

RIGHT TO FOOD

&

GOVERNMENT BUDGETS

SOCIAL WATCH – TAMILNADU

Social Watch – Tamilnadu is indeed happy to bring out this dossier on the occasion of the World Food day Conference on Right to Food at Madurai, Tamilnadu during 16-17 October 2007.

Right to Food, linked to Public Policy frameworks and Government budgetary processes, especially as related to Tamilnadu State, remains one of the key concerns of Social watch – Tamilnadu. The present Dossier brings together our major publications in the field of Right to Food and Budgets.

We take this opportunity to thank **Mr. Fatimson** of PACT, Tamilnadu and **FIAN International** for having been our constant sources of inspiration and collaboration in the sphere of Right to Food and Common Property Resources.

We also thank **Babu Jesudoss**, our Researcher on Right to Food, who has substantially contributed to this dossier, as well as our other staff members (**Dr. Packiaraj**, Research Guide, **John Kumar**, Consultant, **Kamakshi**, Researcher, **Stella** and **Xavier**, Administrative staff).

Chennai
16 October 2007

Manu Alphonse
Director

CONTENTS

	Page
1. ESCR & Budget Advocacy	3
2. Right to Food and People's Budget Advocacy	7
3. Land for Dalits & Special Component Plan	13
4. CASE STUDIES	
a. RTF & Shrimp Industries	17
b. RTF & Tsunami Devastation of Agriculture	20
c. RTF & Legal Interventions	22

(All the three Case studies are modified versions of Case studies prepared by Mr. Babu Jesudoss and submitted to FIAN International to be published in their forthcoming Alternate Report on Right to Food in India).

“The International Covenant on Economic, Social and Cultural Rights (ICESCR) protects human rights that are fundamental to the dignity of every person. In particular, article 3 of this Covenant provides for the equal right of men and women to the enjoyment of the rights it articulates.”

“The Committee on Economic, Social and Cultural Rights (CESCR) has taken particular note of factors negatively affecting the equal right of men and women to the enjoyment of economic, social and cultural rights in many of its general comments, including those on the right to adequate housing, the right to adequate food, the right to education, the right to the highest attainable standard of health, and the right to water.”

“The equal right of men and women to the enjoyment of economic, social and cultural rights is a mandatory and immediate obligation of States parties. The equal right of men and women to the enjoyment of economic, social and cultural rights, like all human rights, imposes three levels of obligations on States parties - the obligation to respect, to protect and to fulfill. The obligation to fulfill further contains duties to provide, promote and facilitate.”

- General Comment No. 16, 2005: Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights.

ESCR & BUDGET ADVOCACY

ESCR, the New Generation Human Rights

The Universal Declaration of Human Rights (UDHR), 1948, though historically a significant document, is to a great extent a western document, with the rights of individuals as its main focus and concern. As the basic livelihood and communitarian rights of oppressed communities, especially from the third world have come onto the global scene, Socio-Economic and Cultural Rights and Livelihood Rights have gained greater importance.

The International Covenant on Economic, Social and Cultural Rights, (adopted by UN General Assembly in 1966 and came into force in 1976) laid down the basic building blocks of a system of Economic-Social and Cultural Rights (ESCR).

Among the major ESCR upheld by the Convention were the following:

- Right to Work and just conditions of work.
- Right to Social Security, including Social Insurance.
- Right to adequate Standard of living, including adequate food, clothing and housing and continuous improvement of living conditions.
- Right to Physical and Mental Health.
- Right to Education.
- Right to Cultural Life and the benefits of scientific progress.

The Declaration on the Right to Development (adopted by UN General Assembly in 1986), confirming that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals, gave an added impetus to the debate on ESCR.

Meanwhile, Conventions, which looked into the concerns of specific vulnerable sections of society, helped to link ESCR with the basic rights of these specific sections. Chief among them have been the following:

- **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979**
- **Convention on the Rights of the Child (CRC), 1989**

Later Optional Protocols to various Conventions and General Comments on specific rights, initiated by the UN Economic and Social Council, have taken ESCR to greater specificity and focus. Chief among these have been the following:

- **General Comment 12 on Right to Adequate Food, 1999**
- **General Comment 15 on Right to Water, 2002**
- **General Comment 16 on ICESCR, 2005**

ESCR and State Accountability

Even though the articulation of the various ESC Rights has gained great focus and legitimacy over the years, making Governments accountable vis-à-vis the Socio-Economic and Cultural Rights (ESCR) of their populations still remains a major challenge. International Human Rights Law with regard to ESCR is still in the making. Unlike civil and political rights, ESCR still remain mostly “non-justiciable” and do not form part of Fundamental Rights of most Government Constitutions, thus providing an escape route to governments.

Yet, ESCR international law has in recent times evolved dynamic concepts such as the following:

- **“Progressive Realisation”** (i.e., “Governments should not take any deliberate steps backward in the provision of these rights”),
- **“Full use of the maximum resources available”** (i.e., “When large numbers of people are denied these rights, it is assumed that the government is not doing all it can”) and
- **“Non-Discrimination”** (i.e., “Governments should not discriminate in the provision of these rights on the basis of race, sex, income etc.”)

Creative work on the above lines has provided sufficient space for civil society budget advocacy groups to push the frontiers of the government in terms of accountability in the field of ESCR, like Rights to Food Security, Water and Housing, Primary Education, Public Health, Employment etc.

ESCR & Budget Advocacy

Though most of the work of the budget advocacy groups has been shaped by broad human rights concerns and perspectives, linking specific ESCR with budget monitoring is only beginning. In the recent past, efforts towards building bridges between human rights-oriented budget advocacy groups and ESCR-monitoring groups have emerged, both globally and locally. A dialogue between ‘international human rights and budget activists’ at Mexico in 2002 identified a range of potential joint work between the two groups:

- The promotion of more specific content in ESC Rights Agreements;
- Specific analytical work that measures budget expenditures against legal rights obligations; and
- Capacity building and networking activities such as training and the development of materials that can help advocates understand the connections between the two approaches.

Government Budgets, a Domain of Myths

Budgets are a mirror to the priorities, perspectives and policies of a Government. Budgets are no mere financial statements but are political documents, reflecting the existing power relations in a society. Annual presentations of budget are a constitutional duty of every government; and budget sessions are occasions for the Government to give an account to its citizens as to how it handles public money.

While budgets reveal the hidden and open agenda of the ruling classes and vested interests, they can also be used by a socially committed government as a tool for social engineering; for example, to change existing power equations in favour of the weaker sections.

But for too long, budget-making has remained the exclusive domain of bureaucrats, protected by a veil of secrecy and often shaped by behind-the-screen lobbying by socio-economically powerful sections of society, like trade, industry, big landlords and even the mafia!

Budgets are given an aura of sophistication, and the myth that no one but super-intelligent economists and civil servants can understand (much less, make) budgets has been carefully nurtured down the ages.

RIGHT TO FOOD & PEOPLE'S BUDGET ADVOCACY

Citizens Budget Movement

Over the last two decades or so, civil society organizations, all over the world, have opened up to the conviction that huge amounts of public money can never be left safely to the manipulations of the vested interest groups like the bureaucracy and the ruling classes.

The Fourth Global Conference on Government Budget Advocacy, held at Mexico in 2003, brought together well over 140 participants from 40 countries including 7 Budget Advocacy groups from India. The process has since then grown and is taking concrete shapes and directions.

Motivated by the two major concerns of “Good Governance” (Transparency, Accountability and Participation) and Social Justice (ensuring the basic needs and rights of the marginalised), a broad spectrum of NGOs, Human Rights groups and social research institutes has emerged. And these budget advocacy groups have been developing focused analytical tools and strategies towards both engaging policy/budget makers and generating peoples’ lobbies on budget concerns. Parliamentary and Legislative Budget Advocacy, at national and provincial / state levels, has indeed come to stay. Starting from broad issues such as effectiveness and sectoral allocations of public expenditures, patterns of public revenues including relative tax burdens etc., budget groups have come to be focused on specific perspectives of specific sections of people like indigenous people, women and children.

It is indeed significant that the global Citizens Budget Movement has gained strength just as most governments across the world have embraced neo-liberal economic policies, carefully nurtured by intra-governmental financial institutions like the World Bank, the IMF and even many of the specialized United Nations Agencies. At a time when States are shirking their accountabilities, in tune with private corporate interests, budget advocacy is becoming a powerful tool for state accountability. Therein lies its need, relevance and significance!

Early and mid-1990's in India witnessed the emergence of many "Budget Advocacy Organisations", who did pioneering work in various sectors and in different States of India. Among them were:

- DISHA in Gujarat (Tribal Budgeting)
- Tamilnadu Peoples' Forum for Social development (Dalit Budgeting)
- HAQ, New Delhi (Child Budgeting)
- Public Eye Centre, Bangalore (Report Cards)
- Samarthan, Mumbai (Education)

The coming together of these various organizations led, in 2003, to "Peoples' BIAS" (Budgetary Information and Analysis Services) and later to the establishment in New Delhi of the Centre for Budgetary and Governance Accountability (CBGA).

In recent years various organizations under the leadership of CBGA and Campaigns such as "Wada Na Todo Abhiyan", have attempted high-profile "Peoples' Budget Initiatives", linking budget advocacy with peoples' monitoring of the Common Minimum Programme of the UPA Government at the Centre.

Campaigns such as the "Nine is Mine Campaign", demanding allocation of minimum 6% of GDP for education and 3% for public health, have even had minimal impacts in the formulation of the Indian Union Budgets of the recent years.

"Social Watch – Tamilnadu", born out of the 8 years experience of the Tamilnadu Peoples' Forum for Social Development, specializes in linking ESCR and budget advocacy at the State level.

Peoples' Budget Advocacy in India

It is no coincidence that along with the post-1990 neo-liberal socio-economic policy thrust of the Indian Government, at the Central and States levels, efforts by civil society groups to critique Government budgets from the perspective of the marginalised and lobby for alternative ways of budgeting have also grown.

Over the past, significant progress has been made in fields such as Gender Budgets, Child Budgets and Dalit Budgets, leading to positive responses among policy/budget-making arenas both at the Central and State Governments level.

Tsunami 2004 and the post-tsunami relief-cum-reconstruction scenario have impelled major budget advocacy organizations like “Social Watch – Tamilnadu” and CBGA to new areas such as budget analysis of Disaster Funds, like the National Calamity Fund, Prime Minister’s Relief Fund etc, as well as move towards “Social Equity Budgeting”, linked up with the emergence of Social Equity Audits, as a tool to move towards more inclusive communities.

Of course the field is still young and the challenges as well as opportunities, both from within and outside, are numerous!

Right to Food campaigns in India

Mass starvation deaths and suicides, especially among farming communities across many states of India, have remained the harshest slap in the face of any “India Shining” propaganda. Levels of chronic malnutrition and hunger among specific communities in India still continue to be worse than even Sub-Saharan countries.

Organisations such as FIAN International and the national Right to Food Campaign focusing on Employment Guarantee schemes and Public Distribution System, have been doing commendable and sustained work, over many years, in the sphere of monitoring Right to Food in India, as well as lobbying for justice, nationally and globally.

FOOD INSECURITY IN INDIA & FIAN REPORTS

- “Food insecurity in India can best be described as chronic rather than acute, with 233 million (1998–2000) undernourished in calorific and micronutrient terms (against 215 million in 1990–2). Under nourishment is severe among Scheduled Castes and in those rural areas weakly integrated into markets, and has marked seasonal patterns.” (2004 FIAN Update on Right to Food and water)
- “Today hunger and malnutrition in India is not just a rural problem: for the first time in 1987-88 the number of the urban poor surpassed that of the rural poor. Where access to land and other natural resources are important for the rural population to feed themselves, the urban population is dependent on work and wages.” (2003 Report on manual scavengers of U.P.)
- “The chronic conditions for many millions of people in India are unacceptable in terms of the basic requirements of human dignity as enshrined in the Constitution of India.” (2004 Update)
- “The Government of India even though it has signed and ratified the International Covenant on Economic, Social and Cultural Rights is failing to respect, protect and fulfill its peoples’ right to adequate food and water and comply with the obligations it has accepted as a signatory of the covenant. In its domestic policies and activities the State is repeatedly violating the vulnerable communities’ right to adequate food.” (2004 Update)

The long drawn out “Right to Food” case in the Supreme Court of India (Peoples’ Union for Civil Liberties Vs Government of India) has revealed significant State negligence in ensuring food security, such as the breakdown of the Public Distribution System and the inadequacy of relief programmes in disaster areas. While the Supreme Court has passed significant interim orders on State accountability in the sphere of food security, the case has clearly shown both the spaces available as well as the lacunae in the legal fight for Right to Food in India.

Tsunami 2004 revealed very cruelly as to how disasters seriously affect the livelihoods of specific marginalised sections like dalits, tribals, widows and the small traders; and how relief and rehabilitation efforts, both by the government and civil society, have acutely failed in ensuring food security of vast sections of the coastal population. Social equity in terms of access to food has emerged as a major challenge.

Finally the recent controversies around the establishment of Special Economic Zones and related issues of land grabbing and displacement of rural communities have highlighted the fact that as the Indian economy gets more and more globalised, right to food portends to be the worst casualty!

Bridging Right to Food and Peoples’ Budget Advocacy in India

A sustained dialogue between the right to food security campaigners and the human rights-oriented budget advocacy organisations in India offers much space for new synergies and strategies. While, on the one hand, the right to food security campaign would get an added tool in their struggle to make the Indian State accountable, it will also provide the budget advocacy organisations new learnings and methodologies of concretely bridging budget work with ESCR monitoring. It will be crucial that such a dialogue is shaped primarily by the experiences of marginalised communities such as dalits, tribals and women.

While international experiences of linking budget advocacy work with ESCR rights can provide an initial roadmap for such a dialogue, the Indian experience can surely add value to the international efforts.

LAND DEVELOPMENT – A GRASSROOTS EXPERIENCE

In 1974, dalit farmers of the villages in Vadugapatti block of Periyakulam Taluk in Theni district, received from the Government of Tamilnadu 500 acres of dry and fallow lands on a free patta basis. But till 1988, hopelessness, born out of factors such soil erosion, land degradation, low profitability, lack of economic help, lack of crop insurance, problems of cattle etc ensured that the lands remained fallow and uncultivated.

A combination of many positive factors, including strategic interventions from NGOs, the Government and experts inspired the farmers to take up collective efforts such as a check dam, increasing groundwater levels and stopping soil erosion.

Based on traditional knowledge of crops and seasons, a crop pattern of mixing crops with a variety of fruit trees and high breed trees was chosen. A community well and 7 bore wells were dug and economic patterns of water usage were adopted. About 2000 trees, at the rate of 40 trees per acre and about 50,000 high-breed trees at the rate of 100 per acre were planted.

The professional expertise and support of the Government through the Western Ghat Development Programme, the Forest Department and Horticultural farms were a great source of strength to the dalit farmers.

And the result is there for anyone to see!

- Land that was considered uncultivable has turned into a fertile sholai. The value of land that was Rs 2000-3000 per acre rose to Rs 40,000-50,000 and every farming family was left with assets worth Rs 1-5 lakhs each. Every farmer is able to harvest more than 1-3 tons of fruit per year. And the farmers are able to raise all the food grains for their personal use, for 6 months in a year.
- **TODAY, THESE VILLAGES HAVE BECOME MODELS FOR OTHER DALIT FARMERS IN THE ART OF RAISING INCOME FROM LAND-BASED ACTIVITIES.**

LAND FOR DALITS & SPECIAL COMPONENT PLAN

In a country and State where the majority of population still remains predominantly rural and dependent on agriculture, ownership of land becomes very closely related to issues of food security and food sovereignty.

While Land Reforms have remained mostly a distant dream, even efforts to distribute land to dalits and other landless persons have not resulted in needed outcomes, because of the lack of supportive mechanisms and financial assurance.

The process of land belonging to dalits and other marginalised sections, being alienated from them, has continued over the years. While even now millions of Panchami lands that once belonged to dalits are in the hands of others, the process has continued over the decades of Development; and literally millions of acres have changed hands to private companies and contractors.

And today, in the context of the mass land-grabs in the name of Special Economic Zones and the confusions that have emerged around seemingly pro-people schemes like “Free 2 acres to the landless”, the question of land for dalits is again gaining significance.

If the poor have to get the best out of their land, a combination of factors needs to come together. When such positive factors are brought together, the poor, dalits included, have been able to bring about miracles, such as the one narrated in the opposite page.

It is at this level, strategic support from the government for developing land, for example using available public money as through the Special Component Plan for dalits is crucial.

The grassroots experience narrated in the opposite page graphically reveals what is possible and what needs to be done!

“The Sixth Five Year Plan (1980-85) marked a shift in the approach to the development of the Scheduled castes. The Special Component Plan (SCP), launched for the Scheduled castes, was expected to facilitate easy convergence and pooling of resources from all the other development sectors in proportion to the population of SCs and monitoring of various development programmes for the benefit of SCs.”

- Report of the Steering Committee on Empowerment of the Scheduled Castes, Other Backward classes and Minorities, Tenth Five Year Plan (2002-2007).

“The SCP is based on the philosophy that the effort for the development of SCs has to be made in every sector of the plan and by every department and agency, implementing the plan programmes.

While the central objective is the economic development to achieve a lasting solution to the socio-economic problems, the SCP is intended to comprehensively cover economic, educational and social development along with the fulfillment of minimum needs and human resources development. The measures for securing the scheduled castes full access to modern, secondary and tertiary sectors, including public services, protection and promotion of their demand over land and resources, measures for expansion of the resource base and effective protection against discriminatory practices. All these constitute into the part of SCP.”

- “Special Component Plan for Scheduled Castes”, TN Adi Dravidar and Tribal welfare, Chennai, 2003.

Special Component Plan and Land Development for Dalits

Even though the Special Component Plan for dalits was visualised as a new paradigm of budgeting, consistent researches by organizations like the “Social Watch – Tamilnadu” have shown as to why literally Crores of Rupees that are due to dalits have been denied to them.

Consistent lobbying by various dalit and human rights organizations at the states and national level has yielded some minimal positive results but the struggle has gone on. The latest is a Public Interest Litigation case in the Supreme Court on the Special Component Plan for dalits.

On the other hand, given both the vast amount of funds made available and the principle of convergence and universality, the Special Component Plan can be a powerful instrument towards the socio-economic empowerment of dalits. Today there has been a suggestion to develop “Special Peoples’ Zones” as counter to the destructive “Special Economic Zones”. SCP can be effectively used for the establishment of such Special Peoples’ Zones, with land and assets placed at the hands of the marginalised dalits for their empowerment!

The following exercise shows clearly as to how strategic use of SCP funds can bring about a revolution in the lives of rural dalits:

The Proposal: AGRICULTURE: (Annual Allocation – Rs 200 crores):

As per the stipulations of the Special Component Plan for dalits in Tamilnadu, a minimum of Rs. 200 crores per year will be allocated. This Rs 200 crores can be effectively and creatively used to evolve programmes for the development of dalits, if two additional objectives are built-in:

1. Using the government funds as deposits for further mobilization of funds from private and other financial institutions.
2. By encouraging a spirit of entrepreneurship among the scheduled castes, to strengthen the serious involvement of private parties in the projects envisaged and to raise private savings as capital for further investment.

Objective:

To develop small farmers, wetland farms with suffering water resources as well as big landlords among dalits.

Programme:

A. 8000 small farmers

3 acres of land will be bought per head, at today's price level, for Rs 1 lakh and given. Of these Rs 25000 will be the personal contribution, Rs 25000 as Govt grant and Rs 50,000 as Government loan. Thus by using a total amount of just Rs 60 crores (Rs 20 crores as grant and Rs 40 as loans), 8000 small farmers can be developed per year.

B. 4000 wetland farms (with water resources)

3 acres per person of ayacut lands irrigated by dams or lakes can be bought and given. At today's market rate, 3 acres can be bought for Rs 3 lakhs, contributed in the proportion of Rs 1 lakh as Govt. loan, Rs 1 lakh as Govt. grant and Rs 1 lakh as private contribution. Thus 2000 wetland farms can be developed every year. The total expense involved on the part of the government will be just Rs 80 crores (40 crores as grant and 40 crores as loan).

C. 400 big farmers

Not less than 20 acres, at the rate of Rs 10 lakhs per head, can be bought and supplied. The total expense can be divided in the proportion of Rs 5 lakhs as Govt. loan, Rs 2.5 lakhs as Govt. and Rs 2.5 as private contribution. Thus the Government can develop 400 big farmers per year, at a total expense of merely Rs 60 crores (Rs 20 crores as grants and Rs 40 crores as loan).

Results achieved: About 12,400 dalit landless can become landowners in just one year!

* * *

RTF & Shrimp Industries

(A Case Study)

The Thillaivilagam Village of the Thiruvarur district, Tamilnadu, South India has the rich potential of cultivable lands and ground water surrounded by the large mangrove forest, which ensures Food Security of the population of 11,250 and fulfills their drinking and irrigation water need. The prawn farms violate farmers' Human Right to Food.

Out of the total cultivated area of the study region, ie., 3800 acres, about 200 prawn farms have occupied around 500 acres. The farmers claim that prawn farms have polluted about 2,000 acres of cultivable lands. According to the Panchayat president, around 4000 farmers have been severely affected by the prawn farms. The affected are mostly marginal farmers with just 2 acres or less each, and 50% of the farmers are dalits.

The panchayat president claims that due to prawn farms contaminating the land of marginal farmers, unemployment has increased and also has led to salinity of lands surrounding the ponds, reduced groundwater levels and potability of water and destruction of mangrove forests, resulting in reduced bio-diversity and increased fragility of the coastal environment.

The chemical mixed residue discharged by the prawn farms into the mangrove plants are posing a severe threat in the livelihood of fishermen. About 12,000 hectares of mangroves spread around the study area had been used as a breeding ground for fish and prawn hatcheries by the fishermen as well as had protected the coastal environment. There is a real danger of these mangroves disappearing totally.

Even though due to a fall in international price of shrimps, 50% of the farms have got closed, the land used by those prawn farms cannot be used for any cultivation due to the chemical contamination. The farmers claim that due to shrimp farms contamination on lands, losses of revenue due to loss of crops have become routine over a decade. They have tried paddy cultivation, but with very little yield.

Supreme Court Directions on Shrimp Farms

December 11, 1996

“The shrimp culture industries / shrimp farms are covered by the prohibition contained in paragraph 2(i) of the Coastal Regulation Zone (CRZ) Notification 1991. No shrimp culture pond can be constructed or set up within the Coastal Regulation Zone as defined in the CRZ Notification. This shall be applicable to all seas, bays, estuaries, creeks, rivers and backwaters.”

“All Aquaculture industries / shrimp culture industries / shrimp culture ponds operating / set up in the coastal regulation zone as defined under the CRZ Notification shall be demolished and removed from the said area before March 31, 1997.”

By occupying and contaminating the Lands and Water and thereby destroying the sources of livelihoods of the farmers of Thillaivilagam Village of the Thiruvarur district by allowing Prawn Farms on farming lands and by not adequately rehabilitating them, the Government of Tamilnadu and hence Government of India have failed to respect, protect and fulfill the Farmers Rights of Access to Land and Water.

Their right to feed themselves is denied because most of them lack their former resources for subsistence (e.g. agriculture, mangrove forest and water for drinking and irrigation). Very few realistic alternatives (of paid employment) are available for them in order to sustain themselves and their families.

People's Responses

In spite of the Supreme Court Directions, shrimp farms have flourished, even within 500 metres from the High Tide, along the coast of Tamilnadu in the districts of Ramanathapuram, Thanjavur, Nagapattinam, Kancheepuram, Pudukottai and Cuddalore.

Right from 1994, when shrimp farms came up in a big way, people have been protesting against the shrimp farms. In 2005 the protests got violent with people beating up the shrimp farm owners and an arrest warrant was imposed on Thillaivilagam panchayat president. Left parties, local farmers association, local NGOs and like-minded experts have joined in the protests, through poster campaigns and public rallies.

Government Responses

During the year 1998-99, the Collector of Thiruvarur implemented a strong decision that he visited the prawn field and broke some of the farms. In the year of 2002, the Collector of Thiruvarur filed a response at the district court and said that they were taking concrete actions but nothing was achieved.

Though the government of Tamilnadu did not give license for prawn farms after the year 2000, the prawn farm owners got some approval in the name of Traditional fish breeding from the Aquaculture Authority or department of Fisheries. Government has provided compensation only to 60 out of the 300 acres destroyed and the amount of compensation (Rs 1500 per acre) has been very minimal.

Demands

- “Implement all the Supreme Court directions totally.”
- “Review the role of Aquaculture Authority in implementing the Supreme Court verdict and restructure the same.”
- “Withdraw all the amendments diluting the Coastal Regulation Zone Notification 1991.”
- “Ban all industrial aquaculture shrimp industries and revoke all licences given by the Aquaculture Authority.”
- “Recover wastelands, illegally occupied by shrimp farm owners and de-salinate lands polluted.”

RTF & Tsunami Devastation of Agriculture

(A case Study)

The Nanamedu and Subavuppulavadi Villages of Cuddalore District, Tamilnadu, South India have the prosperous potential of cultivable lands and the essential volume of ground water surrounded 2 kms of mangrove forest on the riverside. The farmers claim that the cultivable lands ensure Food Security of the population of 2002 from both the villages.

The total population of study area is 2,002 and the total area under paddy cultivation is 230 acres.

According to the panchayat president, 100 farmers from Nanamedu and 100 farmers from Subavuppulavadi have been affected and about 228 acres of lands have been salinated from both the villages due to the intrusion of seawater after the tsunami. More specifically, 50 acres of onion crop, 5 acres of Chilly, 50 acres of paddy, 30 acres of brinjal, 7 acres of radish and 7 acres of lady's fingers have been affected in Nanamedu; similarly 75 acres of onion crop, 4 acres of chilly, 50 acres paddy, 25 acres of brinjal, 3 acres of cashew, 5 acres of raddish and 7 acres of lady's finger have been affected in Subavuppulavadi.

The affected farmers and the village president claim that the total loss of revenue was around 8.5 lakhs. In spite of extracting water from 1,800 feet below the earth and in spite of irrigating the lands for more than 30 times after the tsunami, the salinity of the land has not come down. Most of the crops have been failures.

In April 2005, the Tamilnadu Government sanctioned a sum of Rs 1696.16 lakhs, at the rate of Rs 12,500 per acre, for reclamation for sand-cast and salinated agricultural lands affected by Tsunami. The victims have claimed that the amount was insufficient and even that was not received fully. Gypsum provided by the government has not been effective, because of delayed delivery and usage during the rainy season. The paddy seeds that were provided were not appropriate to the lands affected. Only the "Thakkai Poondur" seeds provided to reduce the salinity of the lands have been helpful.

The loans that the farmers received for the cultivation have gone waste, because the crop yields have been reduced and so is the revenue. The lands continue to remain saline and the people are again in the process of making them fit for the cultivation. The yields, on an average, have been reduced by 65 – 85%.

By not providing adequate relief and rehabilitation for the affected farmers and the salinated lands, the state of Tamilnadu and hence India have failed to protect and fulfill the farmers' human right of access to food.

Demands

- “Full-fledged training on how to protect and recover the lands, especially post disasters must be provided.”
- “A medium sized godown to store and preserve perishable agricultural produce must be provided.”
- “Natural barriers such as mangroves along the coastal areas must be developed.”
- “Training to identify and develop saltwater-resistant crops must be provided.”

RTF & Legal Interventions

(A case Study)

The prevalence of hunger amidst abundance in India took a new turn in mid-2001, as the country's food stocks reached extraordinary levels, while hunger intensified in many parts of the country, especially in drought-affected areas. The situation provoked the People's Union for Civil Liberties (Rajasthan) to approach the Supreme Court with a writ petition on the "Right to Food".

PUCL argued that Right to Food is a Fundamental Right of all Indian citizens, and hence the country's huge food stocks should be used without delay to prevent starvation. The Right to Food was related Article 21 of the Indian Constitution ("Right to life") and Article 47 of the Constitution ("State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties").

The petition points out two aspects of the state's inattention in providing food security. The first is the near-total breakdown and the failure of the Public Distribution System (PDS) at various levels. The other focus of the petition was the inadequacy of government relief works. The petition also demolished the official excuse of lack of funds, by citing the availability of foodstocks.

Since April 2001, Supreme Court hearings have been held at regular intervals and the case has attracted wide national and international attention though the judgment is still awaited. Significant interim orders have been passed from time to time.

On 28 November 2001, the Supreme Court issued major directions to the States and Union Territories of India on the situation of the 8 Poverty Alleviation Schemes, identification of beneficiaries under the schemes and the speedy implementation of the schemes within specified period. The 8 Schemes were the following:

- **Targeted Public Distribution System**
- **Antyodya Anna Yojana**
- **Midday Meal Scheme**
- **National Old Age Pension Scheme**
- **Annapurna Scheme**
- **Integrated Child Development Scheme**
- **National Maternity Benefit Scheme**
- **National Family Benefit Scheme**

And the Court has continued to have hearings and has passed interim orders on either one of the schemes or some particular dimension of the implementation of the schemes. For instance, on 13 December 2006, the Court passed an interim order on Integrated Child Development Scheme (ICDS), with specific guidelines to the States.

Along with specific orders, the Court has also regularly issued “Umbrella Orders” across the board, relating to issues of accountability on the following lines:

- **Responsible authority for compliance**
- **Accountability to Gram Sabhas**
- **Access to Information**
- **Dissemination of Court Orders**
- **Schemes not to be discontinued**
- **Full Utilization of grain quota**

In spite of severe strictures from the Court and clear guidelines, most of the State Governments have lagged behind in the proper implementation of the various Schemes and the near total neglect of the Public Distribution System has continued.

As late as February 2007, the Court was constrained to make the following statements:

- “With reference to the Report of the Commission appointed by this Court and certain statistical data, it has been highlighted that there is practically no step taken for the implementation of the schemes in question.”
- “It has also been highlighted that there has been total non-implementation of the schemes in certain States including Delhi where it is stated that the number of persons getting benefits ie. Targeted beneficiaries is nil.”
- “Let the States of Uttar Pradesh, Uttaranchal, Bihar, Delhi, Jharkhand, Madhya Pradesh, Chattisgarh, Assam, Rajasthan, Orissa and Jammu and Kashmir file their response as to why there has been such dismal inaction in implementation of the schemes.”

The Supreme Court has shown very clearly the near-total ineffectiveness of legal solutions to the problem of Food Security in the Country. The lack of specific International human right laws on Economic Social and Cultural Right (ESCR) such as the Right to food has made the task of making the State accountable a major challenge.

Meanwhile reports of lakhs of farmers committing suicides, accompanied by rapid insertion of genetically modified crops in the Country and the latest onslaught of Special Economic Zones with their massive land grabs have made the struggle for Food Security and Sovereignty in the Country a Herculean one. **Schemes such as National Rural Employment Guarantee Scheme have been partially successful but fall far below the needed levels to insure food security in the country.**

RIGHT TO FOOD

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

“The principal obligation is to take steps to achieve *progressively* the full realization of the right to adequate food...Every State is obliged to ensure for everyone under its jurisdiction access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure their freedom from hunger”.

- United Nations Committee on Economic, Social and Cultural Rights (CESCR), General Comment 12, 1999.

“Social Watch – Tamilnadu” is a State-level Public Policy Research-cum Advocacy organisation in the South Indian State of Tamilnadu. Based on 8 years (1995-2003) experience of the Tamilnadu Peoples' Forum for Social development, "Social Watch - Tamilnadu" was initiated in 2004 as the knowledge arm of the Forum, focusing on policy research and advocacy.

“Social watch – Tamilnadu” attempts to ensure that the Social Policies of the State Government of Tamilnadu are progressively geared towards the basic Livelihood-cum-Socio-Economic rights of the marginalised sections of the State, the dalits, tribals, women, children, unorganised labour, small fisher folk and the physically challenged, as enunciated in UN International Covenants and guaranteed by the Indian Constitution.

“Social watch – Tamilnadu” uses Budget advocacy as the primary instrument of monitoring social policies as well as evolves alternate policy formulations. It undertakes all research-cum advocacy activities and interfaces with the policy makers, social researchers and social activists in the State in its efforts to gear public policy to suit the needs of the weaker sections.

-----Contact: -----

**DIRECTOR
SOCIAL WATCH – TAMILNADU
202, Chitra Avenue Shopping Complex
9, Choolaimedu High Road
Chennai – 600094
INDIA
PHONE: 91-44- 23746044
Fax: 91-44- 23746107
Email: manu50@vsnl.com**