

3 | *The Case of Right to Food Campaign*

Introduction

South Africa is food secure, but its citizens are not. Whereas its total volume of agricultural production and gross domestic product (GDP) has soared steadily in recent times, the figure of the chronically hungry remains alarmingly high (StatsSA 2020a).¹ To be exact, while the country is among the top ten most food-secure countries in Africa, millions have insufficient access to food (StatsSA 2020b). This paradox is even more worrying when the country is measured against others often seen in their respective regions as economic giants. For a case in point, in contrast with other BRICS countries, such as Russia, Brazil and China ranking 52, 84 and 85, respectively, on the 2018 *Human Development Index*, South Africa ranked 114 (UNDP 2020: 241–2). This implies that human progress in areas of food security, health, education and income has been slow as compared to its peers.

Food security or access to food is an essential element of human survival and development, and when not met, negatively impacts the dignity, health and ultimately the life of the victim. The state, thus, has a moral and legal obligation to adopt all necessarily measures to ensure that its citizens are fed. Nevertheless, despite being enshrined under section 27 of the 1996 Constitution, doubts remain within the civil society organisation (CSOs) and legal community regarding the enforceability of the right to food (RTF) at the national or provincial level. This trend, along with the factors identified in the previous chapter, arguably explains why for over two decades there has been minimal social mobilisation around food even though chronic hunger

¹ Despite the ramifications of the COVID-19 pandemic, the country's agricultural sector and GDP grew by an estimated 11.3 per cent and 13.5 per cent, respectively, in the third quarter of 2020.

prevails. The irony is all the more striking as the deprivation of basic needs due to the operationalisation of neoliberal policies often inspire (sub)national mobilisation at the village, municipal, provincial and national levels. Yet, despite widespread hunger motivated by the triple ills of high food prices, unemployment and low smallholder output, South Africa has rarely witnessed any form of dissent calling for distribution of food or inclusion of the food insecure into social assistance interventions.

In stark contrast, Indians have refused to take hunger and malnutrition quietly. The urban food insecure have partnered with a CSO called the Right to Food Campaign (RFC) to press for better food access (Srinivasan and Narayanan, 2007). The mantra of this organisation, which is alleviating food insecurity, has resonated with millions of rural people entangled in this catch-22 situation. The RFC, and India in general, are ideal case studies for four reasons: as in to South Africa, India is (i) an adherent of neoliberalism, (ii) an activist court with the history of promoting basic rights and (iii) a key player in the international agricultural export; and (iv) the RFC has been a vibrant movement advocating for different forms of rights. Yet, while the RFC's activities were wholly successful in developing and improving food accessibility, it confronted some barriers along the way. In this vein, the chapter seeks to survey the processes which underpin citizens' struggles towards holding states accountable. The chapter will map out the various activities across the three primarily arenas of dissensus: the streets, parliament and courts. This observation is aimed at distilling the prospects, challenges and steps to be taken to circumvent possible limitations which may arise in pursuit of food justice. The template of the RFC is advocated here in anticipation that proponents of food security, and human rights activists more generally, will take inspiration for comparative purposes in other regimes, even though mobilisation in such states may differ.

Evolution of the RFC

India has attained self-sufficiency in grain production and steady economic growth but poverty remains. This irony could be linked to the orchestration of neoliberal hegemony affirmed in the 1991 New Economic Policy by then finance minister Manmohan Singh (1993). As discussed in Chapter 6, the central dogma of this economic model is

liberalisation of economic policies, imposition of austerity measures, cutting of subsidies on welfare, and reducing work force in public sector. Thus, while the GDP expanded by 6.81 per cent in 2019, approximately 21 per cent of the population live on less than USD 1.90 a day (WFP, 2019). According to the 2018 *Global Hunger Index*, the country houses a quarter of the world's undernourished population, ranking 103 out of 119 countries on the index (GHI, 2019). The food insecure are, for these reasons, a classic illustration of the dictum, 'hunger amid plenty' (World Bank, 2019). It is within this context that grassroots and left-party activists have, over the years, used mobilisation as a tool for improving food access (Besley and Burgess, 2002; Jenkins, 2007). One vibrant movement within this domain is the RFC.

The formation of RFC was arguably inspired by earlier mobilisations and public-interest litigation (PIL) dating back to the 1980s (Deo, 2007; Pillay, 2014). Within this era, action-oriented lawyers and human rights advocates relied on the country's lower and upper courts to combat corruption, and advance basic rights stretching from land access, information and employment, to housing and food security (Birchfield and Corsi, 2009). As the conventional practice, any third party, interested organisation or concerned individual seeking to safeguard public interest may submit a petition to magistrate courts, the High Court and ultimately the Supreme Court (Mahabal, 2004).

On the question of food security, the first PIL was launched in 1981 (Singh 2010). Dubbed *Francis Coralie Mullin v the Administrator of the Union Territory of Delhi and Others*, the Supreme Court in this case held that the right to life and dignity are inextricably linked to nutrition (Jenkins, 2007). This was followed by the 1996 *Chameli Singh v State of Uttar Pradesh*, where the court called for effective regulation of the public distribution system (PDS). This programme is responsible for the distribution of major commodities such as sugar, rice, wheat and basic fuels like kerosene through a network of fair price shops (Chakrabarti *et al.*, 2018; Chakraborty and Sarmah, 2019). Within the umbrella of the PDS are two schemes: the Integrated Child Development Services (ICDS) and mid-day meal (MDM). The former, on the one hand, is tailored towards tackling mother and child malnutrition by providing pregnant mothers and children under the age of six with nutritional supplements and grains (George and McKay, 2019; Chhotray *et al.*, 2020). The MDM, on the other hand, aims at improving school attendance by providing pupils with nutritious, cooked and

hot meals (Khera, 2008). Needless to say, this national initiative was inspired by similar intervention in Tamil Nadu and Gujarat in the 1950s and 1980s respectively (Mooij, 1998; Gaiha, 2003). However, six years down the line, activists, economists and intellectuals realised a considerable incoherence in the operationalisation of the programme in terms of both quality and quantity of what is provided (Kumar *et al.*, 2016; Narayanan, 2017). Some schools dished out unhealthy diets, others gave monthly dry grains, and yet others did not provide any form of assistance (Grover and Chopra, 2017; Landy, 2017). Suffice to say, this discrepancy informed the formation of the RFC and its resultant unconventional strategies.

Composed of individuals and led by the People's Union of Civil Liberties (PUCL), a non-governmental organisation (NGO), the RFC emerged in April 2001 as a vehicle for advocating adequate food supply for school children, and ultimately the Indian population (Dreze and Goyal, 2008; Pradhan and Rao, 2018). The campaign may be defined as a voluntary association or decentralised network of activists with the objective of ensuring food security for every household. With steering committee members (SCMs) drawn from human rights groups, marginalised communities, law networks, farmer's union, trade unions and women's organisations, the RFC relies on *conventional*, *unconventional* and *progressive* contestation to coerce the state to fulfil its socio-legal obligations (Gready, 2008; Narayanan, 2017). Since these three forms of contestations will surface several times in this chapter, a brief definition of each will be helpful.

Even though the various forms of contestation seem contradictory, they seek to achieve one common purpose: to stimulate reform. On the one hand, conventional contestation may be tied to instances where citizens resort to newly created or established institutions as a medium of demonstrating their discontent. In this sense, they conform to the rules, norms and practices of emerging or existing decision-making processes by interacting with political elites and managerial and technical staff in order to bring about change. This form of influencing social policy may also be called 'infrapolitics' or 'infrapolitical activism' as activists rely on covert or behind-the-scenes means of influencing policy (O'Brien *et al.*, 2018): One strategy is litigation. Unconventional contestation, on the other hand, includes overt actions or what one sees that directly confronts existing power holders, namely

political authorities and actors. Mainly through group action and direct protests, actors within this arena formulate grievances which are targeted at changing or modifying prevailing economic and political structures such as institutions, rules, regulations and norms. This action often begins with advocacy, drafting, signing petitions, sit-ins, burning of tyres and chanting slogans to highlight the disengagement of the state from the plight of the famished. Finally, progressive contestation seeks to kindle and sustain long-term reform through political activism. Players in this arena seek to influence the concepts, drafting and debates around the adoption or amendment of a particular policy by using the 'carrot and stick' approach or reward and punishment to stimulate a desired action or new forms of socioeconomic relations. This technique is preferred by activists as it enables them to lobby power holders, strengthen their political and personal agency and, where these avenues fail, resort to open letters as a means of questioning particular government conduct.

To strengthen its position as enforcer of the RTF, the RFC has, over the last decade, combined these three forms of contestation and applied each where necessary. It has, variously, resorted to the activist and/or progressive position of the Supreme Court, lobbied parliamentarians and taken to the streets (Krishnan and Subramaniam, 2014). The multi-prong approach provides an opportunity for political action, particularly as contestation triggers citizen–government engagement when election is imminent. Accordingly, like its forebears, the movement has relied on dissent as a tool for confronting powerful state institutions around food. Yet, in stark contrast to its predecessors, the demands of the RFC transcend mere distribution of food and reach to key areas of land rights, employment creation and welfare of pregnant women. It was in this light that the movement launched its first legal action in 2001, calling for a distribution of government grain stocks to families reeling from the severe drought. The suit was submitted at a time when the state's storage has exceeded its capacity with mounds of grain left out in the open. In light of the groundbreaking role of the case in food security trajectory, the discussion which follows will survey the arguments advanced, the ruling of the court and its aftermath. For clarity, the analysis will be grouped under the three forms of contestations used by the RFC.

Conventional Contestations: Reframing Reality in the Courtroom

Filed as *People's Union of Civil Liberties (PUCL) v Union of India and Others*, the applicants in this case, RFC called for interim orders regarding the immediate distribution of grains overflowing in government warehouses to forestall deaths by hunger. The petition listed all state governments as respondents for violation of their citizen's RTF, even though it initially targeted six subnational governments for drought relief (Drèze and Sen, 2013). The RFC's goal for submitting this petition was to create a binding legal nexus between the right to life and food, specifically as the former is rigidly guaranteed under the Constitution and the latter falls under the rubric of directive principles of state policy (DPSP). Taking into consideration that the DPSP reduces any form of right to non-justiciable or unenforceable, Colin Gonsalvez, the leading protagonist, tied the RTF to an entrenched right – the right to life – and argued that one cannot be attained without the other (Srinivasan and Narayanan, 2007). In opposing the petitioners, the state argued that there are eight food programmes in operation that are capable of addressing the looming hunger crises. This was countered by the plaintiffs who argued that despite the large-scale starvation across several states, the government was unwilling to distribute its buffer stocks meant for alleviating emergencies, of which the present drought was one (Kumar *et al.*, 2016; Narayanan, 2017). To drum home their message, the applicants argued that at the time of the litigation in July 2001, government stocks exceeded 61.7 million tonnes of wheat and rice, while the established norm for buffer stocks was a maximum of 24.3 million tonnes (Srinivasan and Narayanan, 2007: 2). Meanwhile, hundreds of villagers in Rajasthan were starving while grain was rotting just few kilometres away. Grounding their arguments on the overarching legal protection for socioeconomic rights, the RFC averred that relevant state agencies were unwilling to discharge their obligation to ensure the survival of disadvantaged families.

Taking into consideration that, unlike in the South African Constitution, the RTF is not explicitly guaranteed in the Indian Constitution, the plaintiffs creatively relied on judicial precedence where the Supreme Court interpreted the right to life as encompassing the RTF and nutrition. The extensive nature of the (counter) arguments prolonged the case with the Court finally handing down its verdict on

28 November 2001 (Narayanan, 2017). It upheld the claim of the applicants by arguing that the state could not claim to be saddled with insufficient resources considering its 'food mountains' (Narayanan, 2017). It is important to highlight that a rights perspective to food shifts popular views of welfare benefits as a gift from the state into an entitlement. The ruling, accordingly, converted all government food schemes into legal entitlements and obliged the state to fully translate these interventions from policy into practice.

The Supreme Court's decision was important for two reasons. First, it served as a rallying point for action-oriented scholars, legal advocates and activists to propel their agenda for food justice and hold (sub) national institutions accountable. Second, it gave detailed description of each child and the quality and quantity of food to be provided by the MDM or ICDS. Consequently, in satisfying the long-term dreams of veteran activist, m Srivastava, the interim order universalised these food schemes and converted them into legal entitlement for all children under the age of six, all pupils in a state run or funded schools and every eligible mother (Drèze, 2006). Following the judgement, Drèze (2006: 3708), reiterated that human rights approach to hunger was an important avenue for victims of food insecurity to seek redress, and for (sub) national NGOs to monitor the operationalisation of welfare schemes.

While local activists were mobilising to ensure compliance of this order, RFC SCMs once again approached the Supreme Court to halt attempts towards privatisation of the MDM and ICDS (Drèze and Sen, 2013). This bid was necessary as the prospect of such denationalisation would have been counterproductive to the objectives of the programme. Suffice to say, privatisation of existing welfare programmes often results in abysmal failure to deliver the same high standards, reliability and productivity previously provided by the state, as private owners would take a cut in profits leading to poor service delivery. In augmenting its argument, the RFC gathered and submitted information to the Court on the ongoing lobbying of chief ministers and parliamentarians by the Biscuit Manufacturers' Association (BMA) to substitute biscuit packages (Pillay, 2014) for hot meals. The timely intervention of the RFC in this instance not only forestalled job losses and wage cuts of local women responsible for food preparation, but secured school children's access to nutritious food (Srinivasan and Narayanan, 2007).

Beyond the MDM, the operationalisation of the ICDS also suffered loopholes. Challenges have been observed on four fronts: (i) inactive

ICDS centres as a result of their invisibility; (ii) low turnout at centres due to lack of awareness about food entitlement; (iii) untimely closure of centres; and (iv) scarcity of grains for distribution. These setbacks have been compounded by some workers siphoning and selling some of the grains in the open market and at higher rates. Following the RFC's application to the Supreme Court alleging these problems, the Court issued a plethora of interim orders obliging the state to ensure that the grains distributed through the PDS reached all targeted families falling below the national poverty line (NPL) (Hertel, 2016). Those falling within this category are rural dwellers earning not more than ₹816 (approx. \$11.34) per capita per month and urban settlers whose wage does not exceed ₹1,000 (approx. \$13.90) per capita per month (Sangeetha and Chitra, 2020: 815).

The Court has successively integrated the RTF into its jurisprudence through a string of interim orders. In interim orders dated 8 May 2002 and 2 May 2003, N. C. Saxena and S. R. Sankaran were appointed as commissioners by the Court to oversee the operationalisation of all orders relating to the *PUCCL* case (Dreze, 2006). Mindful of the fact that India has seven union territories and twenty-nine states, the order listed several (non)state actors responsible for providing the Commissioners' Office (CO) with up-to-date data on the successes or failures of food intervention. To this end, three different kinds of surveys have been used to map or enquire about any violations of this order. First are the CO's periodic surveys of MDM in schools and grain distribution at ICDS centres, with the full authority of the Court. Second, renowned economist Jean Dreze (2006) and other RFC affiliates Sudha Narayanan, Dipa Sinha and Reetika Khera seasonally conduct independent empirical surveys as a means of tracking policy operationalisation and its (in)effectiveness. Their findings are shared with the CO and RFC SCMs to demand redress. Suffice to say that the works of these economists have been instrumental in the advocacy and litigation for quality and nutritious MDM for pupils. Third is what is otherwise referred to as 'social audit', conducted by a local well-being group (WBG) or community volunteers allied to the RFC (Khera, 2008).

To enable the WBG to discharge their duties effectively, RFC SCMs provides them with some form of child-nutrition training that enables the group to collate nutritional data in the village by physically weighing infants. Through this exercise, the volunteers perform two key functions: (i) conduct independent audits of the

ICDS; and (ii) disseminate information to (pregnant) mothers about their grain supplies at ICDS centres. Armed with this information, community members can then monitor the operationalisation of these schemes and the nutritional condition of infants and pregnant mothers. In cases where the food needs of the target group are unmet, the WBG uses five collaborative and confrontational strategies to address this. Apart from presenting their findings on nutritional data during public hearings, they engage in naming and shaming of corrupt public officials during these hearings, invite ICDS officials to educate the public on their operational hours, submit petitions to ICDS workers and, where all these avenues fail, present their grievances to the CO.

It goes without saying that the RFC's public hearings attract eminent public figures, including Amartya Sen, who use their celebrity status to throw some weight behind the campaign's criticism of ineffective state welfare programmes and resultant mass starvation. Accordingly, some observers conclude that, in stark contrast to other welfare or rural development programmes, the MDM has not witnessed prevalent corruption and siphoning of food grains mainly as result of the meticulous scrutiny or social audit provided by the RFC and its affiliates (Samson *et al.*, 2008).

Given that most contemporary scholarship on the RFC centres on the enforcement of the RTF through litigation, the next section departs from these analyses by assessing how the organisation transcended the challenge of converting rights on paper (*de jure*) to actual rights on the ground (*de facto*). It, thus, breathes fresh air into the scholarship on the RFC by providing a detail account of the strategies used in parliament and on the streets, which resulted in the adoption of the National Food Security Act (NFSA).

Unconventional Contestations: Taking to the Streets

India is known as the soil of activism. With rich history of civil disobedience, the contemporary generation is known for its high levels of unconventional contestation in demanding a range of political and socioeconomic reforms (Singh, 1991). At the time of writing in October 2019, Punjab farmers were burning paddy stubble to protest the state's failure to comply with the National Green Tribunal's directive of assisting farmers with ₹200 per quintal (Sehgal, 2019). It is in this light that Singh (1991: 448) explains that the unabated orgy of dissents,

urban tensions and peasant revolts were often triggered by unfulfilled expectations of the people as a result of the prevalent corruption and selfish interests of the ruling elite.

In its attempt to ensure practical realisation of food security, the RFC did not depart from this long-standing tradition of enforcing state accountability beyond the courts. As an exemplar, to demonstrate popular support for the organisation's agenda, NGOs and advocates associated with the RFC often launched mass protests during court hearings. This unconventional contestation has been identified as a useful weapon in swaying court decisions towards victims of hunger. In this arena, protesters are often garnered through social media, Facebook, WhatsApp, Twitter and the organisation's thriving website, which features past and forthcoming contestations, points of assembly, and reason for the gathering. Given that most peasants are oblivious of their food entitlement, the organisation's first advocacy act was the framing and distribution of leaflets containing detailed information on villagers' eligibility to flagship food schemes, location and operating hours of ICDS centres, as well as the quantity of grains or kerosene each is entitled to. To meet the needs of peasants without formal education, the handbills are written in simple local languages with pictures for clarity. Besides setting out the court's interim orders, printed materials usually list the steps to be followed for remedies in instances where an eligible applicant is denied any of the listed welfare benefits.

One interesting unconventional contestation worth citing is the aftermath of the first interim order issued by the Supreme Court in response to the *PUCL v Union of India*. The post-litigation development provided an indication that issuing injunctions is one thing, but compliance is another. In this circumstance, the Court set February 2002 and June 2002 as the respective dates for the partial and full operationalisation of its order. Yet, by the time these deadlines elapsed, some states failed to provide cooked MDM for pupils, and others only weakly complied. It is a fair observation to add that not all states were in violation of this directive: while Karnataka, Chhattisgarh and Andhra Pradesh complied, Kerala and Tamil Nadu exceeded the directive by extending assistance to the aged and destitute (Jayaraman and Simroth, 2015).

In response to the non-complying states, RFC SCMs, backed by local villagers and other NGOs staged a mass protest across nine states and 100 districts on 9 April 2002. Titled an 'Action Day on MDM', the

protesters condemned the state for its indifference to the plight of malnourished children and demanded enforcement of the order. The striking aspect of this public action was the shaming of the government through queues of pupils with empty plates on the streets. In reaction to the naming and shaming, the government reviewed its MDM Guidelines and mandated state-level administration, specifically those in drought-affected regions, to serve MDM even during school holidays (Khera, 2008). The new guidelines were followed in about twenty-one states, albeit with deficits in coverage, delivery and quality in some states (Cohen and Brown, 2005).

Progressive Contestations: Democratic Politics in Parliament

By 2009, the Supreme Court's codification of the RTF as a legal entitlement propelled the RFC to commence a process of advocating for overarching food security legislation. Otherwise stated, the movement saw parliament as a transmission belt for translating popular demands into policy reform. Given that there was already a national food security bill (NFSB) being deliberated in parliament at this point, the organisation's focus was centred on influencing the content of the instrument. It needs to be stated that the framing of the bill could be traced back to the Common Minimum Programme (CMP) adopted by Congress in 2004, under the leadership of the United Progressive Alliance (UPA). Six key principles of the programme are (i) promoting the welfare of smallholders; (ii) enhanced social harmony; (iii) employment creation; (iv) women empowerment; (v) fostering entrepreneurship; and (vi) rooting out corruption (Banik, 2010). To realise these aspirations, the CMP called for the establishment of an oversight body, the National Advisory Council (NAC), to be composed of bureaucrats, policymakers and seven members of the RFC who will be responsible for drafting the NFSB.

The NAC was an extra-constitutional organ with the mandate of advising the state on key political and socioeconomic issues. From this standpoint, influential members of the RFC were well positioned to influence the framing of the NFSB as well as its contents. To some food security advocates, the inclusion of the RFC members in the NAC was a means of patronising the organisation or making it comply with the whims and caprices of the incumbent regime (Drèze, 2004). Yet, the organisation took an entrenched position and saw their membership in

the council as a platform to propel its agenda of concretising its gains in a binding legal framework.

In that regard, the demands tabled by the RFC within the NAC come under four headings: (i) food allocation in kind and not in cash; (ii) adequate provision of food grains to meet basic needs; (iii) provision of variety of food; and (iv) universal coverage of food programmes. Other sub-demands included an end to corporatisation of food produce, prohibition of food export, affirmative action for marginalised communities, universalisation of ICDS centres and provision spelling out the exact amount of monthly food grains to be subsidised. It substantiated its call for universalisation on four main grounds. First, it argued that grains provided under current programmes for children and pregnant women were woefully inadequate in meeting their nutritional needs. Second and on a practical level, it noted that the use of below poverty line (BPL) and above poverty line (APL) as thresholds for eligibility to national welfare programmes reinforce the normative demonisation of the poor's (over)dependency on the state (Dreze, 2006). Third, the use of BPL and APL benchmark is not only vulnerable to corruption and manipulation but lacks uniform application across states. For this reason, a universal approach was preferred in terms of coverage, efficiency and fairness. For instance, while Himachal Pradesh, Andhra Pradesh and Chhattisgarh were in the process of embracing universal coverage, Tamil Nadu has already done that (Jenkins, 2007). Finally, it argued that food is a universal right and there is the likelihood that every human being may at some point in their lives be exposed to hardship and resultant food insecurity (Hertel, 2015).

It is, however, important to add that the organisation's change of gear from (un)conventional to progressive contestation did not occur without strife. Key among these was the internal tension or infighting among the leadership: one faction preferred channelling resources towards litigation, the second opted for advocacy and protest and the third favoured the new approach of lobbying policymakers. Ultimately, a consensus was reached to combine all three strategies simultaneously.

Yet, by 2010, the seven RFC members on the NAC distanced themselves from the NFSB after it became apparent that the final draft did not wholly capture their initial four demands. In this vein, the organisation's SCM in 2012 intensified their efforts lobbying members of parliament (MPs) along with open letters addressed to the Prime

Minister (PM) registering their discontent. These tactics ultimately yielded the expected results when the state finally translated the NFSB into a National Food Security Act (NFSA) in 2013.

Radical provisions of the Act include section 3, which converts food security into a legal entitlement, and uniform entitlement of monthly 5 kg of grains per person. Also, whereas section 4 guarantees nutritional support for women and children, section 8 entitles targeted households to food allowance in situations where they are not provided with the required amount of meals or grains. Sections 15, 16 and 33 further set out redress mechanisms and penalties against non-complying public servants. Overall then, the entrenchment of these key provisions may be said to be linked to the efforts of the RFC which incited political will of the leadership of the UPA and policy-makers to ensure food security.

In retrospect, one could argue that the resultant 2013 NFSA somewhat captures the four demands of the RFC which were initially excluded from the NFSB. First, section 4 provides for free meals for pregnant women and for six months after childbirth. As a means of responding to the nutritional needs of women, this initiative is augmented with ₹6,000 (USD 84) monthly maternity allowance for six months.² The universalisation of maternity benefits is a key achievement for the RFC, which has sought to integrate gender perspectives into food security debates. Second, section 13 recognises eldest women as the head of every eligible family for the purposes of issuing ration cards. This provision underscores the RFC's demand for empowerment of women and the gender dimension of food insecurity. The NFSA, in this way, seeks to overcome gender inequalities in families in terms of food and welfare distribution. Third, the NFSA further provides for food entitlements to 50 per cent and 75 per cent of urban and rural populations, respectively. This is in response to the RFC's initial demand of universal PDS, which even it though failed to make the universal cut, somewhat eliminates the state's targeted approach or identification of households below the NPL and its resultant corrupt practices. Given that the new approach does not distinguish households on the basis of poverty, rural populations are covered under

² Rupee (₹) is the official Indian currency, the Indian Rupee. Conversions in this book relies on the official exchange rate of 1 October 2019, of 1 ₹ = US\$ 0.014.

a near-universal scheme in which families are entitled to receive grains from the ICDS centres free of cost (Varadharajan *et al.*, 2014).

Yet, as the final Act fell short of the cardinal demands of the RFC, namely absolute universalisation, the movement has continued to remain critical of the legislation's operationalisation up till this day. Some of the criticisms advanced by the movement bemoan that the Act does not specifically link the role of state to food, but rather to nutrition. Particularly, akin to the wording of many Constitutions, the Act adopts the phrase 'progressive realisation' as the means to realising its aspirations.³ Moreover, it fails to explicitly set out the inextricable relationship between food and other rights such as the right to social assistance for the vulnerable, girl-child education, healthcare service, water and sanitation. The inclusion of this interdependence is imperative, as many people have been plunged into hunger and deprivation of livelihood due to evictions from forests, with insufficient access to water, land and other natural resources.

Further contradictions hinted at by the campaign are evident in terms of the Act's operationalisation. First, the Act lists (sub)national mechanisms for purposes of seeking redress. The RFC, however, argues that even though this provision was novel in many contexts, it neither sets out how these proposed mechanisms intersect with existing human rights institutions, or how they will be funded or composed (Chhotray *et al.*, 2020). Second, whereas the Act obliges state administration to ensure the implementation of its provisions, it fails to set out which institution should assume this responsibility in situation where state-level governments have insufficient resources or local parliament fails to approve relevant budgets (Chakraborty and Sarmah, 2019). Third, the NFSA entrenched cash transfers for pregnant women even though the RFC highly opposed this and recommended in-kind transfers. Leading up to the drafting of the NFSB, members of the WBG embarked on grassroots survey and found that people may be plunged into hunger as cash transfers might either get pilfered in the transfer process or misallocated at the household level. The fourth shortfall of the Act relates to the low uptake of grains allocated to households (Narayanan, 2017). Whereas the RFC re-echoed the recommendations of the Indian Medical Council for 50 kg of food grain per household of five, the NFSA slashed this figure down to half. In this light, while the

³ See sections 12 and 31.

Act may cover about 75 per cent of Indians, the actual quantity of grains falls short of meeting the standard caloric intake required per household and/or per person. Finally, the operationalisation of the Act has resulted in the failure to provide food desired in most local communities. For instance, there is little or no provision of millet as it is more costly than other grains such as rice and wheat. This criticism may be traced to the NFSA's exclusion of provisions relating to provision of food based on nutritional and cultural appropriateness, in place of food that are economically appealing to the state's purse.

Despite the drawbacks, a considerable number of states including Chhattisgarh, Himachal Pradesh, Andhra Pradesh and Tamil Nadu are fully operationalising food interventions, which to a larger extent have enhanced food security in the country (Dreze, 2006). In essence, the RFC seems to adopt a defensive mechanism and this strategy appears to have achieved considerable success in safeguarding food security.

Food Justice: Drawing Inspiration from India

To what extent does the activism of the RFC shape our thoughts about using mobilisation to enhance food security in South Africa, the Global South and North? The movement's relative success towards universalisation of ICDS, effective monitoring of MDM and adoption of the NFSA holds six lessons for academics, activists, legal community, policymakers and politicians.

Undoubtedly, the most sobering lesson from this study is that the formation of food security movements may encounter different challenges, on different terrains. This may include internal tensions incited by ideological differences, strategies or *modi operandi*. As demonstrated in the discussion, the SCM of the RFC at some point were torn between shifting resources from (un)conventional approaches to progressive contestation or legislative lobbies. Ultimately, a middle path of blending both strategies was adopted which triggered the desired results of bringing about a NFSA. There is, therefore, a need for compromise in situations of conflict of interest in internal decision-making or strategies to advance a common cause.

A second lesson is that consciousness of one's entitlement is a key ingredient in food activism, especially as people may not respond to a call if they do not know why. In this regard, the movement used advocacy to educate the populace on key concepts such as

neoliberalism, politics of provision, moral economy and how to claim their entitlement.

Third, South African legal practitioners and their contemporaries could also rely on the Constitution and present a petition to the courts, alleging a violation of the RTF in the context of the right to life (in cases where the RTF is not explicitly guaranteed in the Constitution).

Fourth, the role of intellectuals in this domain must not be underestimated as they could provide the normative basis for mobilisation. The contribution of these actors may be linked to generating essential information or answering key questions broaching where food insecurity is prevalent, who is mostly affected and why they are vulnerable. This area may also be complemented with grassroots surveys conducted by local activists trained and equipped to engage in social audits. In the course of conducting this exercise, they may engage in advocacy as a form of educating locals on how to demand their entrenched RTF. Moreover, human rights activists could rely on this information to mobilise the food insecure and the general public to undertake popular action, including demonstration, especially by making the masses aware of the obligation of the state in this regard and its failure to adopt sufficient measures to comply.

In addition, creative interpretation of the law or court orders alone is incapable of guaranteeing RTF. Yet, litigation or legal reforms are often the first step towards contestation in this arena, even though courtrooms alone are insufficient grounds for translating *de jure* right into *de facto* food security.

A final lesson to draw is that, women are key actors in food activism. As demonstrated in the previous chapter where women formed the rank and file of most activisms, the same could be said of the RFC. With virtually all its members being women, the WBG was tasked with providing basic education to mothers, peasants and the middle-class on the conceptual and structural factors exacerbating their food insecurity. Knowledge of these challenges provided an impetus to mobilise horizontal networks against the state.

In short, the realisation of food security is an intricate procedure involving the political will of key actors to translate RTF from paper into practice. While countries such as India, South Africa and several others may have an activist judicial system with judges willing to depart from conventional application of the law in order to safeguard marginalised communities, their efforts need to be complemented with either

legislative lobbying or popular activism, or both (Birchfield and Corsi, 2009).

Conclusion

With the RFC's nearly two decades of mobilisation around food, India has found food security worthy of national legislation and enforcement. The current chapter begun by tracing the evolution of the RFC which relied on litigation, advocacy, collective action and lobbying as a means of alleviating hunger. It begun by submitting petitions to the Court for a violation of children's right to nutrition, used grassroots mobilisation and activism to ensure compliance, and ultimately lobbied policymakers for the adoption of a NFSA. This demonstrated that in order to safeguard the RTF, it was necessary to mobilise at the (sub) national levels, and such mobilisation needed to interact or be backed by institutional measures such as court action or a parliamentary lobby.

Besides invoking court orders as the basis for their activism, the RFC used local languages to educate peasants about their rights, while using open letters to coerce the PM to integrate key provisions in the NFSA. The movement explicitly obtained interim orders from the Court and monitored their enforcement through social audits and public hearings. Following the arsenal of (un)conventional and progressive contestations launched by the RFC, the MDM and ICDS have been expanded, and almost universalised at the time of writing.

Suffice it to say, the developmental stages of the organisation, spanning between 2001 and 2009, were marked by petitions and litigation which focused on drawing the courts' attention to governmental indifference to the plight of millions, and especially undernourished children and pregnant women. These legal battles were supplemented with field surveys conducted by court-appointed commissioners, with the support of surveys by academics and RFC activists. Beyond the courtroom, the organisation undertook extensive advocacy, including distribution of court directives, organising outreach programmes and protest all to mobilise society for the advancement of food security. These high-profile contestations generated social pressure, which, together with the apparent evidence of starvation in drought-affected areas triggered activists to submit petitions, all with a common goal: an end to hunger.

While the RFC fell short in universalising PDS through the NFSA, it somewhat demonstrated that national governments do indeed respond to social pressure or mobilisation for fundamental rights. At the rural level, it used workshops to name and shame corrupt local officials, force local government officials to comply with court orders, and invited public intellectuals to add their voice to ongoing discussions around the daily terrorism of hunger. Moreover, together with the data provided by RFC trainees, independent scholars and commissioners, the court managed to monitor the level of state (non)compliance and issue further interim orders until the government decided to review its guidelines for improved MDM. Also, besides seeing its membership in the NAC as an opportunity to partner with the state in the enactment of a comprehensive NFSA, it resorted to unconventional tactics such as protest, demonstration and rallies to coerce the PM and other policy-makers into including provisions towards the empowerment of women, and on the specific grains to be allotted to each qualified household. This chapter has demonstrated that to safeguard people's food security, a non-state actor may operate *with* and/or *against* the state. Simply put, it must rely on three strategies: conventional, unconventional and progressive contestations.

In summary, effective food activism depends on the ability of its organisers to invoke dominant concepts to frame an appealing grievance. Messages conveyed in simple language are important as some might not fully grasp the import of concepts such as moral economy, relative deprivation, politics of provision or neoliberalism which impact living conditions. Having extracted some of the elements underpinning food activism, the next chapter turns to examine why food activism is rare in a fellow BRICS country, South Africa.