



IDS WORKING PAPER

Volume **2016** No **475**

**Civil Society Innovation and
Resilience in the Struggle for the
Right to Food in India**

Suchi Pande and Peter P. Houtzager
August 2016

Civil Society Innovation and Resilience in the Struggle for the Right to Food in India
Suchi Pande and Peter P. Houtzager
IDS Working Paper 475
© Institute of Development Studies 2016
ISSN: 2040-0209 ISBN: 978-1-78118-332-8



This is an Open Access paper distributed under the terms of the Creative Commons Attribution Non Commercial 4.0 International licence, which permits downloading and sharing provided the original authors and source are credited – but the work is not used for commercial purposes. <http://creativecommons.org/licenses/by-nc/4.0/legalcode>

Available from:
Communications and Engagement Unit, Institute of Development Studies, Brighton BN1 9RE, UK
Tel: +44 (0) 1273 915637
E-mail: bookshop@ids.ac.uk
Web: www.ids.ac.uk/publications

IDS is a charitable company limited by guarantee and registered in England (No. 87733)

Civil Society Innovation and Resilience in the Struggle for the Right to Food in India

Suchi Pande and Peter P. Houtzager

Summary

India's national network of social justice activists and civil society organisations helped achieve legal recognition for the Right to Food in the early 2000's and are engaged in an ongoing struggle to implement the right to food in practice. The legal strategy of the Right to Food Campaign, and the shortcomings of India's primary right to food vehicle, the Public Distribution System (PDS) are well documented. There is relatively little on the Campaign's contribution to innovation and improvement in the PDS, and its role in blocking a rollback of both the Right to Food and the PDS.

After a decade, following the trajectory of the RTF campaign and the activism to implement PDS effectively, we believe that the composition of the national activist network and, related, its multi-scalar strategy, have been vital to its ability to shape national political debate and government policy in a first period (2001–08), and subsequently to defend advances in reform of the Right to Food from rollback in a subsequent openly hostile political environment (2009–2015). Based on new research carried out in 2015 we explain what happens to a network when one of its members enters electoral politics, and the campaign's resilience in a hostile political environment.

In this paper we combine social network analysis, informant interviews, participant observation, and archival research to identify the formation of ties between individuals that connect diverse activist networks, and how, in different political environments these networks first helped generate new ideas and practices for the Right to Food, and then defended those from reversal.

Keywords: Right to Food, activist networks, innovation, social movements, India.

Suchi Pande is a scholar-in-residence at the School of International Service, American University.

Peter P. Houtzager is a Research Fellow at the Institute of Development Studies.

Contents

Summary, keywords and author note	3
Acknowledgements	5
Acronyms	5
Introduction	6
1 Research in two stages	9
2 Exposing leakages: RTI and public audits in Delhi	10
2.1 Activism to improve PDS	11
2.1.1 Public audits in Delhi (2003)	11
2.1.2 Right to Information (2005)	11
2.1.3 National Food Security Act (2013)	12
2.1.4 Cash transfers (2011) and <i>Aadhaar</i>	12
2.2 The Food Security Network (2001–2008)	13
2.2.1 Access to state	15
3 Legislating the Right to Food (2009–2013)	17
3.1 Electoral politics and the Right to Food Law	18
3.1.1 Congress-led UPA-II without the left parties	18
3.1.2 Defeat in success: cash transfers and the Delhi Rozi Roti Adhikar Abhiyan	20
3.1.3 AAP's electoral debut and the political flux in Delhi	22
3.1.4 Fair price shop owners	23
3.2 Blocked by the state: national counter-mobilisation to protect NFSA	25
4 Conclusion: Live to fight another day	28
References	30

Acknowledgements

This paper is prepared as part of the project funded by the Economic and Social Research Council (ESRC) entitled 'The Relational Fabric of Inclusive Governance in São Paulo and Delhi.' The authors would like to thank Rekha Kohli and Aheli Chowdhury and field staff of JOSH, working in Trilokpuri, a resettlement colony in east Delhi, where we carried out field research from April–June 2015. We also thank Dr. Mindi Schneider at International Institute of Social Studies (ISS) for insightful comments on an earlier draft.

Acronyms

AAP	Aam Aadmi Party
APL	above poverty line
BJP	Bhartiya Janta party
BPL	below poverty line
CCPA	Cabinet Committee on Political Affairs
CM	Chief Minister
DRAA	Delhi Rozi Roti Adhikar Abhiyan (Right to Food campaign)
EGoM	Empowered Group of Ministers
GRC	general resource centres
IAC	India Against Corruption
IAS	Indian Administrative Services
NAC	National Advisory Council
NCPRI	National Campaign for People's Right to Information
NDA	National Democratic Alliance
NFSA	National Food Security Act
NREGA	National Rural Employment Guarantee Act
PIL	public interest litigation
PDS	Public Distribution System
PUCL	People's Union for Civil Liberties
RTF	Right to Food
RTI	Right to Information
SC	Supreme Court
SECC	Socio Economic Caste Census
UPA	United Progressive Alliance

Introduction

The right to food is recognised in an increasing number of countries, through a range of legal, policy and institutional frameworks. Despite this formal recognition and gains, the right to food is far from being effectively implemented. In the case of India, a prominent right to food activist compared the struggle for the right to food to a *Bollywood* story – dramatic, and never ending. But, without a happy ending.¹ In India the right to food was recognised by the Supreme Court in 2001 and a decade later the National Food Security Law (2013) was passed. Implementation, however, has proceeded slowly and with periodic reversals. In recent years it has been constrained by political changes at both national and state levels. The conservative Bhartiya Janata Party came to power in 2014 and it has sought to dismantle social welfare programmes. At the state level, in Delhi the rise of *the Aam Aadmi Party*, led by a former right to information and food activist, has shown lack of enthusiasm to implement the national right to food law, despite electoral promises. Both of these changes have thrown up substantial challenges to translating the right to food into practice.

For over a decade a national network of social justice activists and civil society organisations in India has been engaged in a struggle to translate the right to food into legal entitlements and effective government policy. The network of grassroots, rights-based campaigns and non-government organisations, known as the Right to Food Campaign, emerged in the aftermath of the Supreme Court ruling to see the realisation of the new right. In the early 2000s, the Campaign helped gain legal recognition of the right to food through a series of important battles, including exposing the massive leakage of foodstuffs from the main food security programme, the Public Distribution System (PDS), and enactment of a National Food Security Act (2013). In the last five years the Right to Food Campaign has fought efforts to roll back the gains made in the previous decade.

In this paper we analyse the formation of the campaign's activist network and what lies behind its ability to shape national political debate and government policy, and more recently its resilience in a hostile political environment. We seek to understand how relational ties between individuals help connect different networks and, in contrasting political climates, how they first generated new ideas and practices that strengthened PDS, and then defended those from reversal.

PDS is a centrally sponsored and state government-administered scheme. The central government makes fixed quantities of subsidised food grains available to all state governments, which in turn oversee the overall implementation of PDS. In Delhi, a citywide network of fair price shops (or ration shops) distribute the food grain rations to cardholders from different income categories. These shops are privately owned and licensed by the government. According to a Supreme Court panel, these fair price shop owners along with corrupt officials and local politicians are 'hand in gloves to cheat the public' (Economic Times 2013). The panel recommended that state governments take over the functioning of these shops. While these shops are usually privately owned, in some states such as Tamil Nadu the shops are run by women self-help groups and cooperatives.

Much research has been done to document the shortcomings of PDS implementation and delivery, with suggestions for how to fix a broken scheme.² Relatively little work has considered what leads to innovation and improvement in PDS. While state-led innovations to

¹ Interview with author. New Delhi: 26 May 2015.

² See, Gulati and Saini (2015), Choithani and Pritchard (2015), Drèze and Khera (2015a); also see, Peisakhin and Pinto (2010).

improve PDS have received the attention of some scholars,³ we focus on civil society efforts to implement the right to food in practice.

In 2008 we interviewed members of the national food security network to understand how the struggle for the right to food advanced more substantially when people from different social networks – right to food and information activists, government officials, fair price shop owners, lawyers, and journalists – learn from each other through conflict and cooperation, and innovation to expand existing rights. Apart from our focus on national level actors, we examined the efforts of Parivartan, an anti-corruption organisation, and its use of the right to information (RTI) law to expose leakages (or diversion) of PDS food grains in Delhi. The two levels – national and state – are explicitly linked because of our interest in understanding the trajectory and drivers of national policy on the right to food in the last decade, but also because the national level trajectory intersects with state level activism to improve PDS. Based on our findings from the first stage of research, including evidence from the campaign's multi-scalar strategy, we find the two levels have their own relatively autonomous dynamics and at key moments are strongly dependent, one driving the other.

In 2015, we decided to revisit what the food security network looks like today, its efforts to implement the National Food Security Act or NFSA (enacted in 2013) and the kind of access network actors have to national and state policy spheres. Since fair price shop owners were not included in the food security network we identified in 2007–2008, we interviewed some shop owners and the Delhi shop owners' union president to assess their response to the new legislative changes with respect to PDS and to understand the nature of their ties to the political and bureaucratic state at the national level and in Delhi. We expanded the research to include the social networks of public officials and Delhi ration shop owners, to explore more carefully how the food security network linked up to these. During the second period (2009–2013) civil society efforts focused on protecting existing entitlements such as PDS and preventing substantial dilution of the NFSA. With the implementation of the food law 'mired in apathy and confusion' (Drèze 2015), the right to food activists at the national and state levels are opposing two government led (controversial) efforts to tackle diversion and reform PDS: (1) introducing cash transfers, and (2) linking welfare subsidies to a biometric identification system known as *Aadhaar*.

Building on research from the first period as well as the decade long engagement of one of the authors with the right to food and right to information campaigns and Delhi-based anti-corruption organisation, Parivartan, this paper tries to understand changes in PDS as a result of network activities and the extent to which these activities change in relation to the changes in political regimes. In addition to re-interviewing some of the members of the food security network, we carried out additional interviews with fair price shop owners, in Delhi. Based on new research conducted between April and June 2015 we report on changes in the network's ability to influence public policy with the change in political regimes at the national and state levels, and what happens to a network when one of its members enters electoral politics and captures state power.

While some scholars note that political and social will are necessary for PDS reforms to have meaningful impact;⁴ we find political parties both at the national level (the Bhartiya Janta party or BJP), and in Delhi (the Aam Aadmi Party or AAP) are posing serious challenges to the implementation of NFSA, and blocking civil society from implementing the right to food. For example, at the national level the BJP government, while in opposition in 2013, vociferously demanded a comprehensive food security law in Parliament. However, since its

³ See, Krishnamurthy, Pathania, and Tandon (2014), Drèze (2015), Drèze and Khera (2015a), Drèze and Khera (2015b) Drèze, Khera, and Pudusseri (2015), Patnaik (2010); also see Vivek. S. (2014). These writings however, provide a useful contrast to the lack of enthusiasm by the current Aam Aadmi Party (AAP) Delhi government to implement PDS reforms included in the NFSA.

⁴ Krishnamurthy, Pathania, and Tandon (2014), Drèze and Khera (2010), and Drèze, Khera, and Pudusseri (2015).

electoral victory in 2014, the national government has shown little enthusiasm to implement the national food security law. In Delhi, even though the head of the Delhi government is a former right to information activist and PDS-reformist, right to food activists have been blocked by the state, and report a roll back of transparency including the public audits⁵ that Parivartan activists (now ministers in the Delhi government) helped institute a decade earlier. One plausible explanation for this lack of access to the Delhi government is that several right to food activists are attached to issue campaigns like the right to information, right to work and right to food with whom the AAP's leadership broke in 2011–12 at the height of its anti-corruption campaign. However, AAP's popularity and electoral success in part drew on anti-corruption activism, the use of RTI, and struggles for PDS reforms in Delhi. The lack of enthusiasm of the new AAP government, despite electoral promises, to implement the NFSA is an unexpected finding. Whereas, the BJP's foot dragging is expected, given the government's stated commitment to market-based solutions and reducing the state's role in assuring citizens' welfare. We find the national network on food security presently engaged in a defensive struggle against the national and state governments to prevent non-implementation and dilution of the NFSA.

⁵ Delhi Rozi Roti Adhikar Abhiyan, Letter to Chief Minister, Delhi Government, 5 June 2015.

1 Research in two stages

Our research, in its first stage (2007–08), used relational network data to construct the social networks of leading activists in the Right to Food Campaign and sought to answer basic questions such as what is the food security network in India? Who constitutes the network? And what does it do? We interpreted network data generated by interviews with 17 prominent members of the food security network. We briefly describe the different types of organisations affiliated with the network below.

The 17 prominent members were the most connected members of the network, in terms of ties to policy makers and parliamentarians at the national and Delhi levels, and with local civil society actors campaigning for improvement in PDS in Delhi. A focus on Delhi based actors was the result of our interest in understanding how issue campaigns/activists operate at the level of the state where public policy is made.⁶

We sought to identify how different actors in the food security network connect to the state – political as well as bureaucratic – and seek to influence public policy and state behaviour more broadly. The term ‘food security’ in India incorporates a range of inter-linked programmes, such as cooked mid-day meals and integrated child development services for children, national old age pension for the elderly, maternity benefits for women, and others. We focused on the comprehensive social assistance programme that is designed to meet the basic food needs of all citizens, the [Targeted] Public Distribution System (PDS).⁷

In the second stage of the study (2015), we broadened the scope of the research and explored how the food security network connected to social networks within the state and those formed by PDS ration shop owners. We re-interviewed some of the activists from 2007/08 to learn how the network had evolved, and connected to the state, in the dramatically different political environment after the changes in government at the national and Delhi levels.

Like many researchers and activists before us, we were unable to secure appointments with and interview state level officials and politicians in the Delhi government, including the Food Minister and the Food and Supply Officer for Trilokpuri. Other interviewees, members of the national food security network who we interviewed during the first period and again for the second period did not cite any officials from the present Delhi government bureaucracy as being part of their respective networks. This lack of access is an important piece of data. It supports the claim made by the activists that the bureaucratic and political state, at least at the state (Delhi) level, is closed.

Our attempts to interview ration shop owners, and to determine who constitutes their main professional networks, were only marginally more successful than those with public officials. Again access was extremely difficult. We began with a list of ‘active’ fair price shop owners in

⁶ This research was part of a comparative, multi-method research study of network of activists, public interest campaigners, providers, neighbourhood associations, partisan-political, and clientelist networks among others, in São Paulo and Delhi that shape the implementation of public policy critical to the life chances of the urban poor.

⁷ Following the structural adjustment programmes introduced in 1991, the Public Distribution System was significantly overhauled and eventually transformed from a universal system to an income-based targeted programme in 1997. In this system a distinction was made between above and below poverty line households (APL and BPL), with lower prices set for BPL families. Among other issues, state discretion over who should be included in BPL-list resulted in exclusion and inclusion errors with several deserving households being left out of Targeted Public Distribution System. Under the newly enacted NFSA errors related to income based targeting could be addressed if state governments draw up new lists of eligible households based on the Socio Economic Caste Census (SECC), which is ‘more reliable’ than the BPL list (Drèze 2016).

a resettlement colony⁸ of east Delhi, Trilokpuri. The list available on the Delhi Food Security website includes names, phone numbers and addresses of fair price shop owners for the area. Over three months one of the authors called all 37 shops on the list, mostly the calls were unanswered. Those who answered their phones, conversed in a hurry, and responded to requests for interview with long pauses followed by a quick excuse conveying unavailability; sometimes assuring to call back – but they did not. Our next strategy was to select a group of shops and show up at the shop during working hours. This also proved unsuccessful; we found several of these shops closed.⁹ Upon calling the shop owner, we were informed that he was either depositing his payment to receive the next instalment of grains, or the call went unanswered.

We did, however, succeed in interviewing two shop owners in Delhi, and the president of the Delhi Ration Shop Owners Association. Interviews with two shop owners took place on the one-day that PDS grains were being distributed. While we were unable to study a full network of fair price shop owners, we did learn that despite the convergence in demands, albeit with differing motives, between activists and fair price shop owners – namely, universalising PDS and resisting the introduction of cash transfers – the two networks of right to food activists and the fair price shop owners rarely intersected or collaborated.

Interviews with fair price shop owners suggest that after the national and state elections in 2014 shop owners were also blocked at national and state levels. They reported limited access to politicians, and tended to engage middle level bureaucrats at the district and circle offices¹⁰ in Delhi on routine matters. We return to the demands and activities of fair price shop owners below.

2 Exposing leakages: RTI and public audits in Delhi

From 2002 to 2008 PDS activism in Delhi focused on improving PDS implementation by expanding existing rights: through use of the right to information, organising public audits to monitor implementation as well as through the Right to Food case – the public litigation filed in 2001 to legally enforce the right to food. However, since 2009, with the national and state governments proposing market-based solutions and technocratic interventions to ‘fix’ PDS, civil society organisations have been engaged in a broader defensive struggle against cash transfers and linking welfare subsidies to a unique identification system (*Aadhaar*), and preventing the dilution of the newly enacted National Food Security Act. Below, we briefly discuss the four areas of PDS activism over the two periods of our study. We then examine the nature of the food security network and how its different actors connected to different parts of the Indian state to shape public policy on the right to food in the last decade.

⁸ An urban residential area where people living in squatter settlements or slums are relocated. Many of these colonies are located at the periphery of the city and comprise of low income or working class residents.

⁹ According to the PDS Control Order of 2015, fair price shops must have notice boards displaying opening and closing times. We were unable to find publicly displayed signs or notice boards.

¹⁰ Utility service areas are divided into circles.

2.1 Activism to improve PDS

2.1.1 Public audits in Delhi (2003)

In 2001 the state legislative assembly in Delhi passed the state Right to Information Act. Using the state RTI law, Parivartan activists began accessing government information on the implementation of PDS. The information obtained was verified with beneficiaries in two resettlement colonies in east Delhi through *public audits*. These public audits, organised by Parivartan, were inspired by the efforts of another grassroots campaign, the Mazdoor Kisan Shakti Sangathan or MKSS. In their struggle for enforcing minimum wages in public works programmes in rural Rajasthan, MKSS activists, along with workers and villagers developed an innovative accountability practice at the local level: the *jan sunwai* (public hearings). Over the years the *jan sunwai* has evolved into public audits, and in 2006 was institutionalised in the right to work legislation as social audits.¹¹

After a yearlong campaign to combat corruption in PDS, Parivartan was able to motivate residents to file RTI applications *en masse* and demand to see official records. Until records were made available for public scrutiny residents agreed to forfeit their monthly quota of subsidised grains. Activists also organised a *jan sunwai* based on the information accessed under the state RTI law, which illustrated approximately 95 per cent of food grains were diverted to the black market (Pande 2008). At the end of one year (2003–04), with the help of a sympathetic bureaucrat heading the Food and Civil Supplies Department, Parivartan activists were able to institutionalise the public audit at the district level in one of nine districts in the city. Two Saturdays of every month were set aside for PDS beneficiaries to inspect PDS records in the district office, request photocopies and file complaints. The system was introduced on a pilot basis in the district that Parivartan initiated its campaign and later extended to the entire city.

2.1.2 Right to Information (2005)

From 2004 to 2013 some rights-based legislations were drafted and submitted through the National Advisory Council, which included members of the right to food and information campaigns and supporters of social justice struggles, as well as ministers and government officials who advised the Congress Party president on social welfare.

We view the enactment of the National Right to Information Act (2005) and the National Food Security Act (2013) as separate innovations that occurred along the trajectory of the right to food case as well as Parivartan's RTI-PDS activism. The national RTI law incorporated provisions from various state laws and is considered one of the more robust transparency legislations in the world, although struggles over its implementation remain. The law makes it obligatory for public officials to provide information and public documents to any citizen who demands them at a nominal charge within a certain period of time. The Act has unusually strong sanctions for non-compliance, including the fining of public officials who fail to provide information on time. While the enactment of the RTI law corresponded with a broader international trend to enact transparency laws (Baviskar 2010), the right to information in India was seen not simply as a means to 'good governance' but, more importantly, as a 'right to access other rights: to work, food, and education' (Pande 2014). Since its enactment the RTI has been used in many contemporary social movements and rights based struggles.

¹¹ A *jan sunwai* consists of five steps: collecting official information, demystifying or simplifying official records, sharing the information with programme beneficiaries, corroborating information contained in official records with real life experiences of beneficiaries, motivating people to testify in an environment free from coercion, and organising an open public hearing to discuss the findings and give all parties a chance to respond, agree or contest the findings. For example, *jan sunwai*'s became a popular mode of contesting the non-payment of minimum wages. While the *jan sunwai* did not eradicate corruption in the implementation of public works programmes or put an end to caste based discrimination its consistent use in the villages of rural Rajasthan coalesced into a broad cross-class alliance to demand national right to information law. For more on the origins of the *jan sunwai* see Pande (2014).

2.1.3 National Food Security Act (2013)

Like the RTI Act, the National Food Security Act is one of several legislative gains of rights-based campaigns, although, its implementation is highly uneven. With the enactment of NFSA, all food based nutritional schemes – PDS along with other nutrition based government schemes targeted at women and children – were converted into legislative guarantees. While the law should have been operational across India within a year of its enactment, by April 2014 many state governments had not yet implemented the law.

There are, for example, eight PDS reforms listed under section 12, subsection 2 of the National Food Security Act: transfer of ownership of fair price shops to local bodies, cooperatives and self-help groups; computerisation of PDS records; and full transparency of records. These reforms seek to expand PDS coverage, reduce exclusion errors and assure delivery of subsidised grains to deserving individuals. Several members of the national food security network (interviewed in 2007–08) were involved in drafting this legislation. While the law does not incorporate activists' core demand – universal access to PDS – some of the reforms included in the new law are inspired by the creative experiments of civil society as well as state-led processes of reform. For example, reforms aimed at computerisation of PDS records and full transparency of records are inspired by the experiences of the struggle for right to information and work as well as the use of social audits that emphasise full transparency and access to official records. Full transparency and computerisation of PDS records could bolster civil society and community monitoring of PDS, and such information could also be used in a variety of ways: media campaigns to name and shame officials, legal cases to enforce legislative provisions, and constitutional guarantees as well as to organise social audits to hold local officials and fair price show owners accountable for their actions.¹²

2.1.4 Cash transfers (2011) and Aadhaar

In its second term, 2009–2013, certain factions in the Congress Party interested in curbing the rights-based focus began to push for solutions such as: cash transfers over subsidies; linking welfare/subsidy-based government schemes to a unique identification number (*Aadhaar*) to monitor and prevent leakages. Supporters of such measures argued they would significantly reduce the government's subsidy burden and stop corruption. The strongest advocate of these changes were the prime minister (a former World Bank employee and architect of the 1991 liberalisation reforms), the finance minister, and the head of the planning commission.

Outside the government, individuals affiliated to tech-giants like *Infosys* aggressively advocated technical interventions such as *Aadhaar* to promote transparency in welfare programmes. The controversial *Aadhaar* scheme proposes the formation of a national grid to map each citizen using biometric scans and assigns a unique identification number to each citizen. The government claims by linking the unique identification number to welfare subsidies, government agencies can better monitor the implementation of welfare subsidies and prevent corruption. However, the *Aadhaar* unique identity project is a large database of individual identities that lacks legislative and legal basis. In other words, data givers have no accountability over data collectors and holders. Privacy activists are concerned over accuracy and data security and argue the government does not even own the data collected by the Unique Identification Authority of India, which is in fact being held by private corporations (Nagarajan 2015). Even though the Supreme Court ruled that *Aadhaar* cards are not mandatory to avail of welfare schemes, both the national and state governments continue to use *Aadhaar* as a condition to deliver welfare. Several people in Delhi continue to be denied

¹² The transparency and accountability provisions of the PDS Control Order, notified in 2015, also state that PDS related records shall be in the public domain and open to inspection by public; state governments shall also authorise local bodies or any other authority to conduct social audits on functioning of PDS and publicise findings and take necessary actions.

access to PDS without an *Aadhaar* card,¹³ which activists argue has become a tool for exclusion rather than being a tool for inclusion, contrary to government claims.

In addition to the controversial *Aadhaar* cards, cash transfers are a much-favoured alternative to welfare subsidies. In the ongoing Indian debate on food over cash, the Latin American experience is often used to argue for a reduction of food subsidy and to prevent leakages or corruption from PDS.¹⁴ However as Khera (2013) notes, proponents of cash transfers do not take into account 'context' and the 'method' of transfers. For example, both the percentage of the rural population living below the PPP 1.25 (purchasing power parity) and the percentage of malnourished children are much higher in India compared to Brazil (Khera 2013). There are additional factors like access to banks,¹⁵ inter household inequality and gender, poorly developed rural markets, experience with other cash transfers, and concerns of specific groups who live on the margins of subsistence such as *dalits*, tribal people, the destitute and homeless. Even as Khera (2013) calls for further empirical research on the role of institutions and socioeconomic factors in policy decisions on cash over food, she notes, PDS performance influences people's responses towards cash or food: where PDS delivers people prefer food.

In Delhi, experiments with cash transfers were introduced in a highly charged political environment. The arrival of AAP as the new contender in the Delhi state elections, and a national election where the Congress led United Progressive Alliance (UPA-II) coalition was marred by numerous corruption scandals forced the incumbent Congress state government into a clientelist, vote gathering exercise. However, for the right to food campaign activists the cash transfer experiment became the trigger to reinvigorate their Delhi activities. Fighting cash transfers could be seen as protecting earlier experiments such as public audits as well as the broader national campaign staying active to protect the NFSA, ensuring at least its survival. In this sense, the introduction of cash transfers bolstered activism to protect a key legal instrument and political tool for future battles. We discuss the counter mobilisation against cash transfers in Delhi later in the paper.

2.2 The Food Security Network (2001–2008)

The food security network is densely integrated, elite advocacy network of middle class activists and professionals from diverse institutional arenas who are tightly linked with grassroots campaigns or people's movements (as they are more commonly known in India), and mediates the relationship between society and state. The horizontal structure of the network allows a diverse set of actors to have access to state actors, and suggests a broad array of interests that is able to shape policy. We categorise actors of the food security network into seven mutually exclusive/exhaustive categories. These are: (1) members of the office of the Supreme Court appointed Commissioners on the Right to Food public interest litigation (PIL), (2) 'eminent activists,' (3) right to information activists and right to food (RTF) activists, (4) civil society organisations, (5) political state, (6) bureaucratic state, and (7) the media. We disaggregate the category of eminent activists into: lawyers, retired civil servants, academics and others to explore the horizontal and vertical ties of actors in the network. We also broke up the category of Supreme Court (SC) Commissioners into associates and Commissioners to understand the inter-organisational linkages of Commissioners and their advisers. The right to information and right to food activists, we found, occupied a central position in the network. That is, they did not go through intermediaries to get a task done.

¹³ The Constitution Bench of the Supreme Court ruled that while *Aadhaar* cards could be used for availing government schemes, it is not necessary [mandatory] to avail benefits of schemes like PDS (India Today 2015). In practice, however, there appears to be confusion as to the implications of the court ruling. Unless otherwise clarified through government order or notification, food departments continue to deny PDS without an *Aadhaar* card.

¹⁴ Even though using National Sample Survey data scholars show substantial improvements in PDS across the country, and decline in PDS leakages (from 54 to 42 per cent) from 2004-05 to 2011-2012 (Drèze and Khera 2011).

¹⁵ There are 5,00,000 thousand fair price shops in the country, compared to only 48,000 bank branches (GOI 2001, cited in Narayan 2015).

Their central role in the network is also related to whom they bring along with them to the policy level. Several right to information and RTI activists serve as *bridges* for the state level actors with links to grassroots organisations. They are also well connected to eminent activists who facilitate their access to different parts of the state.

The members of the food security network we interviewed in 2007–08 are a part of a broader national campaign that emerged out of public interest litigation in 2001. The right to food PIL has its origins in the efforts of the Rajasthan based Akal Sangharsh Samiti (Campaign to Fight Drought), whose members were also part of other rights based struggles for information and work, in the state of Rajasthan.¹⁶ The Akal Sangharsh Samiti approached an organisation of lawyers and human rights activists, the People’s Union for Civil Liberties (PUCL) to file the PIL in the Supreme Court – also known as the Right to Food case. A broader national campaign emerged out of this litigation to legally enforce the right to food. This litigation was a response to several starvation deaths, even as nearly half of 60 million tonnes of food grain lay rotting in government grain banks. The Government of India procured massive buffer food stocks, the off-take from fair price shops reduced due to rising prices, in part driven by reforms aimed at reducing food subsidy.¹⁷ These paradoxical events resulted in societal actors using well-known litigation strategies to hold the Indian state accountable for negligence, and to compel it to meet the food security needs of its poorest citizens.¹⁸ While the case was brought against the Government of India and six state governments in the context of drought relief, the Supreme Court later extended the case to larger issues of chronic hunger and nutrition and included all state governments as respondents.¹⁹ Over a decade, the right to food case energised a grassroots campaign with regional chapters across the country: the Right to Food Campaign.

At the time the PUCL case was submitted in the Supreme Court, the anti-corruption organization, Parivartan began to use the RTI law to expose corruption in the delivery of PDS food grains in Delhi.²⁰ Our focus on the use of the RTI law to expose the diversion of PDS food grains led us to interview core right to information activists from Parivartan as well as the National Campaign for People’s Right to Information (NCPRI) who also have overlapping memberships in the Right to Food Campaign. Along with Parivartan activists we were able to interview core members of the food security network. We do not however, suggest that *this* is the complete food security network; rather we provide a slice of the network that was influential in shaping public policy on food security over the last decade (2002–2013).

Apart from the rights based campaigns for information and work, the Right to Food Campaign includes a national informal network of lawyers, other people’s movements, (as they are known in India) such as advocacy organisations working on *dalit* and *adivasi* (tribal or scheduled tribes) rights, women’s rights, children rights, transgender activists, rights to education and public health, as well as agriculture workers unions, informal factory workers’ union, fisherwomen cooperatives, and coalition of housing rights activists for slum-dwellers and homeless people. While the majority of these organisations are grassroots or locally based, they are active in the bureaucratic and judicial arenas through national networks that cut across issue groups. These various people’s movements are bound by their common interest: the realisation of a universal right to food in India. They also recognise that their struggles for diverse social and economic rights to work, information, education, health, and housing are interlinked. In other words, these rights are interdependent and as a result the

¹⁶ Kavita Srivastava, People’s Union for Civil Liberties-Rajasthan, interview with author. 18 July 2009: New Delhi.

¹⁷ Jayati Ghosh, Jawaharlal Nehru University, interview with author. 27 December 2006: New Delhi.

¹⁸ See Hertel (2016) for a discussion of the Right to Food Campaign’s ‘legal claim-making strategy.’

¹⁹ For details see, www.righttofoodcampaign.in

²⁰ Parivartan started its anti-corruption activities in 2001. Using the Delhi state right to information law or DRTI, activists first drew attention to misuse of development funds by elected representatives or MLAs in a working class neighbourhood. Enthused by the experience, in 2002-2003 Parivartan activists focused their efforts on combating corruption in the delivery of PDS grains in two working class neighbourhoods in east Delhi.

groups involved in different rights-based struggles actively collaborate across issue campaigns.

The food security network also includes individuals from diverse institutional arenas – judiciary, bureaucracy (in particular the prestigious Indian Administrative Services, IAS), academia, non-party left activists, and journalists – that either directly work with, or indirectly support a range of issue groups. In common Indian parlance such persons are referred to as ‘eminent citizens.’ These individuals lend support and play the role of intermediaries that create legitimacy and generate wider acceptability for the demand for a universal right to food. They do so by using their prestige, status and expertise, which is conferred on them by their social class or professional training in their respective fields, and which is recognised and accepted by both actors inside the state as well as by society at large.²¹ Some of these individuals in the network from 2005– 2013 had uncommon access to policy makers and parliamentarians, and were able to leverage this access for some uncommon gains.

2.2.1 Access to the state

In 2004, the unexpected defeat of the conservative Bhartiya Janta Party led to the National Democratic Alliance (NDA) government, and the resurgence of the Congress Party made the (national) general election an opportunity for social movement activism in India. A third important factor of the general elections of 2004 was the presence of the left parties in the Congress party-led coalition government: United Progressive Alliance (UPA-I). In addition to the Congress party president, it was the Communist Party of India and the Communist Party of India-Marxist in UPA-I that created space for as well as advanced the social justice agenda of people’s movements and rights-based struggles through the National Advisory Council.

With the formation of the National Advisory Council (NAC) in 2005, by the Congress President, Sonia Gandhi, several social and political activists found unexpected access to higher levels of government, and were able to shape policy on issues like right to information, right to work, forest rights, and others; the national food security legislation was also discussed in the NAC, and passed by Parliament in 2013.²² In the last decade (2004–May 2014) a new form of policy making was underway, because of the access some activists had to politicians and policy makers from the ruling coalition government. Through the NAC some social justice campaigns saw their issues translated into legislative guarantees. These legislative victories were not instantaneous but built on decades of grassroots struggle, and even today struggles over their implementation are ongoing.

The network we interviewed in 2007–08 connected to both bureaucratic and political actors of the state at the local, state and national level as well as to the judiciary. For instance, the Supreme Court in 2002 appointed two Commissioners to monitor the implementation of interim orders (court strictures) across the country.²³ These Commissioners are empowered – by the Supreme Court – to monitor the compliance of court orders, investigate violations and conduct inquiries into the functioning of government departments charged with implementing

²¹ See Pande (2014) for a discussion on the role of eminent activists in the national campaign for right to information.

²² While UPA-I’s National Common Minimum Programme did not include a clear commitment to enact a national law on food and nutritional security. It pledged to developing a ‘medium term strategy’ to move towards universal food security and strengthening PDS.

²³ Supreme Court Orders dated 8th May and 29th October 2002.

The current Commissioners are former civil servants of the elite Indian Administrative Services or IAS, who are sympathetic to and have a long-term engagement with various people’s movements in India. For example, the first two Commissioners, Mr. S.R. Sankaran and Dr. N.C. Saxena, appointed by the Court were affiliated with the National Campaign for People’s Right to Information. The former was a founder member of NCPRI and the Dr. Saxena played a vital role in facilitating the first meeting between right to information activists and reformist civil servants in drafting the first draft RTI legislation in 1995. When Mr. Sankaran retired, Harsh Mander another NCPRI activist and former IAS official was appointed as ‘Special Commissioner’ given his long-term engagement with promotion of human rights and social justice.

court orders.²⁴ Interaction between local activists, Commissioners' advisers and the Commissioners ensures a broad array of interests and good practices from different states are brought to the attention of the Court, and can be institutionalised. The SC Commissioners directly work with the Supreme Court as well as central and state government officials in ministries and departments charged with implementing PDS and other food security programmes.

The two Campaigns – Right to Information and Right to Food – in their advocacy for effective implementation of schemes like PDS engage the local as well as middle level bureaucrat – food and supply officers, food inspectors and assistant commissioners – who oversee implementation of schemes like PDS as well as local elected representatives such as members of legislative assemblies or MLAs. The purpose of engaging different parts of the state and different levels is based on the tacit understanding of the how the Indian state works, and to use one level or part against the other to ensure realisation of the right to food. In other words, social movements in India 'see' the Indian state as 'differentially embedded in society' – that is, 'differentially autonomous from societal actors, at different political conjunctures, across and even within levels' (Pande 2014).

Campaigns in India often pursue multiple strategies to simultaneously engage different levels of the state. Different moments of oversight and advocacy such as agenda setting, negotiation, programme implementation and evaluation require different strategies. For example, one set of strategies include mass *padyatras* (marches) and *dharnas* (sit-ins), which are popular strategies to protest against and draw the attention of the media and publicise government inaction and gross violations of basic rights; but also when policy decisions are being considered such as replacing PDS with cash transfer schemes, or foot dragging over the implementation of national food security legislation. Since such processes are usually considered the domain of technocrats and tend to exclude the general public, especially those affected by the policy or law, *padyatras* and *dharnas* are a good way to widen the debate as well as shape public priorities in favour of the working poor.

If the campaign has activists who can reach inside the state, a second set of strategies could include complementing street-level public action with dialogue and negotiations with state and national level policy makers and elected ministers. A third strategy is lobby parliamentarians – actively seeking out members of parliament from India's left parties or regional parties, or bureaucrats who are more sympathetic to the campaign's demand for a universal right to food. For this activists call on 'eminent activists' – in this case, academics, lawyers, retired civil servants and journalists – who are able to infiltrate higher levels of the state on behalf of the activists and the poor and sometimes make a space for their demands. Fourth, activists can use legal mechanisms such as the RTI law to obtain access to government information, and to gather evidence on the implementation of a policy or programme. Finally, a fifth strategy could include organising public audits, where information obtained through the RTI law is corroborated with oral testimonies by beneficiaries and on-the-ground verification of state practices.

For example, one of the activities Parivartan activists used during their PDS campaign was door-to-door verification of ration cards. In neighbourhoods where activists found PDS beneficiaries in possession of their cards they used sticky tape to cover the areas where the shop owner should have duly made monthly entries regarding date, quantity and price of grains sold. Activists then noted the card number and name of the cardholder. This was done to prevent shop owners from making back dated entries, and to provide evidence. The entries

²⁴ Apart from the assistance the Commissioners receive from state governments, the Commissioners have also nominated state level advisers to assist them with monitoring activities in different states. For example, the state level advisers conduct inquiries in response to local complaints; submit periodic reports related to the implementation of court orders; submit appeals for intervention; liaison with state governments on behalf of the Commissioners. There are 18 state level advisers and 3 national level advisers.

in the cards were matched with entries in the monthly sale and stock registers, which shop owners, filled out and submitted to the state government. Copies of sale and stock registers obtained using the RTI law were also shown to cardholders to highlight the discrepancy between official records and their experiences. Cardholders were encouraged and motivated to testify at the public hearing. The process of collecting, simplifying and verifying official information along with gathering oral testimonies allows for a juxtaposition of the official information with lived realities of people. Emerging discrepancies are collectively discussed, contested in an open public hearing at the end of the audit, in an environment which is free from coercion.

In the ongoing struggle for the right to food in India, activists use multiple strategies to engage or resist different parts of the state looking for openings that dynamically change over time as a result of the balance of political forces or vicissitudes in electoral politics. The 'art of rights-based campaign strategy' resides in constantly reading these changes and alternating strategies as expediency demands (Pande 2014).

3 Legislating the Right to Food (2009–2013)

The changing political climate since 2009 at the national level, and differences between former allies at the state level forced the right to food activists and their supporters into resistance mode to ensure the survival of the new national food law. Below we briefly discuss each of the factors that shaped the passage of the new food law and report on the ongoing struggle to ensure the survival of the law.

In the second stage of our research we focused on the food security network's efforts to achieve the right to food legislation, and the consequent struggle to protect the dismantling of PDS and ensure implementation of the national food law. In 2009, few members of the food security network were again invited into the NAC for its second term. One of the legislative agendas was the National Food Security bill that was drafted and debated in the NAC from 2009 to 2011. However, inside NAC-II, unlike its initial avatar which activists were able to use to enact legislations like RTI, the National Rural Employment Guarantee Act (NREGA) and Forest Rights Act, right to food activists were unable to leverage their access to the state and enact a legislation that guarantees a universal right to food.

We find two explanations for this: the competing agendas inside the Congress Party and electoral defeat of the parties of the left, and the declining influence of the food security network at the national policy sphere. After the 2009 parliament elections the political state at the national level was divided on the scope of the right to food law and at the same time inclined toward economic reforms that aggressively pushed market solutions to fix programmes like PDS. A second and related explanation is that activists in the food security network had to counter mobilise against certain factions inside the ruling party, which in its second term appeared aligned to corporate interests. Finally, in 2014, with BJP's electoral win many activists in the food security network lost complete access to the political as well as the bureaucratic state at the national level.

During this period, in Delhi, we find that Parivartan also shifted its focus from RTI-PDS activism to other issues. From 2011 to 2012 Delhi witnessed a popular mobilisation against corruption by a campaign constituted by members of Parivartan and other allies under the banner of India Against Corruption (IAC). Arvind Kejriwal – a former Indian Revenue Services officer turned right to information activist, and the brains behind IAC – broke away from the key activists in the NCPRI, an influential part of the national food security network. Since there is an overlap of members between the right to information and RTF networks, when Kejriwal broke from individuals in the NCPRI, we could say he broke from the networks they

are affiliated to. This split between Parivartan and the right to information network was driven in part by differences in content and scope of an anti-corruption ombudsman (*Lokpal*) bill which was intensely and publicly debated between 2011 and 2013. The IAC called for a centralised anti-corruption ombudsman (*Janlokpal*), while the rest of the network favoured a more decentralised approach with legislative interventions on transparency, accountability and grievance redressal aimed at different levels of the government; rather than concentrating power in one centralised authority. Parivartan's leader leaving the NCPRI did not disintegrate an entire network. However, when he became chief minister of Delhi in 2013 and again in 2015 he decided to close off access to all former fellow activists who were critical of IAC's anti-corruption ombudsman bill.

3.1 Electoral politics and the Right to Food law

3.1.1 Congress-led UPA-II without the parties of the left

In 2009, the Congress Party won the general election and consolidated its victory without the support of left-wing parties who exited the government over the controversial nuclear agreement with the United States of America. In its second term the ruling Congress party was divided with two conflicting positions inside the Party: a 'nebulous social democratic platform more accommodative towards the marginalised' and those in favour of a 'neoliberal position with an emphasis on high GDP growth, fiscal consolidation and economic reforms' (Hasan 2013). This produced an impasse that characterised the second term of the Congress led UPA-II government. This impasse could be traced to the tension between the Prime Minister's Office and the NAC constituted by the Party president.

In Congress-led UPA's first term (2004–2008) Sonia Gandhi, the party president, declined to become Prime Minister and occupied a 'hegemonic position' within the party as well as the government (Hasan 2013). The NAC, which was set up by Mrs. Gandhi was referred to as the 'Super Cabinet' (Baru 2014, Sardesai 2014) by senior ministers and party members, who did not appreciate that it was the NAC and not the party that showcased Mrs. Gandhi as a political leader (Kidwai 2013). According to the former Prime Minister's media adviser, the party's Cabinet Committee on Political Affairs (CCPA) was replaced by a 'core group' that facilitated Sonia Gandhi's direct political involvement and became the *de facto* CCPA (Baru 2014:93–94), responsible for key political decisions. If the NAC was viewed by party members as a Super Cabinet 'filled with PM's critics' (Baru 2014: 110), the core group reinforced Mrs. Gandhi's hegemonic role. In order to counter the NAC and the core group, the Prime Minister constituted the Empowered Group of Ministers (EGoM). The EGoM included senior coalition leaders and cabinet ministers such as the Agriculture Minister Sharad Pawar, and the Finance Minister P. Chidambaram and later Pranab Mukherjee, and the Defence Minister A.K. Anthony.²⁵ Between 2009 and 2013 the two power centres in Congress – the Prime Minister and the Party President – had their own institutional channels to push their ideas on social welfare and economic reform. The gap between the NAC and government's viewpoint was reflected in debates that shaped the pre-legislative process of the National Food Security Act (Sahgal 2011).

It was amidst the shift inside the Congress led UPA-II government from a right-based focus of serving the *aam aadmi* (common man, which was the Party's election slogan) to curbing social welfare spending that the National Food Security Act was drafted. The debate over the scope of the National Food Security Act reflected the divergent priorities of state and civil society organisations but also to some extent mirrored the conflicting positions inside the Congress party.

²⁵ At one time there were over 60 EGoMs and these functioned as substitute for cabinet decisions, took decisions which the cabinet then ratified (Baru 2014, Sardesai 2014)

A year after the Congress party was re-elected in 2009, the principal advisor to the SC Commissioners warned of a sinister campaign inside the government to whittle down the NAC to a 'No-action Committee.'²⁶ Without the left-wing parties, factions inside the Congress party backed by corporations and industrialists began to push market-based solutions over the rights-based approach to policy. As the former Prime Minister's media adviser notes, 'the prime minister's discomfort with NAC and intellectual difference between him and Mrs. Gandhi' led him to appoint his 'own man' as the deputy chairman of the Planning Commission²⁷ (Baru 2014:110). Along with the Agriculture Minister and the Finance Minister the Deputy Chairman of the Planning Commission 'tried to convince Soniaji' against a universal food security legislation as 'the prime minister was worried about financial cost in a period of economic slowdown.' (Sardesai 2014: 99) The Agriculture Minister, a member of the Prime Minister's 'A-team' (Baru 2014: 95) was also referred to as a 'major stumbling block' on the path to realise Sonia Gandhi's 'pet project' (the National Food Security bill) (Mukherjee 2011). Under the Finance Minister, also one of Prime Minister's EGoM members, the 2009/10 budget allocation for food subsidy was lowered and there were 'no signs to dampen rising food price inflation.' (Nayar 2010) At the same time the right to food campaign reported receiving 'more complaints of "starvation" deaths...' (Patnaik cited in Nayar 2010).

The national Right to Food campaign tried to get on the offensive and leverage the dichotomy between the Prime Minister and cabinet ministers and Mrs. Gandhi. Many NAC members also publicly criticised the food bill proposed by the EGoM (Indian Express 2011). The members of the food security network submitted recommendations on the draft food security bill to expand coverage to 75 per cent of population (90 per cent rural and 50 per cent urban) through the NAC. These were rejected by a government committee,²⁸ headed by the Prime Minister's 'comrade', and chairman of the Prime Minister's economic advisory council (Baru 2014: 273). Amidst the war of words and conflicting positions inside the Congress Party the media dubbed the period from 2009 to 2013 a period of 'policy paralysis' (Sardesai 2014). Of the 13 key legislations promised by the UPA-II government only one (the Right to Education Act) was passed due to the lack of consensus inside Congress and the lack of support from opposition in the upper house of Parliament (Surabhi 2012). By 2011 the differences between UPA-I and UPA-II were obvious, during its first term UPA-I had party members and leadership on the same page, conducted regular coordinated meetings to fulfill commitments included in the common minimum programme. From 2009 onwards the party president and senior leadership were operating on 'different agendas,' there was no coordination and no common minimum programme (Sardesai 2014, Hasan 2013).

In UPA-II the balance between the pro-market agenda and the social welfare agenda was tipped in favour of the former. Prominent activists in the right to food and information campaigns resigned from the NAC, soon after the food bill was sent to Parliament for debate in 2011. For example, development economist Jean Drèze left in 2011 in part due to the frustration over the food security bill as well as having agreed to join the NAC only for a period of one year. There is some confusion over whether former IAS official and activist Harsh Mander's departure was resignation from the NAC or non-renewal of his tenure due to his criticism of government.²⁹ Finally, in 2013 Aruna Roy associated with the UPA-I's most celebrated legislations RTI and NREGA, decided to quit the NAC over the government's position on the food bill but also over the non-implementation of NREGA and nonpayment of minimum wages.

²⁶ Right to Food Campaign correspondence, 6 October 2010.

²⁷ Who infamously argued it was possible for anyone to survive on Rs. 32 per day in a city and Rs. 28 per day in rural India (both amounting to less than US\$1/day (The Hindu 2011).

²⁸ See Parsai (2011)

²⁹ According to the former Prime minister's media adviser it was Mander who convinced Mrs. Gandhi to include the National Food Security Bill in the 2009 manifesto (Baru 2014).

Marred by corruption scandals since 2010, and an unwell party president³⁰ the food security bill would not be discussed and passed by Parliament until 2013. Although the passage of the bill was viewed by Mrs. Gandhi as a 'political winner' (Congress aide cited in Sardesai 2014: 99), economists and supporters of the neo-liberal positions inside the Congress party aggressively opposed the bill in favour of market-based solutions, most prominently the introduction of cash transfers, which is included in the food law.

3.1.2 Defeat in success: cash transfers and the Delhi Rozi Roti Adhikar Abhiyan

In Delhi the incumbent Congress Party government followed the directives of the party's national leadership and initiated a series of 'cash transfer' experiments. Delhi became an experimental laboratory of sorts in the run up to the state assembly elections in late 2013. The Delhi's Congress government tried its hand at introducing cash transfer schemes in a last bid attempt to salvage its image and gain the support of Delhi's working poor. Two different cash transfer schemes were piloted: the first (known as the *Annashree Yojana*) proposed to give Rs. 600 per month (less than US\$10) to each female headed household that was not covered by PDS; and the second was a randomised controlled experiment to test the feasibility of a cash transfer scheme (Rs. 1000 per month (between US\$12–15) instead of food grains) in a middle class neighbourhood. Both were launched but eventually rolled back due to concerted efforts by right to food activists.

In response to the Congress government's efforts to introduce cash transfers instead of PDS grains, some grassroots groups came together under the banner of the Delhi Rozi Roti Adhikar Abhiyan or Right to Food campaign (DRAA). Some of the activists who played a central role in the DRAA included activists we interviewed in 2007–08 such as members of the Satark Nagrik Sangathan or SNS, a local group that works on right to information, public services in informal settlements in south Delhi, as well as advisors to the Supreme Court Commissioners Office, and the National Federation for Indian Women – a women's group affiliated to the Communist Party of India. Parivartan activists were also part of DRAA, but played a 'disruptive' role.³¹ Nevertheless, the DRAA led a concerted public campaign against government efforts to institute the cash instead of food policy.

In 2010, the DRAA activists organised a twenty one-day truck *yatra*, travelling in trucks to forty-eight slums areas across all nine districts of Delhi to understand whether the people preferred cash transfers to PDS grains.³² At a rally organised by the campaign a number of people expressed their anger over the proposed cash transfer changes. According to a survey conducted during the Campaign's truck *yatra*, an overwhelming majority (91.4 per cent) supported PDS over cash, and only five per cent felt they were better off with cash (The Hindu 2011).

One of the groups in the Delhi campaign, the members of SNS, also filed a series of RTI applications to gather information on the government's cash transfer plans. A year later, in 2011 the Delhi campaign undertook a fact-finding mission in one of Delhi's neighbourhoods, Raghurajpur, which was the testing ground for the government's cash transfer scheme. Based on information accessed using RTI law, and the fact-finding visit, the campaign found that Raghurajpur was not a working class neighbourhood as indicated in government

³⁰ From 2010-12 Sonia Gandhi was not in the country seeking treatment in the US for a health condition 'no one would confirm' (Sardesai 2014).

³¹ At the time Parivartan was engaged in a massive publicity campaign against corrupt Congress Party leaders. They used the Delhi campaign to target the congress Chief Minister. For example, when members of DRAA would seek an appointment with the Delhi chief minister, a day before the scheduled meeting Parivartan activists would visit the Chief Minister during her public dealing hours and using the campaign's name pick fights with the Congress government. They also tried, albeit unsuccessfully, to convince other activists to turn the fight into a media spectacle (Delhi Rozi Roti Adhikar Abhiyan, activist, interview with author. 29 May, 2015: New Delhi; Delhi Rozi Roti Adhikar Abhiyan, activist, phone interview with author 12 June 2015: New Delhi).

³² Delhi Rozi Roti Adhikar Abhiyan activist, interview with author. 29 May, 2015: New Delhi

documents: people who were given cash instead of grain did not qualify as 'poor' according to the government's own below poverty line or BPL list, and copies of documents such as household survey instruments used by the Self-Employed Women's Association (a non-government organisation contracted to conduct the cash transfer experiment), revealed confusing and opaque information about the pilot scheme.

The DRAA activists organised a daylong sit-in outside the food and civil supply headquarters and demanded the Raghbir Nagar project be 'withdrawn.' Right to Food campaigners highlighted the limitations of the proposed cash transfer schemes and argued why such schemes would neither 'translate into food security or nourishment,' nor protect the working poor from 'inflation and market price fluctuation.'³³ Instead of imposing market friendly solutions on the poor, the campaign urged the Congress Party government at the time to improve beneficiary identification, improve the transparency and accountability of fair shop owners, and institute effective grievance redress mechanisms that ensure prompt action on complaints and penalise shop owners found guilty of pilferage and diversion of PDS grains. With the enactment of the national food law and the campaign against cash transfers, the cash transfer projects were stopped.

This success however was followed by a quick disintegration of the Campaign, as several organisations that were part of the DRAA became 'brokers' for the Congress government.³⁴ Through its general resource centres (GRCs) the Congress Party, prior to the elections in 2013, co-opted a few non-government organisations, including those part of DRAA, for data gathering to identify vulnerable groups in low-income colonies, informal slum settlements and resettlement colonies. NGOs involved in data gathering were provided state funding towards the purchase of computers, office rent, and staff salaries. As a result these organisations were unable to campaign against government policies and action and were less engaged in campaign activities.³⁵ These GRCs and the data gathering exercise were discontinued after the Congress lost the 2013 state elections.

Currently, the DRAA is in the process of reconstituting itself as it tries to engage the AAP government over issues related to the implementation of NFSA. In August 2015, grievance camps organised in various parts of the city resulted in 600 PDS related complaints being filed; the campaign is still awaiting a response from the Delhi government to the issues raised in its letter submitted on 5 June 2015 highlighting violations of the NFSA.³⁶ Although, there are some positive developments, the food and civil supplies department in Delhi is accepting forms for new PDS ration cards from transgender residents and the department issued ration cards to some homeless people.³⁷ Activists are also collecting caste studies on problems related to implementing NFSA. These will be shared with the office of SC Commissioners and the national Right to Food Campaign to support the legal case to enforce NFSA. Even though Delhi was one of the first states to implement the National Food Security Act, the government's implementation of the national food law is uneven. Only forty-four per cent of eligible households were identified before political paralysis crippled governance in Delhi for a year.³⁸

³³ Memorandum submitted to Chief Minister of Delhi, 26 September 2011. Delhi Rozi Roti Adhikar Abhiyan: New Delhi.

³⁴ Delhi Rozi Roti Adhikar Abhiyan, activist, interview with author. 29 May, 2015: New Delhi.

³⁵ Ibid

³⁶ Even though activists received no acknowledgement of their letter submitted on 5 June 2015, they received a phone call from the Chief Minister's office asking if they were 'happy with how their complaint was redressed.' Despite efforts to meet the government they have been unsuccessful in getting an appointment with the minister in charge (Delhi Rozi Roti Adhikar Abhiyan activist, personal communication, 6 September 2015).

³⁷ Minutes of meeting, 21 August 2015. Delhi Rozi Roti Adhikar Abhiyan: New Delhi.

³⁸ According to news reports only 44% PDS beneficiaries were verified as of April 2015. (Economic Times, 2015)

On the other hand, according to the government's survey, PDS beneficiaries have reduced by half from 2012-13 to 2014-15, since implementation of NFSA (Government of Delhi 2014: 272).

3.1.3 AAP's electoral debut and the political flux in Delhi

From PDS-RTI activism in 2001 Parivartan transitioned into a political party and defeated the Congress Party in the Delhi state election in 2013. However, the new political party did not stay in power long enough as the Chief Minister Arvind Kejriwal resigned after forty-nine days in power, plunging Delhi in a political flux with no elected government for a year (2014–15).

After exposing corruption in delivery of PDS Parivartan launched a new campaign against the Congress government's efforts to privatise Delhi's water board in 2003–04. Once again using RTI they were successful in stalling the privatisation of water services (Pande 2007) and in the process galvanised a new support base: the urban middle class. However, the organisation's focus on producing impact resulted in its rapid shifting from one issue to another, and its actions rapidly transitioned from pressure-to legislation-to different kind of legislations-to a political party.

In 2011 Parivartan activists led a popular agitation against political corruption. The India Against Corruption that emerged in response to high level political corruption transitioned into a political party in 2013: The AAP or *Aam Aadmi* (Common Man) Party. The transition from an anti-corruption campaign to a political party, as explained by a former AAP founding member was, in part, due to the frustration with prolonged street agitations that did not result in getting the *Janlokpal* bill passed in parliament.³⁹ The decision to enter electoral politics was also triggered by the refusal of the UPA-II government to enact the *Janlokpal* bill, even after they constituted a committee to draft the bill, which included members of the IAC. Frustrated with being blocked off, the IAC decided to contest the state election exploiting the popular support for their mobilisation against political corruption.

In 2013, AAP won the Delhi elections. This would seem like good news for the PDS and the struggle for the right to food, as former Parivartan activists, now in government, could provide right to food activists' greater access to the state. Even though the AAP rode the popular wave generated by its anti-corruption campaign to power, it did not stay in power for long. As we noted above, the CM resigned to contest parliamentary elections, leaving Delhi without an elected government for a year.

After losing the parliamentary election in August 2014, the AAP came back to Delhi, apologised to voters, and announced it would re-contest the state election in Delhi. The party made several promises: fifty per cent reduction in electricity tariffs, free water, and to protect the common man from rising prices. The anti-corruption ombudsman bill, implementing NFSA and improving PDS were all conspicuously absent. Nevertheless, AAP won with a strong mandate and formed a majority government in February 2015.⁴⁰ With the electoral success of a new political party whose leadership was once affiliated with well-known left progressive campaigns such as the right to information, and the right to food, it was again hoped would advance a range of rights-based and social justice struggles.

Interviews conducted in 2015 with right to food activists, however, illustrate a complete lack of access to the politicians and bureaucrats of the Delhi government. Yet, one would expect the party would reinstitute public audits, and ensure that PDS runs effectively. Especially, since the AAP promised, in its election manifesto, to 'end corruption in PDS through *mohalla sabhas*' (neighbourhood meetings), 'ensure direct transfer of grains instead of cash, and include lentils and cooking fuel in PDS,' in addition to rice and wheat (Aam Aadmi Party 2014). While 'making rations shops and PDS corruption free' to protect the common man from 'rising prices' is invoked as (a fleeting) reminder of the party's early activism, a more

³⁹ AAP member, personal correspondence 1 June, 2015.

⁴⁰ The AAP won by a huge margin, winning 67 of the total 70 seats in the Delhi state assembly. Some view this as a second chance for AAP as voters in Delhi did not want the BJP to win the state elections.

substantive PDS reform plan or the party's vision for implementing NFSA are lacking from its 70-point programme issued after the party's electoral win (Aam Aadmi Party 2015).

With forty-two per cent of Delhi's population eligible for PDS under the national food law, the lack of vision or clear commitment to improving PDS is unexpected but an important finding. We do not assume AAP's lack of a plan or vision for implementing NFSA suggests unwillingness. From the beginning Parivartan-IAC-AAP's understanding of corruption was construed narrowly as abuse of public office and was not connected to redistributive politics. Despite fighting for PDS reforms, Parivartan did not actively engage with the struggle for right to food outside its anti-corruption focus. Unlike other grassroots organisations in the Right to Food campaign that work in rural areas, Delhi is an urban constituency and winning an election required AAP to include issues that also appeal to the middle class residents: distribution of water and electricity.⁴¹

While few Parivartan activists from informal settlements continued to work on the ground, it is groups like SNS that have campaigned more continuously and persistently for PDS reform. A year after our research identified what was, at the time, a highly influential national food security network that included members of Parivartan, instead of advancing public audits it helped institute to other parts of the city, we see a decline of public audits altogether. In part, this was the result of a shift in focus of Parivartan activists, and the routine transfers of senior bureaucrats who had supported public audits.

Apart from activists and civil society organisations, other societal actors are similarly challenged in their attempts to engage the new government. We find the responses of the state and national governments to activists and PDS fair price shop owners complementary. Below, we briefly describe the activities and key demands of shop owners in Delhi.

3.1.4 Fair price shop owners

After the national and state elections in 2014, fair price shop owners also reported limited access to national and state level politicians. However, prior to May 2014, fair price shop owners actively campaigned at the level of the Prime Minister's office in the days leading up to the enactment of the NFSA. In Delhi with a former activist and PDS-reformist in power, fair price shop owners have been unable to interact with the new AAP government. In part, the lack of access is explained by a lack of trust between the AAP leadership and fair price shop owners who a decade ago were engaged in a fierce battle over corruption in the implementation of PDS.

According to activists in the right to food campaign, shop owners are the most unlikely collaborators as they are also the targets of their PDS activism along with government officials. According to the principal adviser to the SC Commissioners there is no scope for collaboration or alliance building given the different motivations for reforming PDS. The Delhi fair price shop union president and the shop owners we interviewed suggest they are 'unfairly cast as villains.' While the union president agreed that shop owners divert PDS grains, it is because the margin money or commission shop owners receive from the government for running a fair price shop is insufficient.⁴² The shop owners and the union president spoke at length about why running a fair price shop is not financially viable. Apart from paying rent for shops, and employee salaries to handle and distribute grains they had to find money for electricity bills. The commission guaranteed by the government had not been increased in over two decades. Frustrated with the way PDS was run the union president gave up his shop

⁴¹ According to the party spokesperson and second in command, the party was responding to what people 'value,' that is, power [electricity] and water bills (Indian Express 2014)

⁴² The union president told us he diverted 80 per cent of the allocated shop quota of grains as a shop owner because it was the only way he could make the business profitable, not because 'he is corrupt.' President, Delhi Fair Price Dealer's Union, and Treasurer, All India Fair Price Shop Dealer's Federation, interview with author. 27 May 2015: New Delhi

a few years back. But, as he notes, 'I could because I had other businesses...most of these guys do not have that choice.'⁴³ He continues as the union president because he is seen as 'honest man' and is well connected.

Prior to the Delhi elections in 2013, according to the union president, fair price shop owners had made several representations to the former Congress government and the Delhi Food Commissioner demanding an increase in their commission. Some shop owners had also threatened to resign. The commission was eventually increased (in February 2015), but not in keeping with shop owners' demands. While campaigning for an increase in their commission, the shop owners and the union president identified the highest official in the food administration in Delhi: the Food Commissioner.⁴⁴ However, after the 2014 election this official was transferred. Our efforts to interview the current food commissioner were unsuccessful.⁴⁵

Efforts of fair price shop owners to meet the AAP Chief Minister of Delhi also proved to be unsuccessful. In March 2015, the national association of fair price shop owners decided to take up its grievances with the national BJP government. Nearly two years after the enactment of the National Food Security Act, in March 2015, the All India Fair Price Shop Dealer's Federation organised a series of protests and sit-ins in different cities across India against alleged reduction in food grains under PDS from 35 kilograms per family to 5 kilograms per individual. Led by the vice-president of the All India Fair Price Associations, brother of the BJP Prime Minister, the protests were a pressure tactic, and a warning to the national BJP government that they would suffer a similar electoral defeat in other states [Uttar Pradesh and Bihar] as they did in Delhi, if they failed to listen to the demands of the fair price shop owners.⁴⁶ Despite the protests the Prime Minister did not meet with the protesting shop owners. Instead, they submitted their demands to the Consumer Affairs Minister who assured them of a meeting once the new national government settled in.⁴⁷

In their letter to the Prime Minister, Narendra Modi, in March 2015 fair price shop owners argued for universal coverage under PDS and stated that under the new law [NFSA] their 'very existence was at stake.'⁴⁸ One of the eight PDS reforms listed in the NFSA includes the introduction of cash transfers – replacing food grains with cash, which would make fair price shops redundant. Amongst their other demands they urged the government to treat fair price shop owners as government employees with monthly salaries and pension, ensure wide coverage of population, and to not do away with the 'time-tested PDS network' [of shop owners].⁴⁹ The demand for universal coverage for the fair price shop owners is different from the demand of right to food activists as it is tied to their profit motive. For the fair price shop owner, the reduction in quantity of PDS grains under NFSA means less PDS grains per

⁴³ Ibid

⁴⁴ Jogendra Chaudhary, fair price shop owner, interview with author. 7 May, 2015: New Delhi

⁴⁵ Our request for an appointment with the current Food Commissioner of Delhi remains unanswered.

During this time, May 2015, the national BJP government and the state AAP government were engaged in a turf war over *who* is in charge of Delhi. Even though residents of Delhi elect their representatives to the state assembly, the elected government does not have control over all state matters, as Delhi does not have full statehood. Appointment and transfer of bureaucrats was one of the issues that triggered the dispute between the BJP and AAP governments. In the midst of this turf war, there were reports of senior bureaucrats 'lobbying to get out of Delhi administration' (Ranjan 2015) others felt they were being 'publicly humiliated' (First Post 2015).

⁴⁶ DNA (2015); Outlook (2015).

⁴⁷ Three months later when I met the Treasurer of the All India National Shop Dealer's Federation, they were still awaiting a response from the BJP national government.

⁴⁸ Letter to Prime minister of India, All India Fair Price Shop Dealer's Federation, 17 March 2015.

⁴⁹ Letter to Prime minister of India, All India Fair Price Shop Dealer's Federation, 17 March 2015.

While some of these concerns such as inadequate commissions might be valid, there is a lot of empirical work by journalists and activists on the shop owner-politician-bureaucrat nexus and the kind of protection this nexus lends to the fair price shop and their interests. According to the president of Delhi union, 'mafias, supported by the government,' run nearly 30 per cent (700 out of the 2400) fair price shops in Delhi.

beneficiary that could be pilfered, resulting in loss of additional income. Even though the commission for fair price shop owners was increased in 2015, it is a nominal increase and still below the demand of shop owners.⁵⁰ Under the new law PDS entitlement is now tied to each member of a household (5 kilograms per individual) and will vary depending on household size.⁵¹ With an average household size of between two and five members, the quantity of PDS grains will vary between 10 and 25 kilograms. Even with the increased commission, there is no real gain for shop owners as the quantum of grains per shop have reduced. Cash transfers on the other hand present a more serious and direct threat to the livelihood of fair price shop owners because in principle with fixed cash remittance transferred into beneficiary bank accounts, citizens can buy their grains from any grocery shop and will not be tied to or dependent on fair price shops.

Despite similar demands, the different motivation of right to food activists and fair price shop owners prevent collaboration and could explain why these networks rarely intersect. However, the relation of shop owners and right to food activists to the national and state government suggest that despite their different motivation, individuals in both these networks lack access to the state in Delhi, especially in the last two years (2013–2015).

According to the president of the Delhi shop owners' union who is also the treasurer of the All India Fair Price Shop Dealer's Federation, meeting the previous government was easier.

With the previous (Congress) government we were able to get an audience with the Prime Minister and the Food Minister. This year, we organised a number of protest rallies because we are trying to make our voices heard. However, we are unable to meet the Prime Minister, even though his brother is the vice-president of the All India Federation.⁵²

In Delhi, the union of fair price shop owners submitted a letter to the chief minister seeking an appointment, but nothing materialised. According to the union president who brokered negotiations between shop owners and Mr. Kejriwal during the height of Parivartan's PDS campaign (2002–2005) the shop owners' perception of Kejriwal has evolved.

Earlier the shop owners were scared of him [Kejriwal], because they had converted their fair price shops into their living rooms [rather than running them as shops] and were terrified of what he could do to expose them. Now that he is in government, he seems less effective. In part this is because he [simultaneously] has many battlefronts open. He needs to pick one fight at a time...⁵³

When we finished our field research in June 2015, the efforts to engage both the central and state government by fair price shop owners did not yield successful outcomes.

3.2 Blocked by the state: national counter-mobilisation to protect NFSA

If a decade earlier the Congress-Left coalition government was an interesting moment for social movement activism in India, what does this larger political moment – the BJP's 2014 electoral victory and AAP's entry into electoral politics – mean for social movement activism in India today?

⁵⁰ Jogendra Chaudhary, fair price shop owner, interview with author. 7 May, 2015: New Delhi

⁵¹ Prior to 2013, irrespective of household size, each below poverty line household was entitled to receive 35 kilograms of rice and wheat. In practice, on average 10 kilograms per household was diverted by shop owners.

⁵² President, Delhi Fair Price Dealer's Union, and Treasurer, All India Fair Price Shop Dealer's Federation, interview with author. 27 May 2015: New Delhi.

⁵³ President, Delhi Fair Price Dealer's Union, and Treasurer, All India Fair Price Shop Dealer's Federation, interview with author. 27 May 2015: New Delhi.

In 2014, left progressive movements and public interest campaigners received the results of the national elections with the suspicion and expectations due to a right-wing party such as the BJP. In its first year newspapers reported on the government's efforts to curb dissent, shrink civil society space, advance conservative economic policies by attacking rights-based laws, and spread paranoia amongst religious minorities. Most importantly for this study is the complete lack of access to civil society groups and social and political activists, in particular those we interviewed in 2007–08 working on the right to food.

While the influence of activists that constitute the national food security network reduced at the national level under UPA-II, it was expected to further erode under the BJP. We need to take a step back and look for explanations in the changing nature of the relationship between the food security network, and the current BJP-led National Democratic Alliance national government. The food security network includes activists who have been ardent critics of the current Prime Minister, his party and their role in abetting communal violence in Gujarat (2002). Some of them were also members of Sonia Gandhi's National Advisory Council from 2005 to 2013 and criticised by the business elites for retarding India's economic growth and 'development' by advancing social welfare programmes that divert the much needed capital on welfare subsidies rather than putting it to productive use by industry. Under the new BJP government, the balance of forces has shifted in favour of business elites, heads of corporation, industrialists. Members of 'India Inc.' have replaced social activists.

The current BJP-led National Democratic Alliance government, while in opposition in 2013, strongly supported the enactment of the food security bill that ensured broad coverage and universal access. However, as the principal advisor to the Supreme Court Commissioners writes, the BJP government is 'bleeding [the act] with a thousand cuts, both fiscally and otherwise,' this is in addition to illegally extending the time frame for implementing the Act twice and accepting the Food Ministry's revisions to the PDS Control Order that are in contempt of the Court orders as well as provisions of the Act (Patnaik 2015). The revision to the PDS Control Order 2015, Patnaik (2015) notes, places an additional burden of citizenship on beneficiaries: residents must prove residency in a State to access benefits under the national food law. Attempts are also underway to exclude large numbers of poor households from PDS. The government is 'freezing' the number of beneficiaries under its poorest of the poor or Aantodaya AnnaYojana category serviced by PDS, which is in 'complete contravention' of section nine of the Act (Patnaik 2015).

The National Food Security Act seeks to minimise exclusion errors that tend to leave large numbers of deserving households out of PDS. It is the responsibility of state governments to use the Socio Economic Caste Census or SECC to identify eligible households as specified in the NFSA. The SECC, activists hoped, could help state government identify eligible households using a 'simple and transparent' criteria – that is, anyone with a permanent government job or motorised vehicle cannot avail of PDS (Drèze 2015). However, not only did the government delay the release of the SECC data thereby delaying the implementation of the NFSA, it arbitrarily revised the recommendations made by the expert group, set up to design the SECC methodology, to determine basis of exclusion. According to the SECC provisional data, released in July 2015, forty per cent households in India face 'no deprivation' as they meet at least 1 of the 14 exclusion criteria set by the national government. As a result large number of households could be left out of the country's social safety net, including PDS (Yadav 2015).⁵⁴

⁵⁴ Orissa state government prevented inclusion of cyclone hit fishermen from Ganjam district as NFSA beneficiaries because they were provided motorised boats as government subsidy (The Hindu, 2015). This is possible due to the revision of exclusion criteria – the expert group on SECC methodology suggested ownership of three/four wheelers – to cover all motorised vehicles.

In the face of a blatant attack on rights based legislation⁵⁵ the office of the Supreme Court Commissioners since 2014 has diverted its energies towards state governments who are charged with implementing the national food security law. For example, the Commissioners' office drafted and circulated model PDS rules amongst various state governments. Some appear to be more receptive to the rules and borrow heavily from them, other have adapted parts they deem fit.⁵⁶ At the time of writing, a public interest litigation was also filed by the People's Union for Civil Liberties – the same coalition of lawyers and activists that filed the 2001 Right to Food Case – against the Government of India for failing to implement the National Food Security Act. The petition seeks to enforce the provisions and entitlements under the National Food Security Act, and the publication of the 'final lists' and data from the Socio Economic Caste Census in order to facilitate identification of eligible beneficiaries for PDS grain.⁵⁷

The implementation of NFSA in Delhi suffered in part due to the paralysis in Delhi's governance. We have discussed the problems faced by right to food activists in their efforts to engage the AAP government. While there are some efforts currently underway in Delhi: (1) the e-ration or electronic ration card filing system, and (2) a helpline to report corruption, these efforts appear to be in line with the new government's strategy to combat corruption. Other state governments are now displaying far greater commitment to implementing the National Food Security Act, by investing time in identifying deserving beneficiaries and engaging the right to food campaign members in developing rules to implement PDS.⁵⁸

One plausible explanation we discussed earlier was the falling out between AAP leadership and activists of the right to information and food campaigns over the anti-corruption ombudsman or *Janlokpal* law. According to the activists the AAP does not view civil society organisations or campaigns as representatives of the people, and is thus unwilling to engage them.⁵⁹ Activists from the Delhi Rozi Roti Adhikar Abhiyan told us of their unsuccessful efforts to direct the attention of the deputy chief minister (CM) to the problems with the implementation of PDS. Activists were dismissed by a wave of hand, and categorically told by the deputy CM that 'the government had met five other people, and was still in the process of dealing with issues identified by them; until those are resolved [they] would not speak to anyone else or take up any other issue.'⁶⁰

The AAP claims *they* are the representatives of the people and would rather go directly to people. To commemorate its 100 days of governance in May 2015, the AAP government organised a *jan samvaad* (public dialogue). PDS was not part of the activities of the government's first 100 days achievements.⁶¹ This research was also unable to gather evidence on *mohalla sabhas* to improve PDS (promised in the party's election manifesto), or to reinstitute public audits, which could easily be done using proviso 12 of the PDS Control Order 2015, which mandates state governments to authorises local bodies or any authority to conduct periodic social audits on the functioning of the public distribution system.

⁵⁵ For example, delayed payments and reduced budget allocation for the right to work, promulgating ordinances to weaken the land acquisition law, challenging the decision of the Central Information Commission to exempt political parties from the RTI law and delayed implementation of the National Food Security Act.

⁵⁶ Harsh Mander, Supreme Court Commissioner, interview with author. 26 May 2015: New Delhi.

⁵⁷ PUCL vs Union of India and Others, Writ Petition (Civil) No. 277 of 2015

⁵⁸ Harsh Mander, SC Commissioner, interview with author. 26 May, 2015: New Delhi. Also see Drèze, Khera, and Pudusserly 2015; Drèze and Khera 2015a, 2015b for a discussion on the substantial improvements to PDS coverage and delivery in previously poor performing states like Bihar and Madhya Pradesh.

⁵⁹ For instance, in my conversation with activists working with a non-government organisation, JOSH, in Trilokpuri, activists expressed frustration and narrated their experiences with trying to meet the deputy CM, who is also the Minister for Education. Despite receiving confirmation of an appointment at the Minister's residence during his public meeting hours, activists along with parents were made to wait for the Minister only to find out after an hour of waiting that the Minister had left for his office.

⁶⁰ Delhi Rozi Roti Adhikar Abhiyan activist, interview with author. 29 May, 2015: New Delhi

⁶¹ Business Standard (2015).

At the time we finished fieldwork in June 2015 the members of Delhi Rozi Roti Adhikar Abhiyan submitted a letter to the government seeking redressal of the following problems related to the implementation of the National Food Security Act in Delhi: (1) a roll back of transparency measures related to PDS under NFSA including SMS alerts informing people about date of delivery of rations to shops and non- implementation of weekly public audit of ration records; (2) the lack of a time-bound and effective mechanism for resolving complaints/grievances; (3) the use of *Aadhaar* to deny PDS entitlements; (4) the exclusion of certain categories of residents such as transgender and homeless from PDS; (5) the poor quality of PDS grains; and (6) the lack of proper monitoring of implementing NFSA.⁶² Unable to get an appointment with the AAP government, the Delhi Rozi Roti Adhikar Abhiyan organised a public hearing on the implementation of the National Food Security Act in Delhi in September 2015. At the time of writing DRAA activists are also collecting case studies and information on the problems people are facing in accessing PDS grains. For example, activists are gathering information on people who are not getting ration cards, the reasons for denial, the current state of the grievance structure, the lack of transparency in implementing NFSA, and in particular the transparency and accountability provisions of the PDS Control Order (2015) for organising social audits, and the stoppage of text messages/alerts on PDS food grains. Some of the other issues include the quality of food grains being distributed and the non-availability of PDS due to delays in receiving new ration cards.⁶³

In the last year we found, faced with less receptive political elites at the national and state levels, the food security network and their state level allies in Delhi are clearly less visible in spaces where policy is made. Nevertheless, they are engaged in reorganising their support bases on the ground and combining a range of strategies in the ongoing struggle to fight attempts to dilute the national food law as well as implement the right to food in practice.

4 Conclusion: Live to fight another day

The experience of the Right to Food Campaign suggests that assuring the right to food is a long and protracted struggle. Over the years, legal action, an elite advocacy network, and grassroots mobilisation have all been necessary at different stages. As activists look for openings at the state level, and engage state governments charged with implementing the national food law, they have also returned to the judicial sphere where they have found allies, and an informal support network of lawyers. As political openings have closed, the judicial arena remains an important source of leverage for preventing further encroachments upon existing entitlements. If there is one lesson from India's right to food campaign for similar efforts elsewhere, it is that success lies not in any single strategy, but in the dynamic oscillation between strategies at different stages of a campaign and in response to shifting political alignments.

The food security network has proven to be resilient, dynamically adapting as it interacts with a 'stratified and multi-layered' Indian state (Pande 2014). In the first period of our study (2001–2008), the food security network oscillated between resistance and engagement with the goal on legally enshrining a right to food. In the second period (2009–2013), the network achieved a right to food, albeit watered down, and found itself immediately fighting for implementation and against state efforts at dilution. This paper, then, provides a slice of the different stages in the 'long arc' of movement activism (Houtzager and White 2010) or what the social movement literature calls 'cycles of protest' (Tarrow 1998).

⁶² Delhi Rozi Roti Adhikar Abhiyan's letter to Arvind Kejriwal, Chief Minister of Delhi, 5 June 2015

⁶³ Minutes of meeting, 21 August 2015. Delhi Rozi Roti Adhikar Abhiyan: New Delhi.

While the campaign's legal strategy has been successful in drawing attention to the lack of access to food, the newly enshrined right to food faces threats of dilution and non-implementation; life cycles of different movements require that they adapt tactics to the circumstances in which they operate. Although the network has been blocked at national and state levels (in Delhi), it continues to be part of a strong national campaign that is using a range of strategies to enforce the NFSA. Despite the apathy of the national and Delhi governments, during recent field research conducted from April to June 2015 we came across evidence that some state governments—including in some BJP ruled states—were making headway in operationalising NFSA.⁶⁴ Where state governments have expressed interest to ensure PDS is extended to eligible households, the campaign, and the Supreme Court commissioners and their advisers have extended direct as well as indirect support. Where state governments have expressed ambivalence, the network of activists and grassroots campaigns have adopted a range of defensive strategies to protect the newly enshrined right to food.

Our study suggests that in part the resilience of the national food security network is explained by the varying capacity of different states, as well as the political capital of state chief ministers to ensure political commitment to implement the NFSA. An effective PDS matters, if not as an end in itself, then for many state governments as important for winning elections. However, in addition to state support for the right to food, grassroots campaigns 'view the Indian state through their opportunistic attempts to change state practices' (Pande 2014). They find different opportunities, in different parts and levels of the state (even individuals) at different times to leverage parts of the state against each other. An activist judiciary, sympathetic to the fulfilment of the right to food, for now, remains an effective institutional channel that activists continue to use in their ongoing struggle to enforce the right to food as well as to monitor and seek judicial intervention on non-implementation of the NFSA.

⁶⁴ While understanding the motivation of BJP ruled state governments to implement NFSA requires further research and southern states have relatively good track records in running PDS effectively, the NFSA has allowed poor performing states such as Bihar, Madhya Pradesh and even Jharkhand to expand PDS coverage and significantly improve implementation (Drèze, Khera and Pudussery 2015, Drèze and Khera 2015b). While a full comparison between state governments is outside the scope of this paper, we suggest that the implementation of the national food law will be uneven given the varying state capacities of state governments.

References

- Aam Aadmi Party (2015) *AAP 70-Point Action Plan: Delhi Assembly Election 2015*
- Aam Aadmi Party (2014) *National Manifesto – 2014*
- Baru, S. (2014) *The Accidental Prime Minister: The Making and Unmaking of Manmohan Singh*, New Delhi: Penguin-Viking
- Baviskar, A. (2010) 'Winning the Right to Information in India: Is Knowledge Power?', in J. Gaventa and R. McGee (eds), *Citizen Action and National Policy Reform: Making Change Happen, Claiming Citizenship Series*, London and New York: Zed Books
- Business Standard* (2015) 'Tracking the AAP's First 100 Days', 23 May
- Choithani, C. and Pritchard, B. (2015). 'Assessing Bihar's Coupon-Based PDS. Importance of Local Context', *Economic and Political Weekly* 50.3: 61–68
- Delhi Rozi Roti Adhikar Abhiyan (2015) Letter to Arvind Kejriwal, Chief Minister, Delhi Government, 5 June
- Delhi Rozi Roti Adhikar Abhiyan (2011) Memorandum submitted to Sheila Dixit, 26 September
- DNA* (2015) 'Prime Minister Narendra Modi's Brother takes up the Cudgels for Ration Shop Keepers', 3 March
- Drèze, J. (2016) 'Leaving No Poor Person Behind', *The Hindu*, 13 January
- Drèze, J. (2015) 'Food Security and Statistical Fog', *The Hindu*, 25 February
- Drèze, J. and Khera, R. (2015a) 'Understanding Leakages in the Public Distribution System', *Economic and Political Weekly* L.7: 39–42
- Drèze, J. and Khera, R. (2015b) 'Thought for Food', *Outlook*, 31 August
- Drèze, J. and Khera, R. (2011) 'PDS Leakages: The Plot Thickens', *The Hindu*, 12 August
- Drèze, J. and Khera, R. (2010) 'Chhattisgarh Shows the Way', *The Hindu*, 14 November
- Drèze, J.; Khera, R. and Pudussery, J. (2015) 'Food Security: Bihar on the Move', *Economic and Political Weekly* L.34: 44–52
- Economic Times* (2015) 'Centre Should Not Hurry Implementation of National Food Security Act: ICRIER', 29 March
- Economic Times* (2013) 'Govt Should Take Over FPS to Check PDS Corruption: SC Panel', 10 January
- First Post* (2015) '“Stop Publicly Humiliating Us”: Delhi Bureaucrats Condemn “Politicisation” of Appointment', 21 May
- Government of Delhi (2014) *Economic Survey of Delhi 2014–15*

- Gulati, A. and Saini, S. (2015) *Leakages from the Public Distribution System (PDS) and the Way Forward*, Working Paper 294, Indian Council for Research on International Economic Relations
- Hasan, Z. (2013) 'The Congress and its Future', *Seminar* 641
- Hertel, S. (2016) 'Hungry for Justice: Social Mobilisation on the Right to Food in India', *Development and Change* 46.1: 72–94
- Houtzager, P.P. and White, L.E. (2010) 'The Long Arc of Pragmatic Economic and Social Rights Advocacy', in J. Perelman and L. E. White, *Stones of Hope: How African Activists Reclaim Human Rights to Challenge Global Poverty*, Stanford: Stanford University Press: 172–93
- India Today* (2015) 'Aadhaar Card Not Mandatory, Rules Supreme Court', 11 August
- Indian Express* (2014) 'We'll Bring Lokpal, but Today People Say They Value Power, Water Bills More: Manish Sisodia', 14 September
- Indian Express* (2011) 'Activists ask PM to dump Food Bill', 3 August
- Khera, R. (2013) *Cash vs In-kind Transfers: Indian Data Meets Theory*, IEG Working Paper 325
- Kidwai, R. (2013) *24 Akbar Road: A Short History of the People Behind the Fall and Rise of the Congress*, India: Hachette
- Krishnamurthy, P.; Pathania, V. and Tandon, S. (2014) 'Public Distribution System Reform and Consumption in Chhattisgarh', *Economic and Political Weekly* 49.8: 74–81
- Mukherjee, S. (2011) 'Food Bill Put on the Backburner', *Business Standard* 14 December
- Nagarajan, K. (2015) 'Five SC Order Later, Aadhaar Requirement Continues to Haunt Many', *The Wire*, 19 September
- Narayan, S. (2015) 'Ten Facts That Set the Record Straight on Cash Transfers', *The Wire*, 15 August
- Nayar, L. (2010) 'The Alphonso Syndrome?', *Outlook*, 15 March
- Outlook* (2015) 'BJP Govt Has Failed to Fulfill Expectation: PM's Brother', 17 March
- Pande, S. (2014) 'The Right to Know, The Right to Live: Grassroots Struggle for Information and Work in India,' University of Sussex, PhD dissertation
- Pande, S. (2008) 'The Right to Information and Societal Accountability: The Case of the Delhi PDS Campaign', *IDS Bulletin* 38.6: Brighton: IDS: 47–55, <http://bulletin.ids.ac.uk/idsbo/article/view/805> (accessed 5 August 2016)
- Pande, S. (2007) 'World Bank Arm-twisted DJB!', *Combat Law*, March–April
- Parsai, G. (2011) 'Rangarajan Panel Rejects NAC Recommendations', *The Hindu*, 13 January
- Patnaik, B. (2015) 'Cutting the Food Act to the Bone', *The Hindu*, 24 June

- Patnaik, B. (2010) 'Chhattisgarh's Food for Thought', *Live Mint*, 21 April
- Peisakhin, L. and Pinto, P. (2010) 'Is Transparency an Effective Anti-corruption Strategy? Evidence from a Field Experiment', *Regulation and Governance* 4: 261–80
- Ranjan R. (2015) '“Get Us Out of Delhi!” Officials Beg for Postings Outside Capital as Kejriwal-Jung War Sends Morale to a New Low', *Daily Mail*, 18 May
- Sahgal, P. (2011) 'Distinct Gap Prevails Between NAC and Government's Viewpoint', *India Today*, 4 June
- Sardesai, R. (2014) *2014 The Election that Changed India*, New Delhi: Penguin-Viking
- Surabhi (2012) 'UPA-II Breaks Promise: Delivers Only 1 of 13 Bills', *Indian Express*, 29 August
- Tarrow, S. (1998) *Social Movements and Contentious Politics*, Second Edition, Cambridge: Cambridge University Press
- The Hindu* (2015) 'Ganjam Fishermen Want to be Covered in Food Security Act', 27 August
- The Hindu* (2011) 'Rs.32 A Day Poverty Line not at all Ridiculous: Montek', 12 October
- Vivek, S. (2014) *Delivering Public Services Effectively: Tamil Nadu and Beyond*, India: Oxford University Press
- Yadav, A. (2015) 'India's Socio-economic Census Threatens to Exclude Crores of Poor from Social Schemes', *Scroll.in*, 16 July