

HUNGER ALERT



Little Shiva Dies of Malnutrition
(Photo: MASUM)

"My son Shiva died... because of malnutrition. He had no medicine, no proper place to live. He was in hospital for two months, and died when he was three years old," E.M. Parvati says. Shiva's family was among some 7,000 Dalits forcibly evicted from Bellilious Park in Howrah in West Bengal, India, by the authorities without any compensation or resettlement in February last year.

Many sad hunger stories like that of little Shiva are being neglected, unheard and ignored in different parts of the world. The victims suffer in silence. Our society is not poorer than it was in the past. Why is that the problems of starvation, malnutrition and other related problems are unabated?

To raise awareness and prompt action on poverty-related issues in the region, the Asian Human Rights Commission has launched a campaign of *Hunger Alert*. It aims to break the silence of suffering and bring the plight of these people to public concern. *Hunger Alert* can be reached by email at:

[<hungeralert@ahrchk.net>](mailto:hungeralert@ahrchk.net)

Individuals or organisations can send untold stories and latest information concerning those people who face hunger and related problems, or the threat of starvation, together with contact details, to *Hunger Alert*. Upon verification, the news will be shared with a large audience throughout the world via email networking and websites. The approach is modelled on the AHRC's Urgent Appeals programme (www.ahrchk.net/ua), which receives information by email at [<ua@ahrchk.org>](mailto:ua@ahrchk.org).

For further details on *Hunger Alert*, contact the AHRC.

We want to hear from you.

Lesson Series 39

The Right to Food: Indivisibility of Rights

Summary

Whether they are economic, social and cultural rights, or civil and political rights, all human rights are indivisible. The right to food, a basic human right, and one that falls in the economic, social and cultural rights grouping, is largely affected by the violation of other rights.

This lesson examines the relationship between the right to food and other rights, such as the right to land and equality through specific case studies from India.



THEME: The Right to Food: Indivisibility of rights

THE ISSUE

As shown in the previous lesson series, the denial of the right to food is not usually a result of natural causes, but due to systemic factors and deliberate actions taken by state authorities. In the same way, the systemic denial of other human rights—such as the right to equality or land—will inevitably affect peoples' right to food.

While human rights can be grouped into different categories, ultimately human rights are indivisible and must be viewed in a holistic manner, starting with the basic dignity of all people. Any practice that denies this basic dignity is inhuman, regardless whether the practice affects economic, social and cultural rights or civil and political rights.

THE LESSONS

This is the second of a two part lesson series. While the first (Lesson Series 38) focused on an introduction to the right to food as well as its conceptual framework, this second series looks at the indivisibility of rights.

Lesson 1 looks at the relationship between caste discrimination and the right to food.

Lesson 2 looks at the relationship between the right to land and the right to food.

Cover photograph: Back page of *Human Rights SOLIDARITY*, vol. 14, no. 4, July 2004

LESSON 1

Being discriminated on the basis of caste is unfortunately a common occurrence for a large number of India's population. The following case from West Bengal demonstrates how this discrimination violates many of their fundamental human rights, including their right to food.

A. 'We get so tired that sometimes we can't even move'

(Nick Cheesman, 'Life at Rubbish Dump', *Human Rights SOLIDARITY*, vol. 14, no. 4, July 2004, pp. 8-12)

"Some of us were very severely beaten," recalls Tara Murti Hela. "Some tried to flee by taking shelter in a pool of human shit, but the police beat them there too. It was so brutal, you can't imagine. If I think of these things, my heart is in pain. I just can't do it."

But it is not easy for Tara Murti Hela, 53, to forget. Her life has not been the same since the events she recalls, when she was among some 7,000 people evicted from their houses in Bellilious Park in Howrah City on February 2 last year. Their houses were bulldozed, possessions looted, and the occupants told to move to the Belgachhia dump, a few kilometres away, if they had nowhere else to go. More than 1,000 have been there since...

"Over 150 families are at this place out of the original number, which we estimate to have been more than 700," says human rights campaigner Kirity Roy, following a couple of people returning from the dump through a gap between two shop stalls on the left.

"In the first part of the 20th century, the municipality brought the grandparents of these people to clean the streets and drains. It was responsible for locating them at Bellilious Park, and even built accommodation for them there; now it has demolished those very same buildings and forced the people to move here," says Roy, a member of Manabadhikar Suraksha Mancha (MASUM), a local human rights organisation. Since the eviction, MASUM has been deeply involved in the fight for rehabilitation and compensation of the victims.

"It is important to remember that all the people here are Dalits," Roy says. "They are segregated from the caste groups. Nobody will rent accommodation to these people. If your name is Balmiki or Hela [Dalit names], other groups will not allow you to stay with them." ...

God Knows What will Happen

2

Hunger, starvation. Here, not more than about 10 kilometres from where the chief minister and members of parliament preside

over the government of West Bengal, people are starving to death. E. M. Parvati knows this better than most: her son died for want of food just a few months ago.

Parvati lives in a dwelling that consists of little more than some wood and bamboo pressed hard against a wall at the far end of the settlement. Gusts of wind lift the plastic roof, which during heavy rain protects the family little more than were they in the open.

Parvati, 32, is carrying a new child. She speaks with exhaustion, three daughters sitting alongside: “My son Shiva died just three months back, because of malnutrition. He had no medicine, no proper place to live. He was in the hospital for two months, and died when he was three years old.”

“My husband is here, but he is also very sick, with TB [tuberculosis]. Usually he cleans the toilets in private houses, but now he cannot work, so we have no income. I also was working like that, but cannot now because I am pregnant,” she says.

Parvati says her children have to collect wood at the dumping ground during the daytime for cooking and boiling water. “We cannot send them to school. It is quite impossible for us to give them an education. I have no hope for their future. We have done everything we can for our children, but we haven’t been able to change our situation,” she says while looking at her children.

Parvati’s mother, E.M. Bhupati Lachmi, has to earn a living for the family by cleaning toilets in people’s houses and the roads and drains outside. “I am the only earner in the family, and can get perhaps 50, perhaps 70 rupees per day (US\$1-1.40). I also get some rice and other things from neighbours. Another daughter of mine helps too, by giving some of her earnings from cleaning houses,” she says.

“Today a neighbour gave some rice and wheat, with which we have prepared our meal,” she says, opening pots by the earthen stove to show rice, flat bread and some thin curry. “As for tomorrow, God knows what will happen. I go to work in the morning and find out after that. If I go to work, I will definitely earn something with which we can buy food to eat.”

So Many Things Taken

...Gopal Balmiki... recalls how the eviction was managed. “On the day of the eviction we were not given any notice. Some police came on January 28 and made an announcement with a loudspeaker that the place would be demolished and that we should go, saying, ‘On February 2 this place will be vacated; remove your structures and leave.’ After that there were no more warnings until they came with bulldozers at about 6 am that Sunday. Then we were scattered here and there.” The municipality evicted the people on Sunday, leaving the residents no recourse to an injunction through the court.

“They took so many of our things, but to where, we do not know,” says Gopal. “All our possessions were taken on the backs

of trucks, like our TVs, radios and refrigerators. There were at least 10 trucks and hundreds of labourers employed by the corporation to take stuff away. When we tried to take our things for ourselves, the commandos beat us with their batons.”

...”The temples were also destroyed, and when we tried to take things from them too we were beaten; even the women,” says Rajesh. “We begged them, ‘You may be destroying our houses, but please don’t destroy our temples.’ But the police said, ‘No one will be staying here; you don’t need them.’ The idols were brought out, and the police took or broke everything else.”

The looting and devastation were absolute. The community had built and run its own school, and this too was demolished, along with the three buildings that had been constructed by the municipality to house the workers. Wells were filled in, pipelines and electricity supplies destroyed. The place was flattened.

“We were told that we were all illegal occupants and this was the reason for the eviction, but it is our feeling that it happened because we are Dalits, and our social position is weakest,” says Gopal. There is a chorus of agreement from others nearby. “We don’t have a say in anything. That is why we were targeted.”

The Howrah administration, offering no help to the ousted residents despite their demonstrations, maintained that the eviction was legal and the municipality had no money to rehabilitate the people.

“Our only hope is to be able to educate our children and give them a better life than we have. When we stayed in Bellilious Park, we had a chance, but now these hopes have faded,” Gopal says. “Now we are having to forego meals to save enough money with which to send our children to school. Where we once ate three times in a day, now it is only twice.”...

Beautification...

Abhijit Datta, another member of MASUM and a lawyer at the Howrah District Court, feels the anger and frustration of the people forced to live at the dump. “This is not a place fit for human habitation, between a dumping ground and condemned buildings on the verge of collapse. But the municipal corporation doesn’t care if these people die here because they are Dalits. In this sense the conditions for these people are not different now from how they have been for centuries.”

Passing through the busy streets of Howrah, Abhijit points to an area of land on the right — Bellilious Park. The place looks uninviting: little can be seen other than some rubbish piles where the main dumping ground had once been located; the settlement was on the other side. Whereas the park was originally established in an open area outside the city limits, it is today surrounded on all sides by the walls of apartment buildings and other constructions. The area is densely populated, and by now of high commercial value.

The community was evicted on the ground that they were responsible for polluting the park; their removal being a step

towards its beautification. The condition of the park today speaks to the audacity of this lie. It is a barren and dusty wasteland... The location of their former houses is easy to see: the rubble is still there, the corporation not even having bothered to clear it all away after knocking it down. Nothing has been done with this part of the land since. Picking through the rubble, pieces of a temple wall are uncovered. Somebody has piled a few bricks into a makeshift shelter nearby. The remnants of some structures remain upright — here is a corner of the school; there is the ground floor of one boarding house...

The plight of these people and the utter disregard for their wellbeing by the local authorities and the state government is indicative of attitudes among India's elite and policy makers. And it is this very attitude that results in the denial of food and the hunger faced by millions throughout India; hunger is not a product of famine or other natural causes, but the result of deliberate and systemic factors. For the Bellilious Park evictees, their lack of food is caused by the inequality they face in every aspect of their lives, as shown below by Bijo Francis, in 'The Great Indian Vanishing Act', *Human Rights SOLIDARITY*, vol. 14, no. 4, July 2004, pp. 6-7.

Discrimination against Dalits

The reason for this brutal reality in India is simple: Who cares for the Dalits? Wherever people of this outcaste group go they will face with the same situation. They are poor. They are being discriminated. Caste system follows a Hindu from birth to grave. The system engraves its mark upon an individual simply even by his or her name. For example, Gopal Balmiki is easily identified as an "untouchable" from his name "Balmiki", which is being put in all of his records including the identity card. Once being tagged as a Dalit, a person will be treated differently by others. "If we walk into any restaurant we will not be provided any decent place to sit," Rajinder Balmiki said. "Even those petty bunk shops in the pavement will only give us tea in a separate glass. We have to wash our glass once we drink the tea. Whereas for other customers they could just give the empty glass back," he said.

Most of the Dalits can do no other job than scavenging. They have no choice but to take up the job of manual scavenging of night soil, which is outlawed in India. They have to carry the night soil on their heads as there are no sewage treatment or other means available for clearing human and animal excrement. The authorities turn a blind eye to the situation. As manual scavenging has been done by the people of the scheduled caste, especially the *balmikies*, for centuries, the presence of *safai karmachari* to keep the city clean has been taken for granted. Since the Dalits are not able to provide a better education for the next generations, their children usually end up in the same repulsive job.

"They need us to clean all their filth for which we need to report to duty at the early hours of the day and late at night and for which we need to stay within the city limits. But they do not want us to stay anywhere near their houses. What should we do?" asked one of the evicted residents of Bellilious Park who now stays at the Belgachhia dump.

The Indian delegation to the Race Summit in Durban in 2001 was very emphatic to deny that caste discrimination was an issue in India and that definitely it did not come under the terms of racial discrimination according to international standards. However, the facts indicate a different picture. Discrimination in the name of caste is not a remote issue in India. It could be found in any state. It is reported even in more developed areas such as Bangalore and the most literate state Kerala.

Never-ending Exploitation

Despite its strong economic growth, rapid development of information technology and the claim of being the largest democracy in the world, India remains one of the worst human rights violators in Asia. The caste discrimination and exploitation plagues the progress of the country. Given the caste taboo, a person tends to remain within the clutches of the dominant majority in exploiting the cheap labour and oppressing the scheduled castes. Although politicians vow that they will work to eliminate the caste system, once they reach their seat of power they forget their pledge of concern of the Dalits among other promises. That did happen in the Bellilious Park incident. Representatives to the parliament and the Howrah Municipal Corporation failed to defend the rights of the ousted residents and fight for their rehabilitation.

The legislation in India, in fact, provides adequate security for people from being evicted without due process of law. Both the state and the central governments have special ministries chaired by ministers from the scheduled castes or scheduled tribes to attend to the burning issues of their communities. The government of India accepts aid from outside funding sources for programmes supposed to be aimed for the development and welfare of the Dalit community. Exploitation and discrimination against the scheduled caste community is punishable under specific legislation in India. The Indian Constitution provides adequate remedies for safeguarding the interest of the poor and weaker sectors of society. India is also a state party to the international covenant on economic, social and cultural rights.

Yet in reality, the story of exploitation and inhuman treatment of the Dalit community continues.

“The Constitution of India has the right to everything, but in practice, the people have the right to nothing,” Roy said. The ousted residents need support to lead a dignified life, he said. “I am talking about assurances of even just a minimum amount of food, housing and health care to live a dignified life. I am talking about us ending this society where till today people are carrying human shit on their heads for work while the government is talking about sending a man to the moon.”

The practice of caste discrimination, by its very nature, is one that affects the right to food, and many other rights, as described above. In this case then, hunger is caused by social practices, not any natural causes. Furthermore, there is a strong link between the protection of the right to food (and other rights) and the rule of law. While there are legal provisions available (as will be shown in the section below) for the protection of both the rights to food and non-discrimination, these rights are clearly still being violated.

B. Legal framework

While the Constitution of India ‘has the right to everything’, and while India’s international obligations also require the government to protect the rights of its citizens, the practice of caste discrimination remains widespread throughout the country. This section outlines the domestic and international legal provisions relating to caste discrimination. (NB. Please see Lesson Series 38 for legal provisions regarding the right to food.)

The Constitution of India

14. The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

15.(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

17. “Untouchability” is abolished and its practice in any form is forbidden. The enforcement of any disability rising out of “Untouchability” shall be an offence punishable in accordance with law.

The International Covenant on Civil and Political Rights

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The International Convention on the Elimination against all Forms of Racial Discrimination

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (a) The right to equal treatment before the tribunals and all other organs administering justice;
- (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;
- (d) Other civil rights, in particular:

(i) The right to freedom of movement and residence within the border of the State;

(v) The right to own property alone as well as in association with others;

(e) Economic, social and cultural rights, in particular:

(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

(iii) The right to housing;

(iv) The right to public health, medical care, social security and social services;

(v) The right to education and training;

(f) The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.

B. Questions For Discussion

1. The discrimination of the Bellilious Park occupants violates many fundamental human rights, such as the rights to non-discrimination and equality, food, land, redress/effective remedies, legal protection, health.
 - a. Are these civil and political rights, or economic, social and cultural rights? What are the legal provisions for the protection of these rights?
 - b. How would you campaign for redress for the victims of the eviction? Apart from legal aspects, what other issues would the campaign address?
2. Discuss cases of discrimination in your own country. What are the laws being violated in those cases?
3. Discuss ways/a campaign to eliminate caste discrimination. In your opinion, what is the biggest obstacle to its elimination? How can it be overcome?

LESSON 2

Land is an essential component in many peoples' daily lives, linked to their livelihood and subsistence. In these cases, the peoples' right to land is linked to their right to food. Like caste discrimination, the denial of the right to land by Indian authorities is deliberate. The following experience of an indigenous community in Maharashtra demonstrates the calculated actions that rendered the community homeless and struggling for survival.

A. 'No land was successfully redistributed'

(This summary is compiled from the following Urgent Appeals:
[UA-35-2003: INDIA: Two hundred Adivasis made homeless over land rights](#)
[UP-34-2003: INDIA: Landless people stand firm against continuing government attacks](#)
[UP-40-2003: INDIA: Hunger strike of Adivasis calling for right to land](#)
[UP-13-2004: INDIA: Please send a letter to the Chief Minister of Maharashtra calling for right to land for Adivasi people](#))

On 21 July 2003, approximately 100 police and Maharashtra State Farming Corporation (MSFC) security personnel destroyed two hundred huts of an Adivasi—indigenous people—community and more than a thousand acres of their crops. No prior warning had been given for this demolition, which rendered several hundred Adivasi women and children homeless, and without any means to feed or support themselves. According to an eye witness account:

They have burnt down all the remnants of the huts. It is a heart-rending scene to see the young ones lying in the bushes without any cover above them. Only barbarians can do such acts of cruelty to a hapless people... All this to return the land to the powerful landlords or to lease it out to big companies. All this land had been acquired under the Ceiling Act. Now all this government land is lying fallow for three decades... People are dying here... Let those who still have some conscience judge the way in which the government is misusing the resources acquired under the Ceiling Act and government fallow land, to the detriment of the landless and the poor. I hope our cry for justice is heard by someone.

The Maharashtra Agricultural Land (Ceiling on Holdings) Act, which came into effect in 1961, was intended to redistribute land among landless farmers. However, in Maharashtra and several other states, almost no land was successfully redistributed. Instead, the government established the Maharashtra State Farming Corporation (MSFC) and gave it cultivation rights over the land. Despite this, the MSFC had never cultivated the 35,000 acres allocated to them. Seeing that this land was lying dormant, the Adivasi community in recent years occupied the land and staked a legal claim that is still pending before state authorities.

Meanwhile, a new amendment, which came into effect in 2003, enables the government to withdraw ownership of the land from the MSFC, and grant any area of land for “public purpose”. There is however, a strong likelihood that much of the land will return to the former landlords, which will have a disastrous effect on the Adivasi communities living there, who rely on this land as a source of food and income.

The Adivasis claim that the land they occupied was theirs and this should be legally recognised. They have presented their case before the Revenue Commission at Nashik, where the matter remains pending. Mr John Abraham, who filed the legal case for the Adivasis, has been under personal threat for his actions but continues his fight for the landless cause. Despite a lack of resources and lack of support from the legal community, he is now attempting to file a second writ on the case (the first one failed on a technicality) and is following up on the appeal that is before the Revenue Commissioner. In addition, a protest was filed with the Tahasildar of Rahata with the request that the Adivasis be compensated for their loss, but to date, nothing has been done.

Frustrated by the inaction of authorities and the evident support by the government for the MSFC, the Adivasis decided to return to their land in September 2003. However, upon their return, the Adivasis had their huts destroyed by officials once more. Soon after, the MSFC restated its “ownership” of the land, and began sowing parts of it that the Adivasis had occupied and cultivated for almost two decades. Thousands of acres remain dormant however, demonstrating that the MSFC are utilising only a small area of land in their efforts to warrant their ownership.

The Adivasis, meanwhile, remain desperate to reclaim their land. Not only does the land provide them with a home, but it is also essential to their livelihood by providing them with food and income.

A comment on the Maharashtra Agricultural Lands (Ceiling on Holdings) Act

— **John Abraham, Bhumi Hakka Andolan**

(AHRC newsletter, [Krodhi Praja Nyayadhisha](#) - Vol. 1, No. 19/20, 13 December 2004)

In this age, there is little point in talking about the Maharashtra Agricultural Lands (Ceiling on Holdings) Act of 1961 in terms of how it was originally conceived over 40 years ago. We cannot turn back the clock, rethink the aspirations of nation-builders or relive the lives of those who fought for independence. However, a realistic approach to the economic and social problems of India does require an understanding of history and a sense of how rural resources can be distributed more equitably in this era of the global economy.

Among all resources, the supply of land is now the most limited and its claimants the most numerous. Where land and other key resources are not equitably distributed, it is not merely socially unjust; it is flawed economics. In India, where the size of

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landholdings increases disproportionately, land is used less efficiently. Highly mechanized farming may require big holdings, but this is not the case in India. Here, land continues to be cropped primarily by hand, and the vast majority of the rural population continues to rely upon farming for income. When land is very unevenly distributed, it affects the livelihoods of millions and has the potential to cause significant social unrest.

During the Second Five-Year Plan of the independent government, the Planning Commission made recommendations on laws to redistribute land in India more evenly. The objective was to bring distributive justice to the economy, contrary to how the colonial system had operated. It was necessary to reduce economic inequalities and also to create a more labour-intensive economic system, despite the movement towards machine agriculture in other parts of the world. Large holdings invite mechanization and low employment opportunities. With low per capita land availability, only a labour intensive system can reduce unemployment in India. Moreover, efficiency in terms of productivity can increase when the operation is intensive rather than extensive.

In Maharashtra, the Maharashtra Agricultural Lands (*Ceiling on Holdings*) Act (hereafter the Ceiling Lands Act) was enacted in 1961 with the following premise, amended in 1970 (amendment in italics):

Whereas for securing the distribution of agricultural land as best to subserve the common good, it is expedient in the public interest to impose a maximum limit (or ceiling) on the holdings of agricultural land in the State of Maharashtra to provide for the acquisition of land held in excess of the Ceiling and for the distribution thereof to landless and other persons; also to provide that the lands taken over from undertakings and the integrity of which maintained in compact blocks for ensuring the full and efficient use of the land for agriculture and its efficient management through corporations (including a company) and for matters connected with the purposes aforesaid.

Other states also enacted equivalent legislation, and in some states the laws did achieve the desired goal and considerable distributive justice was achieved. But in many other states, due to illegal transfers, the lack of proper land records, compensation problems, litigation, exemptions and other matters, land acquisition and distribution did not take place as intended.

In Maharashtra, large portions of land acquired under the Ceiling Lands Act were handed over to the Maharashtra State Farming Corporation (MSFC) for efficient use, rather than to the impoverished landless themselves. However, vast areas of the land were kept fallow, contrary to the spirit of the Act. Additionally, land was organised into five categories with different limits for these categories, as follows:

Land with an assured supply of water, 18 acres

Land with assured water for one crop, 27 acres
 Land irrigated seasonally, 36 acres
 Dry crop land (specified regions-paddy land), 36 acres
 Dry crop land, 54 acres

This range of ceilings gave room for improper implementation of the Act. Other obstacles included a lack of political will, absence of pressure from below because of an inarticulate and unorganized agricultural labour force, an apathetic attitude in the bureaucracy, and innumerable loopholes.

Furthermore, even though the revised Act was included in the Ninth Schedule of the Constitution, amendments to the Act have benefited the rich and impinged on the rights of the landless for whom the original act was intended and contrary to the principles enshrined in that Constitution. For instance, up to 1972 the landholder was treated as the unit for assessing ownership, whereas after that time, the family was treated as the unit. The treatment of the family as the unit resulted in much less land being in surplus by comparison to the landowner as unit.

The most recent amendment of 2003 is of greatest concern. By re-granting the land to the original owners, the State Government is violating the rights of the landless established under the original Act. By selling land it acquired under the Act, as it is now doing, the MSFC is also breaching the spirit of the original Act.

Finally, another question relates to the constitutional validity of these actions. The Act was amended in the State Assembly with the approval of the President of India. However, as the Act has been incorporated into the Ninth Schedule of the Constitution this action may be unconstitutional. It may be argued that by being incorporated into the Ninth Schedule, this law is exempted from judicial review. However, if an amendment to the Act reverses the original objectives of the Act and violates the rights of the intended beneficiaries this may breach the Ninth Schedule and require the approval of the full national Parliament. This is a question that to date remains unresolved.

Similar to the plight of the Bellilious Park evictees described in Lesson 1, the deplorable situation faced by the Adivasi community in Maharashtra is the direct result of state policy and action. The deliberate intent of the local authorities in removing the Adivasis from their land was taken to the extent of abandoning any procedures of due process. It has become a common occurrence in India—as in many Asian countries—for local officials to ignore court rulings, misuse legislation and intimidate ordinary citizens who are attempting to assert their rights, as has been shown throughout the Right to Food lesson series. In a written statement made to the UN Commission

on Human Rights Sixtieth Session, 'Denial of rights to land and livelihood in India', [E/CN.4/2004/NGO/27] the Asian Legal Resource Centre stated that

1. Across India laws originally intended to benefit the landless poor are being perverted in favor of corrupt landlords, businessmen and government officials. These laws, enacted after independence, were intended to reduce inequities in land ownership but they have never been properly implemented. Landless people who have in the past years occupied tracts of disused government-owned land are now being evicted. Vast amounts of land under government title are lying fallow while people starve...

2. ...Landlords in collusion with corrupt officials avoided regulations by partitioning land or transferring it illegally. Furthermore, in Maharashtra the government set up the Maharashtra State Farming Corporation and gave it cultivation rights over the land. Yet the Corporation has never cultivated about 35,000 acres under its control, which have lain fallow for the last four decades. Additionally, the laws are now being re-engineered to favour landowners. A 2001 bill has effectively set aside earlier arrangements for distribution of land to the poor, and is likewise attempting to bypass the constitutional provisions under and for which the original act was set up. This is despite the fact that the landlords were already adequately compensated for excess lands taken by the government.

3. In May 2003 the Supreme Court of India in a right to food litigation issued directions to the government to implement without delay, programmes for the eradication of poverty. Among its directives, the court ordered the government to implement drought relief measures, employment schemes, free food for the poor and to identify people belonging to the 'below poverty line'. However, not only has the Indian government failed to implement the directives, but state governments have now launched a massive drive for evicting tribal people from their land on the pretext of government land preservation or deforestation. Forceful evictions were witnessed in the states of Kerala, Maharashtra, Orissa, Bihar & Madhya Pradesh. Without any alternative measures for rehabilitation, these poor people are thrown into the viciousness of urban life and are forced to take up jobs in inhuman conditions...

7. Rights to land and livelihood are intimately connected with the right to food. It is patently obvious that persons lacking the means for a basic daily subsistence will go hungry, and perhaps starve. The newly established Permanent People's Tribunal on the Right to Food and the Rule of Law in Asia has begun its work by pointing to the connections between social inequality, maldistribution of food and water, and malfunctioning legal institutions. To maintain inequality in the distribution of food and water requires state-managed violence. Fear is instilled to deprive people of basic economic rights and retard their capacity to react. Detention, torture and extra-judicial killings are a normal part of police actions in dealing with landless people such as those in Maharashtra, because to deny rights to land, food and other basic resources for survival is to deny the rule of law ...

This highlights not only the indivisibility of rights whereby the denial of one right inevitably affects the enjoyment of other rights, but also the inherent relationship between the rule of law and the protection of all human rights, including the right to food. Effective rule of law does not include only legal provisions on paper, but their adequate implementation and room for redress. The right to food in particular, must be made justiciable in courts of law.

The cases described throughout the Right to Food series have also clearly pointed to the indivisibility of all human rights. All those suffering from the pangs of hunger are also being denied other basic human rights, be they civil and political rights, or economic, social and cultural rights. And in all the cases, these rights are not affected by natural causes or a lack of resources, but rather by systemic negligence and ineffective distribution.

The right to food is one of the most basic human rights, closely linked to the right to life. No government practice or action can be allowed to deny this right to people.

B. Questions For Discussion

1. Are you aware of other cases where people are being denied their right to land? Has this affected their enjoyment of other fundamental human rights?
2. Discuss how the Maharashtra Land Ceiling Act can be implemented effectively.
3. The problem in many cases of human rights violations such as the denial of the right to food is not the lack of legislation protecting human rights, but the lack of enforcement. In such situations, what actions can be taken by ordinary citizens to change the status quo?