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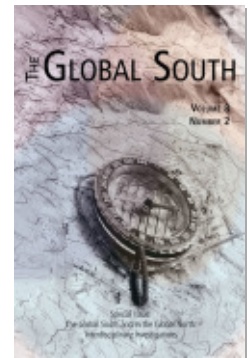
## Understanding the State: Right to Food Campaign in India

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# Understanding the State: Right to Food Campaign in India<sup>1</sup>

Preethi Krishnan and Mangala Subramaniam

## ABSTRACT

Marginalized peoples' struggle for subsistence rights in the neoliberal era has theoretical implications for understanding the role of the state in a globalized world. Variations in power exercised by state institutions at the local and national level have implications for the tactics that movements adopt. We examine the Right to Food Campaign in India, an informal network of organizations and individuals across local and national levels, which targets the state for entitlement to food. Using the interim orders of the Supreme Court in 2001, the campaign converted welfare initiatives for children into legal entitlements for access to nutritious food by holding state officials accountable at the local level; it also worked towards the enactment of the National Food Security Act of 2013. The campaign impacts local, national and global institutions, such as the WTO which expressed its disagreement with welfare provisions in the NFSA.

Our analysis has three main implications. First, we note that the state is not a monolithic whole but comprises institutions at national and subnational levels (country, state, county or district, and village), all of which may not always work towards the same goal. Second, we argue that the state's implementation of neoliberal policies that deny subsistence rights of the poor results in localized resistances that are linked to national and global protests. Third, a temporal lens on local and national politics is important to understanding the dynamics between local struggles and state institutions.

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*For India food security is non-negotiable. Governments of all developing nations have a legitimate obligation and moral commitment towards food and livelihood security of hundreds of millions of their hungry and poor. Public procurement at administered prices is often the only method of supporting farmers and building stocks for food security in developing countries. Need of*

*public stockholding of food grains to ensure food security must be respected.  
Dated WTO rules need to be corrected.* (“Food Security”)

**T**he above quote, drawn from Anand Sharma’s address at the Plenary Session of the Ninth Ministerial World Trade Organization (WTO) meeting at Bali in December 2013—at which point Sharma was India’s Union Cabinet Minister in charge of Commerce and Industry and Textiles<sup>2</sup>—alludes to people’s right to food, which is central to India’s National Food Security Act (NFSA) (Government of India). Enacted in September 2013, the NFSA is a milestone in India’s struggle against hunger and malnutrition, as it may enable more than 800 million Indians living below and just above the national poverty line to legally claim their right to highly subsidized staple foods. The law was enacted in spite of pressure from the WTO to prevent this initiative,<sup>3</sup> and India’s Right to Food Campaign (RTFC) played a major role in this achievement. By engaging with state institutions at the national and subnational levels and by influencing the enactment of a comprehensive legislation for food rights, the RTFC resisted global forces such as the policies advocated by the IMF and WTO, which seek to curtail state expenditure by eliminating state welfare policies.

Processes underlying the struggles to uphold people’s subsistence rights are at the core of this article, but examination of the RTFC is also useful for exploring the complexities of the dichotomous conceptualization of the Global North and South. In particular, we analyze the simultaneous interaction of the global and local aspects of this struggle and the role of the state in providing food as a basic need. India is an important player in global agricultural exports, which leaves the country vulnerable to pressure from rich countries in terms of trade policies even though it is also home to the largest number of undernourished children. At the same time, India also has a history of local and national movements which resist anti-people policies, making it an ideal case study for this analysis. Here, we explore the following questions: How does the RTFC complicate our understanding of the Global North and South? How has the state responded to neoliberal forces advocated by global financial institutions to curb people’s right to food? How have local citizens resisted such pressures and how do they hold the state accountable to obligations towards its people?

The RTFC is a decentralized network of organizations and activists based on “local initiative and voluntary association” and “committed to the realisation of the right to food in India,” as written in its foundation statement (Right to Food Campaign, *Right to Food*). The RTFC comprises sixteen national organizations—including women’s organizations, trade unions, law networks,

organizations representing minority communities, farmers' rights organizations, and other human rights organizations—and sixteen subnational campaign representatives. Some organizations within the network work closely at the grassroots level, such as in the villages in Chhattisgarh.<sup>4</sup> The RTFC functions through a steering committee that has representatives from national organizations and subnational activists.

Marginalized peoples' struggle for subsistence rights in the neoliberal era has theoretical implications for understanding the role of the state in a globalized world. In this paper, we conceptualize the state not as a monolithic structure or institution but as "different arenas and sites of collective negotiation, coalition building, and struggle" (Bergman 219). These arenas could include the larger political apparatus of the nation that enacts policies as well as national and subnational institutions that enforce and interpret them. State institutions—such as the judiciary, educational institutions, and local governments—may also vary in the roles that they perform. Social movements may target or cooperate with state institutions at national and subnational levels by using different strategies to achieve their objectives. In an era of unbridled assault by neoliberal policies on citizenship rights, the role of the state has been a topic of debate in globalization literature (Evans, Jessop), where some argue that the state is irrelevant and others argue that the state paves the pathway for neoliberal reforms (DuRand and Martinot; Tabb). Departing from either/or debates about the relevance of state institutions, we focus on three main implications of resistance to neoliberalism.

First, as noted above, the state apparatus comprises institutions at the national, subnational (such as states of the US or India), and village levels, which may all not always work towards the same goal. The RTFC in India worked with several national institutions such as the Supreme Court and targeted other state institutions such as the national government and local institutions at the village level for subsistence rights. This case study of the RTFC demonstrates that various state institutions within countries, even within the Global South, do not always work in tandem in the implementation of neoliberal policies, a set of economic policies and markets that have become widespread since the late 1970s (Prashad). This problematizes how we conventionally understand the dichotomous power relations between the Global South and Global North.

Some developed countries in the Global North exert power through global financial institutions such as the World Bank, WTO, and International Monetary Fund (IMF), which have compelled governments in the Global South to adopt and implement neoliberalism. While examination of such global power relations is relevant, these analyses often overlook the differential power exerted by countries within those categories as well as by state institutions within those countries (Independent Commission on Intl. Dev. Issues). Closer examination reveals that some state institutions in countries within the

Global South often become representatives of the neoliberal agendas of the Global North.

Second, we argue that the state's implementation of neoliberal policies that deny subsistence rights to the poor leads to resistances that are interlinked with national and global protests. Departing from the supranational emphasis to focus on understanding movements, we argue that both national and local action has been significant in seeking accountability from state institutions. In the case analyzed in this paper, the RTFC approached the Supreme Court for holding local and national state institutions accountable for providing people the right to food. Further, the RTFC's local struggles enabled the enforcement of the initial entitlement ruling of the court. The campaign also enacted national comprehensive legislation for food rights, countering WTO policies advocated by national governments.

Third, a temporal lens on local and national politics is important for understanding the dynamics between local struggles and state institutions. For instance, protest action in democracies may open a space for dialogue between state institutions and protestors as elections approach, thus providing opportunity for political action. Such national opportunities may have facilitated the mobilizing and organizing of RTFC protests (see Tarrow). Political opportunities can create possibilities for local citizens to organize right to food campaigns that challenge powerful institutions such as the state and/or global financial institutions such as the WTO. We begin with a theoretical discussion about globalization, the state, and local organizing.

## **GLOBALIZATION, STATE, AND LOCAL STRUGGLES**

Although globalization, by itself, is not a new phenomenon, one of its contemporary features is the neoliberal agenda—a theory of political economic practices that has become widespread during the last twenty-five years or so—which calls for “liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade” (Harvey 2). Locally neoliberalism may take the form of privatizing basic goods such as water, an act contributing to social inequality (Subramaniam). However, an examination of globalization also requires an analysis of the international political economy, including the power relations between countries, transnational corporations, global financial institutions, and social movements that emphasize social justice. In addition, international development institutions, such as international non-governmental organizations, also contribute to enabling global capitalism in the developing world by providing development assistance or aid (Jackson).

Globally, key institutions responsible for driving the neoliberal agenda are the Bretton Woods Institutions, which include the World Bank, IMF, and

WTO. These institutions, dominated by developed and globally powerful countries, advocate trade policies that disadvantage the poor in the developing world. These include providing heavy subsidies for production in rich countries, lowering trade barriers in developing nations for food commodity exports from developed countries, and pressuring poorer countries to export crops (Tabb). Neoliberal policies created by the World Bank and IMF in the 1970s and 1980s removed tariffs on trade in order to “[allow] the unregulated market to determine the most efficient allocation of resources” (Green 12). In essence, these institutions restructure the economy to reduce the role of the state so that the private sector can take on a more prominent role. Thus, deregulation and the privatization of services are key aspects of neoliberalism packaged as structural adjustments and advocated to national governments. The state enables the securing of private property rights and ensures by force, if necessary, the appropriate functioning of markets. Moreover, if markets do not exist for basic resources such as land and water, then they can be created by state action (Harvey). The neoliberal order, supported by powerful states in the developed and the developing world, has been expanding and engaging wealthy corporate interests. At the same time these neoliberal strategies have been challenged by social movements, locally and transnationally.

### **State and Local Struggles for Basic Needs**

Local struggles are often visible in grassroots groups, which are generally small in scope and scale and focus on issues that directly impact members’ lives. Sometimes known as base groups, peoples’ organizations, or local organizations (Bystydzienski and Sekhon), grassroots organizations emerge and/or work at the local level to improve and develop their communities (Subramaniam), and they are a significant part of efforts to create and expand spaces to enable a process that redefines the form and content of local politics (Purkayastha and Subramaniam; Bystydzienski and Sekhon). Although small in scope and scale, local groups can be significant in struggles to challenge the state by seeking accountability and transparency.

We argue that village level protests have been significant in targeting local state institutions; by seeking accountability these protests have been leading to determinative action by the state. Such micro-level action is directly linked to macro-level policy making. The power of state institutions can be challenged on both local and national levels by locally organized communities who demand their rights. Thus, civic engagement between a vibrant civil society and a capable state (Evans) is critical to a struggle for subsistence rights.

Even under globalization, state power has not been weakened but instead has been compelled to respond to global changes and local protests. Our analysis focuses on two main characteristics. First, the state is a multilayered institutional context, animated by heterogeneous state-actors—who interpret and

implement formalized procedures in diverse, sometimes conflicting ways—and by the specific relations they build with non-state actors (Dunn; Ferguson and Gupta; Kowalski). Second, the state is not a singular, uniform entity. It is a network of power relations with relative autonomy across what Rai refers to as various state fractions across levels, such as the national government, subnational governments, national courts, subnational courts, as well as local governance structures, all dealing with the rights of local communities (*Gender and the Political Economy*; *Gender and Politics*).

Focusing on the state, we argue that the power of state institutions varies and has implications for the tactics that campaigns adopt. Tactics may be confrontational or collaborative. Locally organized resistances may consider state institutions located in the same place as immediate targets or collaborators and may rely on national organizations or campaigns to protest state and national institutions. Collaborative tactics are those through which the campaign or movement is involved in a dialogue with state institutions to meet the movement's goals and therefore are participatory in nature. In contrast, confrontational tactics predominantly involve conflicts as some state institutions exert power to suppress or marginalize the movement. We suggest that the state, while apparently resisting the hierarchy of the world order structured through global financial institutions, continues to advocate and implement policies tied to the neoliberal agenda at the local level.

## **CONTEXT AND BACKGROUND: INDIA AND THE RIGHT TO FOOD**

India has made considerable progress in terms of reducing the percentage of underweight children—from 43.5% in 2005–06 to 30.7% in 2014. However, India's hunger status continues to be categorized as “serious” according to the International Food Policy Research Institute, including the highest number of underweight children in the world (Grebmer et al.). One of the arguments that the RTFC professes is that hunger and nutrition are closely related to poverty.

India's consistent GDP growth rates of 5% to 7% in the past decade have been touted as contributing to the reduction in poverty, though debates on this matter continue: the emphasis on growth rates has been criticized by some scholars as benefiting a few and neglecting the poor (Drèze and Sen). The national government's claim that poverty levels have decreased is based on the number of people whose income levels are below the poverty line, a measure established by the national government—rendering its data controversial. One aspect of determining the poverty line is to measure the income required to maintain nutrition standards of the family members. Some scholars argue that the apparent decline in poverty in India results from the government's decision to decrease its assessment of the nutrition standards required by families, thus lowering the income level for the poverty line (Patnaik, “Neoliberalism”).

In order to ensure food security for its citizens, the Indian national government must ensure the availability and distribution of food, adequate wages to buy food, and the maintenance of buffer stocks for times of emergency (Jha). Government initiatives in pursuit of these goals include procuring food grains, providing minimum support prices for farmers, distributing food grains (such as rice and wheat and coarse grains such as millet) through Public Distribution Systems (PDS), managing food stock, and intervening in global trade agreements to support farmers. Thus the national government's management of international trade agreements and internal agricultural policies is an integral part of national food security. Protecting the concerns of the farmers while ensuring consumers have access to food grains at affordable prices is an important decision parameter with respect to international trade and domestic subsidies.<sup>5</sup>

Despite efforts at economic liberalization since 1991, India maintains a regulated agricultural market using numerous protectionist policies and strategies which affect different stakeholders differently. Policies on export of agricultural products have seen frequent changes to protect the interests of domestic consumers and industries as the national government is obligated to ensure that there is enough food grain for domestic consumption before engaging in exports. For instance, in the 1980s India had export restrictions, which were then lifted in the mid-1990s, and in the 2000s export subsidies were provided when India's prices were uncompetitive in the world market (Jha et al.). In the early 2000s, some scholars criticized the Indian government's policy of providing export subsidies at a time when many of its children were malnourished for lack of access to food grains (Patnaik, "Republic"). In 2005, the government of India stopped providing export subsidies (Jha et al.). Variations in trade policies such as export subsidies may, over time, have implications for people, especially the poor and disadvantaged.

Another important policy that impacts agriculture in India is the minimum support price provided to farmers. The national government supports farmers by purchasing food grains at a minimum support price and then distributing those food grains among citizens through the PDS.<sup>6</sup> However, in a global market of food grains, of which India is an integral part, the WTO has rules that regulate minimum support prices given to farmers. These rules are often resisted by local and national level social movements.

India is a crucible of the conflict between the privatization approach to goods and services, which is central to the neoliberal agenda, and the public good approach, which features concern for welfare of the poor. The country has a long history of resistance to the forces of a global economy, with the state protecting local industries and limiting international trade through tariffs. To date, the national government has struggled to balance these two competing pressures and hence the uneven implementation of neoliberal policies and the



adverse effects on the poor. Interestingly, these adverse effects are expected to be somewhat addressed by the national government's PDS.

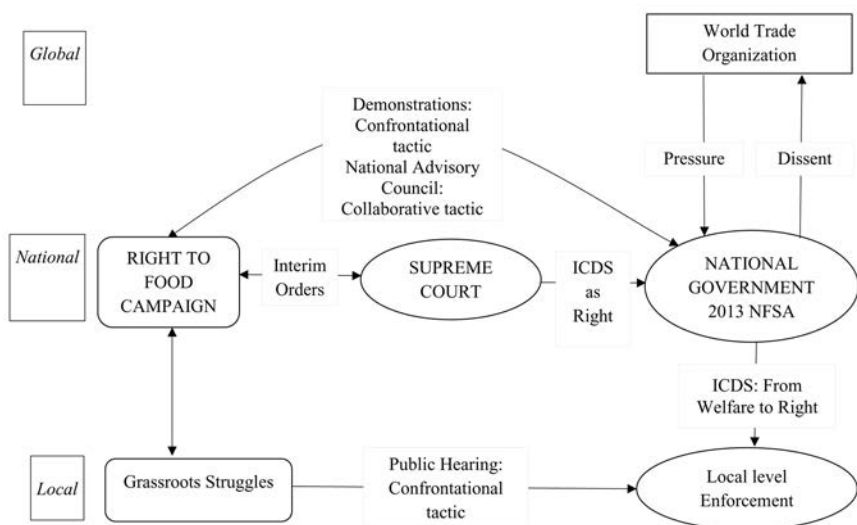
India's PDS has been widely criticized by scholars and activists as an inefficient system with massive leakages. The goal of the PDS is to distribute food to targeted groups such as families with incomes below the poverty line. Although the government rationalizes such targeting as cost-efficient, in reality, this method has been far from successful; scholars argue that it has resulted in the exclusion of households in dire need of such subsidies (Drèze, "Democracy"). This is largely because the identification of families living below the poverty line is fraught with errors. Local state institutions are obliged to provide identified families with a "below poverty line" (BPL) card to access benefits such as subsidized food grains. Therefore local state officials wield significant power in—and may engage in corrupt activities in—the process of allocating BPL cards. Activists have therefore argued for a universal food distribution system rather than a targeted one. This concern is addressed in some ways by the 2013 NFSA made possible by the RTFC.

## **RIGHT TO FOOD CAMPAIGN IN INDIA**

The Right to Food Campaign (RTFC) in India, comprising an informal network of organizations and individuals, emphasizes freedom from both hunger and undernutrition as a fundamental human right. The campaign began when a petition for children's right to food was submitted in the Supreme Court of India in 2001 by the People's Union for Civil Liberties (PUCL). Other organizations were mobilized through conventions, discussions and rallies to form a larger network.

The campaign is not seeking efficient public food distribution alone; it also makes demands for children's nutrition, employment guarantees, and land rights. In addition, two government programs, Integrated Child Development Services (ICDS) and the Mid-Day Meal for children in schools, are intended to address malnutrition among children and their mothers. The ICDS is obligated to provide food grains, additional nutritional supplements, preschool educational services and other services to children under the age of six and to pregnant mothers. The Mid-Day Meal program ensures that children are provided hot, cooked, nutritious meals at schools. This initiative was expected to improve attendance at schools.

In discussing the RTFC in India, we focus on three key aspects: the role of state institutions, both local and national; the interconnectedness between local struggles and the national campaign; and the eventual enactment of the NFSA. An overview of the multilevel dynamics between the RTFC, state institutions at the local and national level, and the WTO is provided in Figure 1. At the national level, the RTFC confronted the national government and collaborated



**Right to Food Campaign and State Institutions**

with its representatives as well as with the Supreme Court. The RTFC approached the Supreme Court for interim orders regarding food rights to convert welfare benefits such as the ICDS into a right. Simultaneously the campaign targeted the national government to influence the drafting of the NFSA 2013. At the global level, despite the WTO’s pressure not to make provisions for welfare such as food entitlements, the national government did enact the law. At the local level, the RTFC continues to draw its strength from grassroots struggles which target local state officials who are primarily responsible for policy enforcement. At each level, the interactions may involve collaborative and confrontational tactics as we explain below.

### **State Institutions: Role of Supreme Court in Providing Entitlements**

We begin with a discussion of the role of the Supreme Court, a state institution, in ruling for people’s right to food as a legal entitlement. The Right to Food Campaign began when a Public Interest Litigation (PIL) about the right to food was filed in the Supreme Court by the PUCL, a civil organization, in 2001. In India, any individual or organization can file a PIL in the court of law for the protection of public interest. The PIL filed by PUCL utilized the fundamental right provided in the constitution—namely, the “Right to Life.” The major argument in this PIL was that the Right to Life could not be achieved without ensuring a Right to Food.

Through several interim orders across the years, the Supreme Court began including many socioeconomic rights, including Right to Food, under the fundamental right of Right to Life. The RTFC’s legal recourse was an important

tool, specifically for holding some state institutions accountable. PUCCL's initial petition was filed against six subnational state governments in the context of drought relief but was later expanded to consider issues of chronic hunger and malnutrition, which led to all subnational state governments being listed as respondents in the case.

The primary focus of the interim orders was to convert existing nutrition-related programs such as the ICDS and Mid-Day Meals provided in schools into legal entitlements. It universalized the coverage of the ICDS (Jha), meaning that "the ICDS should be extended to all children under the age of six (and all eligible women)" (Drèze, "Universalisation" 3708). It also expanded the coverage of the Mid-Day Meal program, which led to all subnational state institutions being held accountable to provide cooked midday meals in primary schools within six months of the order. In 2002, the Supreme Court also appointed commissioners to monitor the implementation of these orders.

By approaching the Supreme Court, the RTFC utilized an arm of the state to accomplish its goal of remedying chronic hunger primarily by demanding that certain welfare benefits be converted to entitlements. Local and national groups of the RTFC utilized the Supreme Court judgments to demand accountability from the legislature and the executive. Through the interim rulings, the Supreme Court converted state welfare measures into legal rights. A rights perspective is critical for considering welfare because it allows for monitoring of state-provided services and serves as a redress mechanism (Drèze, "Universalisation"). Otherwise, most welfare measures are seen as signs of the benevolence of the state. By considering food as a legal entitlement, the Supreme Court decision facilitates community demand and public action, which can hold the state accountable to its obligations to provide food and maintain nutrition. The differential power of the Supreme Court and the state governments speaks to the multilayered institutional context as well as the fractions of the state. In the case of the Right to Food Campaign in India, the Supreme Court, a national state institution, served as a tool to target state institutions at the subnational level.

### **Demanding Food at the Local Level: Collaboration and Confrontation**

State institutions at subnational levels are obliged to enforce the Supreme Court's orders to provide legal entitlements for citizens. When the interim order of the Supreme Court concerning the right to food was only weakly enforced by local state institutions, civil society groups and local citizens organized and demanded enforcement of the interim orders (Jha; Garg; Drèze, "Democracy"). For instance, in the state of Chhattisgarh, grassroots mobilization and action sought to improve children's access to nutrition (Garg).

Subsequent to the issue of the Supreme Court orders, a village level campaign was initiated with a field survey of ICDS centers in 2003 to assess their

workings. These field surveys, or what are known as social audits, are critical not just for evaluating the program but also for creating awareness among the community about their entitlements. The campaign in Chhattisgarh was led by 650 *mitanins* or community volunteers trained in child nutrition. These *mitanins* organized themselves into a federation titled *Adivasi Adhikar Samiti* (Adivasi Rights Group) and formed a nutrition committee titled *Dekh Rekhi Samiti* (Well-Being Group) comprising mainly women in the community.<sup>7</sup> As part of the project, the *mitanins* physically weighed the children in the village and collected nutrition data. They shared this data with the nutrition committee members, thus developing and maintaining a system of community monitoring. Further, the *mitanins* informed the mothers about their entitlements to food grains which the ICDS centers were required to provide. Empowered by this knowledge, mothers began monitoring not only the nutrition status of children in the community but also the working of the PDS and ICDS centers. Yet, citizens' access to these services was not entirely straightforward, mainly because of concerns such as corruption on the part of government employees at local state institutions.

Corruption in the ICDS center manifests in many ways, such as leakages in the distribution system; i.e., government provided food grains may not entirely be available for distribution as corrupt middle men and officials may siphon them off for selling at higher rates in the open market. Or sometimes, local ICDS workers may not keep the center open as per guidelines (Citizens' Initiative for the Rights of Children Under Six). Moreover, a lack of awareness among the beneficiaries often resulted in low functioning centers (Garg). When these issues emerged in the field survey of ICDS centers in 2003, the *mitanins* or community volunteers used various strategies to enhance the centers' effectiveness. The volunteers wrote complaints to local administrative offices, utilized the commissioners appointed by the Supreme Court to pressure local government officials, and organized public hearings with ICDS workers to communicate expectations. Public hearings as a community monitoring mechanism have been used in other states as well to ensure accountability (Jha). These public hearings combined collaborative and confrontational tactics. Public hearings with government employees, such as the ICDS workers, constituted a collaborative effort to ensure effective services. But such hearings also sought to hold local officials accountable by naming them, thus adding a dimension of conflict.

The case study on *mitanins* in Chhattisgarh shows how local struggles are significant in holding the state accountable to its obligations at subnational levels. The face of the state in this case is the local ICDS worker. However, local organized communities utilize the provisions provided by the Supreme Court along with community monitoring mechanisms such as public hearings and social audits to ensure effective implementation of entitlements. Thus,

local movements work in collaboration and in contestation with state institutions at the same time to ensure citizens' right to food.

While village groups were resisting local inefficiencies and corruption, national lobbies were planning to privatize the service provided through the ICDS and Mid-Day Meal programs. The Mid-Day Meal program usually entails local women preparing hot meals for school children. However, the Biscuit Manufacturers' Association (BMA) lobbied with members of the national Parliament to replace cooked meals with biscuit packages. While some members of Parliament and state chief ministers were sympathetic to incorporating the privatization dimension into ICDS's services, activists sought legal recourse through the Right to Information Act to gather information about such lobbying efforts and to prevent the privatization of Mid-Day Meals (Drèze and Sen).<sup>8</sup> Such efforts for privatizing existing public welfare mechanisms are part of the broader neoliberal agenda at the local level, efforts that often have the support of state factions. Yet, these efforts have not been left unopposed.

### **Local and National Struggles for 2013 NFSA, State, and WTO**

The provision of legal entitlements by the Supreme Court for specific welfare measures, such as the ICDS and Mid-Day Meals, provided an opportunity for the RTFC to begin concerted action towards the framing of a comprehensive law for food rights. The resultant 2013 NFSA seeks "to provide for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity and for matters connected therewith or incidental thereto" (Government of India).

To understand the enactment of the National Food Security law in 2013 we need to follow legal and grassroots struggles across several years. The emergence of the campaign itself had its beginnings in the favorable Supreme Court orders in 2001 which addressed universalization of the ICDS. The national elections in 2004 brought a coalition government to power—the United Progressive Alliance (UPA) with the Congress Party as the largest single party. The newly elected coalition government created a Common Minimum Program (CMP) which committed to "universalize ICDS" and set up a National Advisory Council (NAC) to monitor the implementation of the CMP. The NAC was comprised of activists, politicians, and bureaucrats. During this period, India saw several mass movements for basic rights such as anti-corruption, employment guarantees, women's rights, and rights to information. The NAC was responsible for drafting several key legislations such as the Right to Education, Right to Information and National Rural Employment Guarantee Act. The RTFC utilized these opportunities to push for its demands.

The elections of 2009 and 2013 also served as opportunities. Returning to power in 2009, the UPA was eager to return largesse to the masses. A national

meeting was organized by the RTFC in response to the government's proposal to draft a law about the right to food. The announcement of elections in 2013 served as another opportunity for the RTFC to accelerate the demand for a comprehensive law to address food rights. The UPA government in power in 2013 hastened its decision to enact the NFSA before the elections in 2014. As the RTFC evolved since 2001, the national government's CMP, followed by opportunities associated with the 2004 elections and the announcement of elections in 2013, facilitated the enactment of the NFSA.

The demands of the campaign included specifics regarding the amount of food grains to be subsidized monthly, the universalization of ICDS centers, affirmative action for marginalized communities, a ban on food exports, and prohibition of corporatization of agriculture and food. The Campaign organized protests, demonstrations, and press releases to mobilize support for their demands. The national campaign was well-connected to grassroots groups through NGOs that were engaged in field surveys (mentioned above) and enforcement of the interim court orders. When initial drafts of the law did not include their demands, campaign members wrote open letters to the Prime Minister and engaged with members of the Parliament regarding the content of the law (Right to Food Campaign, Letter).

At least three main demands put forth by the Campaign were incorporated in the 2013 NFSA. The RTFC demanded a universal PDS that would not differentiate between groups of people based on their poverty status. Most welfare measures of the state were typically organized to target families below the poverty line for efficiency. Because the identification of households below the poverty line has been complicated and fraught with corrupt activities, activists argued for a universal food distribution system rather than the state's targeted approach. Although the final legislation did not recommend a universal PDS, it provides common entitlements to 75% of the rural population and 50% of the urban population which is far more inclusive than a targeted system (Government of India). However, the detailed rules will determine how the eligible population will be identified.

The NFSA also includes two other demands made by the Right to Food Campaign that pay attention to the gender dimension of the right to food. Cognizant of gender inequalities within households with respect to food allocation (Harriss; Subramaniam and Bunka), the Right to Food Campaign had demanded that women be considered as heads of households for the purpose of the law. The NFSA recognizes the oldest woman in the household as the head of the household with respect to food allocation. The NFSA also provides for supplementary nutrition for pregnant and lactating mothers as well as maternity benefits of around \$16 per month for six months for all pregnant women. This universal maternity benefit, as an entitlement for pregnant women, is an important contribution of the Right to Food Campaign, which

has tried to incorporate gender issues into its platform. However, whether such entitlements for the woman in the household contribute to changing gender relations within the household requires further research.

### **Global Reaction**

Expectedly, the above-mentioned welfare provisions, understood as legal entitlements, were contested by global financial and trade institutions such as the WTO. The WTO's Agreement on Agriculture (AoA) refers to trade policies in the area of food and agriculture. According to the AoA, offering a domestic minimum price support to farmers above a certain level is considered to be trade-distorting and may attract sanctions (Hawkes and Plahe). These rules continue to favor rich countries that have higher base prices to begin with, but some developing countries purported to represent the Global South—including Brazil, China, and India, who account for one-fifth of global farm exports—have consistently tried to influence AoA negotiations (Hawkes and Plahe). As countries from the Global South began to resist aspects of the AoA, many of these meetings—such as the Doha Round in 2002 and Cancun negotiations in 2003—resulted in stalemates with no conclusive agreements. In order to enforce the NFSA, India would have to provide domestic support prices for producers of food grains, so it was imperative to resist the AoA rules that prevented such support.

The WTO meeting at Bali in December 2013 also ended in a stalemate similar to the earlier meetings in Doha and Cancun. Here, a forty-six-member group of developing nations—including India, China, and Indonesia—proposed an amendment to the WTO Agreement on Agriculture (“Food Security”). The group of forty-six suggested that states should be able to procure food grains from poor farmers at minimum support price and thereafter sell grains to the poor at affordable prices through the PDS and further argued that existing WTO agreements were based on outdated market prices. The trade agreement which allowed for such subsidies would expire in three years if the amendment was not made in 2013. If the trade agreement expired, the government of India would not be able to enforce the NFSA without violating WTO trade policies. This in turn would have led to further sanctions.

A temporary compromise was negotiated at the Bali meeting, where it was agreed that disputes would not be raised against a developing country if they are not able to meet the AoA until a “permanent solution” could be negotiated in the 11<sup>th</sup> Ministerial Conference. Thus, the compromise was a postponement rather than a decision itself. There was no change to the outdated market prices based on which the minimum support price limits were made. However, the excessive pressure exerted by global financial institutions such as the WTO on the government of India clearly indicates how the neoliberal agenda seeks to constrain citizens' right to food within developing nations. Equally important

is the government's rejection of the WTO's assertions to not provide such subsistence as was envisaged in the 2013 NFSA.

## DISCUSSION AND CONCLUSION

The enactment of the NFSA addresses two main arguments in this paper. First, the NFSA does not fit in entirely with the larger neoliberal agenda, which aims to reduce government expenditure in the form of subsidies or welfare measures and thereby diminish the role of the state in public welfare. Yet some activists might suggest that the NFSA stops short of complete universalization of the PDS. Despite the pressure from institutions such as the WTO, the enactment of the NFSA also draws attention to the unevenness of neoliberal discourse. Second, a temporal lens in examining the larger political environment in the country indicates how the national government was forced to respond to several local and national protests for basic rights.

In this paper, we analyze how the RTFC utilized the court to demand citizens' right to food and nutrition and adopted both collaborative and confrontational tactics at the local grassroots and national levels to target state institutions. Our analysis has three main implications. First, nationally and locally organized struggles interact with state institutions at subnational levels to achieve various outcomes, such as securing basic rights as well as enforcing them. Using legal recourse as a tool for action, the RTFC followed a trajectory utilizing the electoral years of 2004 and 2013 as political opportunities to demand a comprehensive law for food rights.

The movement used both confrontational and collaborative tactics while engaging with the state. For instance, at the local level, the *mitanins* confronted corrupt local officials with public hearings and nutrition data, forcing them to follow Supreme Court judgments. The Campaign also organized several demonstrations and rallies demanding a comprehensive law. At the same time, several activists from the Campaign were also invited to be members of the National Advisory Council, which was set up to monitor and develop the legislation. This invitation enabled a collaborative tactic on the part of the Campaign.

Second, the case of this campaign can provide insights into broader state-movement dynamics in local villages and towns and the ways by which they are connected to national and global networks. The nation-state in India and other countries may be implicated in the process of globalization but it is constantly being shaped by the multiple challenges and struggles of local groups. Therefore, local and national movements need to work "in and against" the state. A multilevel analysis can capture challenges, contradictions, and tensions across and within institutions and contribute to understanding the implications of neoliberal globalization.



Thirdly, the complexity of the relationship between countries in the Global North and Global South is relevant beyond the Indian context. The state is often the conduit for the implementation of neoliberal policies advocated by global financial institutions that are dominated by countries in the Global North. These policies may be in the form of privatization at the local level or state policies that seek to reduce welfare measures. Thus, elements associated with the conceptual notion of the Global North may exist not only at the global level but also at the national and local level. At the same time, local and national campaigns may continue to seek support from some state institutions, such as the Supreme Court, to demand basic rights demonstrating the unevenness of neoliberalism in the Global South.

## NOTES

1. We thank the anonymous reviewers for their insightful comments and suggestions. An earlier version of this paper was presented at the 2013 American Sociological Association annual meeting.
2. National elections in 2014 resulted in a new political party coming to power in India.
3. Created in 1995, the WTO assumed administration of the General Agreement on Tariffs and Trade formed at the end of World War II. By targeting non-tariff barriers to trade, the WTO can overturn local and national laws. The process of enacting the NFSA points to the role of the WTO in influencing India's domestic food security policy.
4. India is a federal union of twenty-nine states and seven union territories. Chhattisgarh is the tenth largest state in terms of area and is located in Central India.
5. The government of India fixes the minimum support price at which it buys food grains from farmers in order to support them. However, the WTO dictates how much the government can pay farmers. The government's export policy as well as world prices also determine farmers' income. In the 1990s, producers benefited from high world prices when the government lifted restrictions on exports (Jha et al.). At the same time, the government of India also provides subsidies to consumers—particularly those living below poverty line—through fair trade shops.
6. In India, cereals such as rice and wheat—the most consumed food grains—contribute to 56.7% of the total food supply. According to the Food and Agricultural Organization of the UN (FAO), 287860 kilotons of cereals were produced in 2011, of which 9773.7 kilotons of cereals were exported.
7. "Adivasis" is an umbrella term used to describe ethnic and tribal groups in India.
8. In May 2005, the Indian Parliament passed the Right to Information Act 2005 (RTIA). Using this legislation, citizens can demand information from public authorities regarding any government agency or initiative.

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