



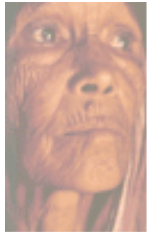
# ***Realisation of Right to Food in India Experiences & Interventions***

**Ms.Dr. Ujjaini Halim**



*FoodFirst Information and Action Network*

## ***Acknowledgements***



- Jenny. C. Franco (2008) A Framework for Analyzing the Question of Pro-Poor Policy Reforms and Governance in State/Public Lands: A Critical Civil Society Perspective, [jennycfranco@gmail.com](mailto:jennycfranco@gmail.com)
- Sabine Pabst  
FIAN International Secretariat, [pabst@fian.org](mailto:pabst@fian.org)
- Mr. Biplab Halim  
Institute for Motivating Self Employment (IMSE) [bipimse@cal.vsnl.net.in](mailto:bipimse@cal.vsnl.net.in)

*With Human Rights against Hunger!*

# ***Structure of the Presentation***

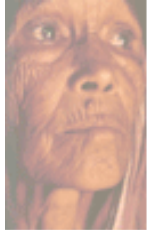
---



- 1. Introduction to FIAN**
- 2. RTF the ground reality in India**
- 3. Food is a Human right**
- 4. Parallel Report on RTF in India**
- 5. Few cases from the report on violations of RTF**
- 6. Illustration of Singur Case**
- 7. Pro-poor Land policy**



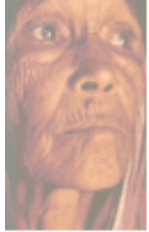
*With Human Rights against Hunger!*



# Introduction to FIAN

*With Human Rights against Hunger!*

# *What does FIAN stand for?*



**Foodfirst**  
Feeding oneself is a human right and that is what FIAN works for

**Information**  
FIAN informs the affected people about their rights, and the general public about violations and human rights law.

**Action**  
FIAN supports the struggle of victims of violations to get their right to feed themselves

**NETWORK**  
FIAN focuses on networking groups in their joint struggle for the implementation of the human right to feed oneself.

*with Human Rights against Hunger!*

# FIAN



Vision:

“full, sustainable,  
justiciable  
realization of the  
human right to  
adequate food”

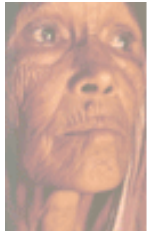


Source: FIAN International

*With Human Rights against Hunger!*



# FIAN Sections + Coordinations



Sections: 12  
Coordinations: 6

*With Human Rights against Hunger!*



# FIAN'S ways to fight Human Rights Violations

Lobby

Campaigns

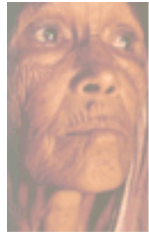
Interventions

Fighting Human Rights Violations



# FIAN Interventions

## Interventions



Urgent Actions

Special Interventions

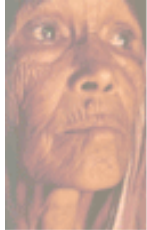
Fact Finding Missions

CASE  
WORK



Source: FIAN International

*With Human Rights against Hunger!*



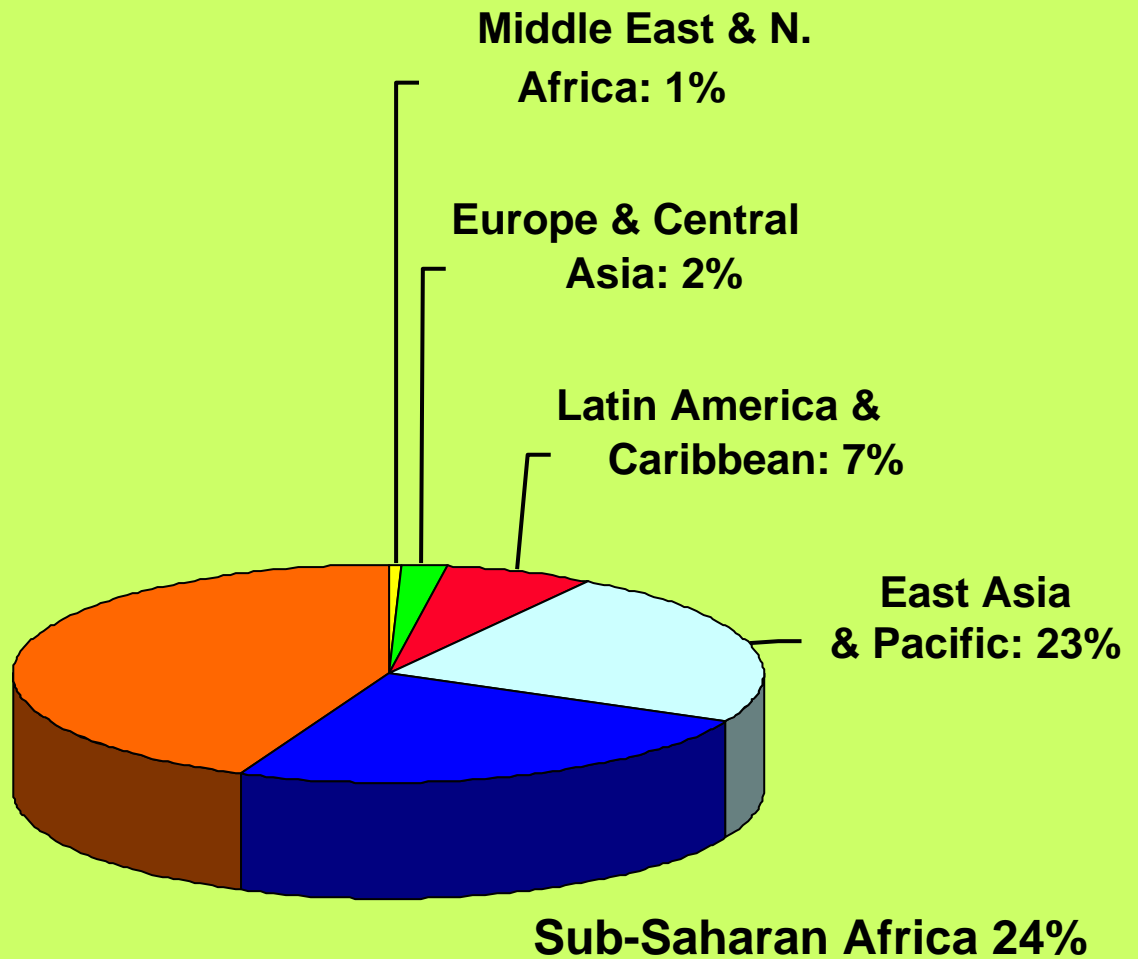
## ***RIGHT TO ADEQUATE FOOD: THE GROUND REALITY IN INDIA***

*With Human Rights against Hunger!*

# Where Do the Poor Live?

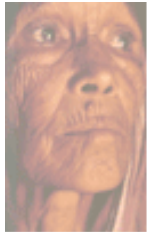


South Asia 43%

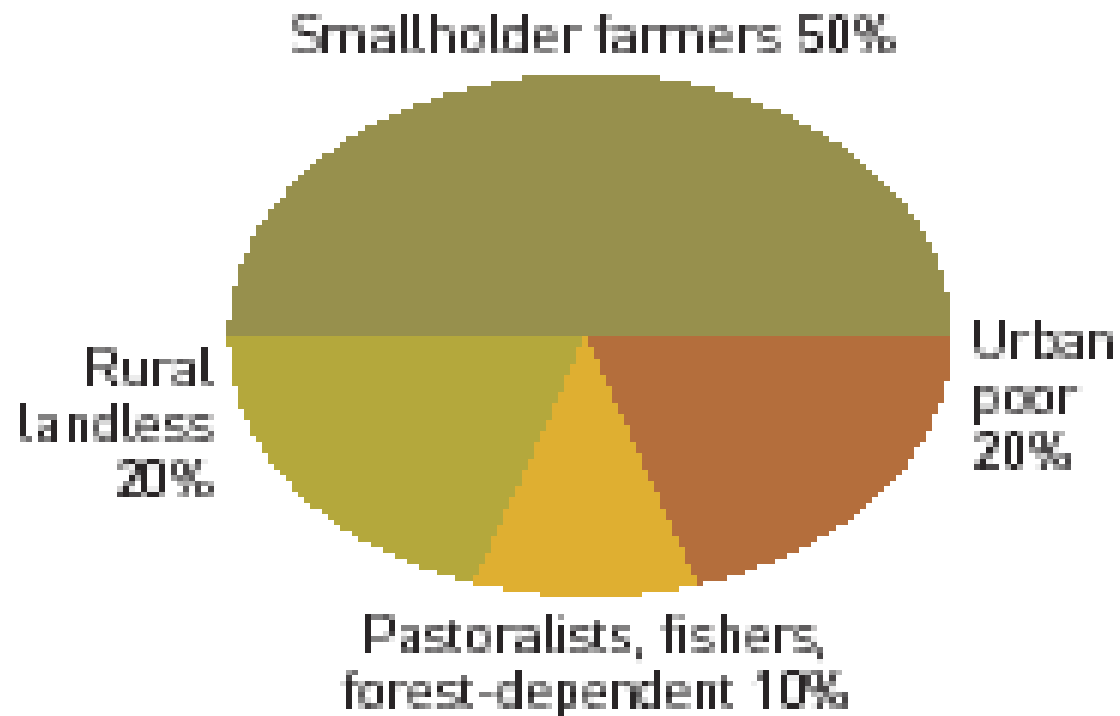


*With Human Rights against Hunger!*

# FACES OF HUNGER



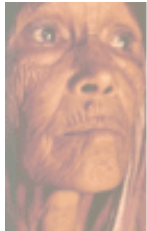
## Who the hungry are



Source: Hunger Task Force

*With Human Rights against Hunger!*

# MAJOR CHARACTERISTICS OF HUNGER & POVERTY IN INDIA



- **REGIONAL DIMENSION: CONCENTRATION OF POOR IN RURAL AREAS**

- 71% people in India live in villages and 80% rural population are hungry,

- Rural India accommodates 60 million landless households 88% of which live BPL.

- Rural India has highest IMR, lowest literacy rate, lowest EG & highest malnutrition, *still reduction in RD budget*

The poorest states in India are Uttar Pradesh, West Bengal Bihar, Rajasthan, Orissa, and Madhya Pradesh, they are lagging far behind from national development indicator values



*With Human Rights against Hunger!*

# VULNERABLE COMMUNITIES ARE VICTIMS

## ○ Class

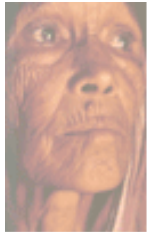
- Poor rural actors, with little productive resources and entitlements, suffer from hunger
- 29% are BPL 80% earn less than US \$ 2 a day

## ○ Caste/Ethnicity

- Aprox 80% of poor belong to Dalits, & religious minorities,
- 54% of ST and 50% of SC considered BPL (nat avg. 40% 2000).
- Out of 10 regions of India with the highest incidence of poverty, indigenous people inhabit 4 and they are the most internally displaced group

## ○ Gender dimension

- Rural women constitute 49% of hungry, 86% of landless & 48% of wage labourers
- More than 53% women (of all ages) suffer from Malnutrition, Around 57 million mulnourished children live in India



*With Human Rights against Hunger!*

## CO EXISTENCE OF ABUNDANCE IN FOOD PRODUCTION, STARVATION



-Of the entire `food subsidy' only Rs. 7,500 crores, or less than a third, has been spent on subsidies for the poor. –

-Per capita availability of food grains decreased considerably from 337.6 grams in 2001 to 312.5 grams in 2004

- Per capita aggregate calorie consumption declined from 2200 calories per day in 1988 to 2150 calories per day in 2000, exports of food continued

-Several Starvation deaths reported from pockets of hunger, 150,000 farmers committed suicides in last 10 years, (4000 in last two years)

-- Irony is 70% of hungry and malnourished people are living in areas which have agricultural surpluses.



*With Human Rights against Hunger!*



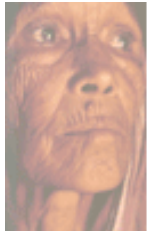
# ***Food is a Human right***



*FoodFirst Information and Action Network*

## *Right to food, food sovereignty and food security*

---

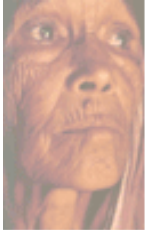


### **RIGHT TO FOOD**

- » The right to food does not only focus on the access to food, but also implies the **access to productive or income generating resources**.
- » Underlines the access in **dignity**.
- » Is both **instrument** and **normative and legal framework** to free the world from hunger.
- » Emphasizes state's responsibility and **state obligations** inherent to human rights. Individuals and groups can demand the compliance with the state obligations under the right to food.
- » The right to food pays special attention to the right to food of the **most vulnerable** and marginalized groups and can be used to empower victims of right to food violations.

*With Human Rights against Hunger!*

## *The Human Right to Food*



**Universal Declaration of Human Rights, Art. 25:**

“Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to the security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

*With Human Rights against Hunger!*

## *The Human Right to Food*



### **International Covenant on Economic, Social and Cultural Rights, Art. 11**

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living (...) **including adequate food** (...) and to the **continuous improvement** of living conditions (...)
2. (...) the fundamental right of everyone **to be free from hunger** (...)

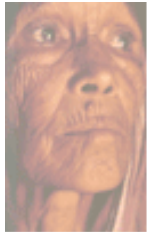


*With Human Rights against Hunger!*





## *The Human Right to Food*



### **General Comment 12**

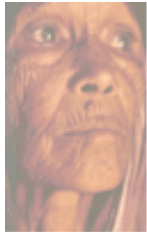
is currently the most authoritative UN interpretation of the right to food in international law. It is referring to the ICESCR of 1966.

“ The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic **access** at all times to **adequate** food or to **means of its procurement.** ”

*With Human Rights against Hunger!*



## *The Human Right to Food*



### **General Comment 15**

**“ The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.”**

This is specified further by noting

**“the importance of ensuring sustainable access to water resources for agriculture to realise the right to adequate food.”**

*With Human Rights against Hunger!*

## *The Human Right to Food*



### **Principle of non-discrimination**

The principle of non-discrimination is an underlying principle of international law and human rights.

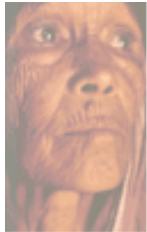
Art. 2 UDHR:

“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

*With Human Rights against Hunger!*

## HR Standard

# Human Rights Standard under the Right to Food



HR Standard:  
Physical and economic access  
at all times to adequate food and the  
means for its procurement.

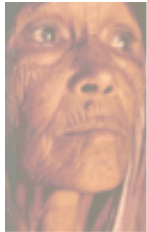
Core Content:  
The fundamental  
right of everyone  
to be free  
from hunger



*With Human Rights against Hunger!*



## The Right to Adequate Food



The right to adequate food needs clarity on following aspects:

### **Adequacy**

"sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture."

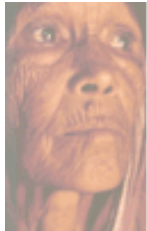
### **Accessibility**

"economic accessibility, physical accessibility, sustainable accessibility and accessibility in dignity".



## State Obligations

## State Obligations



- Types of state obligations:**
- 1. The obligation to respect**
  - 2. The obligation to protect**
  - 3. The obligation to fulfil**

### Commitments

- Provide
- Facilitate
- Promote



*With Human Rights against Hunger!*



# Remedies

A victim of a violation must have the possibility to make use of effective judicial procedures to get adequate reparation such as restitution, compensation, satisfaction or guarantees of non-repetition.



*With Human Rights against Hunger!*



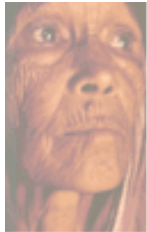


# ***Realisation of RTF in India***



*FoodFirst Information and Action Network*

## PILLARS OF RTF IN INDIA



India vows to respect protect and fulfil obligations under RTF towards progressive realisation of the same

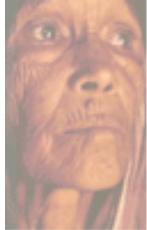
**Respect:** India is party to all major international treaties including ICESCR & ICCPR & RTF is enshrined in Indian constitution Art. 21

**Protect:** Art. 39 of Indian constitution instructs state to protect people from destructions of livelihoods by third party

**Fulfil:** There exists several policies and programmes to promote access to resources, income opportunities and food security through social security measures (LR, TPDS RTI etc.)

*With Human Rights against Hunger!*

## TARGETED INTERVENTIONS



- Targeted Public Distribution System (TPDS)

- Mid Day Meal (MDM)

- Self Employment Programme

- Swarnajayanti Gram Swarozgar Yojana
- Wage Employment Food for Work
- Jawahar Gram Samiti Yojana (JGSY)
- Employment Assurance Scheme (**NREGA**)

- National Social Assistance Programme

- National Maternity Benefits Scheme
- National Old Age Pension Scheme
- Annapurna & Antodaya Anna Yojana

- Micro finance- NABARD, SHG

*With Human Rights against Hunger!*

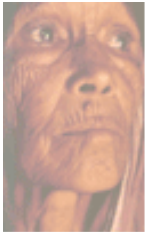
## Land Reform Acts & Measures

The Government of India set out the broad guidelines but the actual implementation was left to the State Governments

- The two most common methods or land reform components were:

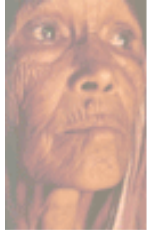
Redistributing land exceeding a state-declared ownership ceiling & Strictly regulating or prohibiting landlord-tenant relationships.

- These measures however, fallen substantially short of their goals in most Indian states due to
  - Poor design,
  - Lack of political will,
  - Less than vigorous implementation,
  - No specific focus on gender equity



*With Human Rights against Hunger!*

## MDGs and the Tenth Plan Targets



### Goal 1 : Eradicate extreme poverty and hunger

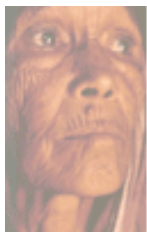
- » Target 1: Halve proportion of people with income less than \$ 1 a day.
- » Target 2: Halve the proportion of people who suffer from hunger.

- » Tenth Plan targets reduction of poverty ratio (proportion of people below poverty line) to **21% by 2007** and further to **11% by 2012**. The poverty ratio was 36% in 1993-94 and 29% in 2006-2007.



*With Human Rights against Hunger!*

## ***Intervention level A: Policy Watch:***



**+ Inadequate/inefficient FS policies for (*resulting into increased landlessness, alienation from CPR and loss of employments, changing nature of employments; caste & gender discriminations*)**

**+ Absence of a policy to mainstream RTF ( no comprehensive guideline , VGRF ignored)**

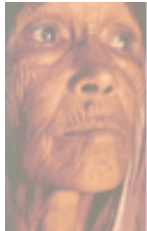
**+ Poor resource allocation for FS programmes**

**+ Poor implementation of existing policies and programmes (GAR; NREGA ...)**



*With Human Rights against Hunger!*

## ***Intervention level B: Governance:***



- **Inadequate analysis of causes of hunger and poor identification of victims and vulnerable groups**
- **Lack of effective participation (influence) of poor (victims) in decision making & implementation at grassroots in setting development priorities and planning (inclusive democracy) despite having GP**
- **Structural corruptions and malpractices, red-tapism, lack of transparency and accountability of state process/representatives**
- **Lack of knowledge of rights among duty bearers and right holders**
- **Lack of genuine political will to promote RTF**
- **Poor justiciability of RTF**



*With Human Rights against Hunger!*

## ***Intervention level C: International Influences: Liberalisation & Trade***



**-International trade agreements/treaties are often in contradiction with national FS policies & programmes**

*(AOA and subsidy /market access issue, global market demands PRIORITISED & not local needs, corporatisation of agri & poor profit in agri, sick public sector industries losing out in global uneven competition)*

**- Influence of MLIs/IFIs in shaping development /investment priority at national level (SAP, poor social sector investment)**

**- Role of MNC/TNC in shaping FS at national level (Reverse LR, increased privatisation of CPR, seeds & evictions )**

**- ETO of International communities**

*With Human Rights against Hunger!*

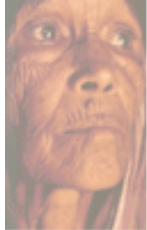


# ***Parallel Report on RTF in India***



*FoodFirst Information and Action Network*

# ***Structure of the Parallel Report on Right to Food in India***



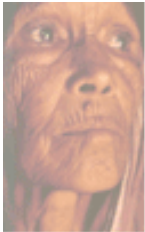
- » **Introduction**
- » **The Human RTF in India**
  - › Country context
  - › Policy framework
  - › Hunger and poverty in India
- » **Legal Framework**
  - › International obligations
  - › National obligations
- » **Illustrative cases of violations of RTF**
  - › Access to productive resources
  - › Employment and wages
  - › Social security
- » **Conclusions**
- » **Recommendations to the state of India**

*With Human Rights against Hunger!*

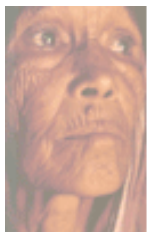
## Impact of the Country Report

*The Country Report has been an Important Reference Document for India :*

- Provided methodologies of analysis of human right to food
- Documented current situation of the right to food in India
- It was submitted to the relevant UN CESCR
- It is facilitating mainstreaming the right to food in Indian civil society and with the Indian authorities
- It would build a critical mass (through networking),
  - Towards justiciability of ECOSOC &
  - Towards building a nation-wide campaign for full realisation of right to food and feed oneself



*With Human Rights against Hunger!*



» **FIAN's parallel report is referred & highly appreciated by CESCR in Concluding Observations. FIAN is engaged in follow-up works in India**

*With Human Rights against Hunger!*

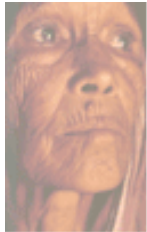


## ***Few cases from the report on violations of RTF***



*FoodFirst Information and Action Network*

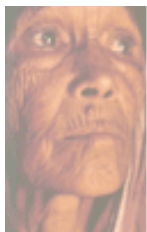
# Access to Land/Water/Forest, Displacement



- » **Singur West Bengal:** Loss of livelihoods of 30,000 peasants for land alienation
- » 100,000 people won battle for RTF in Nandigram fighting against land alienation for SEZ
- » 150 Fisher families face eviction in Orissa due to tourist resort development by state & Private company
- » 500 Tribal families livelihoods destroyed due to restriction of traditional grazing rights in Tamil Nadu
- » 1500 tribal families are displaced due to mining by TATA (iron ore) in Chattisgarh

*With Human Rights against Hunger!*

# ***Employment & Wages/ Social security***



- » Foundry workers in Howrah not receiving minimum wage
- » Mine workers in Jodhpur are exposed to hazardous working conditions
- » Govt. Of WB ban hand rickshaw pullers without rehabilitation, 18,000 affected
- » Brick Kiln workers in UP are denied minimum wages
- » Lack of rehabilitation of flood victims in Maldah causing hunger
- » 500 starvation deaths in closed tea gardens in WB
- » Kol tribal in Naibasti in Up denied access to social security schemes
- » In UP MDM poorly implemented
  
- » **150,000 peasants committed suicide due to indebtedness in last 10 years**



*With Human Rights against Hunger!*

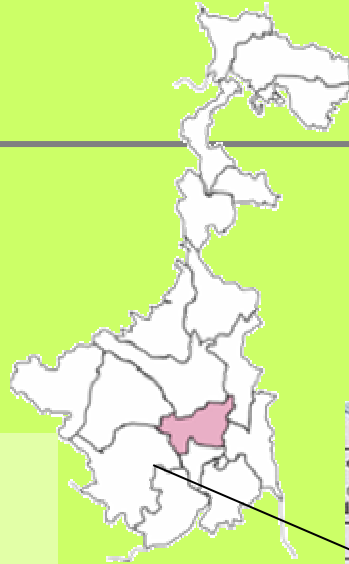


# ***Singur: Ethics of Expropriation (land) & Violations of RTF***

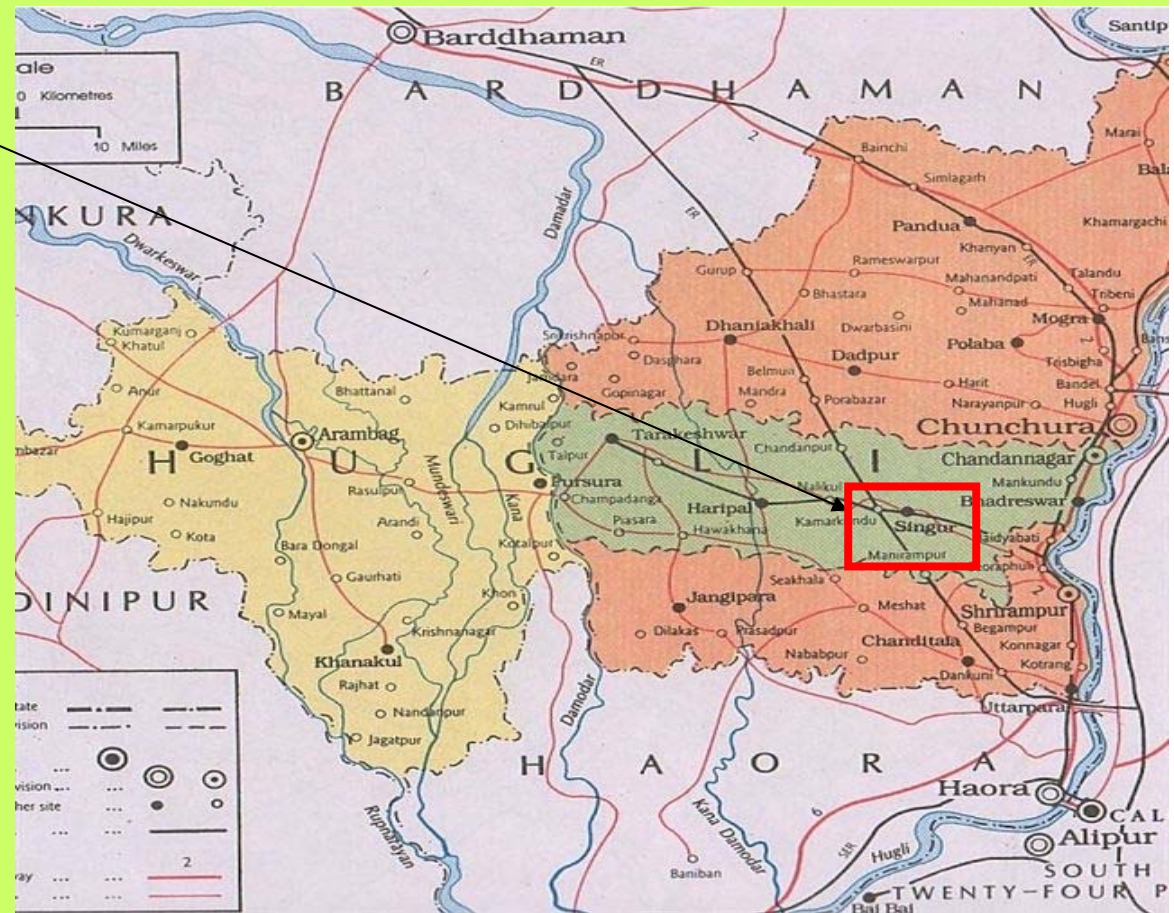


*FoodFirst Information and Action Network*

# LOCATION of SINGUR

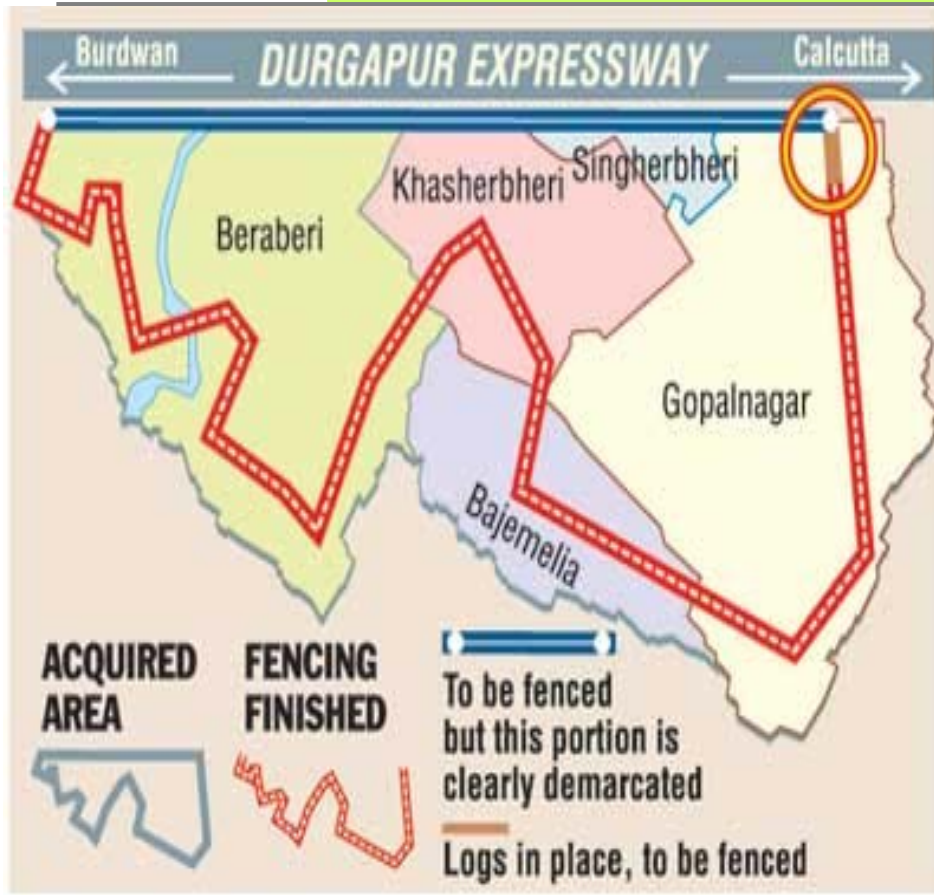


Part of the Hooghly district of West Bengal, **Singur** is 45 km from Calcutta Metropolitan City



*With Human Rights against Hunger!*

## Land Acquired in Singur



In the name of 'PUBLIC PURPOSE' the Government of West Bengal **COMPULSORILY ACQUIRED** 997.11 acres of fertile agricultural lands in Singur through Land Acquisition Act 1894 and gave the same to TATA's (India's largest MNC) for construction of an automobile manufacturing unit there in collaboration with FIAT. The process is declared complete in only 4 months amidst wide-scale discontents



*With Human Rights against Hunger!*

# LIVELIHOODS



- **The majority of the residents (75%) are small-scale and marginal farmers** with an average land holding of 2.5 to 5 acres. They depend solely on agriculture for livelihoods.
- The lands acquired by the state are **multi cropping agricultural lands** with a cropping density of 220 % with a well established system of irrigation.
- **Livelihoods of around 30,000 people affected** in Singur as they were dependent on agrarian economy as peasants, share croppers, agricultural labourers and other rural stakeholders
- **Peasant women are worst sufferers**

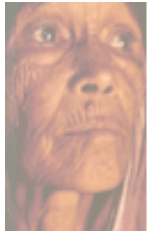


*With Human Rights against Hunger!*

## Planning & Publicity Phase of Land Acquisition

- Affected communities were **excluded from the planning process**
  - **The local self government (PRI) was not consulted** and in a few cases overruled **violating 73rd amendment of the Indian constitution**, which empowers PRIs to take decisions regarding any local development initiative.
  - **MOU, IAR, Criteria of compensation etc. were out of public domain.** Even RTI applications and court cases failed to yield results
  - No proper information on why the project is regarded as 'public purpose'
  - The LA announcement only appeared in the Party Organ of the ruling Party and in an English daily
- **There are serious questions over whether this particular land was needed at all for the factory**
- **According to TATA, a maximum of 800 jobs would be created in the automobile unit, and the state has failed to provide any concrete estimate on how many ancillary jobs would be created.**
- **However, the eviction has threatened livelihoods of around 30,000 people, a figure accepted by all stakeholders**

## Valuation & Compensation



- The process of issuing notice for land acquisition was erroneous under the Land Acquisition Act 1894
- No impact assessment on livelihood loss & Environmental Impact Analysis done
- No comprehensive and up-to-date list of affected persons made available.
- Only one time monetary compensation offered.
- Amount decided by the government arbitrarily, not authenticated by any neutral body & based on colonial land records
- Compensation money was 6 times below market price ( DLF paid Rs. 5,426,000 per acre close to Singur while those in Singur received Rs. 900,000 on average
- Only owners (often absentee) and few registered share croppers would receive compensation, unregistered peasants and others left out

*With Human Rights against Hunger!*

# Appeal



- Under LA 1894 ‘objections’ can only be made regarding the measurement of land or the quantum of compensation. Objections cannot be raised against the very act of acquisition.

- Soon after issuing the notice for land acquisition, 1035 farmers (90 % of the victims) submitted written objections. They put forward alternative suggestions for the relocation of the industry to nearby land.

- The case triggered off wide-scale discontent, protest and public discussion. On Sept 25, police attacked peaceful demonstrations of peasants, injuring many, including women and children; 57 hospitalised and a young peasant died

- Supreme Court cases pending challenging LA and compensation package including the FIAN case

*With Human Rights against Hunger!*

## Possession & violations



- The physical acquisition took place under the cordon of a strong police force and **no 'neutral' presence was allowed in Singur** during the process

- A state of emergency was then imposed on Singur (75 days)**, barring people from outside to enter and all public meetings, gatherings and processions were banned during the eviction process.

- **On 2nd December 2006 police & goons ransacked the villages**, brutally attacked the villagers and destroyed properties

- Women faced severe gender violence**

- on 18 December 2006, 18 year old activist girl, **Tapashi Mallick**, was raped and murdered, her charred body was found inside the fenced-off area for the proposed TATA Motors small car project.



*...h Human Rights against Hunger!*

# Resistance



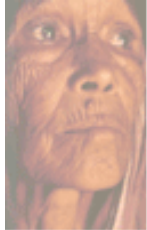
- KJBC formed and still peacefully resisting the project
- International FFM took place in September 06
- Special rapporteur on RTF and RTH informed
- IPT held at Kolkata in January 07, got wide media coverage
- Protest campaigns worldwide
- MNCs targeted , Corporate Social responsibilities referred
- PIL filed and followed-up
- Case integrated in parallel report on RTF



*With Human Rights against Hunger!*



# *Present Status*

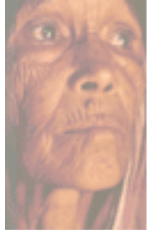


- » TATA has left singur but retained land
- » Govt. Not willing to give land back to people, referring to legal constraints
- » Peasants Movement demanding the land : Growing powerful
- » Large-scale support received from CS
- » FIAN published TATA Dossier & issued UA

*With Human Rights against Hunger!*



## *Critical Issues*



- » Narrow Perception of 'Development'
  - › Development for a few and destructions for many, expropriations violate all human rights
- » Pace of pro-poor Expropriation outstripped by pro-big business expropriation
- » Lack of good governance **and inclusive democracy at grassroots, even weak laws go un respected**
- » Public purpose definition being stretched
  - **Upcoming SEZs projects propose to acquire around 12,000 hectares of land in West Bengal in 2007-2008,**



*With Human Rights against Hunger!*



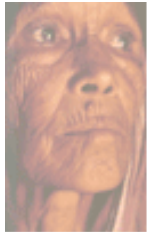
# ***WAY AHEAD***



*FoodFirst Information and Action Network*

## ***RTF is the fundamental pillar of Pro-poor Land***

---



- » Smallholders are future of our country & not an endangered species,
- » GAR is a precondition to ensure their RTF
- » To construct a framework for land policymaking that is truly pro-poor, a human rights approach is a powerful tool, precisely because it takes sides in favor of the poor (it is not pro-elite)
- » The UN CESCR has elaborated a set of criteria that further details what this obligation means, and which incorporates a bias in favor of the poor (it intrinsically means a pro-poor approach).

*With Human Rights against Hunger!*

# ***Towards an Alternative Framework -- 1***

## ***Explicit Articulation of How a Policy is 'Pro-Poor'***

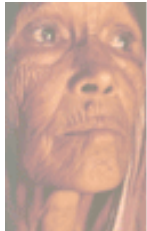
### **“Human rights tradition”**

**# People are viewed as rights-holders (rather than mere beneficiaries) States are viewed as duty-bearers (rather than service-providers), with the obligation to respect, protect and fulfil people’s human rights**

**# Governments should be held accountable when they fail to meet this obligation and rights are violated.**

» **There is no explicit human right to land in international human rights law.**

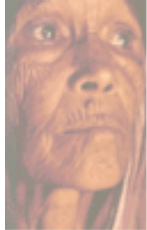
» **According to FIAN: the right to land of rural communities is implied in other human rights recognised in international covenants and legal instruments (e.g. -- right to property, right to self-determination, rights of ethnic minorities, right to an adequate standard of living, right to food).**



*With Human Rights against Hunger!*

## ***Towards an Alternative Framework -- 2***

### ***Explicit Articulation of How a Policy is 'Pro-Poor'***

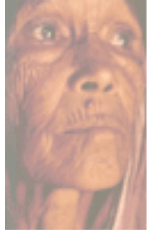


- » **Essential elements of a human rights approach to land policy:**
  - › 1. Starting point is recognition of the most vulnerable human beings as rights-holders.
  - › 2. The right refers to actual and effective control over the land resource, including the power to control the nature, pace, extent and direction of surplus production, extraction and disposition.
  - › 3. The right also involves land understood as "territory" where people live and reproduce their communities and "cosmologies" (e.g., -- shared understandings of origins and evolution of the universe and their place in it).
  
- » **Implies an obligation to recognise and take seriously the actual heterogeneity of agrarian societies.**



*With Human Rights against Hunger!*

## ***Towards an Alternative Framework -- 3 Explicit Articulation of How a Policy is 'Pro-Poor'***



- » This means that land policymaking must take into account key dimensions of human life that are integral to and shape the complex and diverse realities that obtain in lands:
  - › **Class** -- to ensure that benefits go to landless and near-landless working classes;
  - › **Gender** -- to uphold the distinct right of women to claim effective access to land as peasants, rural labourers, forest dwellers, pastoralists, and as women;
  - › **Ethnicity** -- to promote or reinforce the distinct right of ethnic groups to their territorial claims;
  - › **History** -- to bring to light and set right the social injustices that have been committed against the most vulnerable segments of society.

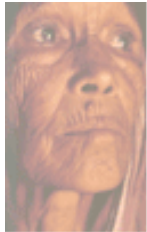
***The historical record is littered with land policies that failed in part because of their failure to consider any one, some combination, or all of these aspects.***

*With Human Rights against Hunger!*



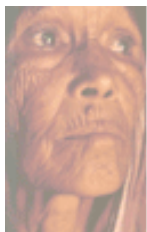
## ***Towards an Alternative Framework -- 4***

### ***Explicit Articulation of How a Policy is 'Pro-Poor'***



- » Finally, any public policy that claims to be pro-poor must explicitly articulate what it means by this and how it purports to qualify as such.
- » In our view, a truly pro-poor land policy would contain the following two key features:
  - › **Transfer or protection/ reinforcement of land-based wealth to the landless and near-landless rural poor** (e.g., land itself + water and minerals therein + other products linked to it such as crops and forest + any farm surplus created from it); and
  - › **Transfer or protection/ reinforcement of socio-political power to the landless and near-landless rural poor** (e.g., ***power to control decision-making*** vis-à-vis the land resource regarding nature, pace, extent and direction of wealth creation from the land and distribution/ disposition of such wealth + ***the power to participate fully and*** meaningfully in any and all development decision-making that affects their lives and livelihoods).
  - › ***Such an approach moves the challenge from one of “land governance” to one of “democratic land governance” (increasing rural poor people’s empowered participation + increasing state accountability to them).***

*With Human Rights against Hunger!*



***Thank you***

*With Human Rights against Hunger!*