation of food grains under the scheme is being released to the States/ Union Territories on the basis of issue of distinctive *Antyodaya Anna Yojana* Ration Cards.

\(^{46}\) *Ibid.*

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to the identified Antyodaya families. The present monthly allocation of food grains under Antyodaya Anna Yojana is around 8.50 lakh tonnes per month.

The Antyodaya Anna Yojana Scheme has been expanded in 2003-2004 by adding another 50 Lakh Below Poverty Line households headed by widows or terminally ill persons or disabled persons or persons aged 60 years or more with no assured means of subsistence or societal support. With this increase, 1.5 crore (i.e. 23 per cent of Below Poverty Line) families have been covered under the Antyodaya Anna Yojana

As announced in the Union Budget 2004-05, the Antyodaya Anna Yojana has been further expanded by another 50 Lakh BPL families by including, inter alia, all households at the risk of hunger. Orders to this effect have been issued on 3rd August 2004. In order to identify these households, the guidelines stipulate the following criteria:

1. Landless agriculture labours, marginal farmers, rural artisans/craftsmen, such as potters, tanners, weavers, blacksmith, carpenters, slum dwellers, and persons earning their livelihood, on daily basis in the informal sector like porters, coolies, rickshaw pullers, hand cart pullers, fruit and flower sellers, snake charmers, rag pickers, cobblers, destitute and other similar categories irrespective of rural or urban areas.

2. Households headed by widows or terminally ill persons or disabled persons or persons aged 60 years or more with no assured means of subsistence or societal support.

3. Widow or terminally ill persons or disabled persons or persons aged 60 years or more or single women or single men with no family or societal support or assured mean of subsistence.

4. All primitive tribal households.
With this increase, the number of Antyodaya Anna Yojana families has been increased to 2 crore (i.e. 30.66 per cent of Below Poverty Line families). As announced in the Union Budget 2005-06, the Antyodaya Anna Yojana has further been expanded to cover 50 lakh Below Poverty Line households thus increasing its coverage to 2.5 crore households (i.e. 38 per cent of Below Poverty Line). As on 30.04.2009, 242.75 Lakh Antyodaya Anna Yojana families have been covered by the States/UTs under this scheme.

Order related to Public Distribution System also apply to Antyodaya Anna Yojana, Since Antyodaya Anna Yojana is a component of the Public Distribution System. For instance, the order of 23rd July directing State Governments to ensure regular supply of grain to the ration shop applies to Antyodaya Anna Yojana also. The State Governments were requested to consider providing grain free of cost to those who are so poor that they are unable to lift their quota, even at the highly subsidized Antyodaya Anna Yojana prices. The Central Government "shall formulate the schemes to extend the benefits of the Antyodaya Anna Yojana to the destitute section of the population." The Supreme Court declared that all households belonging to six priority group would be entitled to Antyodaya cards. More precisely, the Government of India was directed to place on Antyodaya Anna Yojana category the following groups of persons; Aged, infirm, disabled, destitute men and women, pregnant and lactating women; Widows and other single women with no regular support; Old person (aged 60 or above) with no regular support and no assured means of subsistence; Households with a disabled adult and assured means of subsistence; Households where due to old age, lack of physical or mental fitness, social customs, need to care for a disabled, or other reasons, no adult member is available to engage in gainful employment outside the house; Primitive Tribes.

48 Ibid.; (Order dated 29th October, 2002).
49 Ibid.; (Order dated 20th April, 2004).
Possession of a Below Poverty Line card is not necessary for inclusions in the *Antyodaya Anna Yojana* category. The Central Government was directed to issue guidelines to this effect. The court asking the Central Government to direct the State Government to "accelerate the issue of *Antyodaya* cards especially to primitive tribes". Further, "the guidelines issued to State Government shall be implemented in letter and spirit." The State Governments were directed to complete the identification of the *Antyodaya Anna Yojana* families and the distribution of the *Antyodaya Anna Yojana* cards “by the end of the year (i.e. 2004)”, and to begin the distribution of grain to *Antyodaya Anna Yojana* cards holders “immediately”. Further, *Antyodaya Anna Yojana* cards holders “should not be made to pay, directly or indirectly, and amount other than worth they are liable to pay for the supply taken”.

iii. Mid-Day Meals Scheme

In mid-1995, the Government of India launched a new “centrally sponsored Scheme.” Under this program, cooked mid-day meals were to be introduced in all government and government-aided schools within two years. In the intervening period, state governments were allowed to distribute “dry rations” to school children instead of cooked meals. This scheme was-launched as a two-pronged strategy-to lower the widespread incidence of malnutrition primarily among the children of poor families and to increase their access to education. The scheme focuses both on food as well as its nutrition value, thus considers both.

The Mid-day Meal Scheme is the popular name for school meal programme in India which started in the 1960’s. It involves provision of lunch free of cost to school-children on all working days. The key objectives of the programme are:

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53 J. Dreze & A. Goyal, The future of Mid-day Meals, Centre for Development Economics at the Delhi School of Economics, (1 August 2003).
The scheme has a long history; especially in the state of Tamil Nadu, introduced state wide by the then Chief Minister K. Kamaraj in 1960s and later expended by M.G. Ramachandran government in 1982 has been adopted by the most of the States in India after a landmark direction by the Supreme Court of India on November 28, 2001.\textsuperscript{54}

On November 28, 2001 the Supreme Court of India passed an order stating\textsuperscript{55}: “We direct the State Governments/ Union Territories to implement the Mid-Day Meal Scheme by providing every child in every Government and Government assisted primary school with a prepared mid-day meal with a minimum content of 300 calories and 8-12 grams of protein each day of school for a minimum of 200 days.” This landmark order was one of the first achievements of the right to food campaign. The order was followed by organized public pressure for the introduction of cooked mid-day meals in primary schools, e.g. in the form of a country-wide “day of action on mid-day meals” in April 2002.

In response to this pressure, and to the Court orders, all state governments have initiated mid-day meal programmes. Today, with more than 100 million children covered, India’s mid-day meal programme is by far the largest nutrition programme in the world. The quality of mid-day meals, however, varies a great deal between different states. Some states, notably in southern India, have

\textsuperscript{54} Supra n. 03.
\textsuperscript{55} Ibid.
reasonably good midday meals on a shoestring budget, mainly to appease the Supreme Court. The campaign focuses not only on the implementation of Supreme Court orders but also on quality issues.

The provision of cooked mid-day meals in primary school is an important step towards the right to food. Indeed, mid-day meals help to protect children from hunger (including “classroom hunger”, a mortal enemy of school education), and if the meals are nutritious, they can facilitate the healthy growth of children. A side from this, mid-day meals can be seen as a source of economic support for the poorer sections of society, and also as an opportunity to impart nutrition education to children. For all these reasons, the Supreme Court order on mid-day meals has been widely welcome, especially among disadvantaged sections of society. Further orders have been issued from time to time also. The landmark order of 28th November, 2001 clearly directed all State Governments to introduce cooked mid-day meals in primary schools.

A series of follow up orders were issued on 20th April 2004, to speed up the implementation of earlier orders, improve the quality of mid-day meals, and address various concerns raised in the commissioner’s reports. The Food Corporation of India is to “ensure provision of fair average quality grain” for midday meals. Joint inspections of the grain or to be conducted by the Food Corporation of India and State Governments. “If the food grain is found, on joint inspection, not to be of faire average quality, it will be replaced by the Food Corporation of India prior to lifting.

Campaigning around the issue of mid-day meals for schoolchildren has been an important focus of the Right to Food Campaign, with activities taken up by different groups in many states. We will collect details of such activities as they come in from different parts of the country. The first major nationwide event of this kind was the “Action Day” of an April 2002. This was the first major activity of the right to food campaign. The action day followed an appeal
launched by Bharat Gyan Vigyan Samiti on 17th February 2002, the “Dhanyaved appeal”, and played a major role on kick-starting the midday meal campaign amount the country.\textsuperscript{56}

In September 2004 the scheme was revised to provide cooked mid-day meal with 300 calories and 8-12 grams of protein to all children studying in classes 1st-Vth in Government and aided schools and Employment Guarantee Scheme centres. In addition to free supply of food grains, the revised scheme provided central Assistance for:-

a) Cooking cost at Rs.1 per child per school day;

b) Transport subsidy was raised from the earlier maximum of Rs.50 per quintal to Rs. 100 per quintal for special category states, and Rs.75 per quintal for other states;

c) Management, monitoring and evolution cost 2 per cent of the cost of food grains, transport subsidy and cooking assistance;

d) Provision of mid-day meal during summer vacation is drought affected areas.

In July 2006 the Scheme was further revised to provide assistance for cooking Cost at the rate of (a) Rs.1.80 per child/ school day for States in the North Eastern region, provided the North Eastern States contribute Rs.0.20 per child/school day, and (b) Rs.1.50 per child/school day for other States and Union Territories, provided that these States and Union Territories Contribute Rs. 0.50 per child/school day.

In October 2007, the Scheme has been further revised to cover children in upper primary (classes VI to VIII) initially in 3479 Educationally Backwards Blocks. Around 1.7 crore upper primary children are expected to be included by this expansion of the scheme.

The programme will be extended to all area across the country from 2008-09. The calorific value of a mid-day meal at upper primary stage has been fixed at a minimum of 700 calories and 20 grams of protein by providing 100 grams of food grains (rice/wheat) per child/school day.

The revised scheme provides the following components:

- Supply of free food grains (wheat/rice at 100 grams per child per school Day from the nearest Food Corporation of India godown.

- Reimbursement of the actual cost incurred in transportation of food grains from nearest Food Corporation of India godown to the Primary School subject to the following Ceiling:-

  - Rs.100 per quintal 11 Special category states viz. Arunachal Pradesh, Assam, Meghalaya, Mizoram, Nagaland, Tripura, Sikkim, J&K, Himachal Pradesh and Uttarakhand, and

  - Rs.75 per quintal for all other States and Union Territories.

- Provision of assistance for cooking cost at the following rates:-

  - States in North-Eastern region: @ Rs.1.80 per school day provided the State Government contributes a minimum of 20 paise.

  - For other States & Union Territories: @ Rs. 1.50 per child per school day provided the State Governments/Union Territories administration contributes a minimum of 50 paise.

Hunger and Under Nourishment problems are prevalent among children. According to Mid-term Appraisal of the Ninth Plan, this scheme has with time, fallen prey to the ills of mal-distribution, corruption and politicking nevertheless, the coverage of Mid-Day Meal
programs have steadily expended during last two years, and cooked meals are rapidly becoming part of the daily school routine across the country.\textsuperscript{57}

As argued previously, these problems are a result of poor governance, lack of willingness on the part of government to fulfil its obligations under the Right to food. States parties are obliged under the international human rights law to develop and maintain mechanisms to monitor progress towards the realization of the right to adequate food for all, to identify factors and difficulties affecting the degree of implementation of their obligations, and to facilitate the adoption of corrective legislation and administrative measures.\textsuperscript{58} This failure to adequately monitor and intervene constitutes a human rights violation.\textsuperscript{59} Governments cannot adequately assess their progress in realizing economic rights, including the Right to Food, unless they are “aware of the extent to which various rights are, or are not, being enjoyed.”\textsuperscript{60} The government has failed to ensure freedom from hunger as a result of administer the Mid-Day Meal programme.

According to Survey\textsuperscript{61} only 5 of 81 sample school reported occasional gaps in the provision of mid-day meals; pupil enrolment in class-I rose by 15 per cent in the sample villages after Mid-Day Meal were introduced; the surge in class-I enrolment is almost twice as large for girls (19 per cent) as far boys (10 per cent); Mid-Day Meal testers social equity and about 90 per cent of parents favour the continuation of Mid-Day Meal, rising to 96 per cent among Schedule caste/Schedule tribe parents. However, the Survey also highlighted the areas of concern as” Mid-Day Meal are under-funded and the

\textsuperscript{57} Under this program more than 1 million Children are. being targeted for coverage. The Plan allocation for 2002-03 is Rs. 105.7 million as against Rs. 93 million in 2001-02. See Indian Budget 2002-03, “Social Sectors”, Economic Survey 2003-04, 2002-03, retrieved from www. India budget, i.e. in/es 2002-03/chapt 2003/ Chap 107. Pdf.

\textsuperscript{58} General Comment 12, Paragraph 31.

\textsuperscript{59} Guideline 15 (t), the Maastricht Guidelines.

\textsuperscript{60} General Comment 1, paragraph 3

\textsuperscript{61} The survey Conducted under the auspices of the Centre for Equity Studies(New Delhi), Covered 81 randomly selected schools of three sample states: Chhattisbhar, Rajasthan and Karnataka, (2003).
infrastructure is inadequate; one third of the sample teachers felt that Mid-Day Meal “disrupt classroom activity”, due to poor logistics; frugal lunch menus (e.g. ghoogri day after day in Rajasthan) have severely diluted the nutrition impact\(^{62}\) and quality aspects of Mid-Day Meal; also in many villages there is evidence of caste discrimination, for instance dalits are not allowed to cook the Mid-Day Meal. There are serious problems relating to the infrastructure and logistics of Mid-Day Meal like make shift and hygienic cooking conditions, shortage of cooking utensils, disruption in supply of food grains due to paucity of funds, corruption and theft (one example is the “leakage” of grain between Food Corporation of India god owns and the schools, or the furtive replacement of high quality grain with low-quality grain by enterprising intermediaries); loose maintaining and supervision; sharp contracts in quality of Mid-Day Meal across the country and the allocation of funds for the programs has not been commensurate with the requirement.\(^{63}\)

There have been two crucial Supreme Court orders on mid-day meal: on 28\(^{th}\) November 2001 and 28\(^{th}\) April 2004, respectively. Further orders have been issued time to time also. The first landmark order\(^{64}\) clearly directed all States Governments to introduced cooked mid-day meal in primary schools:

“The State Governments/Union Territories to implement the Mid-Day Meal Scheme by providing every child in every Governments and Government assisted Primary School with a prepared mid-day meal with a minimum content of 300 calories and 8-12 grams of protein each day of school for a minimum of 200 days.” This was supposed to be done within 6 months. However, most State Governments took much longer, prompting the Supreme Court to issue stern reminders to them from time to time. A series of follow up

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\(^{64}\) Supra n. 03. (Order dated 28\(^{th}\) November, 2001).
orders were issued on 20\textsuperscript{th} April 2004, to speed up the implementation of earlier orders, improve the quality of mid-day meal, and address various concerns raised in the commissioners’ reports. These orders include Timely compliance: “All such States and Union Territories who have not fully complied with the order dated 28\textsuperscript{th} November 2001 shall comply with the said direction fully in respect of the entire States/Union Territories....not later than 1\textsuperscript{st} September 2004.”\textsuperscript{65}

The meal is to be provided free of cost. Money for the meal is not be collected from the parents or children under any circumstances.\textsuperscript{66} “In appointment of cooks and helpers, preference shall be given to the Dalits, Schedule caste and Scheduled Tribes.”\textsuperscript{67}“In drought affected areas, mid-day meal shall be supplied even during summer vacations.”\textsuperscript{68} The Central Government was directed to “make provisions for construction of kitchen sheds” and also to contribute to the cooking costs. “Attempts shall be made for better infrastructure, improved facilities (safe drinking water etc.), closer monitoring (regular inspection) and other quality safeguards as also the improvements of the contents of the meal so as to provide nutritious meal to the children of the primary schools.”\textsuperscript{69}

The Food Corporation of India is to “ensure provisions of fair average quality grain” for mid-day meal. Joint inspections of the grain are to be conducted by the Food Corporation of India and the State Governments. “If the food grains are found, on the joint inspection, not to be of fair quality, it will be replaced by the Food Corporation of India prior to lifting.”\textsuperscript{70} The Government of India was directed to file an affidavit within 3 months, “Stating as to when it is possible to extend the scheme up to the 10\textsuperscript{th} class in compliance with the announcement

\textsuperscript{65} Ibid.; (Order dated 20\textsuperscript{th} April, 2004).
\textsuperscript{66} Ibid.; (Order dated 20\textsuperscript{th} April, 2003).
\textsuperscript{67} Ibid.
\textsuperscript{68} Ibid.
\textsuperscript{69} Ibid.
\textsuperscript{70} Ibid.; (Order dated 28\textsuperscript{th} November, 2001).
made by the Prime Minister."\(^71\) In response to this, an affidavit was filed by the department of Elementary Education (Ministry of Human Resources Development) in 2004.

In October 2004, the court noted that some progress had been made with the implementation of earlier order on mid-day meal. However, the feedback received from the States made it clear that implementation was being held up by a lack of funds in many cases. The court then directed the Central Government to provide financial assistance of “one rupee per child per school day” to meet cooking costs. The court also clarified that the responsibility to monitor the implementation of the mid-day meal scheme “essentially lies with the Central Government”.\(^72\) Again, the court stressed the urgency of the situation and directed that “every child eligible for a cooked meal under the Mid-Day meal Scheme in all States and Union Territories shall be provided with the said meal immediately.”

iv. **Sampoorna Grameen Rozgar Yojana**

The initial People’s Union for Civil Liberties petition, submitted in April 2001 argued that assumed employment at a living wage is the best protection against hunger. In this and other ways, the right to food is closely connected to the right to work. Employment issues have figured in the Supreme Court hearings from time to time. The then Prime Minister in his Independence Day Speech, on 15.8.2001 announced to introduction of a Universal Food for Work Programme to be called “**Sampoorna Gramin Rozgar Yojana**” in all the States/Union Territories for organising various employment generation programmes. Under the scheme, 50 lakh tonnes of food grains is to be allotted to the State/Union Territories freed of cost by Ministry of Rural Development. Ministry of Rural development will reimburse the cost of food grains at economic cost prevailing at the time. The Ministry of Rural Development, which is the nodal central Ministry for the

\(^71\) *Ibid.*; (Order dated 20\(^{th}\) April, 2004).
\(^72\) *Ibid.*; (Order dated 17\(^{th}\) October, 2004).
programme launched the scheme on 25.09.2001 by merging the ongoing Scheme of Jawahar Gram Samridhi Yojana and Employment Assurance Scheme.

The Sampoorna Gramin Rozgar Yojana is a centrally sponsored employment Scheme. It was initiated in August 2001, and officially aimed at generating 100 crore person-days of employment each year. The main objectives of the Scheme:

1. Primary objective of the Scheme is to provide additional wage employment in rural areas. Thus, provide food security and Nutritional level.
2. Secondary objective is the creation of durable community, social, economic assets and infrastructural development in rural areas.

The Scheme had special provision for women, Scheduled Castes, Scheduled Tribes and parents of children withdrawn from hazardous occupations. While preference if given to families below the poverty time, people who live above the poverty line too are eligible under this scheme. While providing employment preference shall be given to agricultural wage earners, non-agricultural unskilled wage earners, marginal farmers, women, members of the Scheduled Castes/Schedule Tribes and parents of child labour withdrawn from hazardous occupations, parents of handicapped children or adult children of handicapped parents who want to work for wage employment.

The Sampoorna Gramin Rozgar Yojana will be open to all rural poor who are in need of wage employment and desire to do manual and unskilled work in and around his village/habitat. The programme is self-targeting in nature.

Under the Scheme, funds and food grains would be allocated to the States/Union Territories based on proportion in the country or such other criteria as decided by the Central Government from time to time.
time. At the District level, the allocation of funds and food grains will be made according to the index of backwardness formulated on the basis of the proportion of rural Scheduled Caste/Scheduled Tribe population in the State and inverse of per-capita production of the agriculture workers in that district. Equal weight age will be given to these two criteria, while allocating funds and food grains to the district.

v. Food-for-Work

Food-for-work programs have a long history in India. These have been often implemented during periods of drought. In this program, people are paid remuneration in terms of food for work done by them instead of payment being made in money. It serves many purposes, like it ensures that there is no starvation, increases the availability of food grains for those in the poor families who are not participating as manual labour in the Food-for-Work programme such as children, old people etc., leakages will not be as high as in the case of other wage employment programs and the poor are able to stock surplus food which comes in handy, even when such work are withdrawn.

Under Sampoorna Gramin Rozgar Yojana, 5 million tonnes of food grains is to be made available by the Government of India to the States annually. Actual off take during 2001-02 and 2002-03 has been 4.72 and 5.48 million tonnes, which is quite satisfactory.\textsuperscript{73} Again, some statistics presented in the parliament show that of the 2.2 million tonnes of cereals that have been allocated free of cost to nine states, only 1.3 million tonnes have been used.\textsuperscript{74} However, it is desirable to link supply of food grain as a part of wages through such schemes, like other social and food assistance programmes. Food-for-work programs also suffer from administrative, bureaucratic and other bottlenecks. For instance, due to lack, of clarity whether Food

\textsuperscript{73} Supra n. 17.
\textsuperscript{74} C.R. Reddy “Crime of food Surpluses,” The Hindu, (1 September 2001).
Corporation of India was to release food to the states totally free, or only after being paid by the Ministry of Rural Development, release of food to the states was often delayed; the fudging of muster rolls and measurement books is very common resulting in huge loss of funds which could otherwise hence been used for building rural infrastructure; in many states projects were being executed by using trucks, tractors and other machines instead of more labor intensive approaches thereby defeating whole purpose of the program.

Food-for-work was revived in January, 2001 in many part of the country, especially Rajasthan, Gujarat, Madhya Pradesh and Orrisa. The implementation of the program in Rajasthan highlights the disregard of obligations and violation of the covenant and domestic laws by the government. Despite being required to give work to “every person who comes for work on a relief work,” the Government of Rajasthan has introduced arbitrary “ceilings” on the numbers of person that are to be given employment through relief works. The ceiling on the numbers of labourers employed was 19.3 million in January and 49.6 million in March. The latter represents only 1.5 per cent of the drought-affected population by the Government’s own statistics. In addition, a ceiling of 15 days as opposed to 200 days on the number of days of employment per labour in a particular month has been imposed. Further, employment per labourer in a particular month has been imposed. Further, employment actually given is well below the “ceiling”, like in January the government employed only 12 million people as against a ceiling of 19.3 million. Also in many states there has been failure to pay the legal minimum wage of Rs.60.

Imposition of such arbitrary ceiling is prima-facie in contravention of the national Famine Code and the international obligations under the Covenant. Such ceiling are a step backwards

75 The Famine Code, clause 75.
76 Supra n. 17.
77 GC 12, Para 14.
in the fight against of legislation or policies which are manifestly incompatible with pre-existing legal obligations relating to these rights amounts to violation of the economic, social and cultural rights. Furthermore, in general the Government of India is also in violation of Article 2 of the Covenant due to failure to utilize maximum available resources. The failure to utilize maximum resources towards the full realization of the International Covenant on Economic, Social and Cultural Rights is a violation of economic, social and cultural rights.

The underutilization of available resources is reflected in the fact that 38 million tons of the food grains are rotting in the bursting granaries of Food Corporation of India, whereas 46 per cent of persons are chronically deficient (in 1991) and severe under nourishment was observed among 9 per cent. In other words, half of the population in the country is malnourished. Thus, at the very least, all surplus stock should be used to help low-income families achieve economic and food security. In addition, the government has increased budgetary allocation for the department of food and public distribution is directed towards a cost of food subsidy, which is mainly geared to keep food prices high for the farmers in general rather than to make food prices low for the poor to buy the food. While there is no conflict between these two interests as they operate in two different spheres and incentive to farmers for higher production cannot be undermined, the government should simultaneously also adopt policies ensuring food security to poor families who cannot afford enough food. Thus, there should be an accommodation of afford enough food. Thus, there should be an accommodation of these rights and interests in the policies and practices, which is, accommodating farmers' interests on one hand and poor families on the other.

Guideline 14(d), the Maastricht Guidelines.
Guideline 15(e), the Maastricht Guidelines; ICESR, Article 2.1
Based on the Body Mass Index (BMI), an indicator of under nourishment; and C.Consalves "sabotaging Welfare", retrieved from www.geo-cities.com. on 12/03/2014 3:09 P.M.
Moreover, the government has failed to devote sufficient resources. Violation of the Covenant occurs when a state fails to ensure the satisfaction of, at the very least, the minimal essential level required to be free from hunger. Resource constraints do not free the government responsibility; it still has to show that every effort has been made to use all resources at its disposal in an effort to satisfy, as a matter of priority, those minimum obligations.81

Under International Law, the Indian Government must ensure, at a minimum and regardless of resources, freedom from hunger. The Indian Government, however, failed in this regard. This failure represents nothing more than a lack of political will. As the nation acclaming record surplus grain stocks, India can certainly make no excuse based on a plea of inadequate resources. The statistics of the Government of India show that requirement of funds for supplementary Nutrition ranges from Rs. 20502.7 to 12805.5 million, whereas the funds earmarked for allocation are Rs.12036.5 million only.82 It is, of course, obvious that the government spending on different sector is a question of definitions of priorities. In the era of marketisation, public spending on social security sectors such as food and health has given way to spending on areas whose relevance to the immediate or long-term interests of the poor is not obvious: for example, Information Technology education or building of State-of-the-art airports.83

Thus, the government chooses to use its financial resources elsewhere in what V.R. Krishana Iyer once called, “a perverse expenditure logic.” In addition to the above policy measures, more significant and landmark developments have taken place through judicial activism in the Indian judiciary. Although in this time of

82 Food and Nutrition Security, 10th Five-Year Plan Ch. 3.3, Planning Commission, Government of India, P. 363 retrieved from www.planning.gov.in. >on 12/03/ 2014/3:29P.M.
crisis, states and central governments have failed to meet their responsibilities and obligations towards hunger-sticker citizens, the Supreme Court has played a pro-active and significant role to ensure the implementation of the food assistance schemes which until now, were existing more or less in paper only.

Supreme Court Order Speedy implementation: Several directions were issued to the effect that Sampoorn Gramin Rozgar Yojana should be implemented “expeditiously” by the Central Governments and the State Governments. In particular funds should be released on time and fully utilized, and Sampoorn Gramin Rozgar Yojana funds should not be diverted for other purposes.”84“The respondents shall focus the Sampoorn Gramin Rozgar Yojana towards agriculture wage earners, non-agriculture unskilled wage earners, and marginal farmers and, in particular, Scheduled Caste and Scheduled Tribe persons whose wage income constitutes a reasonable proportion of their household income and to give priority to them in employment, and within this section shall give priority to women”.85

The Supreme Court directed the Government to “double” the scale of Sampoorn Gramin Rozgar Yojana, in view of draught conditions prevailing in large part of the country: “The present Sampoorn Gramin Rozgar Yojana system should be expanded, at least doubled, both in terms of allocation of food-grains and cash for the month of May, June, and July of 2003”.86 “This direction for doubling the food grains as also cash in terms of the earlier order shall be applicable for year, 2004 also.”87 Wage payments under Sampoorn Gramin Rozgar Yojana are to be made on a weekly basis.88 The use of contractors is “prohibited”.89

84 Supra n. 03, (Order dated 8th May, 2002).
85 Ibid.
87 Ibid.; (Order dated 20th April, 2004).
88 Ibid.
89 Ibid.; (Order dated 8th May, 2002).
to pay minimum wages to the workers under the scheme.”90 The State Governments were also directed to stop use of labour-displacement machines under Sampoorn Gramin Rozgar Yojana.91

Gram Panchyats are entitled to frame employment generation proposals in accordance with the Sampoorn Gramin Rozgar Yojana guidelines for creation of useful community assets that have the potential for generating sustained and gainful employment.” Further, “these proposals shall be approved and sanctioned by the Gram Panchyats and the work started expeditiously.”92 Gram Sabhas are entitled to conduct social audits of Sampoorn Gramin Rozgar Yojana (and indeed of all food-related schemes). On receipt of any complaint of misuse of funds from the Gram Sabhas, the implementing authorities shall “investigate and take appropriate action in accordance with the law”.93 “Access to all public documents including all muster rolls shall be allowed to such persons who seek such access and the cost of supplying documents shall not be more than the cost of providing copies of the documents”.94

vi. The National Old Age Pension Scheme

The National Old Age Pension Scheme was introduced by the then Government in 1995 as a response to the deprivation and insecurities faced buy our elderly. It has certainly proved to be beneficial. The pension amount being given is found to have been spent on meeting daily household expenditure and its accounts for about 25-40 per cent of the total annual income of poorer households. Therefore, its benefits are undeniable but they are not sufficient.

Objective of the Scheme is to disburse pension to the Destitute Old Age Pension. The beneficiaries of the Scheme are Old Age Persons who are 65 years and above, belonging to households below the

90 Ibid.; (Order dated 20th April, 2004).
91 Ibid.
92 Ibid.; (Order dated 8th May, 2002).
93 Ibid.
94 Ibid.; (Order dated 20th April, 2004).
poverty line and 60 years and above for persons affected by leprosy, blindness, insanity, paralysis and loss of limb, other benefits given under this scheme re that twice in a year for Deepavali and Pongal festivals one free Dhoti for each male and one free Saree for each female are supplied. All the pensioners are supplied daily with free Nutritious meal. 2 Kilogram of rice per month to those who are not taking Nutritious meal are supplied at free of cost. Under the scheme, financial assistance is provided to the selected beneficiaries as per the following criteria:

- Age of the applicant (male or female) is 65 years or more.
- The applicant's family falls under the Below Poverty Line, Category as per Regional Health Survey.

The amount of Age Pension was increased fourfold i.e. from Rs.100- per month to Rs.400- per month during the financial year, which is shared equally by the Central and State Governments. Previously the central Government contributed Rs.75- per person and the balance Rs.25- was contributed by the State Government. In order to improve delivery of services to the Gram Panchyat were conferred sanctioning authority, previously vested in the Sub divisional Officer. From November 2007, the National Old Age Pension Scheme has been renamed as Indira Gandhi National Old Age Pension Scheme. The benefit of pension has been extended to all individuals who have attained the age of 65 years as on November, 2007 and are enlisted in the list of Below Poverty Line families.

In March 2011 the Cabinet has approved lowering the age limit for the Indira Gandhi National Old Age pension Scheme from 65 years to 60 years and increasing the rate of pension from Rs.200 to Rs.500 to persons of 80 years and above. The revised norms would be applicable with effect from April 2011. However, over a period, gaps were noticed which needed rectification. One was the low amount of pension being provided. The other was the restriction of coverage only to destitute.
Supreme Court Order directed the State Governments to complete the identification of persons entitled to pension under National Old Age Pension Scheme, and to ensure that the pensions are paid regularly.\footnote{Ibid.; (Order dated 28th November, 2001).} Payment of pensions is to be made by the 7th day of each month.\footnote{Ibid.} The scheme must not be discontinued or restricted without the permission of the Supreme Court.\footnote{Ibid.; (Order dated 27th April, 2004).} This actually applies to all the schemes covered by the interim order. However, it is particularly relevant to schemes such as National Old Age Pension Scheme, because these schemes are quiet “fragile”: There are no strong lobbies to defend them, and they often come under the financial axe when State Governments face a financial crises. The National Old Age Pension Scheme grants paid by the central Governments to the State Governments under “Additional Central Assistance” should not be diverted for any other purpose.\footnote{Ibid.; (Order dated 18th November, 2004).}

vii. The National Maternity Benefit Scheme

The National Maternity Benefit scheme came into effect in August 1995 as part of the National Social Assistance Program.\footnote{Deptt, of Rural Development, “National Assistance Programme” retrieved from http://rural.nic.in. on 11/04/2014/6:06P.M.} National Maternity Benefit scheme provides Rs.500 in cash assistance to pregnant women living below the poverty line for her first two births provided she is 19 years or older. The benefit is to be given several weeks before delivery and used for nutrition and other needs. In reality though, intended beneficiaries of the scheme rarely have received the funds. The target for the scheme in the budget of 1995-96 was about 58 lakh pregnant women. By 2002-03 only 10 or 11 lakhs were receiving the benefit according to government figures. Further, studies revealed that women rarely received the benefit during the last few months of pregnancy as the Scheme intended.
As part of the right to food case, the Supreme Court ordered on November 11, 2001 that the State governments fully implement the National Maternity Benefit Scheme. The court directed that the beneficiaries should receive the program’s Rs. 500 cash assistance eight to twelve weeks prior to delivery. In 2004, the court heard complaints that schemes under National Social Assistance Programme were being discontinued by the states. The court issued an interim order in April 2004 saying that were of the National Social Assistance Programme, including National Maternity Benefit scheme, should be discontinued.

In May 2005, the government asked whether it could replace the National Benefit Scheme with Janahi Suraksha Yojana. The Court asked the government to provide more information about this proposal. It ordered though “meanwhile, the existing National Maternity Benefit Scheme will continue.”

However, in seeming contempt of the Court’s previous directions the scheme had already been replaced by the government by May 2005. According to the government, on April 12th, 2005, the National Maternity Benefit Scheme was replaced with Janahi Suraksha Yojana. No one interview for this study reported participating in a scheme or its requirements in the last year. Although National Maternity Benefit Scheme is still listed on the Ministry of Rural Development’s website, the government’s own admission and the situation on the ground in Madhya Pradesh Confirms that National Maternity Benefit Scheme is no longer being implemented. This is in direct conflict with the Supreme Court’s orders in the right to food case and must be remedied immediately. Results clearly prove that now. No scheme to fulfil the specific nutritional requirements of the pregnant women is being implemented by the Government, now they have converted the previous National Maternity Benefit Scheme Scheme, which used to provide support to

100 Supra n. 03.
address nutritional needs of pregnant women, in to a technical medical support scheme- Janahi Suraksha Yojana.

Under Janahi Suraksha Yojana the government provides a cash incentive for pregnant mothers to have institutional births as well as pre-and ante-natel care. According to the October 2006 Janahi Suraksha Yojana guidelines, all women in Low per States, like Madhya Pradesh, receive cash assistance if they have their body in a government health centre or accredited private institution. In rural areas they receive Rs. 1400 and in urban areas Rs.1000. The money is to be dispersed at the cash assistance 8-12 weeks before delivery to help with nutrition and other expenses the government states that “the cash assistance to the mother (Under Janahi Suraksha Yojana) is mainly to meet the cost of delivery.101

As with other food related schemes, the Supreme Court order calls for prompt implementation of the National Maternity Benefits Scheme.102 As with National Old Age Pension Scheme, this scheme is not to be discontinued or restricted in any way without the permission of the Supreme Court.103 The Supreme Court refused to allow the Government of India to phase out National Maternity Benefits Scheme and provide maternity benefits under a new scheme, Janani Surksha Yojana. The reason for this refusal is that it is not clear whether the new scheme preserves all the benefits available under National Maternity Benefits Scheme, as the government claims. The court requested the government to submit further information on Janani Surksha Yojana, and asked the commissioner to “examine the matter in depth and file a report”. Meanwhile the existing National Maternity Benefits Scheme will continue.104

102 Supra n. 03.; (Order dated 28th November, 2001).
103 Ibid. (Order dated 27th April, 2004).
104 Ibid. (Order dated 9th May, 2005).
viii. The National Family Benefit Scheme.

National Family Benefit Scheme as launched in the year 1995 and it is implemented by the Ministry of Rural Development, Government of India to assist the families living under below the poverty line. The objective of the National Family Benefit Scheme is to provide financial assistance to the households below the poverty line on the death of primary breadwinner. The “primary breadwinner” has been defined a member of the family whose earnings contribute substantially to the total household income.

The financial assistance is given to the family on the death of the breadwinner in the family. The death of such primary breadwinner should have occurred whilst or she is 18 to 64 years of age. It is given to the nominee of the deceased person. The primary breadwinner will be the member of the household (male or female) whose earnings contribute the largest proportion of the total household income. Suicidal cases will not be covered under the scheme.

The bereaved household must be qualified a one below the poverty line according to the criterion prescribed by the Govt. of India. The Family benefit will be paid to such surviving member of the household of the deceased who, after due local enquiry is determined to be the head of the household (household include spouse, minor children, unmarried daughters and dependent parents). Claims shall be entertained only if the person is residing in the Mandal for more than 3 years. The scheme is not applicable if the deceased person has a son of more than 17 years.

The allowance which is Rs. 5000 in the case of death due to natural causes and Rs.10,000 in the case due to accidental causes will be the ceilings for purpose of claiming Central Assistance.

The National family Pension Benefit Scheme is a centrally sponsored scheme for which 100 per cent the Central Government
makes central assistance available to the States /Union Territories to provide benefits to the older person according to the norms, guidelines and condition laid-down. The funds are released directly to the districts in two installments during a year. The scheme is implemented by the district level implementing authorities headed by the District Collector/Magistrate/Deputy Commissioner. It is implemented with the assistance of the Panchayats and Municipalities in the delivery of social assistance to make it more responsive and cost effective.

**ix. Annapurna Scheme**

The Ministry of Rural Development has been chosen as the Nodal Ministry to implement the scheme. The Scheme has been launched w.e.f. 1 April 2000. The “Annapurna Scheme” had been announced by the Finance Minister in his Budget Speech for the year 1999-2000 to provide food security to those indigent senior citizens who are not covered under the targeted Public Distribution System and who have no income of their own. The Senior citizens of 65 years of age or above who are eligible for old age pension under the National Old Age Pension Scheme but are not getting pension, are covered. 10 kgs. of food grains per person per month are supplied free of cost under the scheme.

From 2002-03, it has been transferred to State Plan along with the National Social Assistance Programme comprising the National Old Age Pension Scheme and the National Family Benefit Scheme. The implementation of the Scheme at the State level rests with respective States/ Union Territories. The number of persons benefiting from the Scheme are not to exceed for the present 20 per cent of the old pensioners within a state. The Gram Panchyat would be required to identify prepare and display a list of such persons after giving wide publicity to the Scheme. 13.76 Lakh beneficiaries would be eligible for coverage under the “Annapurana Scheme” An amount of Rs.100 crores has been provided in the Budget for 2000-01 for the scheme. Thus
during the year 664669 persons only can be covered under the Scheme out of the total Budget Expenditure of Rs100 crores during 2000-01 for “Annapurana Scheme”. Rs 99,04,76,190 has been allocated to the States/ Union Territories Out of this allocation Rs 49,78,43,696 has already been released to 11 States, namely, Andhra Pradesh, Assam, Gujarat, Himachal Pradesh, Madhya Pradesh, Nagaland, Orissa, Rajasthan, Tripura, Uttar Pradesh and Pondicherry. the allocated fund to the remaining States./Union Territories will be released as soon as the required Bank Account Nos. to facilitate remittance are intimated to the Ministry.

**Eligibility Criteria:-**

Central assistance under Annapurna Scheme will be provided to the Beneficiaries fulfilling the following criteria:

a) The age of the applicant (Male or female) should be 65 years or above.

b) The applicant must be “destitute” in the sense of having little or no regular means of subsistence from his/her own source of income or through financial support from family members or other sources. in order to determine destitution, the criteria(if any) currently in force in the State/ Union Territories could also be followed.

c) The applicant should not be in receipt of pension under the National Old Age Pension Scheme or State Pension Scheme.

d) As mentioned above, the beneficiary would be entitled for 10 kg of food grains (wheat or rice) per month free of cost.

**Implementing Authorities:**

a) The Department of Public Distribution, Union Ministry of Consumer Affairs and Public Distribution will ensure the Supply of required quantities of prescribed quality food grains from the god owns of the Food Corporation of India to the agency designated by the State Government.
b) At the State level, the State Department of Public-Distribution (Departments of Food, Civil Supplies and consumer Affairs) and at the District level, the collector/District Magistrate/ Chief Executive Officer, Zila Panchyat will be squarely responsible for the implementation of the Scheme. The State Food, Civil Supplies and Consumer Affairs Department will purchase the food grains from the Food Corporation of India on payment of economic cost and will ensure that Food Corporation of India suppliers the food grains to the district as per district-wise allocations decided by the State Concerned. The collector, through the District officers of the State Food, Civil Supplies and Consumer Affairs Department will responsible for ensuring the availability of food grains at the District Level and for distributing the same through the Network of fair price Shops under The Targeted Public Distribution System. The Collector will make arrangement for the distribution of food grains and issue the Entitlement cards through the Panchyat/ Municipalities and ensure that the Beneficiaries covered under Annapurna are not receiving any old age pension.

Identification of Beneficiaries:-

a) The Gram Panchayat would be required to identify, prepare and display list of persons eligible to receive benefits under the Annapurna Scheme, after giving wide publicity to the Scheme. They will ensure that Beneficiaries under Annapurana are not already receiving and old age pensions. The Panchyat will also be responsible for the distribution of the Entitlement card to Beneficiaries, the distribution of information about the scheme and the produce for security benefits under the same.

b) The Municipalities will be responsible for the above activities in the implementation of the Scheme in their respective area.
c) The State Government communicate the targets for “Annapurna” to the Panchayat. Municipalities for identification of the beneficiaries.

Here again the crucial order goes back to 28th November, 2001, when the Supreme Court directed the governments to “universalize” Integrated Child Development Scheme: we direct the State Governments/Union Territories to implement the Integrated child development scheme in full and to ensure that every Integrated Child Development Scheme distribution center in the country shall provide as under; Each child up to 6 years of age to get 300 calories and 8-10 grams; Each adolescent girl to get 500 calories and 20-25 grams of protein; Each pregnant women and each nursing mother to get 500 calories and 20-25 grams of protein; Each malnourished child to get 600 calories and 16-20 grams of protein; Have a disbursement centre in every settlement.

x. Integrated Child Development Services

Malnutrition among Children and Women is severe in India. Integrated Child Development Services is one of the main programmes for providing nutrition. Integrated Child Development Services is perhaps the largest of all the food supplementation programmes in the world. It was initiated in 1975, aim at the holistic development of children up to six years, besides expectant and nourishing mothers. This is done through a package of six services: health check-ups, immunization, referral services supplementary feeding, non-formal pre-school education, and advice on health and nutrition. In spite of its expansion in the cost three decades, the impact on child nutrition and protecting the rights of the children is quite limited.

Objectives:

i) To improve the health and nutrition status of children of 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 developments 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.


The Scheme was operational in 4384 blocks in 2000. By the end of 2001-02, 5171 blocks/Urban areas are proposed to be covered with implies a 90 percent 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 Integrated Child Development
Services Scheme has been allocated against which Rs.2.159 crore
were spent during the first three years. During the Ninth Plan
Integrated Child Development Services programme in Orissa and
Andhra Pradesh were evaluated by the National Institute of Nutrition.
The World Bank and Government of India have reviewed the
Integrated Child Development Services programme in 1997. The
findings\textsuperscript{106} are:

(a) Integrated Child Development Services Services were much in
demand but there are problems be improving in delivery, quality
and coordination. The programme might perhaps be improving
food security at household level, but failed to effectively address
take 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.

(d) Children irrespective of their nutritional status; There was no
focused attention on management of severely undernourished
children;

(e) No attempt was made to provide ready mixes that could by
again to 67-24 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.

\textsuperscript{106} S. Mahendra Dev, "Right to Food in India" Working Paper no. 50, Centre for
economic and Social Studies, Begumpet, Hyder abad-500016. (2003), P. 98
Inter-sectoral coordination was poor. Efforts are underway to rectify some of these problems. Closer collaboration between the Integrated Child Development Services and the health functionaries at all level is being attempted. Child malnutrition has barely declined at all in a decade and a half, anaemia among women and children has actually risen and a third of all adult women were undernourished at the end of 1990s and also in 2005-06. The scheme has also had limited coverage. Therefore, the answers are increasing coverage to ensure rapid universatization; changing the design; and planning the implementation is sufficient detail that the objectives are not vitiated by the design of implementation.

First, the Integrated Child Development Services has to be universalized. Second, the current Scheme does not focus on children between 0 and 3 years. However, malnutrition sets in utero and is likely to intensity during the 0-3 year period, if not addressed. In fact, this window of opportunity never returns in the lifetime of the child. A child malnourished during 0-3 years will be marred physically and mentally for life. The design of the scheme has to address this problem frontally.

The mother’s malnutrition has knock-on effects on the child’s malnutrition. Exclusive breast feeding for six months is necessary to avoid unnecessary infections to the body, develop the bay’s immunity, and ensure growth. The baby must begin to receive solid, mushy food at 6 months (i.e., together with breast feeds) to continue to grow in the way nature intended her to grow. The Integrated Child Development Services Scheme accordingly needs to be restructured in a manner that addresses some of the weakness that have emerged.

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108 Ibid.
and renders it suitable for universalization. Then programme must effectively integrate the different age groups. 109

Apart from the above preliminary findings of FOCUS110 (Focus on Children Under Six) survey conducted in May –June, 2004 in six states brings out some of the problems and regional disparities in the working of Integrated Child Development Scheme. According to the survey111, Integrated Child Development Scheme is reaching only 12.5 percent of children in the age group 6 months to 6 years. The 11th Five Year Plan 11th Plan and reduce anemia among pregnant women and children to under 10 percent. To achieve these objectives, Integrated Child Development Scheme has to be restructured with higher allocations of funds and effective implementation.

xi. **Improving Agricultural Productivity Scheme**

Improving Agricultural Productivity would improve food security. However, even in green revolution states such as Punjab, productivity has declined in recent years.112 Most states are not importers of food grains. Moreover, agriculture is widely considered to be a part of life rather than an economic undertaking—the continued use of traditional techniques has also resulted in lower productivity. In poorer states, the coverage of irrigation is still very low and government spending on irrigation has not improved.113 An integrated policy homework use of irrigation and the adoption of newer farming technique.

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112 Sidhu has observed that agricultural production and crop yields are stagnating in Punjab. Excessive use of Chemical fertilizers and a near monoculture crop pattern have degraded the soil in the State, 34, (2002).

The Common Minimum Program acknowledgement these concerns: Irrigation will receive the highest investment priority and all on-going projects will be completed according to a strict time Schedule. The United Progressive Alliance Government has introduced a special programme for dry land farming in the arid and semiarid regions of the country. Watershed and Wasteland development programmes also introduced on a massive scale.

The 2003/04 budget also provided funds towards the completion of semi-finished irrigation projects through the Acceleration Irrigation Benefit programme, introduced in 1996/97, and announced various rural credit related provisions, which are expected to influence farmers investment is land and farm machinery. The budget document called for agricultural credit to be doubled in three years, investment in rural infrastructure and the speeding up of irrigation projects.

In India, Production pattern are heavily biased towards wheat rice monoculture. To break this trend, the budget declared: The time has come to encourage our farmers to diversity into areas such a horticulture floriculture and oilseeds; and promised to facilitate this diversification at an early data. Until recently, private participation in agriculture marketing was limited by regulations such as the Agricultural Produce Marketing Regulations Act and the Essential Commodities Act, which hindered rural regions from more value-added production. Modifications to the former Act in 2003 have paved the way for increased private participation in agriculture through contract farming. Further reforms in the existing back dated regulations for improving agribusiness is expected.114

In rural India, over-dependence on land has resulted in high levels of disguised unemployment, although the proportion of the rural population dependant on agriculture is decaling. Enhancing no.-

114 Chakraborty, for a brief discussion of the two acts and problems associated with them, (2003).
form employment by removing bottlenecks faced by village industries should be the cornerstone of any poverty alleviation scheme.  

III. Sum Up

Food is a nutritional, economic and political commodity and since it is so essential for human survival, it is a means of power. Those who have command over food, exercise power and influence political relations. Food is a powerful resource that can be used to influence, manipulate or enforce ones will on others.

Those whose access to food is insufficient and/or insecure are vulnerable and easy objects of control and domination exercised by others who control food. For those less fortunate, food is not a resource in political struggle but an end in itself. Jos Mooij says 'this characterizes the fundamental inequality: the means of some are the ends of others. Food distribution affects the distribution of calories, of economic benefits and of power.'

Accordingly, when a government formulates and implements food policies it has or may have an official or hidden agenda in these three areas: to increase consumption and eliminate malnutrition, to affect prices, incomes and the market structure and to support particular categories of people or political projects. Food policy in India is strategically employed by the Central and State governments to support particular political and economic projects. Over the years, the projects have changed but the general point food policy as a tool in politics - has remained valid. Food policies are shaped in and through political processes. Many stakeholders indulge in political activities with the objective of influencing the food policies (on paper) as well as the real practices of food distribution. On the other hand, once food policy exists, it may affect political relations and balances of

117 ld. at 39.
power. This may be intended (food policies can be used to support particular groups or political projects) but it may also be that shifts in power relations are unintended and perhaps not even wanted by those initiating the policies.

The Indian State is a central agent, which formulates and pursues food policies and puts them into practice based on the available resources and the response of those affected. In addition, state institutions and regulations provide the political environment in which struggles over food and food policy are contested. The form of the state itself influences political mobilization, political capacities and demands of various sectors in society.\(^\text{118}\) Food distribution policy, one can say is not only a part of the overall wider developmental plan but it also has its own objectives of improving the food security both at macro and micro levels.

One should have a food policy that is able to increase the food security so that the have-nots are not dependent on the haves. It should provide for an additional food entitlement relation for the under classes but the strengthening and stabilizing the existing food entitlement is very necessary (through low prices and price stabilization). In addition, food policy should have social and political support. It should have a popular appeal and satisfy various social interests. It is therefore important to make a food policy, which is not only increasing food security but also which is socially popular. Thus the real challenge is to make a food policy which is effective and politically viable.\(^\text{119}\)

Over the last five decades, policies and programmes have been created in order to ensure that the food grains are available to all sections of the society particularly the weaker sections. The policies have ranged from trying to promote domestic food grain production to procurement and storage, Minimum Support Prices, proper

\(^{118}\) Id. at 40.

\(^{119}\) Id. at 251.
distribution of the food grains through the Public Distribution System etc. The Government of India and state-governments for development of agriculture and allied activities have implemented various central sector and centrally sponsored schemes. The Department of Agriculture and Cooperation is responsible for the formulation and implementation of national policies and programmes. The various standing committees are functioning - each looking after a particular aspect/issue of agriculture.

The government announces each season Minimum Support Prices for major agricultural commodities and these are decided according to recommendations of the Commission for Agricultural Costs and Prices. It also provides input subsidies to the farmers for encouraging proper agricultural production. The Food Corporation of India procures foodgrains for buffer stock and Public Distribution System and it provides price support to producers. The second objective is to distribute the food grains at subsidized prices to the poor. The Food Corporation of India and the state governments run the Public Distribution System. Food Corporation of India procures foodgrain from the farmers for the central pool, which is then sold to the state governments. The Central government determines the inter-state allocation of foodgrain, its decision being affected by several factors - the foodgrain production by the states, the demand from the state government, and record of past allocation from the Public Distribution System and the financial capacity of the state. The Central and the state agricultural department need to work in coordination and they must be integrated and made responsible for the total agricultural development.

Up to mid 1991 national policy was mainly concerned with achieving higher levels of food consumption levels for the poorer segment of the domestic population and exports of agricultural products could only be undertaken only after specific clearances. India was following 'food first' policies. The Indian producers were not
making any profits from the upswing in the world commodity prices of the 1970s (food first policies and limited external trade in farm products) but they were not subjected either to the decline in primary product prices, which was disastrous or to the international terms of trade which the developing countries with an export orientation had been facing all through 1980s and which continued into the 1990s. Utsa Patnaik comments that in India, the period up to 1991 represented a food first set of policies leading to a rise in per capita food availability for the population and that despite numerous drawbacks, the Public Distribution System did provide even if not to an adequate extent, access to basic food for important segments of the population in poverty. This food security has been undermined with the 'exports first' policy regime introduced from mid-1991, which has led to the predictable decline in per capita food production.  

The concept of food security has undergone a change in recent years. Earlier the main emphasis was on self-sufficiency but now it has shifted to what Biplab Dasgupta describes as food security by way of trade. However, the global trade is not so integrated that one can buy whatever one wants as very few countries have a surplus in food production and this surplus is not available without political costs. Over the past 66 years since India became independent, the face of food assistance has changed considerably. National assistance policies in the 1960s tended to focus on agricultural production. Food assistance then was mainly absorbed with food availability. Over the years, national food assistance has been driven more by poverty and hunger elimination and currently by the prevention of malnutrition. Stated simply, the assistance strategy overall has moved from 'Food for the Nation' to 'Food for the People' and most recently to 'Food Security for the vulnerable'. Food Security as a separate, designated & dedicated sector is non-existent in India. Rather than as a defined

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explicit policy, food security is pursued under the rubric of agriculture, social welfare, poverty alleviation, employment generation, health and education programmes.\textsuperscript{122}

Today the issue facing India is not just of food availability, but also of food and nutritional security that can be achieved by giving attention to all the three parameters of food availability, food accessibility and food absorption. In addition, the sustainability of food security is equally important and it has two components/aspects: present security and future sustainability. The Food Insecurity Atlas of Rural India points out that Food availability, food access and food absorption is not separate phenomenon - 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.\textsuperscript{123} One would agree that growth in agricultural sectors is a backbone to ensuring a stable food secure situation in India. However, from the mid 1990s there has been a radical change with the reforms initiated at the international level that has had an impact on the agricultural scenario. The developing countries seem to be losing out to developed countries as most of the reform initiatives happen to be in favour of the latter.

The most important Global institution from the point of view of promoting a liberal trade system has been the General Agreement on Tariffs and Trade until 1994 and thereafter the World Trade Organization. India became an initial member of the World Trade Organization, just as it was an original signatory of the general agreement. The World Trade and Development Report comments that the main purpose and objective of the multilateral trade negotiations

\textsuperscript{122} Tackling Hunger, p.5.  
\textsuperscript{123} Food Insecurity Arias of Rural India, World Food Programme & M.S.Swaminathan, Research Foundation, Chennai, (2001), p.5.
is to liberalize trade so that efficiency gains become available to the world economy at large. However it has been recognized that there are unequal players and the developing countries are restricted in their financial and physical capacities to undertake equal commitments.¹²⁴