

FROM HUNGER TO HUMAN RIGHTS: STATE ACCOUNTABILITY IN THE CONTEXT OF POVERTY IN KBK REGION OF ODISHA

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ABSTRACT

Unhindered access to food and other necessities of life are the prerequisites to live a dignified life, must be enjoyed as a matter of right to be guaranteed by the state not as a matter of charity or conferment of privileges. The primary responsibility to feed the poor and make life supporting facilities available to them lies with the state. It is a constitutional as well as a moral obligation of the state to assist those in distress and ensure basic livelihood to one and all. Indian state, even after seven decades of its independence, has still been struggling to meet the basic needs of more than 300 million people who live 'below poverty line' (BPL). India ranks poorly at 103 out of a total 132 countries in the Global Hunger Index (GHI) 2018. The most alarming fact is that, despite numerous anti-poverty programmes and schemes to eradicate food insecurity and ensure nutrition, such as mid-day Meal Schemes, Integrated Child Development Services (ICDS), Public Distribution System (PDS), Antyodaya Anna Yojana (AAY), etc. and the statute of National Food Security Act (NFSA), 2013, incidents of hunger, starvation, distress sale of children and mal-nutrition related deaths are reported in regular intervals in certain pockets of India. Such appalling inhuman incidents reveal the abject destitution, absolute deprivation and deep vulnerability of poor people, shock the human conscience and violate the basic economic rights of the poorest of the poor. Most importantly, such incidents have exposed the failure of government in addressing the root causes of poverty and question the very legitimacy of a democratic state. This paper, taking the experiences of poverty eradication by state in the KBK (Kalahandi- Balangir-Koraput) region of Odisha, argues that poverty, hunger and starvation deaths, are the product of poor governance and state failure to integrate 'rights-based approach' to the developmental strategy and poverty eradication programmes.

Keywords: Poverty, Hunger, Starvation Death, Governance and Human rights

Introduction

Every individual, by virtue of being born as a human being, has the right of survival and freedom from hunger and poverty as his basic human rights. This right has been well documented in many international human rights declarations such as Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, etc. as well as in the constitutions of nation-states. However, ironically, poverty has been proved as a major cause and consequence of violation of above human rights of a substantial portion of Indian population. The 'hunger' and 'starvation deaths', one of the major demonstrations of abject poverty, are a blot on any society. Poverty not only erodes individual capacity but negate the very legitimacy of democratic state and question the very effectiveness of its developmental policy. The protection of people's lives from poverty and hunger has been the constitutional obligation of Indian state since the adoption of human rights approach and welfare philosophy in 'Fundamental Rights' and 'Directive Principles of State Policy' respectively in the Constitution.

Indian state, after seven decades of its independence, is still not able to meet the basic needs of more than 300 million people who live 'below poverty line' (BPL). Out of total 132 countries, India's rank in the Global Hunger Index (GHI) of 1028 is 103. Suranjita Ray rightly observed that "The persistence of hunger and starvation amidst overflowing granaries and buffer stocks, has brought the paradoxes of hunger, deprivation and its accompanying humanitarian crisis to the forefront of public attention" (Ray, 2019). The poor, not because of their fault, are deprived of basic necessities of life such as food, shelter, clothing, education and medical facilities. The most shocking fact is that a sizable poor population still remains under abject poverty and does not enjoy the right to freedom from hunger. The starvation deaths continue to manifest intermittently in certain parts of India which reflects the underlying inequalities, lack of resources, the pervasiveness of destitution, deprivation and utter helplessness. Despite large scale modernization and scientific progress, hunger and starvation deaths continue to be a cause of deep shame and major embarrassment for the government. State finds it difficult to cast any aspersion on the individual limitations of the poverty stricken and gropes for justifiable answers. The persistence of widespread endemic hunger and incidents of starvation deaths demonstrates the extent to which the Indian state has failed in fulfilling its welfare objectives and protecting the rights to life of the poor.

The role of the state vis-à-vis hunger eradication has been in debate since the reports of starvation deaths in the KBK (Kalahandi-Balangir-Koraput) region of Orissa came to public notice in 1980s. The most alarming fact is that, despite numerous anti-poverty measures, programmes and schemes to eradicate food insecurity and ensure nutrition, such as mid-day Meal Schemes, Integrated Child Development Services (ICDS), Public Distribution System

(PDS), Antyodaya Anna Yojana (AAY) etc. and the statutory provisions of National Food Security Act (NFSA), 2013, incidents of hunger, starvation and mal-nutrition are reported in regular intervals in certain pockets of India. Without delving much into the statistics of development and poverty alleviation programmes, this paper questions the very approach and policy of the state to deal with the basic survival of the poor in the face of abject poverty and hunger distress.

Poverty and Human Rights

Poverty refers to a condition that makes individuals vulnerable and incapable of meeting their daily basic human needs such as food, shelter, clothing, education, health care, etc. Abject poverty leads to physical and mental debility, physical incapacity and psychological poverty. It forces one to live in an environment of social, political and cultural poverty perpetrating the cycle of poverty for the poor and his family. Out of severe deprivation, poor people are forced to take drastic steps like selling of their children. It is also observed that poverty causes massive under-fulfillment of social and economic human rights, such as the “right to a standard of living adequate for the health and well-being of oneself and one’s family, including food, clothing, housing and medical care” (Pogge, 2002). Townsend argues that ‘individuals, families and groups in the population can be said to be in poverty when they lack the resources to obtain the types of diet, participate in the activities, and have the living conditions and amenities which are customary, or at least widely encouraged or approved, in the societies to which they belong. Their resources are so seriously below those commanded by the average individual or family that they are, in effect, excluded from ordinary patterns, customs and activities’ (Townsend, 1979).

Poverty constitutes a systematic and structural denial of basic freedom which constrains individual growth and individual lacks the ‘capability’ to meet their basic needs. The denial of one freedom amplifies or multiplies the denial of other freedoms, rendering the poor disproportionately vulnerable to a whole array of violations (Sen, 1999). Amartya Sen argues that poverty leads to non-fulfillment of fundamental human rights while Farmer advocates “Human rights violations are not accidents; they are not random in distribution or effect. Rights violations are, rather, symptoms of deeper pathologies of power and are linked intimately to the social conditions that so often determine who will suffer abuse and who will be shielded from harm” (Farmer, 2005). The abject poverty and absolute deprivation lead to violation of a number of human rights. The violation of basic economic rights such as rights to food, shelter, education, health and well-being and survival are direct consequences of poverty while the connection between human rights and poverty is indirect in case of civil and political rights (Landman, 2006).

Rights to life as defined in the international human rights instruments and interpreted by Indian Judiciary include many basic human rights such as ‘right to food’, ‘right to livelihood’, ‘rights to education, health care, etc. The Universal Declaration of Human Rights, in Article 3, says, ‘Everyone has the rights to life, liberty and security of person’ while its Article 25 reads, ‘Everyone has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care and necessary social services and the right to security in the event of unemployment, sickness, disability, widowhood, or old age or other lack of livelihood in circumstances beyond his control’. The international Covenant on Economics, Social and Cultural Rights, in its Article 11, recognizes the right to an adequate standard of living including adequate food.

The ‘right to life’ expressed in Article 21 of the Indian Constitution has been judicially interpreted to include the above rights. Hunger and starvation death, therefore, constitute a gross denial of right to food and livelihood and violation of rights to life. The National Human Rights Commission, in its report, observed “starvation should not simply refer to death caused by lack of food or mortality alone should not be considered as the starvation but besides the above, destitution and continuum of distress should be viewed as indicators demonstrating the prevalence of starvation” (NHRC, 2005-06).

State Accountability

People in poverty, hunger and destitution caused by drought, famine, natural disasters or otherwise, have no other option than depending on state or government for their survival (Currie, 2000). The access to food and other basic necessities of life are not a matter of charity or welfare done by state; rather it is a question of their rights. The primary responsibility to feed the poor and make all life supporting facilities available to them lies with the state. It is a constitutional and above all a moral obligation of the state to assist those in distress and ensure basic livelihood to them. The ‘right to freedom from hunger’ and ‘right to food’ are fundamental rights under Article 21 of the Indian Constitution. The state, under Article 39(a) and 47, is responsible to protect the right to life by providing its people with adequate means of livelihood and by raising the level of nutrition and the standard of living of the people.

However, the irony is that the situation of poverty, hunger and related deaths are a consequence of failure of government’s policies and programmes and in some cases state actions are directly responsible for causing poverty in the society. Hunger and starvation are the outcome of abject poverty. The debate in poverty, hunger or starvation often starts with the assumption that creation, perpetuation as well as alleviation of poverty (hunger) is a direct product of state policies on agricultural production; food distribution and food security; iniquitous structures of land ownership; and famine relief, etc. Starvation is caused due to the failure or negligence on

the part of state to provide its people at least those minimum requirements like food, water and medical facilities which are essential to enable a person to live. In fact, 'poor governance' is responsible for absolute poverty in a situation when India has surplus food grains and plenty of resources.

The Case of KBK Region of Odisha

What has been the approach of Indian government including state governments towards poverty, hunger and malnutrition? How effectively government policies related to these issues are implemented? How far rights-based approach has been integrated to government programmes? Let us examine these questions in the context of the experience from the KBK regions of Orissa which has been in news, since mid-1980s, for various poverty related issues like hunger, starvation death, child selling, malnutrition deaths, etc. The three districts of this region (Kalahandi, Balangir and Koraput) were reorganized into eight districts (Kalahandi, Balangir, Koraput, Malkangiri, Nabrangpur, Rayagada, Nuapada and Sonapur) during 1992-93.

The KBK region, since the drought of 1985 followed by famine and acute food crisis, has been in news for destitution and drought-related distress like starvation death, sale of children, the eating of roots and leaves, widespread malnutrition, loss of eyesight and distress migration. The condition of abject poverty in this region hogged national limelight in 1984 when a poor man from Balangir district called Phanus Punji, out of his destitution, sold his sister-in-law named Banita only for a meagre amount of Rs 40. The recent case of starvation death of a 17 year physically challenged boy from Nuapada district on 8th July, 2019, project the continuity of the poverty situation of this region. Incidents of poor selling their small children to meet the pangs of hunger is not new to this region.

During this period of three decades, many cases of starvation death, child selling, malnutrition death, have hit the headlines of international and national newspapers and tv channels. In fact, many cases escape the public notice and go unreported and unrecorded in government record. The incident of Dana Majhi, a tribal man from Kalahandi district, who carried his wife's dead body on his shoulders for 12 kms as he could not manage any vehicle from the hospital to his village on 14th August, 2016 (Indian Express, Sept 2, 2016) got a wide coverage in social and mainstream media. The death of 19 infants due to malnutrition in Nagada village in Jaipur in 2016 shocked the world and establish that the government has done little to prevent everyday experiences of malnutrition that persist in the village (Ray, 2019). Such horrified inhuman incidents revealing the destitution and absolute deprivation and vulnerability of poor people shock the human conscience and reveal the violation of basic economic rights of the poorest of poor. Most importantly, they exposed the failure of government in addressing the root causes of poverty and question the very legitimacy of a democratic state.

Odisha ranks second, only next to Bihar, in the poverty rate according to NITI Aayog's SDG India Index, 2018. The report says 32.59 percent people of Odisha live below poverty line. But the magnitude of poverty in KBK region is even much higher than the rest of Odisha. There is no renunciation of the fact that some geographical and climatic factors are certainly responsible for causing drought and famine forcing people to deprivation and destitution. But equally and more important reasons behind this abject poverty lies in our socio-political structure (Mohanty, 2007). The unequal distribution of resources, the accumulation of land in higher caste people, the control of economic activities by few contractors and middle men, the local power dynamics are some of the important factors responsible for creating this dismal picture of poverty which ultimately manifests in the starvation death. However, this paper argues that 'poor governance' is the most vital and immediate cause of creating this situation. This reflects the absolute failure of government in addressing the structural problems through policy intervention and making food and basic necessities of life available to poor people amidst plenty of surplus resources (Mohanty, 2007).

Story of hunger deaths in KBK districts was brought to public notice by opposition leaders in state assembly and press and NGO reports followed by judicial intervention. However, shockingly, in response, the state government initially denied starvation death and famine and was even reluctant to declare the prevalence of food scarcity, rather it started making disinformation campaign that all developmental programs and welfare schemes were properly implemented and there were neither shortage of food nor jobs.

A lot of money has been spent under various developmental programmes and relief measures since the day Prime Minister Rajiv Gandhi visited this region to affirm commitment to alleviate poverty. However, the impact of government policies and programmes did not produce the desired result. Professor Niraja Gopal Jayal observed "State intervention, whether in the form of relief expenditure or off development funds, have clearly not reduced the vulnerability of the poor to hunger, rendered them capable of independent means of survival. If anything, on faith charity has probably accentuated their passivity. Shank in backwardness and object poverty, without land to till or employment to labour and without education or training, they are deprived even of the means of articulating protest" (Jayal, 2001)

The evaluation of the situation after one decade following the 1st reporting of absolute poverty in this region suggested that despite so much money spent under various schemes in the name of relief and development, no significant improvement had been noticed in the poverty situation in this region. Around 75% of families were living below poverty lines in 1997. However, after widespread condemnation of the Indian states in mitigating the recurrent distress of the people of the region, central government decided to formulate a Long-Term Action Plan (LTAP) in KBK districts. Consequently, Centre approved a nine-year LTAP for the period 1998-99 to 2006- 2007

with a budget of 6251 crores with objectives listed as: (i) drought proofing, (ii) poverty alleviation, and (iii) improved quality of life in KBK region. Agriculture, horticulture, Watershed development, afforestation, rural development, irrigation, health, emergency feeding, rural connectivity and welfare of STs& SCs were the areas identified on which money had to be spent under this project. The Government of India sponsored Antyodaya Anna Yojana launched in the year 2000, was also implemented by Odisha Government in this region. The objective of this scheme was to provide food to millions of poorest families. Under this scheme, each poor family is entitled to 35 kg of good grains every month at a highly subsidized rate (rice at a rate of Rs 3 and white at a rate of Rs 2).

Intervention of NHRC

National Human Rights Commission (NHRC) took cognizance of the poverty situation and related issues like starvation deaths in KBK districts on a request of the then Union Agriculture Minister Chaturanan Mishra in November 1996. Later Supreme Court of India on a writ petition filed on December 23, 1996 by Indian Council of Legal Aid and Advice and others, alleging that deaths by starvation continued to occur in certain districts of Orissa, in its order, directed the petitioner to approach the NHRC for seeking interim measures for preventing deaths by starvation. The commission considering the gravity of the situation, immediately sent a team to KBK region to inquire the situation.

The importance of the above inquiry or investigation by NHRC was that it was not limited to the working of the 'right to food', but it included matters related to the access to livelihood i.e., access to forest resources by the STs. Topics covered by this inquiry included food insecurity, access to health care, child and infant mortality and a range of other issues that can affect the well-being of the community affected by the starvation(NHRC, 2005-06). The commission, on the basis of this inquiry report formulated a set of recommendations in 1998 and asked both the Central and state governments to accept them. These included the continuance of the Emergency Feeding and Mid-Day Meal Programme, apart from several other social security provisions; employment generation in agriculture; drinking water and public health. It also called for a review of entitlements under the Public Distribution System. State government was asked to speed up programmes relating to land reforms, afforestation, soil conservation and literacy.

While appreciating the initiatives taken by the State Government for action on various aspects of relief work, the commission expressed its concern and disappointment over the pace and manner in which programmes are implemented (Roy, 1997).Towards this end, a special rapporteur was appointed by the commission whose role was not only to inquire into the implementation of the plan but their relevance for furthering the Right to Food and Right to Livelihood. The commission since 1998, has been involved in monitoring the implementation of various

programmes by the state government and for this purpose Special Rapporteur has been visiting in regular intervals to all the districts of KBK. In order to ensure that everyone is free from hunger, the commission constituted Core Group on Right to Food in January 2006, to examine the issue and suggest appropriate programmes.

The Commission not only took a serious note of this issue but also condemned starvation death as a gross violation of Fundamental Rights of the people and held the view that such deaths are invariably the consequences of mis-governance resulting from acts of omission and commission on the part of the public servants (NHRC, 2005-06).

The National Food Security Act, 2013

The Government of India, following many public criticisms (both globally and at the domestic sphere) of its failure to eradicate absolute poverty through its action plans, ultimately passed the much awaited 'National Food Security Act' (NFSA) in the year 2013 to recognise the 'rights to food' as a legal right and to impose corresponding legal obligation on the government to protect the same. Subsequently, various state governments adopted and implemented this Act. The Government of Odisha implemented Food Security Act initially in 14 districts from 17 November 2015. This shift from a 'state charity approach' to a 'legal and right-based approach' has created a ray of hope for the poor people of the state.

The aim of this Act is to provide food grains at a highly subsidized rate to approximately two thirds of the population of India. It gives a legal sanction to the existing food security programmes of the government of India and provides a legal entitlement to 'rights to food'. The Midday Meal Scheme, Integrated Child Development Services scheme and the Public Distribution System (PDS) are included in this Act. The former two schemes are universally applicable to all areas and population while PDS will be available to around two third of the population (75 percent of rural population and 50 percent of urban population). Besides the above, it also includes provisions for maternity benefits. Pregnant women, lactating mothers, and certain categories of children are eligible for daily free cereals. The beneficiaries of PDS, under the provisions of this Act, are entitled to get 5 kilograms of food grains at a subsidised rate (Rice at Rs 3, Wheat at Rs 2 and Coarse grains (Millet) at Rs 1 per kg) (The National Food Security Act, 2013).

Conclusion

The persistence of massive magnitude of poverty in KBK region, even after sincere efforts by both Central and State governments and constant intervention of NHRC, demonstrates the failure of the state to fulfill its obligation in terms of eradicating poverty and securing adequate livelihood to the poor in this region (Mohanty, 2007). However, the NFSA which was adopted

by the Odisha Government definitely created a hope but there still exists a dichotomy between the constitutional philosophy of welfarism and human rights and the existing policy and approach that the state adopts to face poverty and hunger. The existing Rights to Food Act (NFSA) is not adequate to ensure human rights of the poor to adequate means of livelihood. Issues related to the causes of poverty have not been addressed in this Act. Many studies have revealed that though hunger is addressed to a large extent under this Act but, due to the apathetic attitude of the administration, it has failed in eradicating abject poverty in some pockets (Ray, 2019). The legal obligation that this Act imposes on state is limited to provide food grains at subsidized rate but the problems of poor are much wider which include access to livelihood, shelter, health facilities and so on. In fact, there is an urgent need to address the root causes of poverty with a purpose to completely eradicate this condition which ultimately make the poor avail all basic necessities of life and enjoy all human rights. Lastly, the problem is compounded by bureaucratic apathy, indifference and a complete lack of legal accountability of officials responsible to implement this Act.

The present position of poverty situation of the region demonstrates the failure and apathy of governance despite being considered as a legal obligation of state to eradicate hunger. It is widely believed that the model of development adopted by Indian state has been proved to be anti-poor as it could not protect and promote the rights of the poor. Unfortunately, public policy on drought has been handicapped by a short-term relief-oriented perspective with little concern for long-term measures for draught-proofing and hunger mitigation. The structural (geographical, social and economic) causes of poverty have hardly been addressed in state policies. The serious facts to note, here is that the official approach of the government to hunger has always been dubious and escapist. Government officials, in order to avoid responsibility, deliberately deny the starvation deaths and acute food crisis. Secondly, the policy of the state has been to convert the discourse of hunger into the discourse of drought, impliedly shifting the blame from state to nature and thereby reducing the responsibility of the state for its mitigation. Thirdly, the approach of people in administration is dominated by the philosophy of 'state charity' or 'state welfare' rather than the human rights of the poor.

The developmental and welfare activities of Indian state, even after more than seven decades, instead of developing a right-based approach have remained all through a practice based on charity, benevolence and paternalism. The situation has not changed much at the ground level even after the implementation of the NFSA, 2013. The relationship between hunger, subsistence and human rights has rarely been articulated in the policy and approach of Indian state. As Prof. Manoranjan Mohanty has rightly pointed out, "the anti-poverty programmes have never focused on the rights of the tribal overland, forest resources and water. Land reforms has never been a crucial component of these programmes. That trend of deprivation of tribal people's

rights over forest produce and resources does not seriously concern the policy makers (Mohanty, 2007).

Therefore, there is an urgent need of Paradigm shift from the “domain of benevolence” that considers relief to be an act of charity to a “rights-based approach” which acknowledges the citizen’s right to food and livelihood and his/her claim upon the state. The basic issue that needs to be addressed here is the constitutional and legal recognition and protection of rights to survival and its related rights of the poverty-stricken and hungry people. However, the assertion of a model of human rights is not as practically efficacious as the assertion of a legally enforceable right. Onora O’Neill’s rightly said, “Unless obligations to feed the hungry are a matter of allocated justice rather than intermediate beneficence, a so-called right to food, and the other ‘right’ of the poor, will only be Manifesto rights” (O’Neill, 1986). The need to move from the symptoms to underlying causes of poverty can be better addressed by linking human rights to developmental strategy and more specifically poverty eradication schemes. Nothing is more vital than developing an administrative machinery that is more sensitive and accountable towards the poor.

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