

Impact On Economic And Democracy Right To Food Policy In India

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Abstract

The world food conference convened by FAO in 1974 drew the attention of the world community, for the first time, the urgent need for finding ways and means for assuring food security to the hungry millions of the world. The conference not only recognised the food security as the responsibility of the world community, but also gave the call that no child, woman and man should be stunted by malnutrition (Acharya 1983). Among the developing nations, India's achievements in reducing poverty and hunger are impressive, but there is more to be done to see a hunger-free India. Recent studies indicate that the Scheduled Caste and Scheduled Tribe groups, despite the implementation of several special programmes for their welfare, remain the poorest among the social groups. Among these groups, people belonging to agricultural labour households and casual labour households are the worst sufferers. While at the all-India level, agricultural labour households accounted for 48% of the rural poor, the Scheduled Caste and Scheduled Tribe households in this category accounted for more than a quarter of the total population in rural India 1999-2000. A tribal populated state, has been focused on the problem of effectiveness of the food security of tribal. It is widely accepted that the right to food forms one of the basic economic and social rights essential to achieve 'economic democracy' in India. This right is nowhere near realization in India, where under nutrition levels are among the lowest in the world. The right to food moreover, does not easily translate into well-defined entitlements and responsibility. Though serious difficulties are involved in making the right to food fully justifiable, new interventions are possible in at least three ways—through legal action, through democratic practices and through changing public perception. More importantly, the right to food needs to be linked to other economic and social rights—relation to education, work, health and information, which together hold the promise of radical change in public policies and democracy politics.

Introduction

The right to food can be seen from at least three different perspectives. One is the perspective of the Indian constitution, especially, the Directive principle of state policy. Secondly, we can refer to international declaration and convention on this matter, starting with the Universal Declaration of Human Rights. Indeed, it is possible of human rights movement that all human beings have some fundamental rights, whether or not this right is already incorporated in national or international law. Whether or not physical punishment is legally permissible. I shall concentrate on the first approach, and particularly on the right to food as one of the economic and social rights affirmed in the Directive principle. There are two reasons for this. The other reason is that it is important to place the right to food in the larger context of the need to revive the directive principles and their underlying vision of radical social change. The directive and they build on his visionary conception of democracy. This democracy, as he saw it, was both the end and the means of this ideal. It was the end because he ultimately considered

democracy itself as synonymous with the realization of liberty. Equality and fraternity. At the same time, democracy was also the means through which this ideal was to be attained. Indeed, perspective, democracy was intrinsically geared to social transformation and human progress. In one of the most inspiring definitions of the term, he described democracy as “a form and method of government whereby revolutionary changes in the economic and social life of the people are brought about without bloodshed”. This was one of the main objectives of the Indian constitution, and particularly of the directive principles himself put it as follows this revolutionary conception of democracy, however, fell into oblivion soon after independence. Indian democracy essentially went the same way as parliamentary democracy in Europe. Fifty-five years down the road, economy democracy has been quietly buried as a principle of public policy.

The Nutrition Emergency in Food Policy India

With this background, let me turn to the question of food. On this, the first point to note is the catastrophic nature of the nutritional situation in India. The second National family health survey (1998-99) provides ample evidence of the problem. To illustrate, according to this survey, 47 percent of all Indian children are undernourished, 52 per cent of all adult women are anemic, and 36 per cent have a body mass index (BMI) below the cut-off of 18.5 commonly association with chronic energy deficiency. These nutritional deficiencies have devastating consequences for the well-being and future of the Indian people. To start with, hunger and under nutrition are intrinsic deprivations and severely diminish the quality of life. Further, under nutrition is associated with reduced learning abilities, greater exposure to disease, and other impairments of individual and social opportunities. According to the latest Human department report, only two countries Bangladesh and Nepal have a higher proportion of undernourished children than India. Even after taking into account various gaps and inaccuracies in the international data, there is another indication here that under nutrition levels in India are extremely high. The second national family health survey contains a wealth of further evidences on different aspects of the nutrition situation I India. Consumption data, for instance, bring out the frugal nature of food intakes for the majority of the population. Even after allowing for some overlap between these different groups, this suggests that at least half of all Indian children below three suffer from one of these condition within any given interval of two weeks. All the figures cited so far national averages. It goes without saying that the situation gets worse-far worse-as we consider the poorer states Jharkhand, Chhattisgarh, Orissa, and the more deprived region within these poorer states palamau in Jharkhand, Sarguja in Chhattisgarh, kalahandi in Orissa, not to speak of the poorer communities within these deprived region. Among the Zaharias, the nutritional situation can only be described as a permanent emergency. Another disturbing aspect of the nutritional situation in India is that is shows little sing of major improvement over time. There is evidences of a steady decline of extreme hunger and severe under nutritional. But the general progress of anthropometric indicator the height and weight of Indian children is very slow. The point is illustrated in figure, which shows the average weight of Indian children ages in 1992-93 and 1998-99, based on the first second rounds of the National family Health survey. There some important, but it is not exactly dramatic. Based on the weight-for-age criterion, the proportion of undernourished children declined from 53 per cent in 1992-93 to 47 per cent in 1998-99. If the children undernourishment figure continue to decline at this sluggish rate of 1 per cent age point per year, it will take another 40 year before India archives nutrition levels similar to those of china today. The comparison between the two surveys also points to the growth of nutritional inequality in the 1990. Anthropometric indicator improved more for urban areas than for rural areas, and more for boys than for girls. based on weight for age criteria decline by 7 per cent

age points for urban boys between 1992-93 and 1998-99, but only 3 per cent age points for rural girls to 'catch up' with their Chinese counterparts if present rates of improvement continue is not 40 years, but 80 years or so. These patterns are consistent with independent evidence of a sharp increase in economic inequality in the 1990s. The right to food is about freedom from hunger. The narrow meaning of hunger may be understood as the right to have two square meals a day, while in its broader meaning would include under nutrition. Therefore the right to be free from under nutrition would mean and include other entitlements such as clean water, healthcare, and even elementary education. The right to food is considered by many as the socio-economic and cultural rights which society must try to achieve over a period of time and therefore, is mainly inspirational in character. But such statement is not defensible in a society where food is available but not accessible due to severe inequality in capabilities. Realisation of the right to food, is contingent upon the right to work and property.

Democracy and social Rights to Food Policy In India

Perhaps the most startling aspect of the nutrition situation in India is that is virtually no discussion of it, outside specialized circles. Chronic hunger rarely figure in public debates and electoral politics. To illustrate the coverage of nutrition issues in the mainstream media. The Hindu, one of the finest English-medium dailies, publishes two opinion articles every day on its editorial page. In a recent count of these opinion articles over a period of six months January to June 2003, it was found that health, nutrition, education, poverty, gender, human rights and related social issues combined accounted for barely 30 out of 300 articles. Among these 300 articles, not one dealt with health or nutrition. As this simple exercise illustrates, the basic needs of the Indian people count for very little in public debates and democratic politics, and nutrition issues are particularly out of focus. As far as democratic institutions are concerned, India is doing reasonably well in historical and international perspective. To illustrate, in comparison with the US (the self-proclaimed torch-bearer of democracy in the contemporary world), India fares much better in many respects. For instances, India has much higher voter turnout rates (the US are near the rock bottom of the international scale in that respects); it has more extensive provisions for the political representation of socially disadvantaged groups; and it is less vulnerable to the influence of 'big money' in electoral politics. The main objectives of the Food Security Programmes in India have been maintaining price stability, increasing welfare facilities for the poor, providing access to basic foods at reasonable prices to poor people, rationing during situations of scarcity and keeping a check on private trade and domestic prices. The food policy of India must also look into the factors like availability of food in the public distribution system and market, provide subsidized food to the families below poverty line like schemes to support the lactating mother, growing children, expectant mothers, provision for protected drinking water, primary healthcare and sanitation. To ensure the above provisions for people, the government time to time initiating measures to promote growth of production through producer-friendly food price policy, technological inputs, subsidies to farmers, organized interventions in the food system by procuring, maintaining of buffer stock and distribution of subsidised food and introduced regulations and control of private trade practices through regulated markets and essential legal measures. The country's present response to food security in terms of the Public Distribution System dates back to the Bengal famine 1943. The first food grain policy committee was introduced all over the country. The first scheme of centralised purchase from surplus areas, and rationing for equitable distribution was introduced. Statutory price-controls and sale of rice through fair price shops was also recommended (Das, 2004).

Having said this, Indian democracy has one major flaw, namely that most people are unable to participate in it due to economic insecurity, lack of education, social discrimination and other forms of disempowerment. Voter turnout rates may be reasonably high (about 60 per cent for

parliamentary election), but informed participation in democratic institution on a sustained basis is confident to a tiny minority. And even voting is a vary limited from of democratic participation when most people are unable to distinguish clearly between the different political particles and their respective programmers. The root of the problem was identified quite clearly in the context of his argument for linking political democracy with economic and social democracy. “On the January 26, 1950,” he said , “we are going to enter onto a life of contradiction. In politest we will have inequality”. The contradiction is still with us today, and in some respect at least, the problem is even intensifying at this time of growing inequality and elitism. Indian is in danger of becoming a “business-driven society”, to use Noam Chomsky’s telling characterization of US democracy. It is in this context that there is an urgent need to revive the concern with economic and social rights expressed in the Directive principle of the constitution, including the right to food. Indeed, as mentioned earlier, the main object of the directive principle was precisely to lay the foundations of “economic and social democrats”.

Two illustrations to Food Policy India

This does not mean that spectacular progress has been made in realizing the right to education. Indeed, there are also tendencies on the other side tendencies inimical to the right to education, such as the crisis of state financiers and intense hostility to the ‘welfare state’ in the corridors of power. Some recent developments, such as the growing reliance on low-quality, ‘second-track’ schooling facilities to raise enrolment figures, can even be seen as an attack on the fundamental right to education. Nevertheless, it is interesting that the reach of the schooling system has expanded so fast in a period of structural adjusting and general disengagement of the state. The growing recognition of elementary education as a fundamental right of every child has played a part in this achievement. Also, the wide acceptance of elementary education actives a powerful foothold to resist any attempt to dilute the constitutional commitment to free and compulsory education until age of 14. There is an instructive contrast here with the corresponding situation in the field of health care. Unlike elementary education, health care is yet to widely accepted as a basic right of all Indian citizens. This ambiguity has facilitated the continuation intensification of state abdication in this field in the 1990s. Public expenditure on health has declined as a proportion of GDP, from an abysmally low base (about 1 per cent) and the lack of any major initiative in the field of health care during the last 10 years contrasts with wide-ranging innovation in the field of elementary education. Another enlightening example is the right to information. Anyone who has worked in rural India is bound to be familiar with the tremendous disempowerment experienced by ordinary citizen due to lack of information and the inaccessibility of public records. Many examples can be given: some people have ration cards, but do not know what they are entitled to buy from the ration shop and at what price; other take bank loans without understanding the conditions of borrowing; TB patients are send away from public health center with cough syrups; laborers are unaware of the legal minimum wage; and so on. Another manifestation of the problem is corruption in public life, which thrives on secrecy and the dissimulation of information. In response to this situation, one could try a ‘case by case’ approach, in the from of addressing the problem in the specific domain where it occurs. The visionary insight of the ‘right to information movement’, however, is that the problem can also be tackled across the board, in lasting manner , by demininga blanket right of across to all public records at all times for all citizen. This led to a campaign for ‘right to information laws’, combined with efforts to enable people to use these laws. Going beyond this, the right to information movement can be seen as a step in the larger to journey towards public accountability and participatory democracy. They are the monitoring agencies and look after various policy matters. The Food Corporation of India (FCI) is the agency looking after the procurement of food grains from producers, their storage and also the import of other food

items. At the state level, as we have the food and civil supplies supervising the entire functioning. The Civil Supplies Corporation plays the same role in the state as the FCI at the centre. At the district and sub-division levels, the district administration is in charge of the Distribution System. The primary outlet under the system is the Fair Price Shop (FPS) from which people buy their rations. Number of fair price shops in a locality depends on the number of people living within a particular area. The yardstick of one FPS is for two thousand persons. The officials of the Food Supply and Consumer Welfare Department along with District Administration authorities supervise the functioning of FPSs. The items supplied through the Public Distribution System (PDS) include rice, wheat, sugar, kerosene, edible oil, dal and sometime potato and onion to check the rise of price in open market. However, the rice, wheat, sugar and kerosene are supplied regularly to the people of Odisha at a subsidized rate.

The Right to Food Policy to India

The right to food is, in some ways, a more complex right than the right to education or the right to information. To start with, the entitlements and responsibilities associated with the right to food are far from obvious. In the case of, say, the right to information, some basic entitlements and responsibilities are easy to identify: every citizen has a right of access to public records subject to specific exceptions, pertaining, for instance to 'national security, and conversely, every civil servant has a duty to part with the relevant records under pre-specified terms. If he or she refuses to do so, action can be taken. To a large extent, the right to information can therefore be translated into legal entitlements and enforced in a court of law. In other words, it is justifiable. The term 'freedom from hunger', for instance, lends itself to several interpretation: getting two square meals a day, meeting specific calorie norms, avoiding nutrition-related ailments, and so on. Ideally, the right to food should be seen as a right to 'nutrition', as in article 47 of the constitution. However, good nutrition itself depends in complex ways on a wide range of inputs: not just adequate food intake but also clean water, basic health care, good hygiene, and so on. Even if we confine our attention to food intake, the constituents of good nutrition are a matter of debate among nutritionists. For instance, there is some controversy about the importance of various 'micronutrients' for good nutrition. For all these reasons, it is hard to translate the right to food into a specific list of entitlements. To take another example, supposed that girl is undernourished because she does not get a fair share of food within the family. Clearly, her right to food would be violated. But who is responsible. At some level, state responsibility would be involved, since the state has an overarching duty to eradicate social discrimination. But surely, the girls' parents or whoever controls the distribution of food within the family would also bear a substantial part of the responsibility for this situation. Here again, there is a difficulty in apportioning responsibility for protecting the right to food. At this point, the reader may wonder whether the right to food has any 'teeth' at all, if it is so difficult to define and so hard to enforce. I would argue that it does have a cutting edge, for at least three reasons. First, even if the right to food is not always justifiable, some aspects of the right to food are amenable to legal enforcement. This is one crucial lesson of the public interest litigation initiated by the people's union for civil liberties Rajasthan in April 2001 with a writ petition to the supreme court. The litigation, is far from over, some useful orders have already been passed, such as the interim order of November 28, 2001, directing all state governments to introduce cooked mid-day meals in primary schools. We can plausibly envisage that entitlements of this kind might become part of the law of the land, just as the right of access to public records has found expressions in 'right to information laws'. Indeed, this approach would be highly consistent with the scheme of things initially envisaged by the constitution. It is often forgotten that while article 37 explicitly states that the Directive principle 'shall not be enforced by any court', it goes on to stress (i) that these principles are nevertheless

‘fundamental to the governance of the country’, and (ii) that “it shall be the duty of the state to apply these principle in making laws”. I submit that this approach would be more productive than the common proposal that the Directive principle should somehow be declared “justifiable”. For one thing, there are serious difficulties in making the right to food fully justifiable. Much of it ultimately belongs to the domain of democratic politics rather than of legal enforcement. The approach proposed here dose not detract from the possibility of claiming the right to food in court as a corollary of the fundamental ‘right to life’ under article 21. Indeed, this claim is one aspect of the public interest litigation initiated in April 2001 by the people’s union for civil liberties. And the supreme court itself has already clarified on various occasions that the right to life implies the right to food. In some circumstances, this recognition can be invoked with good effect. Yet, the persistence of mass hunger in India more than 20 years after to food as a fundamental right clearly indicates that more specific l politic legal provisions are required. This process has worked relatively well with respect to one specific aspect of the right to food – the prevention of famines. Asamentia seen has noted, in a democratic political system, allowing a famine to develop would be political suicide for the party in office. This is the main reason why every threat of famine in independent India has been boldly dealt with at least in terms of avoiding excess mortality . The latest example is the drought of 2002-03 in Rajasthan. In the absence of public intervention, drought- affected people would have perished in large numbers. With assembly elections round the corner, however, the government did not take any chances. In late June 2003, close to four million laborers were employed on relief works and related programmers in rural Rajasthan. Outside the specific context of famine prevention democratic practice has delivered rather little, so far, in terms of holding the state accountable to its responsibility for protecting the right to food. However, this situation is not immutable. In fact, i would argue that there are vast possibilities of radical change in this field. these possibilities arise mainly from the growing participation of underprivileged groups in democratic politics, and the fact that food security is one of their main concerns. Another positive development in this context is that the tools of democratic participation are becoming more diverse over time. In his defense of the directive principles, focused on the electoral process as the principal means of holding the state accountable outside the courts. But at the same time, we have good grounds for enhanced confidence about the possibilities of public action outside the traditional arena of electoral politics. These possibilities have already been creatively harnessed for various causes, ranging from gender equality and davit liberation to war resistance and the defense of civil liberties. The third argument for asserting the right to food is that, even when they are not enforceable in court, economic and social rights can have a profound influence on public perceptions of who is entitled to what. Rhesus perceptions, in turn, can make a concrete difference in diverse ways. For instance, in situations where the effectiveness of food security programmers depend on the vigilance of the public, perceptions of rights can matter a great deal. To illustrate, consider the public distribution system (P D S). One reason why the P D S is not in very good shape today is endemic corruption. Now, recent analyses indicate that the extent of corruption in the P D S is much higher in north India than in south India. In north India. In large parts of north India, poor people have very little awareness of their entitlements and how they can be enforced. They are sitting ducks for corrupt p d s dealers, and consider themselves lucky if they get anything at all. In Tamil Nadu, for instance, even illiterate alit women seem to have a sharp awareness of their entitlements, and of the redressed mechanisms that are available in the event where they are cheated. The two factors awareness of rights and accountability mechanisms reinforce each other and preserve the integrity of the system. If India’s public distribution system is to be revitalized, close attention needs to be paid to the circumstances that shape people’s perceptions of their rights as well as their ability to enforce them. It is in this respect, among others, that the

recent division of the rural population between 'B P L' and 'A P L' households below poverty line and above poverty line, respectively with P D S entitlements being effectively restricted to B P L households, is so pernicious. This division undermines the notion that PDS entitlements are a matter of right, since no-one has a 'right' to a BPL card. The local watchdogs of the public distribution system, often turn out to consist mainly of APL members, who have no stake in the integrity of the system, does not help either. The need of the hour is to empower disadvantaged households visa-a-visa PDS dealers, but the present targeting system goes in the opposite direction.

Mid-day Meals and their wider significance to Food Policy in India

These diverse roles of the right to food can be further illustrated with reference to the issue of mid-day meals in primary schools. This is one aspect of the right to food that has been significantly consolidated in India in recent years. I believe that this experience is of some significance not only from the point of view of child nutrition but also as a pointer to the scope for further action in this field. The case for providing cooked mid-day meals in primary school is very strong. At least three arguments can be invoked in this connection. First, mid-day meals boost school attendance, especially among girls. Second, they protect children from classroom hunger and also enhance child nutrition, if the meal is nutritious. Third, mid-day meals contributed to social equality, in servile ways; they teach children to share a common meal irrespective of caste and class, act as a form of income support for poor households, and provide employment opportunities to poor women. The wide-ranging personal and social benefits of mid-day meals have been well demonstrated in states that made an early start down this road, notably Tamil Nadu and Gujarat. More recent experience in Karnataka, Rajasthan and elsewhere suggested that similar achievement are possible all over country. In Rajasthan, for instances, girl enrolment in class 1 jumped by nearly 20 per cent in a single year after mid-day meals were introduced. With this Background, let me clarify how recent experience with mid-day meals illustrate the three possible roles of the right to food discussed earlier. To start with, this experience shows the possibility of bringing some aspects of the right to food within the ambit of legal enforcement. Some commentators are quite unhappy about the supreme court 'meddling' with policy issues such as the provision of mid-day meals in primary schools. Having witnessed the court's deliberation at close quarters, I share some of these apprehensions. Yet, the interim order on mid-day meals seems quite reasonable to me, considering that we are dealing here with very basic right of India children and that effectiveness of mid-day meals in furthering these right well established. As things stand, the directive on mid-day meals is only an 'interim order', but there is no reason why mid-day meals should not be given permanent legal status, just as the right to work has found expression in Maharashtra's "employment guarantee act". Secondary, the mid-day meals story also highlights the importance of campaigning for economic and social rights outside the courts, using all democratic means available. Indeed, had the supreme court order on mid-day meals been allowed to take its own course, it is doubtful that it would have been implemented. Thirdly, mid-day meals provides another useful illustration of the role of economic and social right in shaping people's perception of their entitlements and enhancing their determination to get their due. Here again, the point can be appreciated by looking at contrasts between different states. In Tamil Nadu, where mid-day meals go back to 1925, and were universalized in 1982 the whole arrangement is widely accepted as a basic entitlement of all children and has been internalized by all parties concerned-parents, teachers, cooks, administrators, and children themselves. Mid-day meals are provided on every day of the year, including holidays, and any lapse in this regard would be considered a serious matter. In Chhattisgarh or Madhya Pradesh, by contrast, mid-day meals are still far from being perceived as a basic entitlement of all children. This is

one reason why the implementation of mid-day meals remains quite casual in these states, to the extent that the meal often fails to materialize on a particular day, without anyone making a fuss. Beyond these specific lessons, there is a larger message here about the possibility of bringing democratic politics to bear on issues of hunger and nutrition. The point emerges most sharply in Tamil Nadu, where mid-day meals have been a lively political issue. M G Ramachandran threw his weight behind this idea in the early 1980. In fact, many observers consider this initiative as one of the pillars of MGR's lasting popularity. The prominence of social development issues in Tamil Nadu politics is also a major reason for the relatively good quality of nutrition and health services in general, from anganwadis to primary health centers. Elsewhere in India, social issues are nowhere near getting the same attention in state politics, but as argued earlier, this situation is not immutable. There are growing possibilities of public mobilization on these issues, and the future course of the right to food depends a great deal on the extent to which these opportunities are seized.

Conclusion

The basic argument of this paper is something like this. First, the Indian constitution and its underlying ideas provide a sound framework for thinking about the right to food. In this framework, the right to food is one of the basic economic and social rights that are essential to achieve "economic democracy", without which political democracy is at best incomplete. Indeed, there is an obvious sense in which mass hunger is fundamentally incompatible with democracy in any meaningful sense of the term. Second, the right to food is nowhere near being realized in India. In fact, under nutrition levels in India are among the highest in the world. Further, the improvement of nutrition indicators over time is very slow. There is also some evidence of increasing disparities in nutritional achievements. Fifth, the right to food is a somewhat complex right that does not readily translate into well-defined entitlements and responsibilities. The scope for enforcing it through the courts can be significantly enlarged but serious difficulties are involved in making it fully justifiable. Nevertheless, the right to food can bring new interventions within the: through legal action, through democratic practice, and through public perceptions. I have illustrated these different roles of the right to food with reference to the provision of mid-day meals in primary schools. It goes without saying that I am not proposing mid-day meals as an answer to India's massive nutrition problem. Similar things can be done with respect to many other means of upholding the right to food: employment guarantee acts, the public distribution system, social security arrangements, anganwadi facilities, and land rights, among others. I end by reiterating that if the right food is to be achieved, it needs to be linked with other economic and social rights, such as the right to education, the right to work, the right to information and the right to health. These economic and social rights complement and reinforce each other. Taken in isolation, each of them has its limitations, and may not even be realizable within the present structure of property rights. Taken together, however, they hold the promise of radical change in public priorities and democratic politics.

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