



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2006/NGO/187
7 March 2006

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sixty-second session
Item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

**Written statement* submitted by the Asian Legal Resource Center (ALRC),
a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2006]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

STARVATION AND GOVERNMENT NEGLECT IN INDIA

1. India is not a food-deprived country; it is estimated to have over 50 million tonnes of grain reserves alone. Yet half of India's people are under-nourished and hungry, and many are literally starving to death due to the acts or omissions of State agencies. As the Asian Legal Resource Centre (ALRC) has previously informed the Commission, India does not have a food scarcity problem so much as it has a food security problem: systemic abuses continue to leave ordinary people hungry and suffering from malnutrition or starvation (E/CN.4/2005/NGO/59). Laws, assistance programmes and distribution systems are failing in various ways to provide food to those in need. The result is often death.

2. India's domestic laws, in theory, supply a vast array of welfare schemes aimed at enabling marginalized groups to fulfill their right to food. However, government welfare programmes and state agencies continue to fail to provide food assistance to those suffering from hunger, starvation and malnutrition in India. Social and cultural factors are most significant to India's food problem. Women, children, scheduled castes, scheduled tribes, and religious minorities all suffer a greater incidence of malnutrition and famine because of discriminatory social and cultural practices that are deeply embedded. Marginalized groups in India are still regarded as inhuman and are not integrated into the rest of society. The following cases illustrate how institutionalised corruption, neglect and discrimination combine to cause inaction, inertia and inefficiency in India:

a. The Public Distribution System (PDS) in Jalangi, Murshidabad in West Bengal has yet to actually provide food support to over 500 hunger victims who have been known to the local administration since September 2005 and where the authorities concluded that the listed persons are in critical need of aid. Nonetheless, Below Poverty Line (BPL) cards have still not been provided since the name list was posted in ration shops, and in the past twelve months at least eight people have died from starvation in that district. Meanwhile, it is common knowledge that ration dealers in Jalangi sell rice and wheat on the black market and turn away BLP card holders coming to buy rations on the ground that they have insufficient stock.

b. In Raup village, Sonebhadra in Uttar Pradesh, BPL cards have been distributed but the PDS shops are also failing to provide adequate quantities of food for long periods of time. Most families cannot survive more than 12 days on the 35kg of rice and wheat received per month, if and when the full amount is supplied. Many elderly hunger victims residing in the district do not receive any food assistance at all as ration dealers reject cards held under the Annapurna (old-age) welfare scheme.

c. Chirauji Devi of Sonebhadra, Uttar Pradesh, died from starvation and slave labour on 10 July 2005. She had been employed as a pond digger under the nationwide food-for-work programme but did not receive food coupons or compensation for her work, despite several pleas to local authorities and the village council. The food-for-work programme, now called the National Employment Guarantee Act 2005, is supposed to provide up to 100 days of manual work at minimum wage per year.

3. The ALRC also continues to receive reports of numerous cases where the accessibility and availability of food to scheduled caste groups is denied through the use of force and threats by discriminatory state agencies. Villagers from the indigenous Munda community in Kumarpukur, for instance, were twice threatened not to speak of their grievances by officials visiting their homes in West Bengal during 2005. On the first visit, a local communist party leader warned villagers not to speak to human rights defenders and reporters. Two days later, uniformed policemen reiterated the warning. The victims are currently lacking all basic necessities including food and water; many have taken to eating roots and leaves for survival.

4. In Jalangi, West Bengal the community consists mostly of Muslims and Dalits (so-called "untouchables"). There the Padma River has been eroding land and livelihoods at a dramatic rate, creating a significant food problem. This is further exacerbated by state denial and neglect. On several occasions, victims who have gathered in protest of the government's inaction have been threatened physically and verbally by local authorities, most recently in July 2005, prior to a public hearing convened in the area on starvation and government inaction. In its findings released in January 2005, the tribunal, which included retired high court judges and doctors, accused the state authorities of being corrupt spectators of hunger deaths. Its recommendations, which are pertinent to conditions of hunger and starvation in many parts of India, included the following:

a. Starvation, the tribunal found, was rampant among men, women and children everywhere. No one was sure of his or her next meal. There is no regular source of income, no proper jobs for many. Those who owned land have become landless overnight.

b. The tribunal also saw a large number of children who were apparently suffering from night blindness and also from malnutrition. It appeared that there were no considered efforts from the state to address this grave issue. Any ordinary person visiting this place, without having any professional training would find that the majority of the children are suffering from extreme malnutrition.

c. The victims and complainants have made representations to the government several times but anything positive is yet to be done. The government, particularly the state government, is yet to properly implement the welfare programmes such as food for work. The interim order of the Supreme Court of India in writ petition 196/2001 on the right to food has not been followed.

5. Starvation is invariably complicated by conflicts over ownership of land. The ALRC has in its previous submissions to the Commission highlighted this relationship between land and food in communities in Maharashtra. In the past two years, the situation of landless communities in the area has not improved; the community in Puntamba, Ahmednagar District, remains in a constant battle with local authorities for access to land. The food situation has still not improved and is again indicative of the at best lethargic response of State agencies to conditions of starvation and attendant human rights concerns in India, despite pretences by government officials abroad to be greatly interested in these.

6. Ultimately, the denial of the right to food in India is still deeply rooted in discrimination against marginalized groups and purposeful neglect and inaction by state agencies. It is also often accompanied by gross civil and political rights violations. India has consistently ignored the need to address violations of economic, social and cultural rights and thus conditions in the country have consistently deteriorated. The government's welfare programmes and poverty eradication plans started have done little to uplift the country's suffering millions.

7. In light of the above, the ALRC urges the Commission to demand that the Government of India

a. Investigate and address all starvation and hunger cases and provide immediate assistance to the victims--with particular regard to the needs of children, women and the elderly--as well as undertake longer-term rehabilitation programmes and address the larger causes of starvation and hunger in India.

b. Examine the failure of existing welfare programmes, including the Public Distribution System and food-for-work programme, and make further investigations into the corruption in these schemes. Those government agents found guilty of criminal activity carried out under the auspices of these programmes must also be prosecuted.

c. Increase the monitoring and reporting of hunger complaints on domestic and international levels. India has not submitted a report on the condition of Economic, Social and Cultural Rights to the Committee on Economic, Social and Cultural Rights since 1990. This should be a matter of outrage for the Commission. Furthermore, cases of right to food violations with the National Human Rights Commission of India by the ALRC have not been properly pursued, instead being given a back seat to violations of civil and political rights.

d. Ensure that domestic laws and Supreme Court rulings which protect marginalized communities are upheld. This includes any laws or rulings which guarantee assistance, welfare, land, and/or the equitable distribution of goods and services to marginalised persons.

e. With regards to the conditions of starvation in Jalangi, West Bengal, in addition to immediate food and medical assistance, prevent further erosion of the Padma River by the building of an effective embankment and ensuring that all persons who have lost lands obtain new and suitable areas where they can continue to earn their livelihoods.

8. India has pretensions to become a world-leader--through cutting-edge computer technology, a space programme and a permanent seat in the Security Council, among other aspirations--however, a country that is unable to provide for even the most basic needs of millions of its people has no reputation upon which to stand. Let the Government of India feed its people first. The attention of the international community, through the Commission, must rest here.
