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Political Economy of State Response to Drought in Rajasthan, 2000-03

Between 2000 and 2003, Rajasthan experienced two drought years, which had severe effects on the social and economic lives of the people of the state. While the state government initiated relief works on both occasions, the scale of the work was different in the two years. This paper examines the reasons for the difference in the state's response to the two droughts. Citing greater public pressure during the second drought year as the prime reason for a better response from the state, the article also explores the relationships that exist between different forms of public action and argues that if it had not been for the strong public action undertaken, the state government's response to the drought in 2002 would have been weak.

REETIKA KHERA

In 2000-03, Rajasthan experienced widespread and prolonged drought. While the scale of the drought in 2000 and 2002 was similar, the government's response was quite different in the two years. According to official data, the number of persons employed on relief works jumped from 4.08 lakhs in 2000-01 to 9.75 lakhs in 2002-03. This paper explores the factors that motivate a government to initiate relief measures and explain the difference in the government's response between the two drought years. It examines the state's responsiveness to various forms of public pressure – whether this comes from elected representatives, the media, public protests, or through other political compulsions.

Besides government action, public action played an important role in drought relief. Various forms of public action that are relevant included research, the media, judicial action and activist groups. My interest is also in fleshing out the inter-relationships between various forms of public action. The analysis of public action (other than government action) relies on discussions with activists, my own participation in meetings of activist groups, newspaper reports, as well as secondary data published by the government.

Table 1 recapitulates the main events of the period under study (2000-03). The monsoon failed in two out of three years in Rajasthan during this period. The summer of 2001 saw the birth and strengthening of a people's pressure group in the form of the Akal Sangharsh Samiti, a public platform comprising about 50 organisations from across the state, to ensure adequate drought relief. With a decent monsoon in 2001, people's pressure on the government died down. In the meantime, the People's Union for Civil Liberties (PUCL) filed a public interest litigation (PIL) in the Supreme Court. In the summer of 2002, relief works were initiated in various parts of Rajasthan. These stopped only for a fortnight in July because the 2002 monsoon failed miserably. This is when the Akal Sangharsh Samiti was revived to exert pressure on the

government to take remedial action. By October 2002, news of starvation deaths had come in from Baran and also other parts of the country. Between August 2002 and February 2003, the Samiti organised meetings, dharnas, rallies and demonstrations where people from different districts of the state participated in very large numbers. The Akal Sangharsh Samiti was instrumental in putting drought relief on the agenda of political parties. The fact that state assembly elections were due in Rajasthan in December 2003 played a significant part in making drought relief an electoral issue.

We start with a description of the administrative set-up and the role of electoral politics in the provision of drought relief and look at some of the political economy issues such as centre-state politics and electoral politics, involved in the provision of drought relief. Then we look beyond government relief efforts at some of the other factors that ensured successful operation of relief work. We are interested in the opportunities (in particular, the media, public mobilisation, judicial action and research) that are available and the use of these opportunities in a democracy.

Role of the Government and Electoral Politics

Though the state is not legally bound to protect people in the case of a collapse of their livelihood on account of droughts, the provision of drought relief is a question of political survival, especially for state governments. State governments face the electorate every five years and, to that extent, can be punished or rewarded for their performance. Besides electoral politics within a state, centre-state politics (in itself related to electoral politics) also play an important role in the allocation of relief funds. Institutional arrangements for the allocation of relief funds require co-ordination between different government departments as well as between the government at the centre and in the state. Described below are the institutional

arrangements for the allocation of relief money and how these arrangements hampered or promoted the initiation and implementation of drought relief in Rajasthan in the drought of 2000-03.

Administration of Drought Relief¹

The "famine codes", which came into existence in the 1880s after the famine commission report of 1880, play an important role in the provision of drought relief.² The role and scope of government intervention has been carefully laid out in these famine codes (or "scarcity manuals") of each state. The basic principle of the famine codes was the organisation of massive public works – to provide employment to all who applied for it, at subsistence wages at a reasonable distance from their home, and gratuitous relief for those who could not work.

A large share of the drought relief funds come from the central government. Based on the data collected by state governments on the drought situation, each state government submits a "Memorandum of Scarcity" for central assistance. Insofar as food-for-work programmes form a large part of drought relief, the foodgrain component is a crucial component of drought aid. These are supplied by the Food Corporation of India (FCI), which comes under the ministry of civil supplies and consumer affairs. The cash component of relief is allocated through the Calamity Relief Fund (CRF) and the National Calamity Contingency Fund (NCCF). The central government provides 75 per cent of funds to each of these. The CRF is constituted by each state government and the central government's share is paid into the fund in two instalments each year. Funds are released by the ministry of finance, but can be stopped by the ministry of home affairs, which is charged with monitoring the CRF.

The NCCF is administered by the central government. As per the Eleventh Finance Commission's recommendations, a National Centre for Calamity Management was to have been constituted to assess the allocation of funds from the NCCF to the affected states. Pending the constitution of this centre the ministry of home affairs constituted a high level committee comprising the deputy prime minister L K Advani, the agriculture minister Ajit Singh, the finance minister Jaswant Singh and the deputy chairman of the Planning Commission K C Pant.

This high level committee was to base its decisions regarding the allocation of funds on the Memorandum of Scarcity submitted by the states, on the assessments made by the central teams sent to each state and the recommendations of the interministerial group.

Four ministries (rural development, agriculture, finance and home affairs) and the Planning Commission are involved in the release and administration of drought relief. Smooth functioning of relief requires co-ordination between these ministries as well as the FCI, which stores the foodgrain. The situation is complicated further at the implementation level where various departments such as the department of rural development, forest, irrigation get involved.

Electoral Politics: State Politics and Centre-State Politics

In electoral democracies, where political parties have to face the electorate to form governments, incumbent governments are more likely to be re-elected if, inter alia, they discharge their responsibility of providing drought relief properly. The jump in drought relief between 2000-01 and 2002-03 can be only partially attributed to the greater severity of the 2002 drought. Starvation deaths were reported during the summer of 2001 from Kotda block of Udaipur district and again in October 2002 from Baran.³ However, the state government's response to the Baran deaths completely overshadowed the response to the Kotda deaths. The extensive media coverage of Baran could partially be explained by the fact that 2003 was an election year. The massive relief operations in the drought of 2002-03 should be evaluated against the backdrop of the assembly elections of December 2003. The Congress government in Rajasthan could not have had any chance being re-elected if relief measures had not been adequately arranged.⁴ The role of the opposition has also been quite crucial. However, in Rajasthan, the opposition party, the Bharatiya Janata Party (BJP), could not claim to have been the force that compelled the government to improve its relief measures.⁵

In order to understand the importance of centre-state relations in the provision of drought relief, comparing drought relief in Rajasthan with drought relief in Andhra Pradesh provides interesting insights. Funds for relief operations are allocated and

Table 1: Chronology of Events in Rajasthan (April 2001 to August 2003)

Event

Year	Date	Event
2000	July-August	Monsoon fails in large parts of Rajasthan
2001	April 2-4	First national convention on the people's right to information (Beawar) discusses the drought
	June 14 - July 10	Jaipur dharna at statue circle
	July 23	First hearing of the SC in the RTF case
	July-August	Partial revival of monsoon
	November 28	Supreme Court order on mid-day meals and other food-related schemes
2002	May-July	Relief employment
	July-August	Monsoon fails in most parts of Rajasthan
	August 13-14	ASS meets again after a one year break
	September 27	ASS meeting with Karni Singh (special secretary, relief)
	October 14-15	Baran starvation death news breaks
	October 22	ASS meeting in Jaipur on food security schemes
	December 4	Public hearing in Kelwara, Rajsamand district.
2003	February 18	Rally in Jaipur demanding Employment Guarantee Act (EGA) in Rajasthan
	March 3	Dharna with 2,000 villagers in Jaipur demanding EGA
	March-April	Second ASS survey
	July-August	Revival of monsoon in most parts of Rajasthan
	August 14	ASS winds up

released by the centre whereas the state governments are responsible for administration. The central government, in 1999-2004, was formed by the National Democratic Alliance (NDA) and headed by the BJP.⁶ The Congress(I) had formed the state government of Rajasthan under the chief ministership of Ashok Gehlot during the same period. This provided an opportunity for both the central and state governments to lay the blame at the other's doorstep.

The government of Rajasthan (GoR) blamed the centre for its step-motherly treatment towards Rajasthan. It alleged that the centre was being miserly in the allocation of relief funds to the state and that the funds were not being released in a timely fashion. The central government, on the other hand, emphasised the poor utilisation of the state's quota of foodgrains. The implicit message in the allegations made by the state was that the central government headed by the BJP wanted to ensure that the Congress-led GoR was portrayed in a bad light to the public, so that in the forthcoming elections of 2003, the BJP could gain political mileage out of this. The Congress government, of course, would have wanted to perform well on its drought relief measures for these very reasons.

We compare the relief package for Rajasthan with that of Andhra Pradesh, in order to examine whether there was any truth in the claims of the Rajasthan government. With 29 seats in the 13th Lok Sabha, the Telugu Desam Party (TDP) was the second largest party in the NDA, and therefore, one of the most important alliance partners in the BJP-led NDA government at the centre. ¹⁰ The TDP was in power in the state under the chief ministership of Chandrababu Naidu.

By most indicators, the drought situation in Rajasthan was worse (Table 2). It was a more widespread drought, more prolonged and more severe in terms of agricultural losses at least. For example, in 2002, 22 districts out of 26 in Andhra Pradesh were declared drought-affected whereas in Rajasthan all 32 districts were drought-affected. Rainfall in Andhra Pradesh was below normal in three out of five years in 1998-2002, in the three meteorological subdivisions. Rajasthan experienced below normal rains in each of the five years during the same period in both meteorological subdivisions. While the drought situation was worse in Rajasthan, its ability to deal with drought was hampered on account of its less diversified economy (especially compared to that of Andhra Pradesh).

There are three counts on which Rajasthan seems to have been discriminated against: 11

- (1) Meagre assistance: Andhra Pradesh received 82 per cent of the entire allocation of free rice by the central government in 2001-02 for drought relief. Between January 2001 and March 2002, Andhra Pradesh received 16 lakh tonnes of free rice for its food-for-work programme, whereas all the other states put together got just under 10 lakh tonnes. ¹² This imbalance was addressed in the following year after the central government was criticised for the anomaly. ¹³
- (2) Delays: Even though Rajasthan was among the earliest states to submit its Memorandum of Scarcity to the central government (Table 2) it was nearly three months later (in mid-November) that funds were allocated. The state-wise break-up was announced one full month later in December. 14 This caused grievous delays in the initiation of relief.
- (3) Piecemeal allocation and release: Funds were not allocated in one shot. Further allocation would be contingent upon a review of expenditure by the states in January. The chief

minister and others had to literally beg every now and then for the next instalment of funds. After allocations had been made, there were delays in the release of both cash and of foodgrains.

Public Action in a Democracy

While electoral politics plays a crucial role in guaranteeing that something is done to relieve drought-related distress, relying on the electoral process alone would not have been sufficient to address the situation in Rajasthan. The scale of the crisis may well have gone unnoticed had there not been a vigilant media. The voices of the affected population may have been ignored by policy-makers and politicians, had there not been an organised public protest. Redress may not have been as prompt had it not been for the urgency injected by the Supreme Court's intervention. And finally, understanding of the situation may not have been as nuanced had there not been systematic research on these issues. In the struggle for enhanced drought relief in Rajasthan during the period 2000-03, people had to resort to various forms of exerting pressure on the government. Each of these forms of public action complemented and strengthened the other. This section examines the role of the media, the judiciary, activist groups and research in drought relief.

Role of the Media

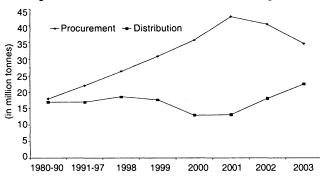
The media can perform various roles – an informational role, the role of a watchdog (alerting the authorities of a crisis), and a mobilisation role (of public opinion and of the public). ¹⁵ The freedom and independence of the press is essential in performing each of these roles. There was extensive coverage of various aspects of drought such as crop losses, loss of work, cattle deaths, lack of fodder, the water problem for human beings and cattle, migration in search of work, the return of disappointed migrants from Gujarat, meagre government relief efforts, problems with government relief efforts (e.g., delayed payments, corruption, poor administration), and the plight of the aged. During the Rajasthan drought, the role of vernacular print media has been most

Table 2: Comparison of Relief in Andhra Pradesh and Rajasthan

	Andhra Pradesh	Rajasthan
Affected population, 2001 (per cent) rural		
population (lakhs)	552 (73)	433 (77)
Affected sown area, lakh hectares (per cent)		
2001	10.39	25.97
2002	25.80 (39.7)	39.50 (44.5)
Affected districts		
2002-03	22	32
Date of submission of memorandum	26.8.02	3.8.02
Calamity relief fund (Rs lakh)		
2000-01	19806	20700
2002-03	21836	22822
Foodgrains released under special		
component of SGRY (lakh tonnes)		
2001-02	16.5	6.21
2002-03	20.0	18.98
Person-days generated (lakhs)		
2001-02	1982.5	11.59
2002-03	2826.0	556.8

Source: http://www.ndmindia.nic.in/documents/document.html; Foodgrains released under special component of SGRY and person-days of employment generated from www.indiastat.com; date of submission of memorandum of scarcity, affected area sown from Government of India (2003).

Figure 1: Procurement and Distribution of Foodgrains



Source: Economic Survey, 2003-04, Table 1. 18, p S-22.

significant. The reach of newspapers, especially Hindi newspapers, has been increasing rapidly, given the increase in literacy rates in the 1990s. More importantly the vernacular press remains more finely tuned into rural issues than national dailies in English, or the electronic media. The following case study illustrates how the media can function as a watchdog and as a mobiliser of public opinion. ¹⁷

The sahariyas (classified as a "primitive" tribe) constitute onefifth of the population in Baran. When the rains failed in 2002, it dealt a double blow to the sahariyas. On the one hand, they lost their earnings as cultivators and agricultural labourers, and on the other, forest produce became even scarcer. Just before Dusshera in 2002, 12 children were reported to have died of starvation in Sanwaas village of Baran district. A four-member PUCL team, which included a reporter from the Jaipur bureau of The Hindustan Times and me, visited Baran on October 14-15, 2002 to investigate the starvation deaths. We visited those seven villages and hamlets where starvation deaths had been reported. The PUCL team found that the situation of the sahariyas was indeed deplorable. There was little by way of government relief. Murari (village Mudaliar) lost his father, wife, and 20 day-old child in the span of a few days. All Murari received as compensation was employment on a relief site. Few had ration cards. ration shops rarely opened. Of the 50 houses in Murari's hamlet, only seven had BPL cards and three had Antyodaya cards - the rest had been classified as "above the poverty line". 18 The ration shop had distributed foodgrains only twice in the past year. Most were eating only one meal in a day and were eating a wild vegetable ('phaang'). People were consuming 'sama' (collected from the forest) in lieu of grain though they were aware that sama had probably caused the death of the three members of Murari's family. The sarpanch told us that sama was something people ate only in distress ('majboori'). Most children looked severely malnourished - brown hair, bloated stomachs, spindly limbs, running eyes and noses, though the only functional government scheme was the mid-day meal scheme.

Among the national English dailies, HT broke the news first in October 2002.¹⁹ The government's and the administration's initial response was shocking. The local MLA, himself a sahariya, said "ek time khana mil raha hai, ek time nahi mil raha, to ise bhook se marna thodi kehete hai" (when you are getting alternate meals you can't term this as dying of hunger).²⁰ Nor was the district collector at all alarmed by the situation. He complained that he did not have adequate staff in the district, making it difficult to implement government schemes. The collector informed us that in Baran relief funds had not been fully utilised

because they had not been able to identify "appropriate" works. The state government tried to absolve itself of all responsibility by blaming the deaths on illnesses, unrelated to starvation. Later, a central team investigating the matter confirmed that these were starvation deaths, but the state government continued to deny this. ²¹

After HT, the national media (print and electronic) turned the spotlight on Rajasthan. ²² Most English national dailies sent their correspondents to Baran to investigate the situation there. These reports were uniformly (and severely) critical of the denial of the starvation deaths by the government and of the lack of response of the government. In the face of these investigative reports, it became increasingly difficult for the state government to deny the occurrence of the starvation deaths. As a result, the state government's response evolved from one of denial to taking remedial measures. ²³

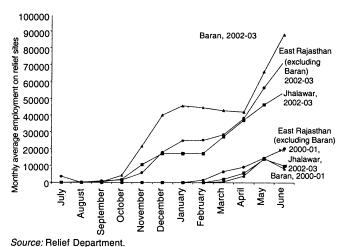
The effect of media attention on drought relief is clearly brought out by Figure 2. This figure plots the increase in relief employment provision in the district in the two drought years. Employment generated in Jhalawar (a neighbouring district) and in the eastern region (consisting of Bundi, Chittorgarh, Jhalawar and Kota districts) has also been plotted. Jhalawar and Baran are similar in terms of population and crop losses. In 2002-03 not only does the magnitude of relief employment in Baran dominate that in Jhalawar and the average for the eastern districts, but relief employment shoots up after October, when reports of the starvation deaths hit the national headlines. One could argue that the increase in relief employment is a "seasonal" effect, i e, a pattern that is observable in other years as well. In 2000-01, when there were no reports of starvation deaths, we find that relief employment picked up only in the summer months, especially after March. Further, in 2000-01 employment in Jhalawar and Baran was roughly of the same magnitude (with Jhalawar getting slightly more employment than Baran) whereas in 2002-03 Baran clearly dominates Jhalawar.²⁴ One could argue that the situation in Baran was worse than in Jhalawar. If we look at the agricultural output in these two years as a proportion of "normal" output then we find that in 2000-01 the output in Jhalawar was below normal and it was above normal in Baran. In 2002-03, output was below normal in both districts, though the situation was slightly better in Baran (78 per cent of normal) compared to Jhalawar (58 per cent of normal).

Soon after the Baran reports, news of starvation deaths started drifting in from other parts of the country (especially Madhya Pradesh, Maharashtra and Orissa).²⁵ The international media began to take notice of the drought situation and of the starvation deaths too.²⁶ International attention added to the feeling of a national shame. Many reports drew attention to the fact that starvation deaths were taking place in the "shadow" of rising food stocks. With the Supreme Court also pulling up the state and central governments for their poor performance the issue of starvation deaths and (probably for the first time) chronic hunger became national issues.²⁷

The Baran case study demonstrates the ability of the media in highlighting crisis issues and its potential in ensuring appropriate government responses to such crises. An important outcome was the introduction of a scheme of gratuitous relief called 'do bori anaaj'. Under the scheme, each panchayat was to keep an emergency supply of 200 kg of wheat to dole out to families that were going hungry.

The Baaran story also shows the limitations of the media in addressing underlying policy imbalances. In its role as a

Figure 2: Relief Employment in Two Consecutive Years



watchdog, it tends to be effective only when the issue has "sensational" value. This is truer of the English national media than of the vernacular press.²⁸ It also seems that too much importance is accorded to coverage by the English media. Until news gets into the English print media or into electronic media it is difficult to get the government machinery to act or to get the attention of policy-makers. This problem is not new. N Ram (1990) states that, "it may be assumed that about 20 influential newspapers and magazines...would constitute a useful sample of current coverage of hunger and poverty. Such a sample would miss out much in the experience of Indian journalism...but since the sample would be very influential in terms of circulation and the impact on the decision-making process it would be strong in serving our purpose" (ibid, p 205, emphasis added). Out of the 20 influential newspapers and magazines that are listed, nine publications are in English betraying an elitist bias in Indian democracy. In Baran too, it seemed that if HT had not picked up the story of the starvation deaths, government action may not have taken the scale and form that it did once it formed the focus of English national media.²⁹

However, the blame for the low priority accorded to such issues at other times does not lie with the media alone. Some of the blame also lies with policy-makers and the public in general. If social concerns were adequately articulated in political debates and bureaucratic circles then issues such as the low nutritional achievement of Indian women and children or the low educational attainment of nearly half the Indian population would be as much of a national shame as starvation deaths. Perhaps this "distortion" of priorities must be put down as a failure of Indian democracy. ³⁰ As a result, this distortion of priorities is one that the media cannot, by itself, address.

The introduction of local supplements in national and vernacular newspapers is a recent development and deserves mention with respect to the media's mobilisation role. This development could be a double-edged sword. Local news receives greater coverage which means that social concerns can get more space. However, there is a danger that better coverage of local issues may come at the cost of state-wide or national news. For instance, villagers of Barmer could read about the drought situation only in their district or in their region. Drought-related reports from other parts of Rajasthan, which were as badly affected, did not reach these people. Newspapers failed to convey the widespread nature

of the drought. To that extent, public anger/opinion remained regionally fragmented or localised. One of the mechanisms through which the media leads to accountability of governments is by mobilising public opinion against government inaction or apathy, this development may not be entirely beneficial.

Public Pressure

This section takes a closer look at the role of the Akal Sangharsh Samiti in exerting pressure on the government. Though there were frequent reports of cattle deaths, of migration, of loss of work in the months following the failure of the monsoon in 2000, the state government dragged its feet in responding to the situation. Worried by the deteriorating situation and angered by government apathy, many NGOs and other grassroots organisations began discussing their role in April 2001 at the first national convention of the people's right to information held in Beawar. This resulted in the formation of the Akal Sangharsh Samiti (Network to Fight Drought and Famine), a loose network of approximately 50 NGOs, social movements, journalists, academics and concerned citizens representing most districts of Rajasthan. The Akal Sangharsh Samiti (hereafter Samiti) became one of the main channels of exerting public pressure in the course of those two years.³¹

The Samiti used "adversarial" methods against the government, but also cooperated with it to ensure that adequate relief was provided. Among the adversarial methods used were the organisation of public hearings on the issue of hunger and employment, protest marches in the state capital, and 'dharnas'. When the monsoon of 2000 failed, government relief measures were slow in coming and meagre when they did arrive. The Samiti organised a public hearing (or, 'jun sunwai') highlighting the plight of drought-hit villagers in Jaipur in the summer of 2001. As soon as the monsoon arrived in June 2001, the state government announced that it would close down all relief operations. The samiti argued that since it would be at least two months for the crops to be harvested, and that relief operations should continue until September. When the state government refused to budge, the Samiti decided to sit on an indefinite dharna in Jaipur (from June 14, 2001 onwards) until the state government granted their demands. On each of the 27 days that the dharna lasted, between 70-80 villagers from 14 districts of Rajasthan slept in the open demanding that relief works be continued till September 30 without labour ceilings, strengthening the public distribution system (PDS) and providing 10 kg of grain per person on subsidised rates without any distinction between the families below and above the poverty line, and an Employment Guarantee Act on the pattern of Maharashtra's Employment Guarantee Scheme.

Rajasthan chief minister Ashok Gehlot wrote to the prime minister on June 30, demanding central assistance for providing open ended employment till September 30. The central government pledged support of five kg of grain per labourer to the drought-hit states. The dharna ended on July 10, 2001 when the Rajasthan government announced its decision to continue foodfor-work programmes till September 30. This was seen as a victory because this was one of the key demands of the dharna. However, this promise was not kept by the government and the Samiti did not do much about it. ³²

A positive outcome of the dharna was that on July 10, 2001 the central government announced a 30 per cent reduction in PDS grain prices for families that possessed above poverty line ration

(APL) cards and a five kg increase in the quota of grain for below poverty line (BPL) families. The government had already increased the quota of grain for BPL families from 20 kg to 40 kg and for APL families from 10 to 20 kg till September. Putting the need for work during the monsoon on the government's agenda and the increase in the monthly entitlement of wheat from the PDS was all that the dharna could achieve in terms of immediate relief. The dharna served as a learning experience for activists. This involved learning related to the drought conditions that prevailed in other parts of the state but more importantly the learning related to participating in non-party politics.

The Samiti was more successful in playing the role of a bridge between the rural population and the administration. It organised monthly meetings with government officials (from the relief department) to apprise them of the ground situation and the problems with ongoing relief efforts. As a result of these meetings the Samiti succeeded in getting significant government orders pertaining to drought relief, including: one, in 2002-03 the restriction on the participation of APL households in relief works was removed. This restriction had been introduced in 2000-01 when the state government used the paucity of funds to limit participation. The Samiti succeeded in convincing the state government that the condition of many APL households was as bad as that of BPL households.

Two, in spite of the large-scale of work in 2002-03, the number of people seeking work far exceeded those getting work. The government had introduced a rotation system to ensure that each needy family got its turn at getting work. As a result of a high demand and the rotation system, people were getting work too infrequently. In an attempt to get around this problem, the state government introduced a 10-day muster roll (rather than a 15-day muster roll).

Three, the meetings were used as a forum to ensure that administrative inefficiency, especially in the matter of timely and regular wage payments, did not hamper relief operations.

Four, the introduction of "job cards" used to record the number of days of work each person has received. In this sense, they are the equivalent of ration cards for employment projects. Before the introduction of job cards, labourers relied on officials for keeping a record of days worked, measurement as well as payment. Job cards, unlike muster rolls, remain with the labourers and serve as proof of having done the work. Members of the Samiti had experimented with job cards and shown how these helped in containing (sometimes even eliminating) the problem of ghost entries in muster rolls and thus, controlling corruption in relief works. Having a written record of days of work done, improved the bargaining position of labourers (vis-a-vis local officials) in claiming their due wages than when they could only rely on their word to demand their dues. This and other such measures have led to a gradual improvement effectiveness of relief works in Rajasthan over the last 10-15 years.³³

The Samiti's achievements were in large part because it had the support of activists such as Kavita Srivastava (PUCL) and Nikhil Dey, Aruna Roy and Shankar Singh (MKSS). These activists had a shared vision regarding the government's responsibility in drought situations on the one hand and on the other, credibility in the eyes of the state government which provided them access to the government. Member organisations of the Samiti relied excessively on the initiative and leadership provided by Jaipur-based Kavita Srivastava. The over-reliance on one person was one of the reasons that the Samiti could not acquire a

clearer organisational structure that would allow clear-cut definition of responsibilities. In the absence of this, it was not possible for the Samiti to plan its activities effectively or enjoy a longterm existence limiting its success as a public pressure group.

Judicial Action

At a time when it seemed that cynical political calculations would take precedence over the moral obligation of the government, the Samiti decided to take recourse to judicial action. This section outlines the role of judicial intervention in expediting relief efforts in Rajasthan and in the other drought-affected states.

In India, the use of the judiciary to highlight food security issues is not new. 34 Faced with the government's apathy, denial and inaction in the face of the drought on the one hand and distressing reports from rural areas of Rajasthan on the other, the Rajasthan chapter of PUCL 35 lodged a PIL in the Supreme Court (hereafter right to food case) pointing to a violation of the right to life. 36 The legal basis of the petition was simple. Article 21 of the Constitution is a guarantee of the right to life, and imposes upon the state the duty to protect it. The Supreme Court has held in previous cases that the right to life includes the right to live with dignity and all that goes along with it, including the right to food. The petition argued that the response to the drought situation by central and state governments, in terms both of policy and implementation, constituted a clear violation of this right.

The petition focused on two aspects of food security: the PDS and the inadequacy of government relief work. In the case of the PDS, the petition highlighted the inadequate coverage of the PDS, the inadequacy of entitlements from the PDS (at 10 kg per household per month in 2001) and erratic supplies from it. The petition pointed out that despite being required (as per the obligations set out in the famine code) to give work to "every person who comes for work on a relief work", the Rajasthan government followed a policy of labour ceilings. By the government's own statistics, labour ceilings meant that employment was restricted to less than 5 per cent of the drought-affected population.

The petition demolished the official excuse for both these problems, namely, the lack of funds. The Supreme Court had already held that shortage of funds could not excuse the failure to fulfil constitutional obligations, an excuse that was singularly inapplicable, given the availability of gigantic food stocks. The specific demands made in the petition were the initiation of adequate relief works, gratuitous relief for all those who are unable to work, an increase in PDS quotas, and the provision of subsidised foodgrain to all families.³⁷

Interim orders (IOs) issued by the apex court and the appointment of commissioners to monitor the implementation of these orders are two significant outcomes of the PIL. Besides this, the court intervened to provide immediate respite in crisis situations (e.g., when reports of starvation deaths came to light from various parts of the country). The IOs have been used by grassroot organisations to ensure swift action from local administration in many cases. The IOs have been a major boost towards the realisation of the right to food in India and have focused attention on the lacunae in the design and implementation of food and welfare schemes.

In its very first IO, the Supreme Court ordered all states to ensure that all closed PDS shops are re-opened. Soon after this, it issued a landmark order on November 28, 2001 covering all

food security and welfare schemes of the central government.³⁹ In this order, the Supreme Court directed all state governments to start "providing every child in every government and government assisted primary school with a prepared mid-day meal ...each day of school for a minimum of 200 days." This order was significant because it converted the entitlements under these programmes into legal entitlements. Very few states, however, introduced cooked meals in primary schools before the Supreme Court's deadline of February 28, 2002. After three years of sustained pressure from various civil society organisations, most governments have now complied with this order. Today, about 120 million children in India get a cooked meal at school, making this the largest mid-day meal programme in the world.⁴⁰ In the same order, the court ordered that the Integrated Child Development Scheme (ICDS) be implemented "in full". The ICDS covers children aged zero to six years, adolescent girls, pregnant and nursing mothers and malnourished children. The court's intervention has led to an increase in the number of anganwadis from six lakhs to 14 lakhs as well as the financial allocation per child from Re 1 per child to Rs 2 per child. Similarly, an expansion of the Antyodaya scheme to include the aged, disabled and widows was also ordered by the court eventually doubling of the coverage (from five to 10 million households) of the scheme.⁴¹

In May 2002, the Supreme Court appointed N C Saxena and S R Sankaran as commissioners to the court to redress complaints that are not resolved by the collectors and the chief secretary. The commissioners are assisted by NGOs and individuals in monitoring the implementation of the court's orders. ⁴² The commissioners in the right to food case have been extremely effective in forging an active link between judicial action and grassroot activity. The right to food case led to the growth of a "right to food campaign" across the country. A variety of civil society organisations have used IOs to hold district administration responsible for lapses in implementation of food security-related and welfare schemes. Where the campaign is strong and willing to take these issues up with the local administration, the IOs are taken seriously.

To the extent that the right to food PIL was the genesis of the right to food campaign in India, the implications of this PIL extend beyond the provision of relief during that drought to the realisation of the right to food in India.

Judicial intervention in the matter of the right to food is not without its drawbacks. 43 First, the use of the judiciary undermines, and could contribute to weakening the political and democratic procedures. Orders passed by the Supreme Court override decisions taken by an elected government, which at least in theory if not in practice, represents people's interests and works towards realising them. It also poses the danger of reinforcing the top-down approach that elected governments and the bureaucracy are often accused of. There is also the danger of an inadequate understanding of the issues at hand, which could lead to the issue of counterproductive orders. At any particular hearing on the right to food case, the bench hears cases related to agricultural land disputes, divorces and settlement of alimony, appeals by a government employee removed from his post and criminal cases. The same judges are required to adjudicate on such a variety of subjects that it is difficult to imagine that there is no scope for some error in judgment or that the understanding on each of these issues is completely satisfactory. Given the vast numbers of people that would be affected by orders issued in the case of PILs, it is all the more important to tread this ground

carefully. These orders are applicable to all areas of the country and rarely take into account the regional specificities. For example, in the October 7, 2004 order, the court gives specific directions as to who could (and could not) procure supplies for the anganwadi centres and also regarding the provision of utensils for the centres. Since 2004, the right to food case has also got bogged down because of the complexity of the issue and the attempt to get redress in too diverse food-related issues. ⁴⁴ Desai and Muralidhar (2000) give further evidence to show that the experience of judicial activism in India in recent years provides adequate grounds for such fears.

It is worth pointing out again that judicial activism in itself cannot achieve much if it is unaccompanied by public vigilance and activism. The IOs and the work of the commissioners could not have borne fruit if there hadn't been an active interest and feedback (in the form of social audits, public hearings and research) from organisations across the country.⁴⁵

Role of Research

Research played a small but important role in reinforcing the efforts of the media, legal action and of people's organisations. Working with journalists, lawyers and activists, researchers helped strengthen the case against the state and central governments. The Samiti used official data to refute the government's claims regarding paucity of funds to provide adequate relief. In addition, it organised two state-level drought surveys: one in 2001 and another one in early 2003. Besides this, members of the Samiti conducted local surveys in their own area the results from which were used in the monthly review meetings of the Samiti with the state relief department.⁴⁶

The first Akal survey played a vital role both in the PIL filed in the Supreme Court, and to create awareness regarding the drought situation in the state. First, the survey played an educational role, in that it helped civil society groups realise the gravity of the situation, to understand the dimensions of drought-related suffering (e.g., lack of employment opportunities, water shortage) and regional variations in the problems faced by villagers.

Secondly, the survey was important because until then whenever there had been reports of distress from rural areas the

Box: Survey Highlights

- In half of the 65 survey hamlets, no grain has been received from the public distribution system during the last three months.
- Among 5,229 households living in the survey hamlets, more than 1,200 have been constrained to reduce their food intake.
- In 21 out of 65 survey hamlets, some families have completely run out of food ('chulha naheen jalta').
- Estimated livestock deaths during the last six months:

cows 1,941 buffaloes 336 goats 2,629 sheep 6,632

- On average, 15 persons are employed on relief works in each hamlet, as against 124 persons who are available for work.
- Daily wages on relief works range from Rs 25 to Rs 60 (the legal "minimum"), with an average of Rs 50.
- In almost every village, labour migration is reported to be "higher" or "much higher" than normal. This year, an estimated 2,318 adult men and 1,412 adult women have migrated in search of work.

Source: Dreze and Khera (2001).

government had been able to reject them as being exaggerated and claim that the situation was under control. The Akal survey was the first attempt to assess the drought situation in a coordinated manner at the state level. Faced with facts emerging from a formal survey (rather than anecdotal evidence from newspapers and civil society) the government had to face up to the graveness of the situation (see the box). Following a starvation death in Kotda block (Udaipur district) in December 2000, the state government asserted that there were no food shortage problems. This claim was not substantiated by the results from the Akal survey, where it was found that more than one-fifth of the households covered by the survey had been constrained to reduce their food intake (see the box). Government denial of the demand for employment opportunities was another common phenomenon. However, the Akal survey showed that for every available work opportunity, there were eight others demanding work. ⁴⁷ The survey findings strengthened the bargaining position of the Samiti and other civil society organisations.

Thirdly, it may be argued that the Akal survey laid the foundation for filing the PIL in the Supreme Court. Evidence emerging from this survey formed the basis of the petition that was filed in the Supreme Court.

Insofar as the findings of this research were disseminated through dailies (rather than academic journals) it strengthened the impact of media on policy measures. The research was carried out in a way that it responded to the urgency required at the time. 48 Based on field-based research as they were, the surveys boosted the credibility of the claims made by civil society organisations. These surveys were also useful in increasing media interest in the drought.

Conclusion

The analysis here highlights that in order to ensure adequate response to the drought, all democratically available spaces — be it electoral politics, media, judicial action or research — need to be used. The use of any one of these in isolation can, but does not necessarily, guarantee success.

In the case of Rajasthan, the complementarity between these forms of public action is easy to see. The Samiti's limited success in ensuring that drought becomes an electoral issue may not have been possible had 2003 not been the year for state elections in Rajasthan. Indeed, even the scale of relief works in 2002-03 was in large part on account of the Congress government being reminded of the upcoming elections in December 2003. The Samiti would not have been able to have even its limited impact had independent press not existed to carry the voice of marginalised communities to a larger audience and thus, shape public opinion. The media played an important part in influencing public debate as well as the agenda of political parties by acting as the voice of the marginalised sections of the population. The claims and demands made by the Samiti gained credibility on account of the solid research that they were based on.

Similarly, if judicial interventions had not been followed up regularly at lower levels of administration, the IOs of the Supreme Court would not have translated into any tangible improvement in the lives of those it intended to affect. The involvement of researchers, willing to engage with issues in such a way that it did not remain confined to academic journals but rather was disseminated through the media, helped the cause further.

The tradition of regular, free and fair elections at the central

and state levels in India implies that political parties cannot turn a completely deaf ear to the demands of civil society organisations (such as the Samiti) or to the concerns articulated by the media.

It is also important to note that each of these forms of public action (civil society organisations, media and judiciary) owe their own existence to the fact that India is a democracy. Such institutions can exist in any meaningful manner only in a democracy. Meaningful here refers to such organisations being able to maintain their independence from state machinery. Besides this, the existence of other rights also helps in the realisation of the right to food. The role of these rights, especially of the right to information, in ensuring that democracy works for the people. Just as each form of public action reinforced the other it is also true that various rights reinforce each other. Without the democratic spaces available in the country, a free press could not have survived. Thus even though democratic practices in India leave much to be desired, they have helped to maintain an environment where change remains a real possibility.

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Notes

[This article is based on the author's PhD thesis, 'Public Intervention for Famine Prevention', submitted to the Delhi School of Economics, written under the supervision of Jean Drèze. Fieldwork in Rajasthan would not have been possible without help from a number of people: host families in Barmer, Bikaner, Jaipur and Udaipur who provided both hospitality and research assistance; the NGOs who put the author in touch with these families in these and other districts and members of the Akal Sangharsh Samiti. Conversations with Nikhil Dey, Jean Drèze, Neelabh Mishra, Manas Ranjan, Aruna Roy, Shankar Singh and Kavita Srivastava helped think more clearly about these issues. Thanks are also due to Janaki Abraham, Arudra Burra, Mahendra Dev, K Gopal, John Harriss, Jos Mooij, S Muralidhar and Jawahar Raja for comments and suggestions on earlier drafts.]

- See Mathur and Jayal (1993) and http://www.ndmindia.nic.in/documents/ document.html for more details
- 2 See Drèze (1990a) for a detailed discussion of the famine codes and for a review of the emergence of India's relief system.
- 3 See Basu (2001a), Basu (2001b), Sainath (2001) and Mishra (2001).
- 4 As it happens, the Congress lost the election, in spite of its impressive performance on drought relief. Some evidence that the Congress "strategy" of generous drought relief did translate into electoral gains comes from the fact that the poor voted for the Congress. Of the poor and the very poor, 41 and 43 per cent respectively voted for the Congress. Only 34 per cent of these categories voted for BJP [see Yadav 2003 for more details]. Explanations for the Congress defeat include in-fighting within the state Congress, dissatisfaction of the electorate with individual MLAs, even though they were satisfied with the performance of the government as a whole, dissatisfaction of public employees on account of the Congress governments' strict policies. See also Seminar February (2004).
- 5 As Ashok Gehlot put it, "We can say that the BJP has proved to be a completely incompetent opposition party. In the last five years, not once did they forcefully raise the issue of hardship caused by drought. None of their top leaders in the centre even bothered to visit the state when it was in its worst crisis. While we project the issue of 'vikaas' (development), the BJP is trying to make this an election issue' [Rajalakshmi 2003]. The reason behind the silence of the BJP in the initial years of the drought needs further research and could be related to the fact that the BJP was in power at the centre at the time, and any vocal criticism of drought relief could have backfired.
- 6 Out of a total of 568 seats in the Lok Sabha, the NDA had 298 seats, of which the BJP had 182.
- 7 See Joshua (2002), *The Hindu* (2002a) and http://www.outlookindia.com/pti_news.asp?id=98925

- 8 See The Hindu (2002b).
- 9 See Currie (2000, pp 197-78), for similar allegations in Orissa during the 1987-88 drought.
- 10 The TDP was the fourth largest party in the 13th Lok Sabha after the BJP, INC and CPI(M).
- 11 Some of these lacunae were also brought to the notice of the standing committee on agriculture, [Government of India 2003]. On the delay in sending the central team to the states in spite of receiving their memorandum (p 61); on delays in reaching allocated funds and foodgrains and the lack of coordination between the concerned departments (p 66) and on allegations of discrimination in the allocation of relief (p 29).
- 12 Kang and Choudhury (2002). They add that in a drought year the AP government wanted the FCI to increase its rice procurement in the state. If the state was reeling under drought, how come there was so much rice to procure.
- 13 In 2002-03, Andhra Pradesh received 16 lakh tonnes of rice and Rajasthan received 31 lakh tonnes of wheat.
- 14 See Parsai (2002a) and Parsai (2002b).
- 15 See N Ram (1990) and Besley and Burgess (2002) who discuss the role of the media in anti-hunger strategies in detail.
- 16 In 2000, according to World Development Indicators 2005, 60 in every 1,000 had access (in terms of circulation) to newspapers. Access to radio is much higher at 120 radio sets per 1,000 in the same year.
- 17 This case study has been adapted from a source book, *Living with Hunger:*A Public Hearing prepared by Reetika Khera and Arudra Burra; see also PUCL report on this, and Mishra (2002).
- 18 Gauzia, who had an BPL card, was very angry; he repeatedly pointed to a man who had an Antyodaya card and asked "Are they the only ones who are going hungry?"
- 19 See Sinha (2002).
- 20 After the national media gave extensive coverage to the starvation deaths, the chief minister decided to spend Diwali with the Sahariyas and congratulated them on the tasty 'kheer' they made with sama. The official website of the district presents it as a "nutritive food".
- 21 On the denial by the government see *Times of India* (2002a), *The Hindu* (2002c), Singh (2002b).
- 22 On breaking the news in the national dailies see Chatterjee (2002), Deb (2002a) and Deb (2002b), Kaushal (2002), NDTV (2002a), Singh (2002a), The Hindu (2002d) and Times of India (2002a).
- 23 See the following news items to get an idea of the evolution of the government's response: Mahan (2002), NDTV (2002a) and *The Hindu* (2002e).
- 24 This could be on account of differences in "need" in the two districts. Give some agricultural output figures to counter this.
- 25 See *Times of India* (2002b), *Times of India* (2002c), Mahapatra (2002), Bordia (2002) and Bhushan (2002).
- 26 See Bareth (2002), Harding (2002), Sen (2002) and Waldman (2002).
- 27 The Supreme Court's interim order in the matter (October 29, 2002) is available online at http://www.righttofoodindia.org/orders/oct29.html. For media reports on the SCs order see *Times of India* (2002d), *Times of India* (2002e), NDTV (2002b) and *Indian Express* (2002a).
- 28 N Ram (1990) also raises these issues: in particular, the problem of sustained media interest in endemic hunger related to being beyond the "press's current level of capability or competence" (p 216). Much of Ram's analysis would hold true even today. Among the other problems listed in Ram (1990), are (a) "essential dilettantism" whereby while there is a tendency towards specialisation in journalism, there is not much to show for it in terms of "deep-going, sustained investigation into the situation of persistent hunger"; (b) "tendencies of overstatement and sensationalism" which lowers the credibility of journalism. He also quotes M V Desai (p 214), who stated that Indian newspapers rely too much on official news even if they may be critical of it. "They provided little news from mofussil towns and villages".
- 29 Besley and Burgess (2002) find that governments are more responsive in those states where newspaper circulation, especially that of regional newspapers, is higher. This is, in some ways, contrary to the claim made above i e, that governments respond only to English media. Certainly in the case of Baran, this claim hold. It seems that the channel through which a vibrant regional media, with its ear to the ground, is effective

- is by playing a crucial informational role for the English media.
- 30 See Drèze (2004: p 1725) where he says that "Indian democracy is trapped in a vicious circle of exclusion and elitism".
- 31 Curiously, the BJP, then in opposition, formed a similarly-named committee, the "Akal Rahat Sangharsh Samiti".
- 32 Even though the government did not keep its promise, Nikhil Dey (activist, Mazdoor Kisan Shakti Sangathan) believes that the dharna was successful in putting many of the issues of grassroots organisation (e g, need for employment during the monsoon) on the government's agenda.
- 33 See Roy and Dey (2005) for more examples of public vigilance and simple measures that have contributed to a sustained improvement in the situation in Rajasthan.
- 34 For a study of the use of the courts in Orissa, see Writ Petition (Civil) No 12,847 of 1985, Bhawani Mund vs The State of Orissa and others, OJC 351 of 1986 and Anukul Chandra Pradhan vs The State of Orissa and others, OJC No 525 of 1989 discussed in Currie (2000), pp 176-95.
- 35 PUCL was one of the member organisations of Akal Sangharsh Samiti.
- 36 This section relies on the online documentation of the case available at www.righttofoodindia.org/case. The full text of the petition is available online at http://www.righttofoodindia.org/case/petition.html.
- 37 See Drèze (2002) for a discussion of the Rajasthan case.
- 38 See http://www.righttofoodindia.org/orders/oct29.html.
- 39 See http://www.righttofoodindia.org/orders/nov28.html.
- 40 See Khera (2005) for more details.
- 41 Order May 3, 2003. See http://www.righttofoodindia.org/orders/may203.html for full text of the order.
- 42 The appointment of commissioners for continuous monitoring is not a new development. For instance, in the Narmada Bachao Andolan vs UOI case, a grievance redressal authority was appointed to oversee compliance with court orders Desai and Muralidhar (2000) state that district judges, journalists, lawyers, bureaucrats have also been appointed as commissioners to gather information on behalf of the court, to propose remedial relief and monitor its implementation (p 5).
- 43 Desai and Muralidhar (2000), in a balanced review of the pros and cons of PILs, list the following problems – procedural problems, that of unpredictability, and of drawing the line between law and policy.
- 44 For instance, not a single interim order has been issued in all of 2005 because of the court's involvement in the issue of selection of BPL households.
- 45 For more details of one such campaign, see http://www.righttofoodindia.org/ links/updates/update9.html.
- 46 Other examples include a survey focusing on the condition of migrant workers in Jaipur that was undertaken by PUCL and Mazdoor Nirman Sangathan in 2002, which highlighted the food-related needs of these migrants. The full text of the report is available online at http://chowktis.tripod.com
- 47 See Dreze and Khera (2001).
- 48 See N Ram (1990) and Dreze (2004) for more on this.

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