



DEBATING STATE OBLIGATION

- CHOOSING BETWEEN BREAD AND FREEDOM
- GOING BEYOND THE RIGHT TO FOOD
- CASH VERSUS FOOD
- DOES UNIVERSAL MEAN 'UNIFORM'?
- PROTECTING CHILDREN
- GENDER-JUST FOOD SECURITY LAWS
- THOSE AT THE EDGE
- STRINGS ATTACHED
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Should the state have the duty to provision food to its populations?

India's Supreme Court recognized that the fundamental right to life was a positive human right to all, and a requirement for a life with dignity. This includes the right to food. The Court therefore converted the range of existing food provisioning and social protection programmes into legal entitlements.

India chose to build on its long history of diverse forms of food provisioning – by expanding and legally guaranteeing these food transfers in its food law. However, public opinion in India still remains deeply divided about the merits of this law.

ARGUMENTS IN FAVOUR

- Food provisioning is an investment in ensuring that, until more lasting solutions are crafted and implemented, people today do not suffer from preventable hunger that affects their capacities to work and learn
- Hunger can be prevented by food provisioning, and not doing so is morally unacceptable
- The rich receive three times as much subsidy as the poor
- Problems of corruption also apply to other programmes, and need addressing; but this is no reason to cut pro-poor programmes
- Well-nourished workers work harder and more productively

ARGUMENTS AGAINST

- Economic growth is a basis for broad impacts on poverty reduction
- Risk of dependency and dis-incentivizing work
- High cost of mandated food provisioning
- Corruption and lack of state capacity

To address the question of whether the state should directly provision food for the social protection of vulnerable populations, India chose to build on its long history of diverse forms of food provisioning – of subsidized rations and child feeding – to expand and legally guarantee these food transfers in its food law. It is important to note that the International Covenant on Economic, Social and Cultural Rights (ICESCR),¹ under Article 11, establishes that the state has the duty to provision food (or the means to buy food) to its population. The minimum obligation is to ensure freedom from hunger. But despite the reality of persistent hunger and large incidences of malnourishment, public opinion in India still remains deeply divided about the merits of its food law, which legally mandates public spending for food provisioning.

India, like much of the world, continues to debate the most effective solutions to end impoverishment and want. One influential body of economists and policy leaders are convinced that it is only the rising tide of economic growth which will help overcome poverty. Therefore, the best contribution governments can make is to facilitate private investment while reducing government footprints of public spending and regulation. The alternative view is that even if economic growth is accomplished, disadvantaged populations require direct interventions by governments for redistribution, protection, and public spending to provide for basic human needs like food, education, health care, and social security.²

Supporters of the idea of state food provisioning are not necessarily against economic growth. But they point to evidence that despite unprecedented growth and wealth, millions the world over continue to subsist in hunger and want. In 2012–2014, one in nine people in the world – over 800 million people – went to sleep hungry. One in three people in the world who are denied enough to eat are found in India. Even after becoming the second fastest growing economy in the world in the first decade



of this century, India's endemic hunger and malnutrition have persisted, with one child in two³ still malnourished, and according to some estimates 190 million people⁴ going to sleep hungry every night.

They stress that it is not at all their claim that the answer to mass hunger is for the state to feed people in perpetuity. Far from it, what is needed is a range of measures to tackle the causes of poverty and hunger. These include not only stimulating economic growth, but also many other steps as well, such as public measures to accelerate sustainable agricultural growth; improving sanitation and clean water; providing health care; increasing social and gender equity; and providing decent and assured employment. But while all of this unfolds, it is economically (and morally) unacceptable for people to be compelled to live with hunger and its consequences, and this is why the state must provision food

1 Available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

2 See for instance: Bhattacharya, P. 2013. Everything you wanted to know about the Sen-Bhagwati debate. *LiveMint*, July 20, 2013 (available at <http://www.livemint.com/Politics/zvxkqvP9KNfarGagLd5wmK/Everything-you-wanted-to-know-about-SenBhagwati-debate.html>).

3 Based on the NHFS-3, conducted during the period 2005–06, which found almost 50 percent of children under-five were stunted, showing prolonged undernourishment (available at <http://cbhidghs.nic.in/writereaddata/linkimages/NFHS-3%20key%20Findings5456434051.pdf>).

4 The information about the percentage and total number of undernourished people in the world is revised regularly by countries. The same holds for population data of the United Nations. Whenever this happens, FAO revises its estimates of undernourishment accordingly. Updated estimations can be found at the Web page of *The State of Food Insecurity in the World* (available at <http://www.fao.org/hunger/en>).

as long as it remains necessary. Economic growth has not generated employment as expected; in the high noon of India's growth from 2004 to 2010, only 3 million jobs were created, while nearly 60 million people were added to the workforce. What is more, most of these jobs were low-end, contract or casualized, and employment in the formal sector actually declined during this period. Furthermore, senior policy-makers in India do not foresee the end of even minimally defined poverty for many decades; one official estimate for the time frame for ending starvation-level poverty is 2040.

Supporters argue that one should see state food provisioning not as a mere undeserving dole, but rather as an investment in ensuring that the working people of India are well fed, which is critical both for their productivity and their morale. That every second child in India is malnourished means that the brains and bodies of every second young adult are not allowed to be developed to their full potential. There is no disagreement that for poverty to end, far more needs to be done than simply feeding people. But it is the duty of a caring state especially in a rapidly growing economy to ensure that until more lasting solutions are crafted and implemented, people today do not suffer from preventable hunger.



This is also consonant with the views of India's Supreme Court which has held that the fundamental right to life is a positive human right to all that is required for a life *with dignity*. This includes importantly the right to food. India's highest court therefore has converted the range of existing food provisioning and social protection programmes into legal entitlements, expanded and universalized them, and established an independent system of its Commissioners for the enforcement of these entitlements.

But many are profoundly dismayed by the legally mandated state food provisioning in India's food law. Their unease stems from many sources. One of these is the high cost of mandated food provisioning, which they fear will inflate deficits and fuel inflation; to them, this makes the measure profligate and populist. They feel that the law forces the state to transfer unproductive subsidies to the poor.⁵ Another source of unease stems from the belief that the food law is not implementable and the investment would therefore be wasteful, because state administrations demonstrably lack the capacity to actually deliver the promises of the law; this is evidenced even by official studies that confirm enormous leakages of subsidized Public Distribution System (PDS) grains into the black market. These critics fear it will create dependencies and dis-incentivize work.⁶

Proponents argue that it is not right to assume that the pot of public revenues is fixed and given, and therefore if we spend more on food, we will either have to pull back on other important expenditures or raise deficits. The option exists to raise more taxes considerably, given India's low tax to gross domestic product (GDP) ratio of 10 percent.⁷ Also, too much of India's taxation is indirect, which burdens the poor unfairly. In addition, what is needed is greater integrity

5 See for instance: Dhume, S. 2013. New Delhi's Hunger Games. *The Wall Street Journal*, June 20, 2013; and Sinha, Y. 2013. Food Security Bill is proof that PM is happy to go along with Sonia Gandhi's senseless welfarism. *Economic Times*, July 9, 2013 (available at: http://articles.economictimes.indiatimes.com/2013-07-09/news/40469285_1_congress-party-finance-minister-fiscal-deficits).

6 See for instance: Das, G. 2013. Food security bill: Corruption by another name. *The Times of India Blog*, March 31, 2013 (available at <http://blogs.timesofindia.indiatimes.com/men-and-ideas/food-security-bill-corruption-by-another-name>).

7 Available at <http://indiabudget.nic.in/ub2014-15/frbm/frbm3.pdf>

in India's tax efforts, rather than a moratorium on public spending for the poor. The rich receive three times as much subsidy as the poor. Furthermore, the costs must be weighed of *not* making these investments – the enormous costs of hunger, preventable diseases and deaths on the morale and productivity of several hundred million working people and growing children.

Sabina Alkire offers a telling global comparison that India "has a higher proportion of stunted children than nearly any other country on earth, yet spends half the proportion of GDP that lower, middle-income Asian countries spend on social protection and less than one-fifth of what high-income countries in Asia spend." In lower middle-income countries, these expenses are 3.4 percent of GDP. India's is a mere half of that at 1.7 percent, and even this low level is reached largely because of the rural jobs guarantee programme that ensures 100 days of paid work to all poor households in villages. The average for upper middle-income countries is 4 percent of GDP and 10.2 percent for high-income countries. Japan spends 19.2 percent and the People's Republic of China, 5.4 percent. Even the Republic of Singapore spends more than twice as much as India, at 3.5 percent of GDP.

Supporters also argue that while systems for delivery of food programmes are often flawed and corrupt, this problem also applies to defence deals, mining, and urban infrastructure, to name a few. Therefore, we cannot selectively veto only programmes for the poor on these grounds. Some states have shown that state delivery systems like the PDS can be credibly fixed. And finally, the poor work hard, and have



dreams like the rest of us: they too want a better life for their children, and a better material life for themselves. It is unjust to assume that they will stop working just because their stomachs are fuller.

The supporters of state food provisioning are instead concerned that it does not go far enough: it is not universal, it neglects agriculture, it does not include provisions for the starving and destitute, and it ignores corresponding dimensions of food and nutrition security, such as water, sanitation and health care. It also fails to establish a robust and independent enforcement mechanism critical for the implementation of any rights-based law. These are all questions and debates that this report will address in later chapters.

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