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Realizing the Right to Food in South Asia

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Abstract

Basic human rights recognize the intrinsic value of freedom, only not for the value of freedom itself, but also for its instrumental role enabling an individual to choose a bundle of commodities and wellbeing. The role of food, a basic necessity of life, in fostering freedom is important, to say the least. South Asian countries have witnessed a substantial increase in food production but nutritional emergency prevails in large regions indicating both failure in food distribution and the lack of capacity to acquire food. Acquiring food is intrinsically related to the availability of work, and people's capacity to undertake work.

This paper surveys the initiatives by the state and civil society in South Asia for ensuring the right of the individual to acquire food, and for that purpose to be able to work and earn. It is argued that in order to ensure the right to food would require not only food and work programmes, but also attitudinal changes in the authorities. Authorities need to consider themselves as duty bearers—not patrons or benevolent lords—so that the civil society can ensure the political freedom of the people to scrutinize the action of governments.

Keywords: human rights, state, civil society, food, South Asia

JEL classification: Q18, O13, R58, N55

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Acronyms

BMI	body mass index, calculated as the ratio of the weight in kilograms and the square of the height in metres
DDP	desert development programme
DPAP	drought prone area programme
FCI	Food Corporation of India
GDP	gross domestic product
GNP	gross national product
MKSS	<i>Mazdoor Kisan Shakti Sangathan</i>
NSSO	National Sample Survey Organization (of India)
SGRY	<i>Sampurna Gramin Rozgar Yojana</i>
SAPs	structural adjustment programmes
WHO	World Health Organization

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1 Introduction

Human rights encompass the fundamental commitment to promote the freedom, wellbeing and dignity of individuals in all societies. One of the basic freedoms is being able to avoid hunger, starvation and undernourishment. Freedom from hunger is closely connected with the provision of food and related necessities. Lack of enough food may force vulnerable individuals to accept a life with limited freedom, forcing them to actions they resent. The role of food in fostering freedom and right to live can be extremely important. The freedom from want and the related right to food can be seen in this perspective.

Sen (1987) assigns an important role to freedom in determining and fulfilling food policy. While the determination of food policy is a state agenda, its fulfilment is defined as not only a function of the government in providing food but *also* the ability of the people to acquire it. Distribution of food depends on the efficiency and effectiveness of the government policies, but just as importantly, if not more so, on the free agency of the people. Freedom, according to Sen, has two aspects: individual's independence from interference by others, including governments, institutions and other persons (negative freedom) and the freedom to realize what a person is actually able to do or to be (positive freedom). Yet another distinction is made between the intrinsic and instrumental roles of freedom. In its instrumental role, freedom is the means to other ends: the freedom to choose a bundle of commodities and the wellbeing that one can achieve, and the absence of interference by others may have important causal influence therein. The intrinsic importance of freedom asserts that freedom is valuable in itself. It is not just a way to achieve a good life, but is constitutive of good life itself.

In realizing the right to food,¹ both the intrinsic and the instrumental perspectives have to be kept very firmly in view. The instrumental perspective emphasizes the economic incentives in the expansion of national output in general and food production in particular. Also its scope is not limited to the freedom to earn profits but extends to freedom of a broader kind, including political freedom in the form of freedom of opposition, freedom of information, and journalistic autonomy. These invoke the rights-based approach to freedom from want, or the right to food. It emphasizes the fulfilment of people's basic needs as a matter of right, and not as benevolence. The instrumental perspective manifests in the rights-based approach, which is concerned not only with the final outcome of abolishing hunger, but also the ways and means by which that goal could be achieved. People, in realizing political freedom, hold governments accountable, thus making them active and empowered participants in the process of human development, rather than passive recipients. An independent judiciary is also crucial for the effective protection of human rights at the national level.

¹ The right to adequate food and to be free from hunger is firmly established in international law, including the 1948 Universal Declaration of Human Rights (Article 25.1), the 1966 International Covenant on Economic, Social and Cultural Rights (Article 11.1 and 2) and the 1989 Convention on the Rights of the Child (Article 24.1). By ratifying these legal instruments, states recognize the obligation to *respect, protect* and *fulfil* (meaning to *facilitate* and—as a matter of last recourse—*provide for*) the progressive realization of the rights contained therein, including the right to adequate food. The right to adequate food is realized 'when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement', as defined in General Comment 12, an authoritative legal interpretation of this right.

The instrumental perspective is, however, inherently limited because freedom has intrinsic importance as well. In assessing economic development and social progress, it is natural to think of the enhancement of basic positive freedoms to avoid premature mortality, to escape morbidity, to eliminate undernutrition, and so on. While freedom is a complex notion, its various aspects can be studied in terms of the statistical data that are frequently available or can be made more easily accessible if the perspective of freedom is taken seriously by public policymakers.

In this study, we examine the achievements and constraints in acquiring the instrumental and intrinsic freedom in south Asian countries, particularly Bangladesh, India and Sri Lanka. We first see that despite increases in food production, intrinsic freedom is far removed from a very large section of the south Asian populations. Extreme cases of nutritional emergency persist in some chronic poverty regions and we search for the causes. Distress situations such as floods, drought and conflict compound the violation of the right to food. Thus based on the experience from Sri Lanka, we argue programmes of benevolence are not adequate and that workfare programmes are needed to ascertain the freedom from want. This would necessitate linking the right to food to the right to work. However, this implies an enabling environment in which there is a free flow of information, an active civil society and an independent judiciary for the protection of human rights.

The specific objectives of this study are to examine:

- i) the availability and distribution of food in south Asian countries;
- ii) the role of state and civil society in situations of chronic poverty and distress as well as in insurgency areas;
- iii) the role of subsidies and cash transfers in achieving the right to food and;
- iv) what needs to be done to ensure the right to food.

The study is divided into five sections. Section 2 studies how well the right to freedom from hunger has been achieved, albeit partially by reviewing the distribution of chronic poverty and distress, as well as the possible victimization and marginalization of the people by the government in circumstances of political instability. In section 3 we examine the experience of Sri Lanka with food stamps and cash transfers, and find that benevolence is not necessarily adequate, and can be counterproductive. Section 4 analyses the situation in India and its campaign for the right to work as complementary to the right to food. Section 5 presents conclusions.

2 Production, distribution of food and political stability

In this section we examine how the availability of food has increased in south Asian countries between 1970 and 2000, and analyse the relationship between the expansion of production and life expectancy. We then present a case study of malnutrition in chronic poverty, highlighting how the right to food has been violated by judiciary intervention to deal with the situation. We also discuss the instrumental role of the government to ensure food availability during emergencies such as droughts, floods and insurgency.

2.1 Availability of food

Food security is a concern at both the national and the international level. Originally, there was a tendency to review the food security issue from the supply point of view. The *World Food Programme Report* of 1979 emphasized among other things the need to augment production in developing countries, and the south Asian countries have done extremely well in increasing their production by over 100 per cent in the last three decades. This has meant a higher supply of calories per capita, as well as a reduction in import dependence (see Table 1).

Table 1
Growth in cereal production, dependence on imports and total calorie availability
in south Asian countries, 1970-2000

	Growth in cereals production, %	Dependence on imports*		Calorie availability	
		1970 (%)	2000 (%)	1970 (calories)	2000 (calories)
Bangladesh	138	14	8	2,200	2,175
India	110	5	0	2,086	2,415
Nepal	105	0	4	1,814	2,431
Pakistan	155	2	4	2,271	2,447
Sri Lanka	76	105	54	2,306	2,377

Note: * Imports as per cent of domestic production.

Source: World Bank (various years).

Table 2
Share of the population living in poverty in India, 1999-2000

Monthly per capita expenditure, Rs	Rural		Urban		
	Daily calorie intake	% of persons	Monthly per capita expenditure, Rs	Daily calorie intake	% of persons
Below 225	1,383	5.1	Below 300	1,398	5
225 - 255	1,609	5	300 - 350	1,654	5.1
255 - 300	1,733	10.1	350 - 425	1,729	9.6
300 - 340	1,868	10	425 - 500	1,912	10.1
340 - 380	1,957	10.3	500 - 575	1,968	9.9
380 - 420	2,054	9.7	575 - 665	2,091	10
420 - 470	2,173	10.2	665 - 775	2,187	10.1
470 - 525	2,289	9.3	775 - 915	2,297	10
525 - 615	2,403	10.3	915 - 1,120	2,467	10
615 - 775	2,581	9.9	1,120 - 1,500	2,536	10.1
775 - 900	2,735	5	1,500 - 1,925	2,736	5
900 & more	3,178	5	1,925 & more	2,938	5
ALL	2,149	99.9	ALL	2,156	99.9

Source: NSSO (1999-2000) cited in Patnaik (2004).

Table 3
Trends in food poverty incidence (%)

Year	Pakistan	Rural	Urban
1986-87	26.9	29.4	24.5
1987-88	26.4	29.9	22.7
1990-91	23.3	26.2	18.2
1992-93	20.3	22.5	16.8
1993-94	23.6	26.3	19.4
1998-99	32.6	34.8	25.9

Source: Jafri (1999) and PIDE 1998-99 PSES primary data.

But the significant increases in production have not been matched by equal distribution. Table 2 shows that in India almost 70 per cent of the rural and urban population at lower income levels consume less than the recommended 2,400 calories per capita per day; almost 40 per cent consume less than 2,000 calories.

The food poverty incidence in Pakistan has been on the rise as well since the early 1990s, where the food poverty line is based on the estimated cost of food consistent with a calorie intake of 2,550 per adult per day for rural areas. For the urban areas of the country, a daily intake is considered to be 2,295 calories per adult. Based on these norms, 32.6 per cent of the people were below the poverty line in 1999, and were thus unable to meet their nutritional requirements. The incidence of food poverty is higher in rural areas (Table 3).

Both India and Pakistan have made great progress in food production and are almost self-sufficient as far as cereals are concerned. Yet the incidence of food poverty is high. India has a large public distribution system for cereals and other items at subsidized prices for the poor. But the low calorie intake shows that either the system is not working, or the poor lack the entitlements to purchase food. In fact, both arguments are true to some extent, and the right to food is violated. It is the duty of the state to ensure food for the poor and create an environment which the poor can acquire food.

2.2 Development and life expectancy

Development is generally understood as the expansion of production, measured as the GDP (gross domestic product) of the economy. It is believed that as the produce becomes available to the masses, it enables people to exercise their freedom to strive for wellbeing. This is not possible without production growth. But freedom and wellbeing also depend on how the increased income is distributed. Are people able to access food, health and other services, as production expands? Effective distribution of food and health services has the potential to have a positive impact on the lives of people who otherwise would remain relatively marginalized by the increased economic growth.

Table 4 illustrates the point. In the 1970s, Brazil and South Africa had a GNP (gross national product) per capita that was 2 to 4 times higher than Sri Lanka, yet their life expectancy rates lagged behind. Similarly, India had a lower GNP per capita than Bangladesh, but higher longevity rates. While Sri Lanka and Pakistan had almost equal levels of income, their life expectancy rates were vastly different. Three decades down

Table 4
Life expectancy, GNP per capita and under 5-mortality in south Asia

	1970		2000		Under 5 mortality
	Life expectancy	GNP per capita	Life expectancy	GNP per capita	
Bangladesh	44.2	130	61.2	370	73
India	49.4	110	62.8	450	90
Nepal	42.4	80	58.9	240	83
Pakistan	46.7	170	63.0	440	101
Sri Lanka	64.6	180	73.1	850	19
Brazil	59.0	450	68.1	3,580	
South Africa	53.1	790	47.8	3,020	

Source: World Bank (various years).

the line, we find that the south Asian countries are showing an improvement in life expectancy rates and that, as expected, there seems to be a relationship between incomes and longevity. Yet, declining life expectancy rates despite increased incomes in South Africa indicate that the freedom to longevity may drop regardless of improved economic circumstances. For example, the under-5 mortality rates, which are higher in Pakistan and India than other south Asian countries, suggest that undernourishment among children and lack of access to health services are higher in these countries, denying the freedom to escape morbidity.

2.3 Chronic poverty and food: a case study of Sahariya

Our case study of the Sahariya community in Rajasthan, India, highlights the gross violation of intrinsic freedom. It also singles out the failure of the government to take cognizance of the situation and to adopt short- and long-term measures to ensure the availability of food and work opportunities for such communities.

There are cases of persisting, extreme nutritional emergencies among the communities in various regions of India such as Rajasthan, Bihar, Jharkhand, Madhya Pradesh and Assam. Hunger deaths are reported from time to time within these regions, and large proportions of the population are at risk because of chronic malnutrition and hunger. When death occurs, it is pointless to debate whether it is due to hunger, chronic malnutrition or disease. There is no doubt that persistent unresolved hunger exists, and even when people succumb to disease, their diminished resistance to illness is the outcome of precisely this chronic food crisis.

The Commissioners of the Supreme Court filed a report² on the causes of hunger deaths, based on a survey from the Baran district of Rajasthan. The survey included 120 households with 425 adults and children belonging to the Sahariya tribe, classified among the most primitive tribes. According to the report, as many as 27 per cent of the males and 39 per cent of the females suffered from a chronic deficiency of grade III (BMI<16.0) and were at a high risk as reflected by their body mass index (BMI).³ Furthermore, all the boys (100 per cent) and 93 per cent of the girls fell within this category and were considered to constitute a high risk. Sixty-three per cent of the households reported an ongoing illness among one or more members. Scurvy, an indication of extreme protein deficiency, was common among children.

Food consumed by most of the interviewed families comprised mainly of grain. Only 10 per cent of the household reported consuming any types of pulses and 22 per cent reported eating milk products in the week preceding the survey. Even with the modicum of foodgrain being provided through the *Antyodaya Anna Yojana*,⁴ the consumption of items other than grain had not increased. *Roti* was invariably eaten with *mirchi chutney*, a preparation made from the leaves of local plants that grow wild during the monsoon season. The grain intake was between 1.5-2 kg for a household of seven or more members. Other food items, such as buttermilk, provided less than 60 calories. The

² In the case of Peoples' Union of Civil Liberties v/s Government of India and others writ petition (civil)(196/2001).

³ BMI is the ratio of the weight in kilograms and the square of the height in metres.

⁴ A grain scheme for the poorest of the poor.

Commissioners' report suggested that the daily per capita consumption had not exceeded 800-1,000 calories for at least 90 days prior to the survey. Extended periods of hunger led to high morbidity and even death in extreme cases.

Based on a requirement of 0.7 kcal/kg/hour, a person weighing 50 kg would need about 850 kcal per day to sustain life at the basal metabolic rate, without any physical activity. Thus, any food intake lower than the requirement of 850 kcal per day would not, over time, support life and is an indication of starvation (WHO guidelines). Obviously, the population of the Sahariya community were living with hunger and starvation.

During July-September, the main source of livelihood for 80 per cent of the households was to collect wood from the nearby degraded, rapidly dwindling forest and sell it in 15-kg bundles in exchange for 2 kg of grain. Some women made brooms to make a living. Agriculture labour, for whom the demand exceeded supply, earned an average of Rs 25 per day.

Even the insufficient food supply from this income source would be unavailable when it rained or a working family member fell ill, bringing the household to the brink of starvation. In some instances, pregnant and sick women could not be taken to town for treatment, as the rest of the household would go hungry if all members were not able to chop wood in exchange for food.

In the absence of an early warning system, the government remained ill informed of the plight of the community. The implementation of existing support programmes was slow: the public distribution system did not work, the scheme of midday school meals did not function, the feeding centres for children under 6-years had very few children, and the employment programmes provided work for a week to some households but wages were not paid.

The report notes with regret the desperate deprivation of the Sahariya community in the midst of lush green fields. The Sahariyas had not adapted to agriculture as an occupation; most lacked access to irrigation facilities and had mainly leased out their fields for very small fees. An option to sustainable livelihood was to invest in the assets owned by the Sahariyas, and the prevailing situation required both short-term steps for relief and long-term measures to address the problems inherent in the circumstances in which the Sahariyas lived: the traditional forest-based livelihoods were disappearing and becoming increasingly unviable, because of deforestation and state restraints on forest gathering. Old support systems had collapsed, and the report called for serious intervention by the government in providing basic necessities such as systems of food security and healthcare.

Table 5
Distribution of nutritional status of adults as indicated by BMI, %

Level of Nutrition and BMI Class	Male	Female
Chronic energy deficiency grade III (<16.0)	27	39
Chronic energy deficiency grade II(16.0-17.0)	10	14
Chronic energy deficiency grade I (17.0-18.5)	33	18
Normal low weight (18.5-20.0)	27	14
Normal (20.0-25.0)	Neg.	14
Obese grade I (25.0-30.0)	-	-
Obese grade II (>30.0)	-	-

Source: Mandar (2004)

2.4 Distress and food

Ensuring the availability of food during such crises as floods and droughts is one of the instrumental role of the government. Needless to say, during critical situations when household incomes decline and consumption and nutrition levels are at stake, morbidity from undernourishment and related illnesses may increase. Although governments at times do get involved, there is a heavy toll in terms of increased private debts caused by extensive borrowing in private markets. Next, we review the effectiveness of the government's instrumental role in ensuring the right to food for the vulnerable populations of two countries, Bangladesh and India.

Bangladesh

In Bangladesh, floods are a normal part of the ecosystem. The floods in 1974 were particularly devastating, as tens of thousands famine deaths were reported. Ravallion (1990) attributes the increased rice prices as the major cause for the death toll, as calorie consumption fell below survival thresholds. The 1998 floods were as severe, dubbed as the floods of the century, but according to Ninno, Dorosh and Smith (2003), the private markets and appropriate government investments and policies had a crucial role in managing the food situation by maintaining food availability, limiting price increases and supplementing household access to food.

After the flood, between July 1998-April 1999 private sector rice imports, equalling 2.42 million tons, supplemented domestic food supplies. This was made possible from the large stocks of foodgrain maintained by the government-owned Food Corporation of India (FCI). Had these FCI stocks not been available, rice prices would have been higher (to a level equal to the import parity of price from Thailand). A report of the special rapporteur of the Commission on Human Rights (Ziegler 2003) notes that the public distribution system under the structural adjustment programme was placing significant pressure on the government of Bangladesh to reduce public food stocks. The report recommended that the government maintain some capacity, in the form of food stocks or a cash reserve, to respond to disasters. This was considered fundamental in a country that is afflicted frequently with natural disasters.

Ninno, Dorosh and Smith estimate that in the wake of higher prices, the total calories consumption of the poor fell by an additional 44-109 calories/person/day, dropping to 1,529-1,594 calories/person/day. Thus, trade policies like the promotion of private sector trade and liberalizing rice and wheat imports have help to ensure adequate food supplies in crises But this may not have been possible if the heavily subsidized food grain stocks in India had not been available.

Table 6
Average calorie intake and coping strategies during the 1998 floods, Bangladesh

	Bottom 40%	Middle 40%	Top 20%
Not exposed to floods	1,745	2,673	3,049
Exposed to floods	1,602	2,325	3,140
Households in debt (%)	68	59	63
Share of debt in monthly expenditure (%)	186	139	131
Share of credit for purchasing food in monthly expenditure	38	27	17
Share of government transfers in monthly expenditure (%)	3.4	2.4	0.8

Source: Ninno, Dorosh and Smith (2003).

Private sector rice imports were 6.1 times greater than the government intervention in terms of ‘gratuitous relief’ and ‘vulnerable group feeding’. Ninno, Dorosh and Smith find that these feeding programmes added to household food security and helped children to maintain their level of nutritional status, but their contribution to the monthly expenditure of households was around 2 per cent for all households. This made little impact, if any, in ensuring food security. The bottom deciles of population were worse off than the upper deciles in terms of calorie intake and higher level of indebtedness (Table 6).

India

The second case-study is from Rajasthan, the largest state in India. Rajasthan is very drought-prone state: over the last century, there had been 45 meteorological drought years. The severe drought of 1987 was very well managed by the government and to a very large extent helped people to attain their right to food. In 1987, the rain-fed crop produced only half the amount of the previous-year harvest, and one-third less than the following year. But regardless of the food insecurity caused by these shortfalls in production, average consumption declined only by 9.6 per cent (from 2,730 to 2,469 calories per capita) between 1972-73 and 1987-88. While the difference between consumption of the lowest decile and the average remained high, the consumption of the lowest decile increased by 3.5 per cent, from 1791 to 1853 calories per capita (Sagar 1995).

The impact of the 2001-02 drought can be seen in Table 7. As many as 58 per cent households reported decline in consumption during the drought year. Other coping strategies included migration for more than 6 months (62 per cent) and selling their assets to smoothen their consumption (60 per cent) (Rathore *et al.* 2004). The decline in grain consumption reported by households in the drought of 1999 was less than 3 per cent. But the 1999 difficulties were facilitated by increased access of grain from the public distribution system, which met up to 45 per cent of the grain requirements of poor households in some areas in the drought year (Bhargava and Sharma 2002).

Thus, we find that at least during the last decade famines are uncommon in the south Asia region. The states of the area have managed to resolve drought-induced food insecurity to a great extent with the aid of government maintained buffer stocks.

Table 7
Impact of drought in Rajasthan, India

	% Households
Coping strategies	
Borrowing	53
Lowering consumption	58
Migration	
3-6 months	38
> 6 months	62
Sale of assets	
Land	17
Jewellery	61
Vehicle	17

Source: Rathore *et al.* (2004).

2.5 Ethnic unrest, violation of political freedom and food

The Tamils are a majority group in the north of Sri Lanka and also comprise a significant portion of the multiethnic eastern region. The protracted insurgency in the Tamil areas of the northern and eastern regions has produced significant demographic stress. These include declining calorie intakes, deteriorating public health conditions, environmental decline, and migration abroad. The Tamils' economic activities were severely constrained by the formal restrictions that include economic blockades of rebel-held territory.

It is alleged that in many areas such as Vanni, the government's limitation on food and medicine into the area have caused untold suffering and frustration among the Tamil populace. Observers report severe poverty as well as malnourishment among children (*TamilNet* 1997). There were demonstrations against the government, with some protestors converging at the United Nations High Commissioner for Refugees offices to object against the restriction on food and medical supplies going into Vanni.

Territories were divided according to occupation by either the Tamil Tigers or the army, and it has been alleged that people were unable to cross into army-occupied territory to obtain food or medical attention. Thus, under insurgency conditions, there is potential for the state, by using food as a weapon, to cause hardship to the population. Insurgency can also limit the role of UN agencies if the government prohibits entry in certain areas. Indeed, it is difficult for the government, the bureaucracy, the army and UN agencies to differentiate between the insurgents and the non-participating local populace affected by food shortages. UN agencies can work to support those defined as refugees, but it is be difficult to work in areas under insurgent control.

There has been a significant increase in the availability of food per capita during the last three decades in south Asian countries, but the distribution of income and food has remained skewed and there is a high incidence of food poverty. Increased GDP and high calorie availability have helped to some extent to improve life expectancy rates. However, there should be no complacency on this account because, as shown by the South African case, longevity dropped despite the increase in income. During droughts, floods and insurgency situations when consumption and nutritional levels are at stake because of declining household incomes, morbidity and malnutrition are high. Governments take corrective measures, yet some of the poorest remain marginalized.

3 Subsidies, cash transfers and freedom

In this section we examine the experience of Sri Lanka with respect to food subsidies, and the limitations of cash transfers to reduce hunger.

3.1 The Sri Lankan experience with food subsidy

In 1979 Sri Lanka launched a food stamp scheme to replace the 40-year-old food subsidy scheme that had been characterized by price subsidies and the rationing of rice, the main staple. Under the new scheme, households whose declared incomes were below a specific threshold received food stamps, which they could use to buy basic foods at non-subsidized prices. The change in the support programme was intended to

protect low-income households from the cancellation of food and non-food price subsidies.

When the food stamp scheme began in 1979, the average recipient household received only 83 per cent of the benefits it had received under the old scheme. By 1981-82, inflation eroded the real value of food stamps to 43 per cent of their original worth. The share of subsidies in the household budget of the average rice ration recipient was nearly 18 per cent in 1978-79, whereas in 1981-82 the share of food stamps in the household budget of the average recipient was only 9.7 per cent. After the change in schemes, the smallest share, 7.1 per cent, was for households in the agricultural sector; this reduction was caused mainly by the elimination of wheat price subsidies.

The calorie consumption of the poorest 20 per cent, however, declined by about 8 per cent per capita, from an already low 1,490 calories during 1978-79 to 1,368 calories during 1981-82, an observation which suggests that the new food stamp scheme was not effective in helping the most vulnerable households. These households seemed to be unable to take advantage of the income-earning opportunities created by the economic reforms.

The effect of food stamps on calorie consumption was estimated on the assumption—and confirmed by statistical tests—that households treat food stamp income just like any other income when allocating additional income for food consumption. According to these estimates, the additional income from food stamps enabled the poorest 20 per cent of households to increase their calorie consumption by 12 per cent, while the next quintile increased their consumption by 6 per cent. As expenditures increased, the effect of food stamps on total calories consumed declined significantly (Edirisinghe 1987).

Once structural adjustment programmes (SAPs) were initiated in Sri Lanka in the 1980s, it was felt that there was a need to build safety nets for the vulnerable to counter effects of SAPs.

3.2 Limitations of cash transfers

The objective of the Samurdhi programme⁵ was to provide a safety net to protect the vulnerable from the effects of structural adjustment, namely loss of employment and income, leading to increased relative poverty and marginalization of the poor. It was

⁵ In 1998, the Samurdhi programme covered one-third of Sri Lanka's entire population, approximately 1.2 million families estimated to be at the bottom of the income scale. About 100,000 of these families belong to the 'poorest of the poor' category, earning a monthly income of about Rs 700. The remaining 1.1 million families were estimated to earn an average of Rs 1,200. Through the Samurdhi welfare programme, each family's income was increased to Rs 1,700 through direct income transfers. A family exits the programme when its income exceeds Rs 2,000 per month for a continuous period of six months, or when at least one family member finds employment. As beneficiaries exit, new entrants are recruited. In 2000, the Samurdhi Authority of Sri Lanka reported that the welfare programme was already covering 21 administrative districts with 1.98 million beneficiary families. Families with a monthly income below Rs 1,000 are eligible for relief ranging from Rs 100 to Rs 1000. Under this programme, the Samurdhi Movement hopes to increase the income level of each family by Rs 2000. 'This would generate Rs 30 billion income to the Samurdhi movement'. Income generation projects will be introduced relating to agriculture, livestock, marketing and other service sectors. Samurdhi banks will provide credit facilities upto Rs 100,000 to Samurdhi families to commence these projects.

argued that a safety net scheme would bring those being marginalized in the growth process back into mainstream of development, but this was to be a temporary measure, ultimately weaning the poor from the subsidy-dependence syndrome (Hewavitharana 1993; Ratnayake 1998).

The programme comprised of a cash transfer to all households with an income below the threshold of Rs 2,000; the amount of transfer being the difference between the present and targeted income. The other plank of the Samurdhi programme was to build a social mobilization movement so that collective group action, self-help groups and participatory planning would become possible and some productive works get initiated.

As part of the programme, 30,000 Samurdhi development officers were appointed. Critics have pointed out that they were politically appointed and worked on political considerations, nominating beneficiaries on political grounds. This was counterproductive, as the people's freedom of political choice was curtailed. As a result, 55 per cent of population was covered, twice the estimated percentage of the poor. But only 60 per cent in lowest expenditure quintile received Samurdhi benefits; 40 per cent in the lowest quintile were overlooked, thus the entire purpose of the scheme to reach the poorest was defeated (Aturupane 1999). Furthermore, the Samurdhi had a negative effect on the labour market by raising the price of reservation labour supply. It is also argued that as income transfers ceased once the monthly family income exceeded Rs 2,000, it led to decreased work effort or became an a disincentive for others to seek employment when one household member found a job (Sahn and Alderman 1996; Aturupane 1999).

Hewavitharana (2004: 477) argues that 'a culture of dependence has been fostered in which low-income households have come to possess a handout mentality and depend on income and welfare transfers'. He further argues that a dole system generates reluctance among beneficiaries to work their way out of poverty; decreases the element of shame associated with poverty and instead glorifies poverty with an 'official poverty state' as an entitlement; crystallizes a feeling of the 'rights' to government assistance; creates and sustains a paternalistic attitude towards the poor. Such direct transfers can be counterproductive and accordingly, a shift must be affected towards workfare programmes, argues Hewavitharana.

4 Right to food and related rights

In the preceding section we have seen that workfare programmes can be helpful in realizing the right to food. In this section we examine the need for the right to work in order to ensure food, the role of civil society organizations in India in advocating for the right to work and finally how information, expression and association can ensure the right to food.

4.1 The need for the right to work

The Indian macroeconomy has witnessed an increase in the number of unemployed in the post-liberalization phase as is evident from Table 8.

Unemployment for adults is misery. The government of India provides employment through the poverty reduction programmes such as *Sampurna Gramin Rozgar Yojana* (SGRY), desert development programme (DDP) and drought prone area programme (DPAP). These cover a very small number of people, and there is an average backlog of 26.4 million individuals being unemployed on any particular day.

The experience of employment programmes shows that they have been partially successful in providing wage employment to the poor. However, despite the scale of the programmes, the maximum number of days that an individual may have work is seldom more than a fortnight in a year. Even this work is not assured, as securing employment in rural works requires, among other things, proper connection with the power brokers in the village.

Nonavailability of work within or near the village results in the migration of at least the male household member(s) and in some instances, the women, leaving the children behind to take on different roles, which may be beyond their childhood capacities. Children may have to forego school and it may result in the child becoming destitute. Availability of work near village is thus a priority for the poor.

During critical events such as drought, the situation becomes worse. Wagework within the village or nearby towns and cities is scarce. In many villages the demand for employment exceeds the opportunities available by almost 1000 per cent, i.e., in a village of 500 households, only 50 might have the opportunity to work at any given point of time. The severity of unemployment was such that people roamed the countryside in search of employment, or fought to be enrolled at the famine relief work site. These conflicts in the villages are of major concern as they fracture social relationships, which can be difficult to rebuild. Migration to urban areas does not solve the problem: In Jaipur alone where 200-300 labourers gather at a single *chaukti* in search for employment, only 90 are able to find work (data from IDS 2001).

During the dry period, there is a large demand for employment. At the village level the process of providing employment becomes *ad hoc*. The spatial distribution of public works and programmes is, to some extent, not driven by well-acknowledged needs based estimates, but by the political economy relations of the ruling elite. Furthermore, hiring for employment is determined by a number of factors including caste, relationship with the *sarpanch* or any other factor that can promote the interests of the individual. In these circumstances, the likelihood of the poor of getting work is quite far from being guaranteed.

The monsoon months, when people return to their villages to cultivate their lands, are the most difficult, as famine relief works have been concluded and there is little money on hand. People end up borrowing heavily for both sustenance and agricultural input at very high interest rates and are at the mercy of the moneylenders, pawning their bare

Table 8
Per cent and the numbers unemployed

	1993-94	1999-00
No. of unemployed (millions)	20.2	26.4
Per cent of total population	7.0	7.7

Source: Bhoamik (2003: 73-4).

belongings or even liquidating assets. In the absence of paid employment, the poor in some areas have been forced to cut their trees and sell them at throwaway prices. In forested regions, the tribal people are forced into cutting trees, thus creating a further threat to the already fragile environment.

In view of the fracturing social relationships, an increase in indebtedness and assetlessness as well as the environmental degradation, the rural areas need to be provided with employment opportunities that could be achieved through large-scale employment programmes.

There are several reasons why the right to work employment programme can make a substantial difference: it strengthens the bargaining power of those who are demanding work. A demand-driven approach ensures that employment is provided where and when it is most needed. An employment guarantee scheme also facilitates the inclusion of the poorest of the poor in these programmes. An open-ended employment guarantee is based on 'self-selection', whereby the poor themselves decide whether or not to participate. The right to work brings security to the lives of the people. At present, labourers cannot rely on employment being provided for them during the lean season. The result is massive seasonal migration. A legally binding employment guarantee programme is likely to be far more durable than ad hoc employment schemes. Maharashtra's employment guarantee scheme has already lasted for nearly three decades, in spite of major changes in political leadership over the years. By contrast, other employment programmes have tended to be fragile and short-lived. Within the last three years alone, several employment programmes have come and gone.

The claim for the right to work is embodied in the right to life because work is a precondition of the latter right. Public work schemes such as the *Jawahar Rozgar Yojana* or the *Pradhan Mantri Rozgar Yojana* have, for several years, been handed down as grants, more as a benevolent gesture. Testimony of this is the fact that the employment schemes invariably bear the name of the benefactor. When the demand for the right to work was defined, it demarcated that autonomous action spot where rural workers proclaim equality with any other individual or group. Achieving such a right requires concerted strategies and action, and the civil society's active role.

4.2 Advocating for the right to work

A number of civil society organizations in India have campaigned since 1999 for the implementation of the right to work through guaranteed employment to all those who want work in the rural areas of the state. The movement for the right to work intensified when the demand for employment far exceeded the supply of relief works in most districts and most worksites. The right universal in dimension and does not exclude anybody. As there are many households even in normal times whose demand for employment remains unmet, the claim for the provision of work was made to the state.

There was an unprecedented mobilization of workers during the relief works, especially in areas where civil society had been actively supporting the workers, demanding additional jobs, ensuring payment of minimum wages, preventing corruption through social audits and networking with other organizations doing similar work. A very radical programme of educating through theatre and other modes of communication

were adopted by several organizations. Now work was no longer perceived as the need of an individual but as a common good that was the right of each worker. The rural workers demanded the right to work in the political arena, when they proclaimed that their demand should be an irrevocable part of the political agenda.

A number of NGOs from all over the country jointly initiated the right to food campaign and prepared a draft for the National Rural Employment Guarantee Act. The central issue in the draft Act is that it guaranteed employment to all adults in rural areas willing to engage in casual manual labour. After a long protracted struggle for the implementation of the Act, the central government responded to the campaign and promulgated the National Rural Employment Guarantee Act in September 2005. Following this, national rural employment guarantee programme was launched in February 2006 in 200 poorest districts of the country.

Programmes for the poor have become victims of patronage politics and after elections the poor have no political role. This calls for a strategy that ensures that employment becomes a right for all and that the unemployed do not have to resort to flattery to get work. Contrary to the poverty reduction programmes where the poor line up for their share of a few days' of employment, the Law guarantees the individual the right to be employed. It is the state's responsibility to assure employment. Schemes are temporary, at the whim of the political leaders, but the Law ensures permanent entitlements, as well as equity and universal coverage without targeting and setting selection criteria. The predictability of the Law enables the labourers to learn to defend their entitlements. With schemes the labour gets buried under the patronage, but are liberated when it is their right. When work is demanded and obtained as a matter of the right of an individual, it has the potential to change power equations in the rural society, and foster a more equitable social order. As the labour learns to defend their entitlements, they become empowered.

An active civil society in India can file petitions with the judiciary and stand up against corruption, but there is an absence of such organizations in Bangladesh. For example, when the government of Bangladesh imported 100,000 metric tons of wheat from India in July 2002 to create an emergency grain stock, there was a misappropriation of funds and the quality of grain imported was very poor. However, Ziegler (2003) reports that the government took little action in this regard, despite some organizations raising serious concerns. These were not documented as violations of the right to food. The Special Rapporteur observes numerous serious violations of the right to food in Bangladesh, 'but given the lack of organizations working specifically on the right to food, there remains a lack of fully documented cases. He therefore urges greater documentation of violations of the obligations to respect, protect and fulfil the right to food, in order to reduce impunity and improve accountability'. He also observes that the poor's lack of access to justice, along with the lack of judiciary independence, also poses obstacles. However, a cabinet committee has been appointed to review the separation of the judiciary from the executive.

4.3 Freedom of participation, expression and association

The struggle for more open societies—with full freedom of participation, expression and association—has created an environment more conducive to advancing human

rights. Among the south Asian countries, India has made some progress in this direction. There are instances where people have demanded more transparency and accountability, and in many cases the legal framework and institution-building within the country are helping. The movement for the right to information, resulting in the Right to Information Act, is a landmark in achieving transparency and accountability in

Box 1
The means of participation, expression and association
Lessons for public hearings (*jan sunvai*)

- Information purpose: One major reason for the poor performance of rural development programmes is that ordinary people lack basic information and are deprived of access to public records. Many of them are unaware of their entitlements and unable to verify that they are getting their due. Even when they know that they have been cheated, they often lack adequate means of redress. At every step, lack of information disempowers them. The purpose of a public hearing is to spread awareness about entitlements and rights.
- The flow of information is not 'one way' (from knowledgeable persons to the public). There is also valuable communication the other way- from the public rather than to the public. The public hearing is an opportunity for ordinary citizens to share their experiences and voice their concerns. It is a chance for their voices to reach far and wide, in contrast with the day-to-day situation where no-one is there to hear them.
- Critique purpose: Public hearings allow ordinary people to scrutinize policies and their effects at the ground level. Many policies are deeply flawed in their formulation and lower level functionaries and ordinary people have to pay the price for this confusion. Often these anomalies derail the programme itself. By giving all sides a platform to put forth their understanding of the problem, the public hearing is also a tool to remove these anomalies and identify coherent alternatives.
- Empowerment purpose: A public hearing is an opportunity for people to realize that things need not continue the way they are. It gives them a sense of collective power and of the fact that things can change through collective action. The discussions open their minds to new possibilities and new hopes.
- Another aspect of the empowerment purpose of a public hearing is that it acts as a 'warning' to vested interests and official authorities. It conveys the fact that people are waking up and getting organized to resist and change the prevailing state of affairs. This role of public hearings is particularly relevant in the context of eradicating corruption.
- Accountability purpose: A public hearing is also a concrete means of holding authorities accountable to various aspects of the right to food. As the deficiencies of food-related programmes come to light, the relevant authorities will be answerable for any dereliction of duty. The public nature of the event, magnified by wide participation and media interest, makes it very difficult for them to dodge the criticism, as they do on a routine basis when disadvantaged people seek redress on their own. Public hearings also give committed government officials an opportunity to get a detailed and accurate picture of programmes and policies on the ground. In these various ways, public hearings are a means of including people in the process of governance. To illustrate, an earlier public hearing held in *panchayat* Janawad (also in Kumbalgarh block) in April 2001 has led to action at a local level against a host of local officials guilty of corruption. More importantly, it has led to the institutionalization of social audits across Rajasthan at the *gram sabha* and *ward sabha* level.
- Mobilization purpose: More than an end in itself, a public hearing is a way of preparing the ground for further action in the relevant area. The testimonies heard at the hearing provide a strong basis for follow-up enquiries and redressal. The sense of solidarity and collective power it generates makes it possible to initiate new and lasting forms of public mobilization. The interest it fosters among local officials, media persons, political leaders, social activists and others can also be channelled towards further action.

Source: MKSS (nd).

government matters. NGOs are active participants in its advocacy and public officials have begun to respond. But participation in the local institutions by the people is very limited and would require great efforts by civil society organizations to make people voice their rights. The struggle in Rajasthan that was sparked off by the initial demand for details of expenditures at the *Panchayat* level grew in four years to a burgeoning movement to campaign for comprehensive legislation at the state and central government levels, and finally led to the Right to Information Act.

When workers on public employment programmes in villages of central Rajasthan realized they were not being paid the standard minimum wage and that the rural infrastructure was non-existent or substandard despite increased spending, they demanded an account of the money spent in their name either as payment of wages or on infrastructure. This was the beginning of what is generally known as the MKSS (*Mazdoor Kisan Shakti Sangathan*) movement advocating for the right to information in the mid-1990s. Under the slogan *hamara paisa, hamara hisaab* (our money, our account), MKSS (a civil society organization) and the peasants and rural workers of central Rajasthan launched a movement that has had a direct impact on the functioning of the government machinery (MKSS nd). The struggle that began with a request for copies of bills, vouchers and muster-rolls of development works spread to a demand for a comprehensive law covering all spheres of democratic functioning.

The struggle has illustrated that the right to information is not only a component of the right to freedom of speech and expression, but is also a part of fundamental rights under Article 21 of the Constitution: the right to life and liberty. The villagers of central Rajasthan understood—and have made a large section of enlightened people understand—that access to development works records in villages would help to assure that minimum wages are paid, ration quota entitlements are met, medication is supplied to the poor by public health centres, police abuse is prevented, and even delays and subterfuge in the implementation of other livelihood entitlements can be avoided. It is this perspective that led to the issue becoming a part of the mainstream political debate in Rajasthan. Finally, it has resulted in the Right to Information Act.

Public hearings or *jan sunvai* as a part of achieving the right to information is being used as a tool by many civil society organizations for sharing information, and giving an opportunity for the poor to voice their views, thus breaking the tradition of silence. Public hearings can serve several important purposes within a larger campaign for the right to food (see Box 1).

5 Conclusions

This study has viewed evidence from several south Asian countries to determine on how far they have realized the right to food and to examine the tools employed for the purpose.

Though we have not discussed role of the state in augmenting food production in south Asian countries, the very fact that food grain production has increased by 100 per cent in last three decades shows the exemplary success of government intervention in increasing production. At the same time, there is failure by the state in the distribution of food. Life expectancy rates continue to be low and extreme cases of persistent

nutritional emergency can still be found in various regions, which show that there are population sections who have neither food nor the opportunity to acquire food. From the perspective of the rights of the individual, the state has partially failed in its duty to ensure the right to life.

The right to food needs to be assured during crises such as floods and droughts. As we have seen, the markets, state and emergency food stocks are required for this purpose, and the state has been successful in to a varying degree in ensuring this.

On the other hand, we have noted that the benevolence and patronage on the part of the state are counterproductive and that the right to food can be achieved when the right to work is realized. This requires the advocacy of a vibrant civil society and an effective judiciary. Moreover, the provision of work by the state must be accompanied by transparency of the expenditures incurred; this is very important for the poor. Such information sharing can empower and mobilize the poor and force the state to become accountable.

The poor can acquire food if they have intrinsic freedom. While situations of extreme hunger prevail only in certain areas of south Asia, at the same time a healthy life is denied to many. Ways and means to acquire freedom have to be used by the undernourished population. They need political freedom to scrutinize and criticize authorities. But generally these authorities are bred in an environment of benevolence and patronage and they do not see themselves as duty bearers of the rights provided in the constitutions of south Asian countries. While the perspective of authorities needs to change, active campaigning by civil society for the right to food, right to work and right to information is needed. These voices are stronger in India than other countries in south Asia.

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