

Applying Public Interest Litigation to Secure the Right of Food: a case study of India

Ironically, the majority of the world's hungry and malnourished live in countries with food surpluses. The situation in India has been described as one of 'hunger amidst plenty'. While more than 60 million tonnes of surplus food grains are stocked in government warehouses, one half of all Indian children are undernourished and almost half of all adult women suffer from anaemia. Even when in 2001 severe droughts spread across the country, the surplus grain was not distributed and millions of people went hungry or starved to death.

In reaction to the government's failure to meet its responsibility of fulfilling the right to food of its drought-affected citizens, a writ petition was filed by the People's Union for Civil Liberties (PUCL)-Rajasthan to the Supreme Court of India in April 2001 against the Union of India, all state governments and the Food Corporation of India (FCI).

Since then, hearings on the right to food (not restricted to drought situations) have been held in the Supreme Court of India at regular intervals. At the hearing on July 23, 2001 the Supreme Court recognized the seriousness of widespread food insecurity and recent starvation deaths and denounced the continued hoarding of food grains by the FCI. In addition to expressing concern for the most vulnerable groups (e.g. aged or disabled persons) and the most vulnerable states in which hunger and starvation are widespread, the Court insisted that the free distribution of food must also be complemented by long-term solutions for enhancing people's access to food.

The Court has issued significant 'interim orders', which convert eight food and social security schemes into legal entitlements, asking central and state authorities to protect the right to food through:

- i. effective implementation of all nutrition-related schemes
- ii. cooked mid-day meals for all children in government schools
- iii. reform and expansion of the public distribution system, including the provision of grain to all entitled families on a regular basis as per official guidelines
- iv. implementation of food-for-work programmes in all scarcity areas
- v. social audits in various food and employment schemes
- vi. adoption of specific measures to ensure public awareness and transparency of these programmes

The Court gave a time frame for implementation and instructed the respondents to file compliance reports. To promote accountability, special commissioners of the Court were appointed to assist in monitoring the implementation of the court's orders, with civil society functioning as the commissioners' eyes and arms.

The issue of food began getting more space in the public domain. As a direct result of the Supreme Court's orders combined with pressure from the public and the media, many states in India have now started giving cooked mid-day meals in schools. In response to the defiance of some state governments in implementing Court orders, public interest litigations have been launched in High Courts and inspection/monitoring teams (public-private-NGO) have been formed in each region.

For more information: "[Right to Food in India Campaign](#)".