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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

**Written statement* submitted by the Asian Legal Resource Centre (ALRC),
a non-governmental organisation 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.

[26 January 2005]

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

Right to food in India

1. Throughout Asia the actions of state agents pose a serious threat to the food requirements of local populations. The Asian Legal Resource Centre (ALRC) has made separate written statements to the sixty-first session of the Commission on the right to food in Thailand and Myanmar. Discrimination and ineffective rule of law have also led to the violation of the right to food for numerous communities and individuals in India. It is of great concern to the ALRC that systemic abuses throughout India continue to leave ordinary people hungry and suffering from malnutrition or starvation. In particular, discrimination towards minority groups, collusion between local officials and the lack of effective administration has led to numerous cases of starvation in 2004.

2. One such case occurred in September 2004 in the village of Mahuabari in eastern Uttar Pradesh, where all but two of 13 landless Dalit families – so called 'untouchables' – were classified as Above Poverty Line even though they were approaching starvation and their children were wracked with malnutrition-related fevers. This classification effectively bars the families from access to government supported schemes and discounted rations. Widows had also not received their pension entitlements from the government, with one widow, Gujarati Devi, stating that she had lodged an application for a pension three years ago, but so far had received no information. Meanwhile, local authorities were understood to be using resources for social service programmes on other parts of the village community, while neglecting the Dalits.

3. The Dalit families belong to a group known as Bamsfors, traditionally working as basket and fan makers. Ever since they had been banned from collecting bamboo – which they use to make their products – from the forest, they had to resort to borrowing money from local moneylenders who charge exorbitant rates to buy the bamboo around their houses, owned by powerful upper caste villagers. As ALRC discusses in a separate written statement to the sixty-first session of the Commission on caste, Dalits in India have faced discrimination for centuries and lack legal entitlements to anything.

4. The relationship between land and food in India was highlighted by ALRC in its previous submission to the Commission through the plight of numerous landless communities in Maharashtra [E/CN.4/2004/NGO/27]. To date however, the situation of these communities has not improved, with the Indian government doing little to address the systemic factors responsible for their hunger and landless status. Furthermore, these factors are not confined to the state of Maharashtra; in August 2004, Adivasi – or tribal – villagers of Sonebhadra district in the state of Uttar Pradesh travelled a gruelling 40kms on foot during the monsoon season to complain about food shortages to the district magistrate in Robertsganj. This was after widespread malnutrition and starvation had been documented there in 2003 by civil rights groups: in Raup village, 19 children had died of starvation within a one-month period. The state government had subsequently provided some assistance to the villagers – after the National Human Rights Commission filed a petition to the government – through the provision of wheat, kerosene, rice and potatoes. However, such short-term and superficial assistance did nothing to address the underlying problems faced by the community.

5. In fact, the villagers are currently surviving on roots and leaves with no other food to eat. Officials responsible for the distribution of necessary rations and district medical officers have ignored the plight of this community despite being aware of the severity of their situation. Most of the Adivasis work as labourers for farmers; they either have no land or have been given barren

land. A ten-year-old Supreme Court order directing local officials to conduct a survey into land in the region for the purposes of recognising the land rights of local Adivasi populations has been ignored.

6. Such indifference to Supreme Court orders merely underlines the slow decay of the rule of law throughout India. In fact, that people are starving or going hungry in a country that possesses surplus food grain speaks to the collapse of effective justice administration. If welfare codes, relevant legislation and court rulings were effectively implemented at state and district levels without corruption or discrimination Indian people would not today be going hungry.

7. Another case in which the Supreme Court has been ignored occurred in the sub-district of Kashipur, Uttaranchal. The Court's order, issued in February 2004, clearly stated that land stolen by a local company from Dalit villagers ten years ago must be taken over by the state with the intention of redistributing it to the villagers. The land in question had been tilled by the Dalit community for over 30 years, and was even declared 'surplus land' under state law in 1992 by a local government official, which meant that legal rights to the land could be conferred to the villagers. However, a local company named M/s Escort Farms Ltd contested the granting of title through the Allahabad High Court and simultaneously connived with local officials to violently evict the villagers in 1993. After the court held in favour of the villagers, the company appealed to the Supreme Court, which finally ruled in favour of the villagers early in 2004. However, to date the land has not been restored to the affected people.

8. Meanwhile, hunger is prevalent within the community, which has struggled to survive since the eviction. Villagers such as Veer Singh, who work as a sugarcane cutter for under the minimum wage, do not eat until coming back from work at the end of the day. One of Veer's sons died due to a lack of medication; Veer had no money for doctor's fees and most days his family goes without any rations. Other villagers are in a similar situation: 52 year-old Dhoom Singh, who has one son and four daughters, has been without land since the eviction, and his children have had to work as labourers instead of going to school.

9. These incidents go to the heart of the concern that the ALRC has over delays in justice as a primary cause for the perpetuation of radical human rights abuses in South Asia. The reasons for these delays are primarily deliberate: the rights of victims are not only wilfully neglected, but often obstructed by corrupt state agents who instead of implementing court orders openly collude with the perpetrators of abuses. That is the experience of these Dalits in Kashipur; there can be no other explanation for the delay in implementing the Supreme Court order. The consequences, apart from a lack of relief, are that people lose confidence in the capacity of the judicial system to serve justice.

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

- a. Address all cases of starvation and malnutrition and not only provide immediate relief, but address the larger issues responsible for the hunger and lack of food of its citizens.
- b. Investigate reports of local violence and corruption obstructing the rights of Adivasi and Dalit communities and ensure that legal and disciplinary action is taken against offenders.

- c. Ensure that all Supreme Court orders regarding land and food are implemented immediately, as are local laws regarding welfare and distribution systems.
- d. Examine methods and programmes through which land and food can be provided to indigenous and Dalit communities throughout the country.
