



THE HUMAN RIGHTS INSTITUTE



University of
Connecticut

Economic Rights Working Paper Series

Regional Party Politics and the Right to Food in India

Shareen Hertel
University of Connecticut

Corinne Tagliarina
University of Connecticut

Working Paper 20

September 2012

The Human Rights Institute
University of Connecticut
Thomas J. Dodd Research Center
405 Babbidge Road, U-1205
Storrs, CT, 06269, USA

Email: humanrights@uconn.edu
Tel: 860-486-8739
Fax: 860-486-6332
<http://www.humanrights.uconn.edu/>

Regional Party Politics and the Right to Food in India¹

Shareen Hertel
Email: shareen.hertel@uconn.edu

Corinne Tagliarina
Email: corinne.tagliarina@uconn.edu

Economic and Social Rights Reading Group Working Paper
University of Connecticut

Abstract: This paper explores the complex relationship between social movements, courts, and political parties in the recognition and fulfillment of human rights. We analyze social mobilization around the right to food in India since 2001, on the recent emergence of political parties' attention to the issue of contemporary food security. Drawing on original datasets (i.e., of media coverage and PILs over multiple decades), original interviews conducted in India in 2012, and analysis of multiple Indian political party platforms, we argue that the attention contemporary political parties are giving to food security did not emerge in a vacuum but that the "Right to Food" social movement has influenced the evolution of contemporary Indian party politics. Translating that influence into concrete policy reform nationally, however, remains an incomplete process.

¹ First presented as "Who's Bringing Food to the Party? Contemporary social movement activism on party politics in India" for the 2012 Annual Meeting of the Law & Society Association Honolulu, Hawaii.

The question of how to best affect social, political, and legal change is critical for scholars of human rights and public law. Are rights more likely to be recognized and enforced using a bottom up social movements approach, or a “bottom-up jurisprudence” approach (McCann 1994, 21). Or is a top down approach necessary -- driven by judges, bureaucrats, or policy makers? Frequently, a combination of approaches is used. As we demonstrate in this paper, social mobilization around the right to food in India has both bottom-up and top-down characteristics, but the outcome of this advocacy has yet to translate into decreased hunger in that country. The links between social mobilization, party politics, and policy reform are critical to understanding why hunger persists (albeit unevenly) across the world's largest democracy.

The paradox. Over the past three decades, India has undergone significant economic development driven largely by the rapid expansion of its information technology sector and the country's more general opening to foreign direct investment and portfolio capital (Bhagwati and Panagariya 2012). By 2003, these reforms contributed to a remarkable 8 to 9% growth rate, yoking India in the minds of many with China as one of the key drivers of an "Asian Century." India is also the world's largest democracy, with a complex civil society, robust and independent media, and a Supreme Court whose jurisprudence is recognized internationally as some of the most pro-poor in the world, particularly over the last decade.

Yet, stubborn inequality persists in India (Kohli 2012). The country is home to one out of every three malnourished children in the world (Economist 2011) and as recently as 2009, the daily caloric intake of the poorest Indians was actually *falling* (Dreze and Deaton 2009, cited in World Bank 2011, 16). The paradox of poverty amidst plenty in a democracy is a puzzle which in part drives this paper. Equally if not more compelling for us is the social response to this situation: over the past decade (i.e., since roughly 2001), poor Indians and their allies have engaged in public interest litigation, popular protest actions, and direct interaction with political parties aimed at highlighting the scandal of hunger amidst plenty and transforming public policy accordingly. They have done so emboldened by a constitution that includes strong protections for economic rights and a Supreme Court that has developed a decade's worth of rulings in favor of better delivery of existing food stocks on behalf of the poor.

While previous scholarship has pointed to "interest-based" social movements' relative lack of engagement with Indian political parties (Katzenstein, Kothari and Mehta 2001), we argue that the "Right to Food" campaign in India has influenced political parties' drafting of a "National Food Security Act" (NFSA) aimed at reforming food subsidy and delivery programs. Parties are by no means uniform in their responses to this social mobilization or to the NFSA. Variation in their responses is a function, we argue, of state-to-state differences in overall levels of development; in institutional legacies; and in the strength (or lack thereof) of civil society organizations that can push for credible reform efforts locally and nationally. *This means that the NFSA is rejected in some states and embraced in others, depending upon the degree to which it exceeds local policy alternatives and the extent to which local advocacy networks and political parties embrace it.*

To explain variation both in social movement activism on food and in the responses of political parties thereto -- specifically with reference to the NFSA -- we draw on multiple sources of data in this paper, including: two original datasets (i.e., one covering two decades worth of

Indian newspaper coverage of hunger; another covering all relevant food-related Public Interest Litigation since 2001); original ethnographic interview data collected in Bangalore and New Delhi, India from December 2011 through January 2012; and analysis of national political party manifestos from the 1998, 1999, 2004, and 2009 elections.² Our findings are relevant not only for debates on Indian politics but also more generally for public law scholars interested in the dynamics of social mobilization around economic rights issues.

The policy context. India is a country with considerable internal diversity. A federal democracy of 28 states and 7 union territories, it is home to over a billion people who speak nearly 700 languages, profess at least six different religions, and vary widely in their level of development (Sharma 2010, 71). Although poverty in India has historically been associated with rural areas, significant rural-urban migration since the 1980s has led to the emergence of slums in which food insecurity persists. Notably, there is geographic concentration of poverty and with it, food insecurity: the Oxford Poverty and Human Development Initiative (2010) reports that there are more poor people in eight Indian states than in 26 of the poorest African countries combined: 421 million people in the states of Bihar, Chattisgarh, Jharkhand, Madhya Pradesh, Orissa (Odisha), Rajasthan, Uttar Pradesh and West Bengal are poor, versus 410 million in the 26 poorest African nations.

Several factors play a role in generating this uneven development. The first factor is the high level of autonomy that states enjoy by constitutional design. In keeping with Indian Constitutional design, the country's central government allocates revenue and formulates national policy goals through its venerable Planning Commission. But as Sharma explains, in upwards of 70 different program areas -- including agriculture and rural development -- "*the center is reduced to providing guidelines, leaving the actual task of legislating and implementing rural development policies to the states*" (2010, 72, emphasis added). Each state can thus determine how to spend centrally allocated revenues toward food security. There are eight to ten key federally mandated food programs, but responsibility for their execution falls to individual states.

The second factor that affects variation in food insecurity, then, is the plethora of food programs aimed at delivery of subsidized food to key segments of the Indian population which fall "below the poverty line" (BPL) and the generally poor quality of these programs. Table 1 below provides an overview of the major food programs -- colloquially referred to "food schemes" -- ongoing in India today. Some of these programs have existed for decades; others are relatively new. Notably, the system as whole is plagued by reports of corruption and inefficiency. By one count, upwards of 70 percent of the roughly \$12 billion budgeted for food support in India is reported to be "wasted, stolen or absorbed by bureaucratic and transportation costs" (Yardley 2010). The Government of India's own Planning Commission estimates the "leakage" of grains lost in government programs to be around 58 percent (World Bank 2011, xiii).).

A central Food Corporation of India manages food stocks and provides a buffer for pricing, but transport and storage of food results in massive wastage. "Fair price shops" exist

² The interview data used in this project is covered under University of Connecticut Institutional Review Board Protocol #H11-116 (2012).

nationwide, at which BPL Indians should be able to purchase government-subsidized food grains and kerosene. But ghost ration cards, closed shops, the skimming off and re-selling of basic commodities are routine and often blatant obstacles to efficient and equitable distribution. Banner programs, in turn, target key vulnerable groups for food relief from among those below the poverty line. The most successful is the Midday Meal Scheme, which is the world's largest children's feeding program and provides a hot meal to all Indian schoolchildren, free of charge. By contrast, even government funded daycare and well-mother centers (the "anganwadis" set up under the Integrated Child Development Scheme) are not immune to corruption: in a number of cases across India, the food allocated for these centers simply disappears before mothers and their children can use it.

Table 1: Government-Funded Food & Social Welfare Programs

Food Corporation of India (FCI) Manages food stocks	Public Distribution System (PDS). Channels the food grains, sugar, kerosene from FCI.	Department of Food and Public Distribution Covers import/export, storage, movement and distribution of food grains; oversees grain price support system.
Antyodaya Anna Yojana (AAY) Food for "poorest of poor."	Mid-Day Meal Scheme (MDMS) Lunchtime meals for school children.	National Old Age Pension Scheme Food support is available to all poor persons aged 65 years or older through this program.
Annapurna Scheme Benefits elderly.	Integrated Child Development Scheme Health care, nutrition and pre-school education of children up to age 6; also covers nursing mothers.	National Maternity Benefit Scheme (NNBS) Support for pregnant and nursing mothers
National Family Benefit Scheme Payment upon death of primary breadwinner.	Sampoorna Gramin Rozgar Yojana Food for Work program, including distribution of FCI grains.	

Source: Hertel & Tagliarina 2012

The third factor affecting food insecurity, we argue, is variation across states in political willingness to tackle hunger. Corruption and inefficiency are not uniform across all states. We draw here on analysis by Hertel and Randolph (forthcoming) to show that the level of political will for addressing food security varies significantly by state across India. Our benchmark is the Social & Economic Rights Fulfillment (SERF) index developed by Fukuda-Parr, Randolph and Lawson-Remer, which ranks countries by willingness to fulfill economic rights. Economic rights are proxied by the right to food, the right to adequate shelter, the right to healthcare, the right to

education, the right to decent work, the right to social security, and protection against discrimination and willingness is assessed relative to available income and to performance by peer countries (Fukuda-Parr et alia 2009; see also Randolph et alia 2010). Randolph and Hertel have adapted the SERF index for state-by-state analysis of food security across in India, focusing on only the food subcomponent of the SERF index. We reproduce their relevant table below (see Table 2) and this section draws heavily on their analysis of state-by-state variation in food security.

Table 2: Social & Economic Rights Fulfillment (SERF) Food Scores by State (India)

STATE	SERF – Food (2005-06 data)	STATE	SERF – Food (2005-06 data)
Kerala	77.38	Karnataka	40.81
Tamil Nadu	65.18	Uttarakhand	40.35
Goa	63.70	West Bengal	39.70
Jammu and Kashmir	62.65	Assam	38.50
Manipur	61.14	Delhi	37.04
Tripura	58.19	Haryana	34.09
Nagaland	53.48	Maharashtra	33.29
Sikkim	52.05	Madhya Pradesh	32.17
Punjab	51.44	Jharkhand	31.05
Mizoram	50.04	Chhattisgarh	23.95
Himachal Pradesh	48.72	Gujarat	23.54
Rajasthan	45.11	Bihar	23.43
Andhra Pradesh	43.21	Meghalaya	18.53
Arunachal Pradesh	42.94	Uttar Pradesh	17.28
Orissa	42.13		

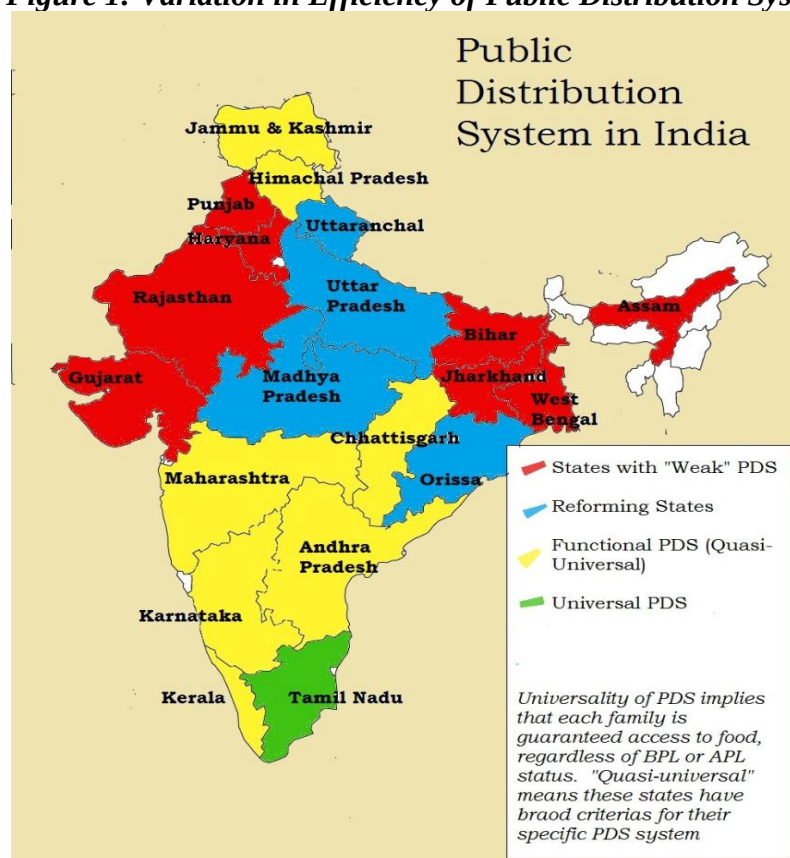
Source: Hertel & Randolph (forthcoming)

The variation in performance across Indian states on the Right to Food component of the SERF Index is substantial. Some states do remarkably well, relative to their state's per capita

income and food production per capita; among them are Kerala and Tamil Nadu. By contrast, Punjab, which produces more food per capita than any other state, does not do nearly as well. Uttar Pradesh produces over 10 times more food per capita than Kerala, and twice as much as Tamil Nadu, yet its performance on the Right to food component of the SERF Index is worst among the Indian states. Wealthier states, such as Kerala and Tamil Nadu (first and second place in Table 7, respectively) have less of a poverty burden and also benefit from more highly integrated social policy delivery systems (World Bank 2011, xx).

Yet even comparably poorer states such as Andhra Pradesh (thirteenth place, just behind Rajasthan) have innovated in social policy reform -- in this case, by working to overcome the limits of the existing below-poverty-line (BPL) system for identifying food program participants (World Bank 2011, xxi) and by introducing food coupons which are redeemable not only in government-run "Fair Price Shops" but also in private retail outlets. The introduction of coupons has reduced leakage in the main food distribution system (i.e., the Public Distribution System or PDS) by an estimated 25% in Andhra Pradesh (World Bank 2011, 13). The state of Bihar, despite its problems, has innovated with food coupons as well (World Bank, 2011, 12). Bar coded ration cards are another innovation that multiple states are trying in an effort to prevent fraud. The map below graphically depicts the relative effectiveness of the main Indian Government food delivery program -- the Public Distribution System (PDS) -- by state.

Figure 1: Variation in Efficiency of Public Distribution System by State (India)



Source: Samnani 2012

A fourth factor affecting sub-regional variation in food security is social mobilization on the right to food. We argue that the emergence of a "Right to Food Campaign" -- a popular social movement on food justice in India -- has led to the evolution of a national discourse on food policy reform which is focused at the moment on the NFSA but is also concerned with broader sub-national reform issues. Some of the policy gains and shortfalls highlighted through state-by-state comparisons of SERF scores are the result, we argue, of variation in grassroots advocacy on the right to food.

Key actors in the Right to Food Campaign have been involved in legal mobilization using the Indian court system -- specifically, by filing public interest litigation (PILs) directly with the Supreme Court in an effort to spotlight state-level deficiencies in food delivery under banner programs (Srinivasan and Narayanan 2007; Kothari 2007). The Court, in turn, has created the positions of two "Special Commissioners" on the right to food and has explicitly deputized a dozen NGOs involved in the campaign to serve as the eyes and ears of the court nationwide by gathering data on food policy implementation either in conjunction with ongoing PIL activity or more generally (Birchfield and Corsi 2010; Hertel 2012; Robinson 2009).

The Right to Food Campaign has also spearheaded an ongoing process of popular education on food rights and has targeted key media (both print and electronic media) to generate greater attention to hunger issues. Interestingly, the campaign is active not only in some of the states with the weakest SERF rankings (because this is where there is the most work to do) but also in some comparably better-off states. As one activist involved in the Right to Food campaign in Southern India explained: "We are trying to reach out...to include as many social concerns or issues as possible... So it's not just these nine [food security] schemes." This willingness to champion multiple concern, she argued, "is something that makes the campaign stronger every day...[The argument that] the parties are only concerned about the caste system -- it doesn't work that way any longer in the Indian context. I mean, we know much more about everything else -- as much as everybody else in this world -- and now the civil society has become very, very vibrant."³

Political parties: the missing link to understanding variation in food security in India.
One of the key innovations in this paper is our exploration of the overlap between public law-related popular advocacy (specifically, the activities of the Right to Food Campaign) and political party activism on hunger in states across India and among parties within the national parliament. The NFSA is our focal point for analyzing the overlap between the two.

To put the NFSA in context, debates over reform of food policy in India are part of a broader wave of social policy reform galvanized by an increasingly activist Indian Supreme Court in the 1990s covering a wide range of issues, including: the right to housing, education, information, food, rural employment guarantees, and tribal land right. Since 2000, the Indian parliament has passed several landmark pieces of corresponding legislation -- including the Right to Information Act (2005), the National Rural Employment Guarantee Act (2005), and the Right of Children to Free and Compulsory Education Act (2009) -- and is currently debating the content of the NFSA. The overall shift toward "rights-based" policy reforms in India is still

³ Interview conducted by Hertel on 2 January 2012 in Bangalore, India (covered under IRB #H11-116).

incompletely institutionalized and there is ongoing public debate over whose rights are at stake, how rights should best be protected, and who should bear the cost of social policy reform. Nevertheless, the trend toward rights-based social policy reform in India is being watched and analyzed well beyond the country (World Bank 2011, xxiii and 48).

We argue that analysis of variation in political party activism on food issues provides critical explanatory leverage for understanding the evolution of right to food discourse in public law and policy. The fate of the National Food Security Act, in turn, will depend on whether or not social movement-based actors and political parties at the national and state level can agree on the scope and content of food policy reform. Need to discuss direct lobbying efforts by RTF campaign activists.⁴

Indian political parties have generally not held consistent views on the right to food. Although hunger has always been a major issue in Indian politics because of the high levels of poverty and malnutrition throughout the country's history, views on how much responsibility the government should bear differ among parties and over time. Unsurprisingly, the issue is largely used to gain political support from voters, or to challenge the sitting government. Rarely do political parties frame hunger as a human right that is massively unfulfilled. Given the diverse party structure in India, blanket statements about parties in general are incomplete. Nevertheless, we highlight several tendencies based on content analysis of: the major national party platforms for the last 4 elections (i.e., 1998, 1999, 2004, and 2009); news coverage of protests and comments on food policies by party leaders, featured in four major national English-language newspapers; and data from a dozen in-depth ethnographic interviews conducted in Bangalore and Delhi during December 2011 and January 2012.

We find that that on a national level, the right to food tends to be used superficially for political gains by the two major parties, the BJP and the Indian National Congress (INC, commonly referred to as the "Congress Party"). By contrast, the right to food seems to be more important to certain regional parties and to less prominent national parties (including the two Communist parties). As a Bangalore-based academic explained during a January 2013 interview:

"If you're talking about national food policy, it's probably the Congress that would be the most relevant. But it's precisely because they're less concerned about actually providing food as...being seen as providing a single solution to the food problem across the country. Because if you look at any more populist parties – whether its [Chief Minister Jayalalitha of All India Anna Dravida Munnetra Kazhagam (AIADMK), a Dravidian party] in Tamil Nadu, which incidentally has the best Public Distribution System—she's not worried about a food policy. She's worried about getting food down to the grassroots. And I would argue [the same is true] with both sides of the Tamil Nadu politics, including the DMK. And that is because there [the emphasis] is on how do I ensure the duty of food? What's the quality of my Mid-day Meals Scheme? That's where it started, in some sense. What's the quality of it? How does it work? The emphasis is so much on what has happened on the ground. So for me, if you would say which parties is [food

⁴ See blog by Raghav Puri, which details RTF campaign lobbying efforts: <http://www.facebook.com/notes/food-security-act-time-to-act/im-surprised-at-the-lack-of-noise-from-opposition-parties-on-this-matter-vaibhav/266150916773795>

policy] the highest priority of, I would say it is parties like this. But if you ask me where are they in the food policy discourse – Jayalalitha has said she will not support the Food Security Bill. So I think the idea of food is at the heart of Indian politics. Food policy is not. And I think there's a very sharp divergence between the two, which gets by because of a particular kind of discourse, and a particular control over the media."⁵

Spearheaded by the Congress Party, the United Progressive Alliance (UPA) coalition that has governed India since 2004 has taken up the mantle of food security and made it a major policy position. A wide range of social movement actors have rotated on and off the UPA's National Advisory Council (NAC) since its inception. They include Jean Dreze, a development economist deeply involved in the Right to Food Campaign, and even one of the Supreme Court's Special Commissioners on the right to food, Harsh Mander. In 2010, the NAC created the recommended draft of the NFSA, yet the Indian government has deviated strongly from the NAC's recommendations in drafting the final language of the act.

Not surprisingly, there is division within the Right to Food campaign over the future of the bill and the commitment of political parties to this issue. Some are cautiously optimistic; others question the true commitment of the Congress and the potential effectiveness of the NFSA. Among the cautiously optimistic, one Delhi-based academic involved in the campaign observed:

"I think things have changed with...both the UPA governments. But I think Sonia Gandhi has a vision, and I think there is some genuine concern...in whatever way is possible for her in this current configuration to push, she does put her weight behind these things... Within the Congress I don't think otherwise there is necessarily a lot of support, or concern because...many influential politicians are from privileged sorts of backgrounds. And the other is...political parties. Even the left parties are a bit disappointing, although in theory they do care about these issues....Kerala and Tamil Nadu are very different from other states; so there is a lot of state-wise variation. Even West Bengal and Kerala are very different. The Congress party in Kerala is very different from the Congress party in the rest of the country. And that's because the Congress [Party in] Kerala has been one of these strongholds of the left parties.... and certainly the left in Kerala has done very well, and there is this sort of deeper engagement right down to the grassroots - I mean to the panchayat raj-level institutions as well, there is a commitment to these programs. And Tamil Nadu is the same in terms of political engagement... with the Dravidian movement, there was so much fundamental change in Tamil society that now whether it is AIDMK or DMK it doesn't matter - nobody can touch these provisions and there was that vision of a welfare state...when you go to Tamil Nadu, you see what is possible even in a country like India, whether it's public health or food or nutrition or education. All these things, you see that hey, you know, it's possible!"⁶

⁵ Interview conducted by Hertel on 3 January 2012, Bangalore, India (covered under IRB #H11-116).

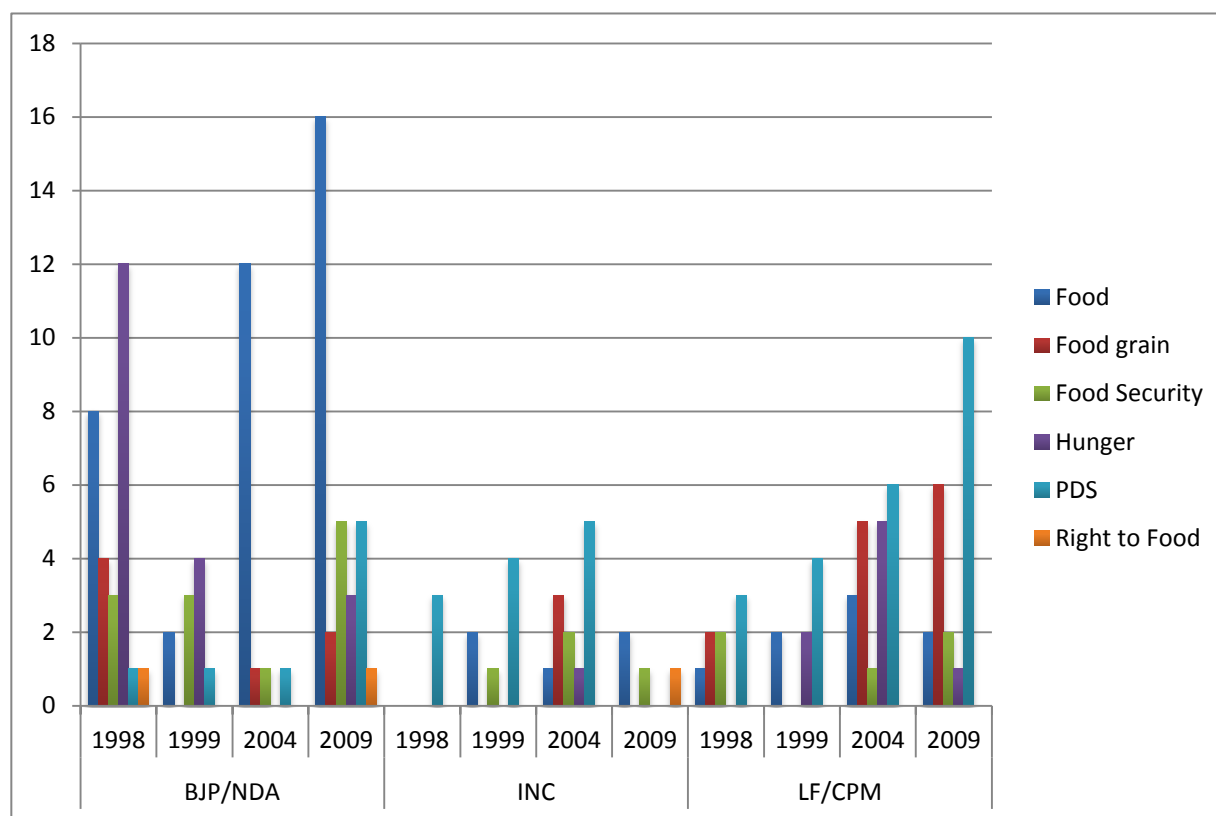
⁶ Interview conducted by Hertel on 12 January 2012 in New Delhi, India (covered under IRB #H11-116).

By contrast, other social movement actors see the UPA government's interest as an attempt to co-opt the issue of hunger without actually making the difficult but necessary changes in order to fulfill a universal right to food in India. Several local parties also see the NFSA as a threat to their own attempts to fulfill the right to food in their states -- for example, some local parties in Tamil Nadu, as noted above. Although national legislation guaranteeing food security would appear to be the realization of the goals of the Right to Food campaign, skeptics believe that the NFSA is a political move by the government and is unlikely to actually improve the right to food in a meaningful way. Indeed, some see the act as a move backward when compared to their own food distribution programs already operating at the state level.

Political Parties on Food: Manifestos, News reports, and Interviews. Before elections, Indian political parties publish manifestos to indicate which issues they care about, and which policies they will pursue throughout their term in government, if elected. Sometimes these are issued independently by a single party, or by a pre-formed coalition. Content analysis of the major national parties' manifestos from 1998 to 2009 shows considerable variation in the level of emphasis on the right to food. We argue that such variation demonstrates that most parties primarily use food as a political issue to gain electoral support, rather than it being part of their fundamental ideology.

The Bharatiya Janata Party (BJP), or the National Democratic Alliance (NDA), which is the coalition headed by the BJP, discusses food more frequently than any other party in its manifestos, followed by the Left Front (a coalition of the Communist Party of India (CPI) and the Communist Party of India (Marxist) (CPM)), and then finally, the Indian National Congress (INC). Figure 2, below, shows the number of mentions of the following food-related terms (including natural variants such as plurals, or alternate spellings): food, food grain, food security, hunger, public distribution system (PDS), and right to food. *We argue that extreme variation in discussions of food within platforms of even the same parties over time suggests a lack of commitment to the issue and more of an attempt to capitalize on political interest at the time.*

Figure 2: Variation in Party Platform Content by Issue & Year



Source : Created using Party Manifestos from the 1998, 1999, 2004, and 2009 elections

The Bharatiya Janata Party. The BJP is the primary conservative party in India, also often called Hindu Nationalists. The BJP began as a more radical religious nationalist (i.e., Hindu)-focused party, but has moderated and broadened its approach since the early 1990s, which made the party more competitive electorally. The National Democratic Alliance (NDA) is the coalition the BJP headed in government from 1998-2009. The BJP/NDA mentions all of the terms fairly frequently in its 1998 manifesto, with “food” and “hunger” garnering the most attention. They also use the term “right to food,” which is used infrequently by any of the parties, suggesting a reluctance to use a rights frame for this issue.

In 1998, the BJP was attempting to lead the national government after winning a plurality in the 1996 elections, but lost power after 14 days because it could not assemble a majority coalition. The party's 1998 manifesto is long and comprehensive, detailing the wrongs and failures of the previous coalition government and describing the wonderful things that the BJP would do for India if elected. The references to hunger and food (included in a section entitled "Our Commitment: Removal of Hunger and Ensuring Food for All") are primarily appeals to traditional ideals of fighting hunger in India. The BJP blames the current levels of hunger and malnutrition on previous administrations that have strayed from those ideals:

In this fiftieth year of Indian independence, we commit ourselves to freeing India of the scourge of hunger. The Indian social traditions abhor hunger and had instituted different social, religious and cultural mechanisms to eliminate hunger. The tradition which acted as a social security against hunger weakened with the advent of colonialism and it never

revived after we attained freedom. The result is that hunger has become part of Indian social life. We have to and we shall, ensure that in this land, no one is obliged to sleep on a hungry stomach. For this purpose, we shall explore and encourage all possible ways, both Governmental and societal, of ensuring food for all. As a concomitant of food for all, we shall recast the agricultural policy of the country to increase food production so that India once again becomes the land of abundance in food in next five years (BJP Manifesto 1998).

Although the BJP is the major conservative party of India, it nevertheless continues to highlight the problems associated with hunger. However, the party's response to hunger is not to increase governmental support, but rather to call back to "Indian social traditions" for "social, religious, and cultural mechanisms to eliminate hunger." Although it looks and sounds as if the BJP cares about the massive hunger problem in India, the party does not provide a workable solution. Erasing the effects of colonialism, if that were actually the sole cause of massive hunger in 1998, is an impossible task. Social and religious organizations are also ill-equipped to address hunger on the massive scale that India faces. The manifesto also criticizes specific policies of previous governments including liberalization reforms, which it argues have inflated food prices, along with inefficiencies in the PDS -- easy targets, since the BJP had never formed and held a national government at that point.

In the 1999 and 2004 elections, the BJP ran as part of the current governing coalition, the NDA. The references to food-related terms dropped dramatically, because the BJP could no longer criticize conditions as strongly since it was now part of a coalition government. The focus in 1999 became vague campaign promises such as "A hunger-free India! Food security for all." In 2004, almost all food-related words had dropped down to one or no mentions. The only references to food came in highly technical contexts such as in economic plans about food processing, or agricultural plans about increased food production. Addressing the massive hunger problem faced by India was no longer on the party's agenda. The BJP continued to discuss food policy at a state level, however. In September 2001, the BJP attacked the Congress-led government in Delhi for failing to implement various food schemes, or to even identify all of the BPL people in the territory (Hindustan Times 2001).

In 2009, when the BJP was fighting to reclaim its popular legitimacy in the wake of defeat by the INC, food reappeared as a major topic of the manifesto. Once again, the BJP criticized the government's policies and outcomes regarding food, and promised to do better. The BJP also invoked the term "right to food" again, which was absent from its 1999 and 2004 manifestos. In 2009, the party's manifesto stated: "The BJP believes people have the right to food," which is a broadening of its 1998 statement "The BJP believes that children are born-and have the right-to be happy; they have the right to food, shelter and clothes; they have the right to education." Whereas food was previously framed as a children's issue, it now became a universal issue. Food thus appears to be central to its politics when the BJP is attempting to win the government, rather than when it is the incumbent.

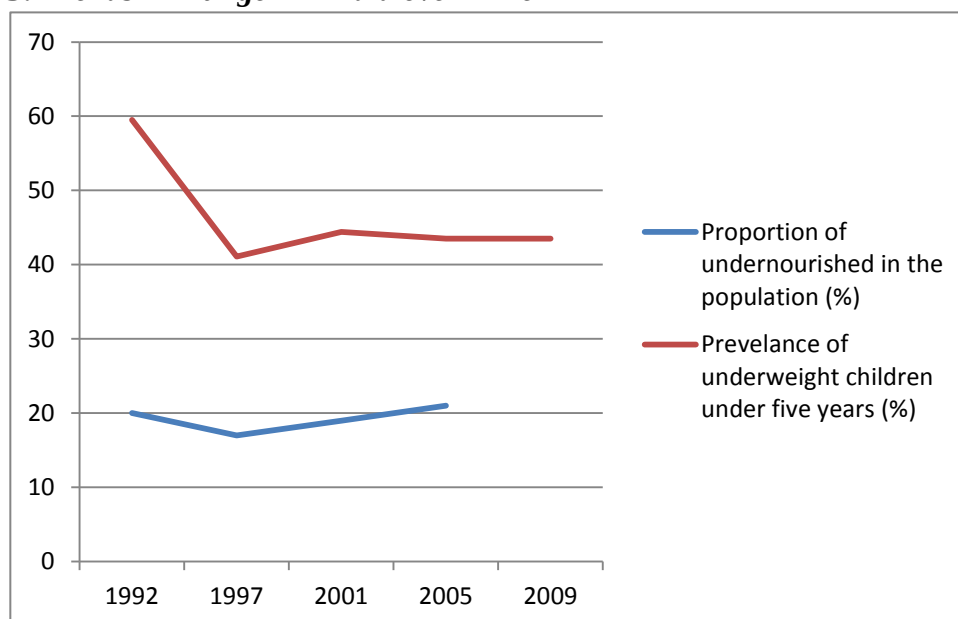
But as a Delhi-based representative of a development NGO observed, the public pressure for public accountability on right to food issues is steadily ratcheting up -- so the pressure on the BJP to match words with actions may increase over time:

"There is difference between provincial level policy interventions and national policy interventions, because people say that it's not a political issue, food, but I would say it is. Because a lot of elections are won on it. For example...Raman Singh is the chief minister of Chhattisgarh, he's from BJP, and his campaign [in 2010-11] was primarily based on right to food, universal access to food. And you know all these things are being argued - that instead of targeting through BPL families, it should be universal: if the district has 50% of the population as poor, then make it universal. And that's what happened in Chhattisgarh. A majority of the districts are very poor, and it's a poverty zone of India, and he made PDS universally accessible. So that was the campaign he was banking on, and he was -- in the first term, it was proxy monitored and he ensured that the program delivered, and in the second term he won it. There are several other issues - in local election style, you know -- but the primary issue... is right to food."⁷

The BJP has also led several protests over access to food nationally and in various states. In April 2008, the BJP led a human chain in Parliament to protest the rise in food prices, and called for the government to disband and call new elections. L. K. Advani (the party leader) promised that BJP-led states would make sure that adequate foodgrains were available at reasonable rates to the poor (Press Trust of India 2008).

To date, however, the party has not been overly successful at delivering on the right to food. Indeed, during the BJP/NDA control of the government (from 1998-2004), the hunger situation worsened in India, as indicated in Figure 3 below

Figure 3: Trends in Hunger in India over Time



Source: Created using the GHI data from the International Food Policy Research Institute 2011

⁷ Interview conducted by Hertel on 11 January 2012 in New Delhi, India (covered under IRB #H11-116). For detail on PDS-related reforms in Chhattisgarh, see Dreze & Khera (2010); Sen (2012); Puri (2012).

The hunger situation in India was getting better in the early 1990s, with the percentage of underweight children dropping from 59.5 percent in 1992 to 41.1 percent by 1994. But hunger rose to 44.4 percent in 1999, during the first year of the BJP/NDA government. The percentage of underweight children did not begin to drop again until 2004, to 43.5 percent, at the beginning of the Congress/UPA government (IFPRI 2011). The percentage of undernourished people in the population also worsened under the BJP/NDA government. Twenty percent of the population was undernourished in 1992, which dropped to 17 percent in 1995, but then increased to 19 percent in 2000, again, under the BJP/NDA government. However, as of 2005, the percentage of undernourished people has increased again to 21 percent, which is after the election of the Congress/UPA government. Our aim in this paper is not to argue for a causal link between the party in national government and the level of hunger in India, but rather to point out that despite soaring rhetoric from the BJP, the hunger situation did not improve on its watch; instead, hunger worsened.

The Congress Party. The Indian National Congress (INC) also known as the Congress Party is the mainstream party in Indian politics. The Congress Party was the first political party, and was instrumental in the fight for independence from Great Britain. The Congress held government for decades before other parties gained the strength to challenge it in coalitions. These challengers tended to be moderate to slightly left (although their policies on economic liberalization since the 1980s have called that designation into question). After losing power completely from 1998-2004 (and several difficult attempts at forming coalitions and keeping government in the years before that), the Congress Party came back to win in 2004 by focusing on the plight of the poor.

The INC manifesto from 2004 had the greatest number of food-related terms out of the four years coded, as well as the greatest variety, which fits with Congress' attempt to win back the government based on pro-poor policies. India's Public Distribution System (PDS) was mentioned more than any other food-related term. The INC both lauded itself for setting up the PDS as a way to address food security in India while at the same time promising reforms. The Congress promised reforms to make the PDS work better in the poorest northern states; promised to reform corruption surrounding the PDS (especially keeping the program limited to the very poor); and criticized the BJP for its handling of the program during its time in government. These are all fairly standard political strategies -- which, we argue, support our contention that the Congress Party and the BJP alike have used discussions of food as a political tool systematically over time.

Moreover, the uses of food-related terms do not suggest that the Congress Party sees the PDS as part of a strategy to provide a universal *right* to food. The INC manifestos mention a "right to food" only once:

The Indian National Congress pledges to enact a Right to Food law that guarantees access to sufficient food for all people, particularly the most vulnerable sections of society. The Indian National Congress pledges that every family living below the poverty line either in rural or urban areas will be entitled, by law, to 25 kgs of rice or wheat per month at Rs 3 per kg. Subsidised community kitchens will be set up in all cities for homeless people and migrants with the support of the Central government (INC 2009).

The Congress Party's promise to enact a "right to food law" has provided the basis for the NFSA that is currently tabled in the Indian Parliament. Yet upon closer analysis, the actual context of the NFSA as currently drafted does not differ substantially from the existing PDS scheme. Additionally, although the Congress has promised that it would pass a universal right to food law, the party's drafts of the NFSA restrict application of the policy to "below poverty line" (BPL) families. Only the poorest would be eligible to receive subsidized food. A policy is not universal if it is targeted at a specific population. This lack of universality is the focus of criticism by members of the Right to Food campaign as well as political parties from states such as Tamil Nadu and others with universalized feeding programs that are broader in coverage than what is promised under the current NFSA.

The Leftist Parties. The two communist parties of India, the Communist Party of India (CPI) and the Communist Party of India–Marxist (CPM) tend to lead the third major coalition in elections. The manifestos analyzed in this paper are from the Left Front for 1998 (which included both the CPI and CPM) and from the CPM for 1999, 2004, and 2009. The LF and CPM consistently mention the Public Distribution Scheme (PDS) more than the other food terms, although they have fairly good coverage of all the terms, except "right to food."

These leftist parties emphasize the government's responsibility to prevent hunger: "In a poverty-stricken country like India, it is the states' responsibility to provide minimum food supply to eliminate hunger and malnutrition" (CPM 1999). Both of the Communist parties have also routinely criticized the BJP/NDA as well as the INC/UPA governments for their handling of food policy. The left blames the BJP for dismantling the PDS and for giving in to the World Trade Organization and international pressure to reduce benefits for the poor in India. Left parties also argue that the PDS does not cover a significant portion of the impoverished population.

The left parties, particularly CPM, have been vocal about national and regional food policy. In October 2007, the CPM publically said that Indians have a right to food, which is being denied. They called not only for the elimination of private actors procuring foodgrains for the PDS, arguing that it should be solely government run, but also for the universalization of the PDS (Press Trust of India 2007). The CPM has also voiced opposition to the National Food Security bill because it is "retrograde" and will lead to more food insecurity, not less (Press Trust of India 2009a). They also criticize the BJP for failing to provide adequate opposition to the government on behalf of the people. The Chief Minister of Tripura (a member of CPM), also criticized the Congress Party for the widespread hunger that still exists in India, saying that it is "shameful" that after 50 years of INC rule, the party has continued to fail at providing adequate food for all Indians (Press Trust of India 2009b). In Assam in October 2005, the CPM organized protests against the national UPA government and the state INC government, criticizing their food policies and accusing them of being pro-business and anti-poor (Hindustan Times 2005).

Yet the left parties' own record on implementing anti-hunger programs where they govern is mixed at best. In some states they do well, and in others, much more poorly. Commenting on those that have done well, a staff member of a Delhi-based development NGO argued:

"I would say left parties are the most progressive particularly CPM [Communist Party Marxist], because they have the numbers; see, Communist Party of India [CPI], they might have the policy but they don't have the numbers in the Parliament. The CPM has [the numbers] from West Bengal and Kerala - it used to have, particularly in the [United Progressive Alliance first] regime phase, and it pushed for a number of radical bills, particularly for right to employment. I would say that in terms of ideologies and implementation of the programs in the provinces, [left parties] are most active in pushing the coalition government of which they are at the center. But in terms of implementation, I would say some of the right-wing governments (for example, BJP) has been doing very well in Chhattisgarh, and Communist has done very well in Andhra Pradesh -- particularly their campaign has been based on right to food. Congress is considered as centrist, and is trying to reform the Public Distribution System in India. Citizens have disagreement over the reform of direct transfer of money into beneficiaries' accounts, which will replace provision of food grains to poor families"⁸

By contrast, West Bengal (a left-party stronghold) has been characterized as among the least successful at policy implementation on the right to food, as pointed out by an Indian academic with considerable field-level experience:

"West Bengal has had among the worst record on implementing a lot of these programs. And this is shocking. ... one of the things that's always used to look at, evaluate, or talk about the performance of the Public Distribution System is the rates of leakage of diversion of food. And West Bengal today is amongst the highest rates of diversion in the country - despite all those years of left party rule. And even in the NREGA [National Rural Employment Guarantee Act] in terms of scale of employment their performance is not very good. Now, in the past two years, maybe things changed -- and yet, at the top leadership level, something is missing except and Brinda Karat [Member of Parliament representing West Bengal], who's one of the most important leaders in the left parties. She seems to know a lot, she does spend a lot of time in the field. So personally I do think she's committed to the program. But there's something missing."⁹

West Bengal has also been the location of several protests over food policy, including a series of protests in October and November of 2007 following a series of cuts in PDS allotments, which turned violent. The protests, and the outrage against the government's response to the protests, demonstrate the level of displeasure with the leftist parties in West Bengal. "These resistance movements have proved to people that it's possible to stand up to the bully, so in a sense what we are seeing is an expression of the resentment against the Left Front government that has been building up for years," says Sarkar [An economist with the Indian Statistical Institute, Kolkata].

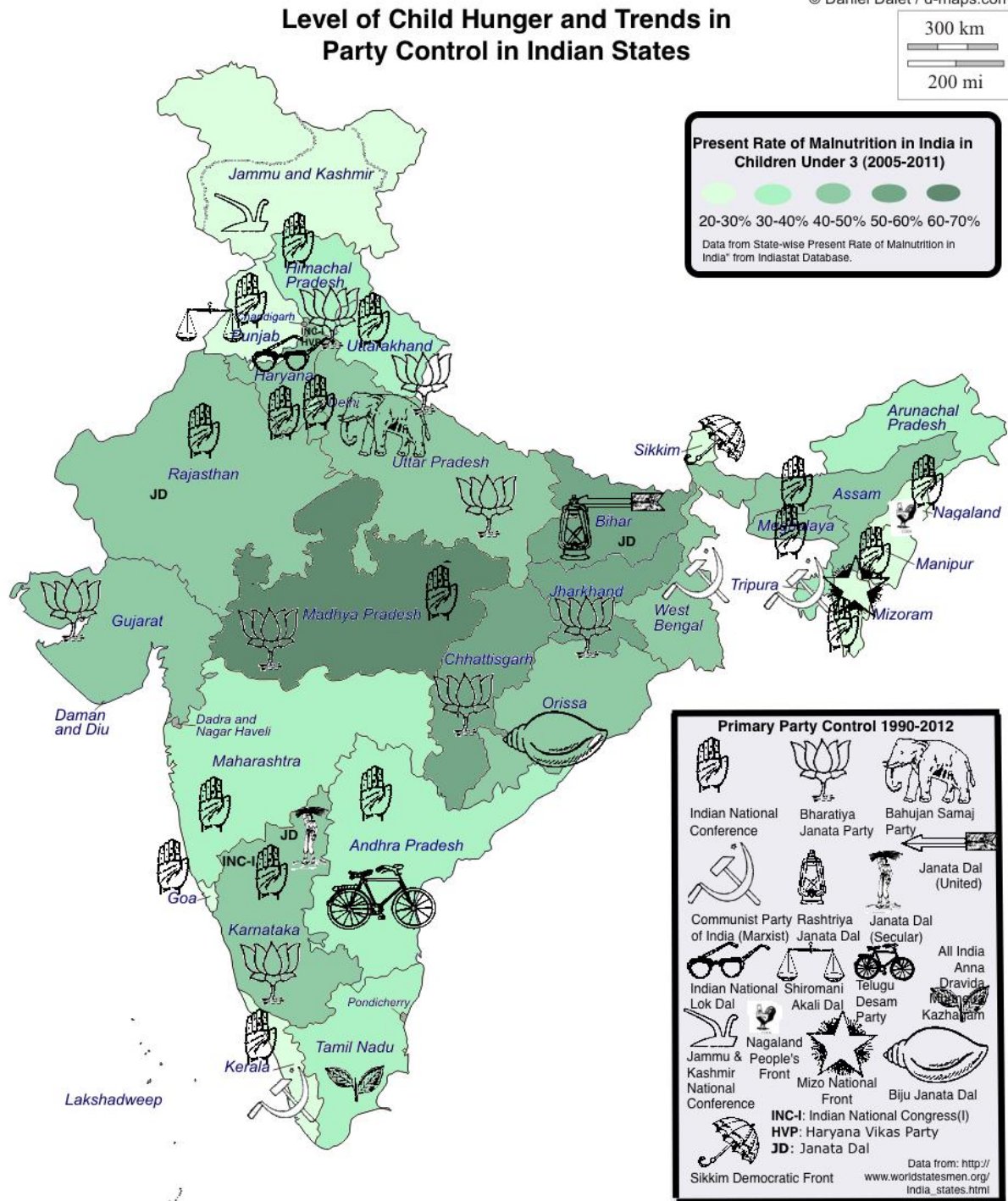
⁸ Interview conducted by Hertel on 11 January 2012 in New Delhi, India (covered under IRB #H11-116). For discussion of general PDS reforms, see Khera (2011). Also see an open letter from academics involved in the RFT campaign, detailing concerns regarding cash transfers, dated 7/21/11 and available via: http://www.righttofoodindia.org/research/pds/August_2011_letter_to_pm_survey_findings_english_21_july_2011.pdf

⁹ Interview conducted by Hertel on 12 January 2012 in New Delhi, India (covered under IRB #H11-116).

In most cases the ration dealers are party functionaries, especially of the Forward Bloc, he says” (Mitra 2007). The people of West Bengal have since made their displeasure with the CPM known electorally, voting the party out of power in 2011 for the first time in decades.

Although various parties have espoused the rhetoric of the right to food campaign, their results have been spotty across the board. The below map shows the primary political party in each state from 1990-2012 against the backdrop of the percentage of children under three suffering from malnutrition from 2005-2011. (Note: all parties that held the government for a substantial time period are included, although most states were predominantly led by one or two parties.)

Figure 4: Level of Child Hunger and Trends in Party Control in Indian States



The map shows a great level of variation in child hunger and party control. Although the hunger belt is largely dominated by the BJP, it is not the exclusive party in control of those states; rather, the BJP alternates power with the INC in Madhya Pradesh, and the BSP in Uttar Pradesh. The CPM was the exclusive party in power in West Bengal until 2011, and Orissa (Odisha) is

dominated by the BJD. There is even less of a pattern of single-party dominance when it comes to the states that have low levels of child hunger. Most of the states with low child hunger are dominated, at least in part, by local parties, which suggests that there might be some merit to Jayalalithaa's [the leader of the AIADMK in Tamil Nadu] response to the NFSB: "In a Federal structure like ours where the states are in close and direct contact with the people, the choice of designing and implementing popular welfare schemes is at best left to the states," (quoted in *The Deccan Herald* 2011).

Conclusion

The relationship between political parties and the right to food movement is complex. Largely, it seems that national political parties use food issues as an electoral issue either to win support, or to draw support away from their opposition (usually the sitting government). However, on the state level, there is a great deal more variation in the commitment to fulfilling the right to food, and the ability to do so. Our research reveals that a top down approach to food through the NFSA is unlikely to solve the problem of hunger in India by itself. Although political parties involved in drafting the NFSA appear to have attempted to take into account the views of social movement actors (including the Right to Food Campaign), the current version of the bill being debated does not reflect the full scope of the campaign's demands. Nor does the NFSA capitalize on the success of key states in adapting food policies to local needs (such as in Tamil Nadu). Instead, political discourse on hunger and corresponding public policy is to a large extent trapped in the grips of national-level debates dominated by national-level parties. As such, it remains far removed from the everyday lives and needs of people at the grassroots level and unlikely to translate into decreased hunger in the short-term.

REFERENCES

Birchfield, Laura and Jessica Corsi, "Between Starvation and Globalization: Realizing the Right to Food in India," *Michigan Journal of International Law* 31, 4 (Summer 2010): 691-764.

Available electronically via:

http://www.righttofoodindia.org/data/between_starvation_and_globalization_realizing_the_right_to_food_in_india.pdf

Bhagwati, Jagdish and Arvind Panagariya. *India's Reforms: How They Produced Inclusive Growth* (New York: Oxford University Press, 2012).

Dalet, Daniel. "Map of India, outline, states, names, color (white)." http://d-maps.com/carte.php?lib=india_map&num_car=24869&lang=en

Deaton, Angus and Jean Drèze. "Food and Nutrition in India: Facts and Interpretations", *Economic & Political Weekly*, 14 February 2009. Available electronically via: http://www.princeton.edu/~deaton/downloads/Food_and_Nutrition_in_India_Facts_and_Interpretations.pdf

(The) *Deccan Herald*. "Replete with confusion, inaccuracy: Jaya on Food Security Bill." 20 December 2011.

Dreze, Jean and Reetika Khera. "Chhattisgarh shows the way," *The Hindu*, 14 November 2010.

(The) *Economist*, "Many Indians Eat Poorly: Would A 'Right to Food' Help?" 31 March 2011. Accessible via: <http://www.economist.com/node/18485871/print>.

Fukuda-Parr, Sakiko, Susan Randolph and Terra Lawson-Remer. "An Index of Social and Economic Rights Fulfillment: Concept and Methodology," *Journal of Human Rights* 8, 3 (2009): 195-221.

Hertel, Shareen. "Hungry for Justice: Social Mobilization on the Right to Food in India." Paper presented for a panel on "Protecting Social and Economic Rights in an Age of Plenty and Scarcity," 2011 annual meeting of the American Political Science Association, 3 September 2011 (Seattle, WA).

Hertel, Shareen and Susan Randolph. "The Challenge of Ensuring Food Security: Global Perspectives and Evidence from India," in *Economic, Social, and Cultural Rights: Emerging Possibilities for Social Transformation*, edited by LaDawn Haglund and Robin Stryker (forthcoming).

(The) *Hindustan Times*. "Centre Flayed for Its Anti-Poor Policies." 5 October 2005.

Indian Elections. "Party Election Symbols." 31 May 2012. <http://www.indian-elections.com/candidates/party-election-symbols.html>

Indiastat. "State-wise Present Rate of Malnutrition in India." 3 April 2012
<http://www.indiastat.com/table/health/16/nutrition/192/423900/data.aspx>

International Food Policy Research Institute (IFPRI) 2011. Global Hunger Index Data. 23 May 2012. <http://www.ifpri.org/book-8018/node/8058>

Katzenstein, Mary, Smitu Kothari, and Uday Mehta. "Social movement politics in India: Institutions, Interests, and Identities," in *The Success of India's Democracy*, edited by Atul Kohli (New York: Cambridge University Press, 2001).

Khera, Reetika. "PDS: Signs of revival," *The Hindu*, 12 June 2011.

Kohil, Atul. *Poverty Amid Plenty in the New India* (New York: Cambridge University Press, 2012).

Kothari, Jayna. "Social Rights Litigation in India: Developments of the Last Decade," in Daphne Barak-Erez, and Aeyal M. Gross, editors. *Exploring Social Rights: Between Theory and Practice* (Oxford and Portland: Hart Publishing Limited, 2007).

McCann, Michael W. 1994. *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization*. Chicago: University of Chicago Press.

Mitra, Maureen Namdini. "PDS protests in West Bengal." *Down to Earth*. 29 November 2007.

Oxford Poverty & Human Development Initiative, "Oxford University and UNDP Join Forces to Launch a Better Way to Measure Global Poverty," Press release dated 14 July 2010. Available electronically via: <http://www.ophi.org.uk/news/press-releases/>

(The) Press Trust of India. "CPI-M for ban on private players procuring foodgrain." 3 October 2007.

----- "Inflation: Govt should quit and go for elections, says Advani." 24 April 2008.

----- "Food security law will lead to insecurity, warns CPI(M)." 26 August 2009a.

----- "Make PDS universal: Left to Centre." 26 August 2009b.

Puri, Raghav. "Reforming the Public Distribution System: Lessons from Chhattisgarh," *Economic & Political Weekly*, 4 February 2012.

Randolph, Susan, Sakiko Fukuda-Parr, and Terra Lawson-Remer, "Economic and Social Rights Fulfillment Index: Country Scores and Rankings," *Journal of Human Rights* 9, 3 (2010): 230-261.

Robinson, Nick. "Expanding Judiciaries: India and the Rise of the Good Governance Court," *Washington University Global Studies Law Review* 8, 1 (2009): 1-70.

Samnani, Hina. "The Right to Food Campaign in India: Its Evolution and Impact on Party Politics," *Frontiers in Undergraduate Research Presentation*, University of Connecticut, 13-14 April 2012.

Sen, Amiti. "Chhattisgarh goes for smart card solution to plug PDS leaks," *The Economic Times*, 24 April 2012.

Sharma, Shalendra D. "Indian Politics," in *Understanding Contemporary India*, edited by Neil DeVotta (Boulder, CO: Lynne Rienner Publishers, 2010).

Srinivasan, Vivek and Sudha Narayanan. "Food Policy and Social Movements: Reflections on the Right to Food Campaign in India," Case Study #11-1 of the program 'Food Policy for Developing Countries: The Role of Government in the Global Food System,' Cornell University (Ithaca, NY: Cornell, 2007).

World Bank (The). *Social Protection for a Changing India: Volume 1* (Washington, DC: The World Bank, 2011). Available electronically via: http://www.wds.worldbank.org/external/default/WDSCContentServer/WDSP/IB/2011/04/20/000333037_20110420235516/Rendered/PDF/612750v10ESW0P1rt0Volume0I01PUBLIC1.pdf

World Bank. 2012 World Development Indicators Online (WDI) database. Accessed 31 May 2012.

Yardley, Jim. "India Asks, Should Food Be a Right for the Poor?" *The New York Times*, 8 August 2010. Available electronically via: <http://www.nytimes.com/2010/08/09/world/asia/09food.html>