



The techno-politics of human rights: The case of the National Food Security Act in India

Guillaume Dandurand

Centre Urbanisation Culture Société, Institut national de la recherche scientifique, 385, rue Sherbrooke Ouest, Montréal, Québec, H2X 1E3, Canada

ARTICLE INFO

Keywords:

Right to food
Human rights
Food security
governmentality
Biopolitics
India

ABSTRACT

To attend to the techno-politics of human rights is to bring into focus how tacit assumptions and norms about human dignity are rendered into technical, or implementable, legal frameworks and governmental interventions. Drawing on legal geography, an analytics of governmentality of human rights, and Nancy Fraser's "politics of need interpretation," this article presents an ethnographic examination of how the right to food, and its related normative principles, were translated and ratified, or not, into a food entitlement law, called the National Food Security Act (NFSA). It scrutinizes how the judiciary, para-public, and legislative lawmaking spaces in India have framed the formulation of what the hungry may need and how the state develop legal tools to satisfy (some of) those needs. Human rights policy-making is complex and messy. As this article shows, bringing into focus the technical and procedural process of human rights lawmaking reveals how which interpretation of food security needs were legitimized and which ones were not.

1. Introduction

In 2001, during a meeting organized by the People's Union for Civic Liberties (PUCL) in Rajasthan, India, development economist Jean Drèze took human rights senior advocate Colin Gonsalves for a visit to a village to witness the extent to which repeated droughts had afflicted the local agrarian population. Villagers were eating "in rotation," which is to say there was not enough food to feed everybody every day. On any given day, only a fraction of each family would eat. The following day, the rest would eat. Meanwhile, to their dismay, Drèze and Gonsalves were told by local residents that a nearby governmental *godown* (warehouse) was replete with food grains. Locked behind closed gates, the food grains in the storage facility had fermented in the rain—"some of it rotting and a feast for rats," writes (Gonsalves, 2002), describing this scene as "the spectre of starving India."

On April 16, 2001, in response to the patent inaction of local and national governments in securing the well-being of the population during droughts, the PUCL submitted a writ petition to the Supreme Court of India to demand that the right to food be recognized (PUCL 2001). Led by Gonsalves, a team of human rights petitioners endeavoured to convince the Supreme Court magistrates of the national and local governments' failures to abide by their biopolitical duties and secure access to food for the country's (starving) population. These constituted the first few democratic steps from which originated an

important social movement, called the Right to Food Campaign (RTFC). The RTFC comprises an informal network of organizations and individuals committed to a human rights approach to issues of undernourishment in India.

After more than a decade of activism, the RTFC's efforts brought food insecurity under mainstream scrutiny (Drèze 2004; Khera 2013), which in turn led to the enactment of the National Food Security Act (NFSA; Government of India, 2013), a piece of legislation that guarantees four types of entitlement: (a) subsidized food grains to 67% of India's population; (b) universal delivery of lunch to school-goers; (c) universal provision of hot meals to children aged 0 to 6 years; and (d) maternity entitlements of ₹6,000 per month (about 75 USD). Throughout the decade-long democratic struggle for these entitlements, human rights discourses informed the construction of the NFSA in three legal arenas: the judiciary system, *para*-public forums, and finally through the legislative process. In these spaces, debates centred on the interpretation of nutritional needs of a (rather diverse) population and how those needs should be satisfied in the form of implementable policies and programs. This process brought to fruition what Nancy Fraser has termed the "politics of need interpretation," defined as "the processes by which welfare practices construct ... needs according to certain specific—and, in principle, contestable—interpretations, even as they lend those interpretations an aura of facticity that discourages contestation" (1989, 146). Here, Fraser conceptualizes politics not necessarily as an

E-mail address: guillaume.dandurand@inrs.ca.

<https://doi.org/10.1016/j.geoforum.2023.103819>

Received 11 July 2020; Received in revised form 23 March 2023; Accepted 23 June 2023

Available online 17 July 2023

0016-7185/Crown Copyright © 2023 Published by Elsevier Ltd. All rights reserved.

ideological struggle between different political groups, but rather as norms and assumptions that lend credence to welfare materials, practices, and techniques.

In the debates leading up to the formulation of the NFSA, state and non-state actors formulated their claims about food security, or food sovereignty, within a rhetoric of good governance. In this article, I explore the tactics and narratives employed and voiced by heterogeneous activists, economists, politicians, and human rights lawyers to use and translate normative claims of governance about food security into a technical and implementable law. Building on legal geography, this paper presents a critical examination of human rights lawmaking, questioning underlying normative assumptions, and encouraging inter and postdisciplinary debates (cf. Braverman et al. 2014). I emphasize that while the right to food legislation in India has been discursively constructed with the sentiment that biopolitical institutions must protect the population from chronic hunger, the NFSA was carefully designed to adopt new measures of accountability and transparency, digitize the modalities of entitlements distribution, and leave structures of inequalities unchallenged (Jakobsen 2019).

First, I explain and follow the tenets of the subfield of legal geography to discuss, and theorize on, the local construction of the universal right to adequate food in the Indian context (cf. Carmalt 2007). Then, I delve into the lawmaking processes to explore how discourses about the right to food shaped the politics of nutritional need interpretation in India. I conclude by scrutinizing how the state co-opted activists' claims for governmental accountability and transparency to deploy technologies of authentication that exert control over the distribution of entitlements, rather than grant empowering provisions for (civil) society to monitor bureaucratic practices.

2. Legal geography, techno-politics, and the right to adequate food

Since the publication of *Law, Space, and Geographies of Power* (Blomley 1994), legal geography has mushroomed to encompass a growing number of studies interested in how the law shapes, and is shaped by, spaces, places, natures, and cultures (Delaney 2010; Valverde 2011). These studies teach us that legality and spatiality are co-constitutive (Delaney 2015)—that law is a complex and formidable conduit of power through which legalities act on and order the world while geographies give meanings and properties to lawmaking. More recently, a number of reviews (Bennett and Layard 2015; Delaney 2015; 2016; 2017; Gillespie 2020), special issues (Graham and Bartel 2016; Robnson and Graham 2018), and edited collections (Bartel and Carter, 2021; Braverman et al. 2014; O'Donnell et al. 2020) have charted the development of legal geography and discussed how it brings critical scholarships of place, law, and power complexities into new methodological, theoretical, or topical trajectories and considerations (Braverman et al. 2014; Delaney 2015; Gillespie 2020).

Despite being such a vibrant scholarship, legal geography's attention to human rights is inconspicuous, especially given that rights-based approaches to social justice are intricately entrenched in legal practices and institutions. Few geographers problematize human rights and the norms they promote (Laliberté 2015), even though, much like any other kind of legal regime, human rights act on and order topographies and socialities. In fact, as Jean C. Carmalt notes, human rights are often a mere "stand-in for 'social justice' instead of actively engaging in the complex history, discourse, and networks involved in contemporary human rights practice" (2018, 847-848; see also Bedi 2015; Laliberté 2015). Certainly, being a vague substitute for 'social justice' can be useful. For instance, a fuzzy vernacular of the right to the city has served to render urban injustice intelligible for the legal and popular consciousness (Mitchell and Heynen 2009 in Delaney 2016). However, its ties to lawmaking is also an occasion for critical legal geographers to clarify and question which social and spatial injustices human rights advocacy can bring under the purview of the law (Delaney 2016;

Robnson and Graham 2018) and, conversely, what kind of democratic politics it fosters and which kinds of injustices it inevitably ignores (Carmalt 2018; Correia 2018; Huizenga 2022; Laliberté 2015; Parisi 2010).

To answer Carmalt's call for a "co-constitutive view" (2018, 859) of human rights law and geography, it is crucial to first examine how a "placeless" right to food, as David Delaney puts it (2015, 99), makes its way into physical places and legal frameworks. After the publication of Amartya Sen's work (2013) on food entitlement and Drèze and Sen's *Hunger and Public Action* (2013), the concept of food security increasingly shifted from Malthusian understandings of undernutrition to an emphasis on poverty as the driving explanation for chronic hunger (Shaw 2007). In 1996, during the World Food Summit (WFS), the Food and Agriculture Organization (FAO) coined the definition of food security as a social condition that "exists when all people, at all times, have physical, [social]¹ and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life" (FAO 1996). Widely accepted by most scholars, this definition highlights the responsibilities of national governments and institutions to take necessary measures to ensure that available food be adequately distributed to the population.

One of the key objectives of the 1996 WFS² was to clarify what the right to food entails. The right to food has had a long institutional existence,³ but its legal provisions were challenging to implement in national contexts. At the WFS, a United Nations (UN) body of experts was tasked with drafting a legal interpretation of the right to adequate food. Published in May 1999 in a document entitled *General Comment 12* (UN CESCR 1999), the committee defines the right to food in terms of access and distribution: "The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement" (UN CESCR 1999, sec. 6). The right to adequate food shall therefore not be interpreted in a narrow or restrictive sense that equates it to a minimum package of calories. Rather, it is indivisibly linked to understandings of human dignity and ideas of social justice, oriented towards the total eradication of poverty (UN CESCR 1999, sec. 6). "Fundamentally," the committee notes, "the roots of the problem of hunger and malnutrition are not lack of food but lack of *access* to available food, *inter alia* [among other things] because of poverty, by large segment of the world's population" (UN CESCR 1999, sec. 5; italics and underlining in original document).

Thus conceptualized, the right to adequate food consolidates a governmental approach to food security, "in all its conceptual lucidity, simplicity, and universalism ... as a normative ordering principle around which social practices are increasingly organized and invested with meanings" (Goodale 2006, 26; see also Donnelly 2013; Goodale 2007; Moragues-Faus 2017). In other words, the right to adequate food discursively constructs the state as an entity embodying normative principles of good governance to respect, protect, and fulfill individuals' right to adequate nourishment. Here, these normative principles configure the government's responsibility to act with respect to social justice, dietary norms, and approaches to food security within the rule of law, under which the well-being of individuals should be promoted. Compared to the view of human rights according to which inalienable rights are provided to empowered subjects (see Mander 2012), a

¹ The adjective "social" was added to the definition in 2002 (FAO 2002).

² Objective 7.4 of the WFS seeks "to better define the rights related to food in Article 11 of the Covenant [on Economic, Social, and Cultural Rights]" (FAO 1996).

³ The right to adequate food had been protected under the right to an adequate standard of living established in Article 25 of the Universal Declaration of Human Rights (UN General Assembly 1948) and the fundamental right to be free from hunger in Article 11 of the International Covenant on Economic, Social, and Cultural Rights (UN General Assembly 1966).

discursive approach sheds light on the normative elements of human rights as a category of analysis. It gives us the tools to explore how regimes of knowledge are normatively constituted in laws, policies, and governmental interventions. As key constitutive elements of the analytics of governmentality, human rights as discursive operations constitute a particular kind of legal politico-normative project—one that “help[s] people to help themselves” (Ignatieff 2000, 57 in Brown 2004, 454)—one that works to mitigate suffering and social ills, but only within the parameters of social justice protected by the legal institutions and political authorities that deploy them.

To understand human rights as discourse is to posit that human rights are constituted in practices: it implies that human rights are not solely analytical, conceptual, formal, universal, or placeless—but that they shape, and are shaped by, people’s everyday lives and the places they occupy. It stipulates that human rights exist in universal declarations, texts, analyses, courts of law, and bills, but also in the regimes of knowledge through which they operate and act on cultural practices (see Foucault 1991). As a legal politico-normative project, human rights may well foster and promote human dignity as human rights activists argue (cf. Drèze and Sen 2012; Mander 2012), but its translation into legal and governmental action is contingent on the integration of social justice concerns into legislation, designed to address social needs, like chronic hunger, as if they were technical problems ready to be solved—what is otherwise known as techno-politics.

Here, techno-politics brings into focus how human rights norms are translated into technical and procedural laws through which governmental interventions “constitute, embody, or enact political goals” (Hecht 2009, 15; see also Delaney 2010; 2016; Foley and Miller 2020). Research on techno-politics is typically associated with the works of Gabrielle Hecht (2001; 2011) and Timothy Mitchell (2002). However, it is Tania Li (2007) who perhaps best articulates the two main interrelated practices that make techno-political processes analytically observable: (a) problematization, which refers to the formulation of a problem and the identification of (available) solutions; and (b) “rendering technical,” which consists of the materialization of solutions into techniques and technologies engineered for the design, implementation, and evaluation of projects (Li 2007, 7-10; Morozov 2013). As Tania Li explains, the practices of problematization and rendering technical lead to the prescription of solutions to social problems or needs, according to a rationality of government (2007). These solutions do not aim to address the systemic structures of social injustice (Spiegel 2017). Instead, they form the basis from which technical solutions are designed, in the hopes that laws and governmental interventions can improve the wellbeing of the population as a whole (Rose 1999). For a techno-politics of human rights, then, human rights discourses form an intelligible field of normative ordering principles from which experts and planners draw to remedy social ills, within a range of limited resources and available solutions.

“Much of the doing of law, in the service of undoing spatialities of injustice,” David Delaney argues, “is technical and procedural” (2016, 269; Delaney 2010). But this is not to say that the practices of problematization and rendering technical are apolitical (see Bornstein and Sharma 2016; Von Schnitzler 2016; Ferguson 1990). Indeed, there is “politics in law” (Jacobsen 2021, 6; italics in original). In a series of feminist essays on the “politics of need interpretation,” Nancy Fraser 1989, 113–187 captures the political nature of the interrelated practices of problematization and rendering technical as contending needs claims. As Fraser points out: “the interpretation of people’s needs is itself a political stake” (1989, 145). The perceived needs of the population are often elementary and obvious. But they are imbued with spatialities and meanings that find their way into laws and projects designed to improve society. For instance, across the world, chronic hunger has become a social ill that must be alleviated, but the definition of chronic hunger and the solution deployed to alleviate its experience are objects of polarized politics. As this article shows, a closer look into the politics that animate the formulation of a population’s needs in the legal process can shed

light on the underlying normative principles that give credence to the legislation of a human rights approach. Here, I build on Fraser’s politics of need interpretation to understand how, in the judiciary and legislative institutions of India, contrasting claims congruent with a right-to-food approach have informed the making of the NFSA. In turn, I retrace the design of the right-to-food law in an effort to discuss how solutions to the otherwise complex issue of food insecurity are limited to the procedures and technicalities of a legal framework.

Food security programs have existed in India since the Second World War, notably through a system of ration distribution. This system, known as the Targeted Public Distribution System (TPDS), was universal until 1997. It allocates food entitlements to targeted beneficiaries perceived to be in need of welfare support. However, programs such as these have historically been corrupt (Sainath 1996) or poorly implemented (Chhotray 2014). To remedy this situation, it was widely acknowledged that levels of government should attend to their duties and intervene to distribute resources to the poorest segments of the population (Drèze 2004; Khera 2013). This is what Fraser refers to as “thin needs” (1989, 163) inasmuch as biopolitical interventions are considered beyond dispute when a portion of a population is on the brink of starvation. However, questions remained as to which nutritional needs must be met and the extent to which governments should intervene to satisfy them. For Fraser, these are thick needs: controversial claims made on the extent of the biopolitical duty of the state to improve the life of the population.

In the rest of this paper, I attend to the “law-in-action” (Faria et al. 2020, 1096) and examine the discursive formation of the NFSA in three legal spaces: judiciary activism, *para*-public forums, and legislation processes. Using the politics of need interpretation as an analytical grid, I analyze the contending claims in three legal arenas (cf. Hertel 2016) (a) to validate right-to-food claims in the judiciary system; (b) to determine the government’s food security duty in *para*-public forums; and (c) to secure need satisfaction in legislative processes (cf. Fraser 1989, 164). My aim is to show that human rights claims, once under the lens of the politics of need interpretation in these legal arenas, are rendered technical and reproduce the rule of law through the limits of what it can achieve. This discursively constructs and makes the state according to interpretations of need that are more easily implementable, while foreclosing claims and debates on more radical interpretations of social justice—what poor and hungry people might need. These technocratic solutions, I suggest, legitimize some injustices while invisibilizing others (Delaney 2016).

3. Methodology

A methodological focus on the discursive formation of the NFSA, and its underlying politics of need interpretation, necessitates research methods on events and situations that happened in spaces that are cordoned off or difficult to access. To collect data on these spaces, I employed three main research methods during fieldwork in Delhi between February 2014 and October 2015: semi-structured interviews, documentary and archival research, and participant-observation.

This paper’s argument emerged from 11 semi-structured interviews with experts who have played a role in the conception of the NFSA. Actors interviewed were policy-makers, academics, and human rights activists, including RTFC members, who worked towards the ratification of a right-to-food legislation.⁴ Each interview provided situated insights on the history and strategies of the right-to-food movement, the shifting (food) politics in India between 2000 and 2013, the perceived role of the state in securing food security, and the competing claims on need

⁴ Given the political climate in India, I have not included direct quotes to protect the anonymity of most interlocutors. Interlocutors that are quoted in this article have either given me the permission to do so or have agreed to the interview as part of their role as public figure (e.g., policy-maker).

interpretation that punctuated the political trajectory of the NFSA.

To complement the data drawn from the interviews, I visited the National Archives of India, the Department of Delhi Archives, and the Nehru Memorial Museum, to situate the NFSA in modern Indian food politics. Throughout my fieldwork, I also collected thousands of pages of unpublished drafts and studies, meeting minutes, court orders, reports, white papers, op-eds, primers, letters, blog posts, and other documents, some of which were available online or shared by activists⁵ and others, stored away in boxes. These archives and documents present invaluable information on field sites that would otherwise be inaccessible, such as the right-to-food case (2001) or the National Food Security Bill Standing Committee (2011–12), or on debates that took place behind closed doors.

This article is part of a larger ethnographic project on the NFSA digitization in Delhi, during which I conducted participant observation research with the RTFC. Specifically, I participated to and observed several events organized by the RTFC (e.g., national conventions, workshops, meetings, rallies), collected several unpublished documents used for documentary research, and had informal conversations with RTFC members, from which I gained a tacit understanding of the making of the NFSA. Such an ethnography provides an epistemological orientation towards “what politics is, but also ... *how* it functions” (Ghoddousi and Page, 2020); it enables investigations that go beyond liberal tropes that human rights may generate on human dignity to scrutinize instead how power diffuses at different scales, notably in taken-for-granted democratic spaces that shape biopolitical functions of the state, the law, and related governmental interventions (Storey 2020).

4. The politics of need interpretation

4.1. Judiciary activism: towards need validation

In 2001, shortly after Drèze and Gonsalves' visit to Rajasthan, in light of the waves of starvation-related deaths affecting the country, the PUCL submitted a writ petition to the Supreme Court of India (PUCL 2001). The PUCL argued that starvation-related deaths that had occurred in six different Indian states⁶ could have been avoided, if only the Government of India had released some of the 50 to 60 million tons of food grains stored in their *godowns*. Its petition raised three questions:

- Starvation deaths have become a national phenomenon while there is a surplus stock of food grains in government *godowns*. Does the right to life mean that people who are starving and who are too poor to buy food grains free of cost by the State from the surplus stock lying with the State, particularly when it is lying unused and rotting?
- Does not the right to life under Article 21 of the Constitution of India include the right to food?
- Does not the right to food, which has been upheld by the apex Court, imply that the State has a duty to provide food, especially in situations of drought, to people who are drought-affected and are not in a position to purchase food? (PUCL 2001)

Article 21 of the Constitution of India ensures that “no person shall be deprived of his life or personal liberty except according to procedure established by law” (see Kent 2002). The PUCL petitioners, led by Gonsalves and a team of human rights lawyers from his non-governmental organization (NGO), Human Rights and Law Network (HRLN), argued that the constitutional obligations of the Government of India had been neglected (Chhibbar 2001). They sought support from the Supreme Court to compel government authorities to finally abide by their biopolitical duties. Here, the writ petition constituted a field of

knowledge from which non-state actors could later make normative claims on what governmental interventions on the issue of food security should entail.

As Shareen Hertel (2016) writes, claims for the right to adequate food were made against the domestic rule of law. While India has been a signatory of a number of international documents pertaining to the right to food, including the Universal Declaration of Human Rights and International Covenant on Economic, Social, and Cultural Rights, the entire right-to-food case rests on domestic legislation, “as a *national* fundamental right, founded on unique principles of Indian constitutional law” (Birchfield and Corsi 2010, 703; italics in original). In fact, in India, the Supreme Court seldom relies on international law, but it must “as far as possible give effect to the principles contained in those international instruments” (Anand 1999), especially when there is some degree of inconsistency between international and domestic law or when there is a certain gap or void in domestic law (see Rana 2009 in Birchfield and Corsi 2010, 704).

In the context of the right-to-food case, judiciary activism consisted of building a domestic legal framework in order to leverage the power of the law onto the legislative and executive branches of the government for the promotion and protection of human rights—“as a court of good governance over the rest of government” (Robinson 2009, 3). As Nick Robinson clarifies, “the Supreme Court has expanded its role ... in an attempt to combat the perceived governance shortcomings of India’s representative institutions” (2009, 3–4). The Supreme Court has become an arena in which normative claims of accountability about what these shortcomings are and how to address them are formulated. The work of translation from the Constitution of India to interim orders—judgments passed by the court that are applicable for the duration of a case—has come to be an operative element in the formulation of these claims (Gloppen 2005). This is especially patent in the right-to-food case, where the Supreme Court directly intervened in other domains of the legislative branches. In 2001 alone, the Supreme Court issued five interim orders to compel levels of government to take immediate action to deliver relief to people suffering from undernourishment due to repeated droughts. Over the course of the right-to-food case, close to 500 affidavits were presented to the Supreme Court, which resulted in the issuance of 69 interim orders.⁷

Perhaps no interim order had broader scope than the one issued on November 28, 2001. In July, August, and September 2001, the court urged levels of government to quickly implement and properly deploy already-existing food welfare schemes, including the TPDS. Since governments were slow to comply, on November 28, 2001, the Supreme Court engaged in “something strikingly close to lawmaking” (Birchfield and Corsi 2010, 700) by identifying nine nutrition-related programs and outlining, in detail and with deadlines, the required courses of action for various levels of government. These interim orders stretched the original object of contention in the case, which was food relief for alleviating starvation-related death, to include welfare benefit provisions in already-existing programs. The case redirected the Supreme Court’s attention from the delivery of food relief to a normative understanding of good governance, on the terrain of chronic hunger. It thus opened up a space of negotiation between the petitioners and the state, in which the Supreme Court Justices, in the name of the Constitution of India, played a critical role in transforming normative state obligations related to food security into concrete and implementable interventions that ought to be taken. The interim order of November 2001 granted, among others, legal rights to children to receive a nutritious meal in school via the Mid-Day Meal Scheme (MDMS); it granted legal provisions to ration card holders to receive monthly food entitlements from the TPDS; it compelled state governments to pay minimum wage in public work projects; and it

⁵ See the <https://www.righttofoodindia.org>.

⁶ The states included Chhattisgarh, Himachal Pradesh, Gujarat, Maharashtra, Orissa, and Rajasthan.

⁷ This information was retrieved from the RTFC’s website, available at <https://www.righttofoodindia.org/orders/interimorders.html>, last consulted on March 14, 2017.

forced state governments to fund *anganwadi* (*crèches* or kindergartens) across India and to provide meals for every child between 0 and 6 years old via the Integrated Child Development Services (ICDS).

These already-existing programs, according to the interim order, had been either partly or poorly implemented by state governments. The Supreme Court compelled state governments to abide by their biopolitical duties. However, very few sanctions, if any, were levied against officials or individuals that did not comply with the orders (Banik 2010). The interim orders may have been potent democratic instruments, as the RTFC, 2008 suggests, but they were hard to leverage for a large section of the population, either due to gaps in the dissemination of information or structural barriers to people having their grievances heard. As legal scholar Unpendra Baxi states, courts are “never an instrument of total social revolution: they are at best ... instruments of piecemeal social engineering ... never a substitute for direct political action” (2000, 164 in Banik 2010, 277).

The right-to-food case helped produce a rhetoric of good governance in terms of food-based welfare delivery in India. It consolidated a narrative and an approach to the right to food in the country, and to various degrees, it helped inform other means of direct political action. As the RTFC noted: “Without public pressure, the orders typically remain on paper. The orders are just a helpful ‘stick’ to keep the government on its toes. But hands are needed to lift the stick and use it” (2008, 50). This statement is strikingly similar to the FAO’s characterization of the right to adequate food, which stipulates that rights-bearing individuals should be active rather than “passive recipients” in holding their government accountable to issues of food insecurity (FAO 2005, 7). Members of the RTFC have also written several accounts of the failures of the state to address chronic hunger, drawing on the narrative of state accountability and transparency found in the interim orders issued by the Supreme Court (Drèze, 2004; Khera, 2013; RTFC, 2008).

Although limited in their effects, it should be noted that judicial activism efforts were not totally unproductive. These interim orders validated right-to-food claims as a prevalent answer to the endemic issues of chronic hunger in India. They delineated the arena in which debates about the thicker needs of the population could be discussed and solved, if only government authorities would abide by principles of good governance and properly implement already-existing programs. The RTFC used these interim orders to bring legitimacy to its claims, especially those that pointed to the inertia of central and state governments in delivering on welfare obligations and in satisfying the nutritional needs of the population.

4.2. *The National Advisory Council: a space for the politics of need interpretation*

The National Advisory Council (NAC) was first created in the aftermath of the 2004 electoral race in India. The United Progressive Alliance (UPA), a coalition of left-leaning political parties led by the Congress, won the elections based on electoral promises of economic inclusion, social justice, and anti-poverty measures. Days after the elections, the leader of the UPA, Sonia Gandhi, declined the position of prime minister because of her Italian roots. She recommended that Manmohan Singh, former finance minister and key architect of the economic liberalization turn of 1991, take the role. In turn, a few weeks later, Singh formed the NAC I, a *para*-public institution comprised of a range of experts in various social and economic domains, to advise the prime minister. Still president of the Congress and chairperson of the UPA, Gandhi was then appointed as chairperson of the NAC I.

During the first mandate of the UPA, the NAC I provided a unique space for deliberation among appointed experts to realize the objectives of the Common Minimum Programme, a kind of middle-ground document, upon which the cohesion of the UPA’s coalition was established. The NAC I provided an institutional arena in which debates over people’s needs and how to satisfy them took place. Armed with her “immense political power both within the Congress and the UPA”

(Chopra 2011a, 161), Gandhi was able to give the NAC I a crucial role in translating normative claims rooted in human rights discourses into technical policies, programs, and legal protections for the poor.⁸

Interestingly, if the burdens of legitimacy and transparency usually lie with the government, it is through the NAC I that these obligations were realized during the first term of the UPA, even though the advisory body had no “legal mandate or legitimacy” to construct policy (Chopra 2011b, 97). Substantiated by its political weight, its wide support and interrelationship with civil society and left-leaning political parties, and its adamant pursuit of good governance objectives through the realization of human rights as ideals of social justice, the NAC I formed a crucial political platform that was significant for what was characterized as “progressive legislation” (Chopra 2011a; Khera 2013, 12). The NAC I provided a space to develop a rights-based approach to the interpretation of need and the integration of good governance principles in bureaucratic practices.

When the 2009 elections loomed on the horizon, Congress was quick to put together another manifesto that included a reminder of the successes of the human rights legislation passed during the NAC I: an electoral promise to enact the right to food as an additional progressive measure (Congress 2009).

By then, the RTFC had galvanized public opinion on food security issues (Khera 2013). In 2002, the RTFC emerged on India’s political stage organically, months after the first hearings of the right-to-food case at the Supreme Court. Following the publication of the Supreme Court’s November 2001 interim order, India’s central and state governments had until February 28, 2002, to effectively implement already-existing nutrition welfare programs—an ultimatum that was never met.⁹ On April 9, 2002, across nine states, in 100 different districts, people took to the streets to voice demands regarding the implementation of the Supreme Court’s orders. Lunches were symbolically distributed to children, in order to shame the government for its inability to turn already-existing programs into governmental action (Khera 2006). It is this Action Day that marked the beginnings of the RTFC. In the years that followed, the RTFC grew from a few members located in Delhi, brought together in support of the right-to-food case, to a vibrant network of several thousand people across the country, each bringing to the table a different set of topical and regional concerns in relation to the realization of the right to food in India.

The nutritional needs identified by the RTFC have always been writ large (Khera 2013). At national conventions, human rights activists identified a series of concerns and targets central to the realization of the right to food in India: the full implementation of the Supreme Court’s interim orders; the abolition of caste, class, gender, indigenous, and religious discrimination; the promotion of small-scale farming; the firm engagement of government in the complete eradication of chronic hunger, especially for children; the condemnation of coercive displacement; the universalization of welfare services; and critical compliance with good governance fundamentals, including measures to ensure accountability and transparency.

However, right-to-food activists quickly realized that the right to food promised by Congress was a lot narrower than that envisaged by the RTFC (Khera 2013). Partly attributable to its positive image among voters, with respect to “good governance records and welfare measures”

⁸ Over the first mandate of the UPA, the NAC I put pressure on the Prime Minister’s Office to successfully legislate on two human rights issues: (a) the Right to Information Act (RTI), a democratic tool designed to shed light on governmental corruption; and (b) the National Rural Employment Guarantee Act (NREGA), a progressive instrument made available to poor rural Indians seeking work relief. The RTI and NREGA were the first pieces of legislation that emphasized the recasting of bureaucratic practices according to principles of good governance (Mathur, 2012; Sharma, 2013), and thus, they paved the way to the formulation of India’s right-to-food law.

⁹ Later on, the deadline was extended to 2005 (Khera 2006).

(Yadav and Palshikar 2009, 33), the Congress won 61 additional seats in the 2009 elections, which destabilized and weakened the clout of the leftist parties of the UPA. After the 2009 elections, in her address to Parliament on June 4, 2009, recently elected President Shrimati Pratibha Patil framed the right to food in unambitious terms:

My Government proposes to enact a new law—the National Food Security Act—that will provide a statutory basis for a framework which assures food security for all. Every family below the poverty line in rural as well as urban areas will be entitled, by law, to 25 kg of rice or wheat per month at Rs. 3 per kilogram. This legislation will also be used to bring about broader systemic reform in the public distribution system. (2009, 24)

In terms of food security, the government's promise called for the legal protection of entitlements that largely existed under the TPDS. The government also announced its plans to computerize the TPDS, as a strategy for alleviating corruption that was expected to obliquely enhance food security. These measures fell significantly short of addressing the RTFC's concerns.

Shortly after the presidential address, members of the RTFC met in New Delhi in June, July, and September 2009 to formulate the RTFC's essential demands. In the social movement for the right to food, interpretations of people's needs were variegated. Not all activists agreed on a cohesive interpretation of needs that must be satisfied at all cost in order to secure the nutritional well-being of the population. Instead of playing out the different needs against one another, the RTFC integrated them all into their claims for food security. The politics of need interpretation pivoted around the role of the government in securing two aspects of food security: food availability and access. These thick needs included: the strengthening of sustainable and small-scale agricultural practices; the protection of employment, livelihood, and equitable rights over land, forest and water, with special attention paid to structural exclusion from access to food; and finally, the delivery of entitlements via the TPDS. A list of 17 essential demands was drafted, which included, among others:

- an entitlement bill that would hold the government accountable to food security and the development of mechanisms for monitoring, social audits, compensation, and grievances redressal to promote accountability and transparency;
- the recognition of every interim order issued by the Supreme Court in an entitlement bill;
- the adoption of a "life cycle approach," in which various food security programs would address the needs of different population groups, especially children; and
- a universal Public Distribution System (PDS) that would distribute monthly entitlements of at least 35 kg of food grains per household (or 7 kg per person) at a rate of ₹2 per kg of wheat and ₹3 per kg of rice.

Building on these 17 essential demands, the RTFC drafted its own food security act, which it called the Food Entitlement Act, because members of the RTFC believed that the concepts of right to food and food security were much broader than the distribution of entitlements through a computerized TPDS (Khera 2013; Sinha 2014). Drèze recalls:

By then, we were trying to push a particular act [the Food Entitlement Act] through, but that's not the kind of work for [which] the campaign [RTFC] was built. The RTFC was well built for decentralized actions, but not to draft an act. Now, the campaign did come up with a kind of consensus draft act through a very long process of consultation, but I have never been convinced ... I feel that it would have been better to formulate certain clear and strong demands, and then push for these demands....

The RTFC's act was trying to take everybody on board and ended up being not very realistic. You know, one act cannot serve every

purpose. Because the priority for different people was different, and when you try to accommodate everybody in one [single] act, actually you produce something that is not practical. This is my personal view. (Drèze, personal interview, Ranchi, May 2014)

The RTFC's Food Entitlement Act may have been too consensual for policy-making (Khera, personal interview, New Delhi, 2014), but it generated enough enthusiasm among activists to challenge the dominant framework and to legitimize radical interpretations of needs that were not being seriously considered in political circles. The Food Entitlement Act gave a political status to the RTFC's list of 17 thick needs, while popular mobilization—5,800 people from 58 different organizations and networks gathered in the streets of New Delhi on November 26, 2009—continued to raise awareness of chronic hunger issues and to hear concerns and recommendations from the public on food security (Sinha 2014).

The need interpretation between the RTFC and the Government of India differed. The RTFC's essential demands served to challenge the government's rather minimalist interpretation of food insecurity. More than a year after his re-election, Prime Minister Manmohan Singh reinstated the NAC (hereafter NAC II) as a forum for civil society and the government to negotiate, among other things, food security legislation. Still acting as chairperson of the UPA and president of the Congress, Gandhi was once again named chairperson of the advisory body. The NAC II became the key institution where the politics of need interpretation played out.

Unlike the NAC I, the NAC II was formed without a clear mandate. Instead of a Common Minimum Programme, the NAC II was given the responsibility of "[giving] attention to the priorities stated in the address of the President of India to Parliament [shortly after the election] on 4 June 2009" (Gupta 2011), which vaguely stated that the TPDS would be overhauled to be accountable and transparent, reflecting concerns about rampant practices of patronage and corruption, rather than the systemic nature of chronic hunger. Furthermore, in contrast to the NAC I, the NAC II included key members of the Congress to ensure that the recommendations proposed by the NAC II would be much more conciliatory to the Congress's agenda. Referring to the right to food, Drèze even characterized the NAC II's "recommendations [as] very mild, coming as they did at the end of a long process of consultation with various ministries, when the government went out of its way to ensure that the NAC did not hatch any 'unreasonable' proposal" (in Gupta 2011). While the NAC I was designed as an advisory body to the Prime Minister's Office to provide a forum for non-state actors to voice claims and write laws enforcing norms of social justice and good governance over ruling institutions, as well as legally protected entitlements, the NAC II provided a space of negotiation in which the ruling government was able to contain the normative claims of human rights activists (Gupta 2011).

It is within the confines of the NAC II that the National Food Security Bill (NFSB) was negotiated. The NAC II Working Group on the NFSB held consultations with government officials and members of the RTFC to submit a food security legislation to the *Lok Sabha* (the Indian parliament). Three debates were particularly contentious in the making of the NAC II's NFSB: (a) the inclusion of food welfare programs other than the TPDS; (b) the question of whether an overhauled TPDS should be universal or not; and (c) the constitution of mechanisms conducive to good governance practices. Here, the politics of need interpretation draw the contours of the state's biopolitical duty to remedy food security issues.

Key to the NFSB was the range of programs to be included in a food security bill. On one side, the RTFC claimed that a national act should be as comprehensive as the Supreme Court's interim orders and secure food security for people of all ages. On the other, the government's approach to food security focused on the TPDS. After a year of negotiations, the Working Group agreed to one of the 17 RTFC's demands and included a "life cycle approach" in the NAC II's bill. Some nutrition-related programs secured by the Supreme Court's interim orders were integrated into the bill to respond to the nutritional needs of various populations at

different stages in the life cycle, especially for pregnant women and children under the age of six. However, other key food welfare programs protected by the Supreme Court's interim orders were abandoned by the NAC II's NFSB, thereby marking a loss from the right-to-food case gains, such as pensions and food security measures for seniors. As it was drafted, the NAC II's bill would meet the nutritional needs for young families, but not for seniors.

The second thorny issue was the universalization of the TPDS. Early discussions within the Working Group quickly led to the abandonment of the RTFC's demand for a universal PDS, in order to develop, instead, new targeting mechanisms based on the Saxena Report.¹⁰ This new methodology, designed to precisely target households in need of food entitlements, would purportedly minimize errors of inclusion and exclusion (Saxena 2015). In fact, the universalization of the TPDS was never truly on the table: "The government imposed certain boundaries and the act needed to be within certain parameters," Drèze affirmed during a personal interview. He added:

It didn't give space, for example, for a universal PDS or even a universal PDS in the 200 poorest districts, which, I think, was a really good idea... At one point, there were discussions around proposals of this sort [within the NAC II], but then it became very clear that universal coverage was something that Mrs. Gandhi didn't support. So that was that because she was the chairperson [of the NAC II]. (Ranchi, May 2014)

The universalization of the TPDS was fiercely debated outside of the NAC II, but within the government, the idea to revert to a pre-1997 universal infrastructure of rationing "did not fly." In a personal interview, Jairam Ramesh, minister of rural development between 2011 and 2014, explained that for the government, a universal TPDS made little sense economically and politically:

Frankly, from day one, I was telling him [Jean Drèze] that a universal PDS will not fly. It's not wise politically and not desirable from an economic point of view as well. The cost associated with the universal system plus the amount of food you will have to procure for a universal system were too high... But [more importantly], the [main] argument against the universalization was that it is morally wrong. It was economically burdensome. Also, administratively, it was a heavy cost because the amount of food you will have to procure. But ultimately, there was a universal consensus [in the parliament] that it should not be universal. Only the communist parties wanted universal food distribution system, and no one else wanted it. Even the Congress party did not want the universal system. Only the communist party wanted it. (Ramesh, personal interview, New Delhi, August 2015)

Debates on the universalization of the PDS were phased out to focus instead on the Saxena Report's targeting system, which granted responsibility to the states for developing visible indicators of economic status, such as the presence of electric fans or latrines in homes, rather than arbitrary poverty lines as proposed in the presidential address, to better allocate food entitlements to those who (allegedly) really need them.

Additionally, the NAC II had to design a rather complex architecture of ration distribution, due to the maximum allocations of food rations made available. According to Drèze:

¹⁰ *Report of the Expert Group to advise the Ministry of Rural Development on the methodology for conducting the Below Poverty Line (BPL) Census for 11th Five Year Plan* (Government of India, 2009)—written by a group chaired by Saxena, with members such as Harsh Mander and Aruna Roy—assesses the strengths and weaknesses of poverty lines as technologies of government for identifying poor and marginalized households and better targeting welfare program to people in socio-economic need.

The NAC was quietly but firmly told that the government would never agree to go beyond a food grain allocation of 60 million tonnes for the National Food Security Act. This undermined its endeavour to extend the coverage of the PDS while retaining the norm of 35 kg per month per household. The tension was resolved by proposing a very complicated framework, with multiple categories of cardholders and differentiated entitlements. (Drèze, personal interview, Ranchi, May 2014)

The Working Group proposed a rather convoluted TPDS that would cover 90% of rural and 50% of urban populations, which were then divided into general and priority populations, each of which would be allocated different maximum entitlements (7 kg and 4 kg per person, respectively) at the same per-kilogram price. However, such a complex distribution of entitlements was more likely to create errors of exclusion from the TPDS, which could very well leave needy populations out of the food security program.

Advocates for universalizing the TPDS or those in favour of implementing better targeting mechanisms both had a similar goal: to optimize the impact of TPDS might have on chronic hunger. However, they had a contrasting perception of what the Indian population needed. Proponents of universality stressed the importance of nutritional health for the poor. For them, universalizing the TPDS was a commitment to the poor's needs: it is a social obligation towards the most vulnerable—a radical statist intervention set to overhaul existing agricultural and welfare practices to ensure that enough foodgrains (and other commodities) are produced to secure food ration procurement to all. Only then, did they argue, errors of exclusion would be eliminated, thereby satisfying the needs of those who would otherwise be excluded from the TPDS for arbitrary reasons (Sinha 2014).¹¹ Such a position did not fly within the NAC II. Additionally, as convener of the Working Group, Harsh Mander (2012), highlights in his poignant book *Ash in the Belly*, not all people have the same ability or capacity to meet their nutritional needs. Unlike education or healthcare that should be accessible to all, Mander (2012) suggests available food resources should be distributed to the ones who need it the most.

Finally, other critical demands from the RTFC, such as land reforms and a focus on small-scale food producers, were jettisoned in the politics of need interpretation. Despite vibrant protests across the country organized by the RTFC (Sinha 2014), it was unavoidable that some demands would be rejected. "[S]uch measures are critical to ensure food security; few would disagree that sustainable food systems need to be revived and developed," writes Mander; however, "the debates are about whether these measures should be part of a single omnibus food security law" (2015, 16). For Mander, development projects such as a right to food should not be politico-normative but rather technical: the nutritional needs of too many people depend upon the proper design and implementation of these projects (Mander 2012; 2015). To achieve this goal, the provisions of the NAC II's draft bill focused on a series of democratic mechanisms ensuring government accountability and transparency, such as proactive disclosure, social audits, the creation of local vigilance committees, and inspections of activities, documents, and records, as per the RTI, as well as the creation of a National Food Commission, which would be mandated to oversee the implementation of the right to food. In other words, the NAC II's draft bill included technical solutions that obliquely address the nutritional needs of hungry populations by providing strong legal provisions.

4.3. Securing need interpretation through the legislative process

Once submitted to the government, the NAC II's draft bill went

¹¹ Errors of exclusion are bound to happen due to the arbitrary character of indicators used in targeting mechanisms (Swaminathan 2000; see also Gupta 2012 for a discussion on the production of arbitrariness).

through the parliamentary process. It was first examined by an expert committee led by the chairman of the prime minister's Economic Advisory Council, Chakravarthi Rangarajan. Composed of economists, this expert committee significantly watered down the NAC II's recommendations, notably in terms of TPDS coverage and provisions for good governance (Aggarwal and Mander 2013; Sinha 2014). Based on the expert committee's recommendations, the government created a draft NFSB that was tabled in December 2011 and submitted to the Standing Committee in January 2012.

Disappointed, members of the RTFC multiplied interventions in the public space to criticize the minimalist framework—the thin-need approach—of the government's bill, which notably fell short of addressing the much larger objective of food security as promoted by the RTFC, the Supreme Courts, the CESCR (1999), and the FAO (2005). Members of the RTFC critiqued the absence of provisions related to agriculture, the lack of attention paid to nutrition, and the highly centralized character of the computerization of the TPDS (RTFC 2012). However, what really captured the attention of the public was the debate on the universalization of the TPDS and the lack of effective mechanisms for grievances redressal.

Debates on the universalization of the TPDS raged on two fronts. The first set of debates, often argued among economists, addressed the burden that a universal PDS would place on government expenditures and ultimately on the (middle-class) taxpayer (Himanshu and Sen 2011). The second set of debates focused on the benefits and limits of targeting mechanisms for properly distributing resources to the poor and the impacts of errors of inclusion and exclusion on people likely to suffer from chronic hunger (Drèze, 2011; Khera 2009; Mander 2012; Saxena 2015).

Further, the RTFC also denounced the centralized measures of surveillance included in the bill. To curb practices of corruption, the NFSB included provisions to expand governmental surveillance through the “end-to-end computerization” reforms of the TPDS and the leveraging of unique identification instruments used to confirm the authenticity of ration card holders in an effort to plug leakages from the system. While the right to Information, legislated in 2005 granted provisions for citizen empowerment through an accountability and transparency mechanism over bureaucratic practices, the NFSB opened the door to the use of aadhaar, a technology of identification that exert governmental control over the lives of poor and marginalized populations (Chamuah 2018; Dandurand 2019; Khera 2018; Masiero and Prakash 2015). The NFSB did include provisions for social audits, vigilance committees, and mechanisms of grievance redressal, such as helplines and the appointment of district grievance redressal officers, as a way to empower citizens to access entitlements; however, these mechanisms have worked only sporadically.¹²

During most of 2012, the Standing Committee on Food, Consumer Affairs and Public Distribution invited input from the public on various provisions included in the NFSB. According to the meeting minutes, Drèze and Khera were particularly active and influential in this consultative process.¹³ While admitting that they were in favour of a universal system, Drèze and Khera insisted that the TPDS targeting mechanisms should not exclude more than 25% of the country's rural population and 50% of its urban population. Greater rates of exclusion would create an untenably large population that had no stake in the TPDS or was too vulnerable to chronic hunger. Drèze and Khera also suggested that with the exception of the poorest of the poor—the

Antyodaya Anna Yojana (AAY) category—entitlements should be distributed among targeted populations without any distinctions. With these measures, the coverage of the TPDS would not be universal, but it would be simpler and more uniform and thus help to limit errors of inclusion and exclusion. Drèze and Khera argued for the provision of 7 kg of rations per person, but the Standing Committee recommended in the end that 5 kg of wheat and rice be distributed per person per household at a uniform rate of ₹2 per kg of wheat and ₹3 per kg of rice.¹⁴ The NAC II's “life cycle approach” was preserved: in addition to monthly food entitlements made available through the TPDS, the NFSB also legislated the provision of cooked meals in *anganwadi* once a day for children aged six years or less (ICDS), school lunch programs (MDMS), and maternity entitlements of ₹6,000.

Through the legislative process, interventions made by Drèze, Khera and several other members of the RTFC members, helped secure the most fundamental nutritional needs of the population vulnerable to chronic hunger (Sinha 2014). However, these Standing Committee provisions marked a clear retreat from the needs defined by the Supreme Court's interim orders and, more generally, from the demands of the RTFC. Even though they were covered by the interim orders, social security protections for disabled, the old, and single women were indeed absent from the NFSB (Sinha 2014). Similarly, for many right-to-food activists, the missing considerations for farmers' rights, the “mockery” of the targeting public distribution system, and the omission of community kitchens for the poor and the homeless shows that the government in power was not “committed for ensuring the end of food insecurity” (RTFC 2013). As for mechanisms for grievance redressal, the Standing Committee discarded the NAC II Working Group's suggestion to form a national commission on food security, but it supported the establishment of vigilance committees to oversee the implementation of the food security legislation and social audits. However, the RTFC criticized these mechanisms since they were not implemented at the *panchayat* and *gram sabha* (local or community) levels, and thus hard to access for people with grievances (2013). Largely built out of the recommendations of the Standing Committee, the NFSB was passed in Parliament, the *Lok Sabha*, in August 2013, thus becoming the National Food Security Act (NFSA), just in time for the general elections that took place in Spring 2014.

5. Conclusion

In her book *The Will to Improve*, Tania Li defines “rendering technical” (2007, 7) as a key set of governmental practices that translate complex social issues into implementable, procedural, and technical solutions. These practices, she argues, “[constitute] the boundary between those who are positioned as trustees, with the capacity to diagnose deficiencies in others, and those who are subject to expert direction. It is a boundary that has to be maintained and that can be challenged” (2007, 7). Drawing this boundary—one that demarcates whose need interpretation is authoritative—is a form of techno-politics: it may appear apolitical, consensual, or self-evident, but as Nancy Fraser points out, need interpretation is “sometimes *the* political stake” (1989, 145; italics in original).

To attend to the techno-politics of human rights law is also to investigate *how* the politics of need interpretation becomes stabilized, and institutionalized, as a legal solution to social injustice. By focusing on techno-politics of human rights in three legal sites of democratic politics, this article examines how certain right-to-food claims are legitimized through lawmaking while others are invisibilized or silenced. In turn, it also explores how human rights, as a solution to social injustice, are intimately linked and limited to what local judiciary and legislative processes can achieve (Li, 2007; Merry 2006). Even

¹² To note, after two years of fieldwork in New Delhi, I discovered that mechanisms for social audits and the formation of vigilance committees were either never set up or not functional. Helplines were functioning episodically and poorly.

¹³ This information was retrieved from the RTFC's website, available at <http://www.righttofoodcampaign.in/food-act/official-documents>, last consulted on February 24, 2017.

¹⁴ For AAY households, the Standing Committee's allocation of wheat and rice reached 35 kg per household per month, at the same price.

though human rights are based on politico-normative discourse, their translation into implementable legal frameworks is contingent on the capacities of the biopolitical state to shape space and society (Gupta, 2012)—to deploy programs that can meet the needs of a targeted population.

For the NFSA, these debates on need interpretation were critically important as they provided a much needed visibility to the struggles of the poor and brought food insecurity under mainstream and public scrutiny (Drèze 2004; Khera 2013). However, bringing these debates into legal spaces have also restricted the ability to creatively construct the right to food outside of the discursive field in which these debates have been pitted (see Merry 2006; Speed 2005), thus limiting the a right-to-food law in terms of food entitlements and a rhetoric of good governance. These two technical interventions, as some right-to food activist have suggested (RTFC 2013; Sinha 2014), are perhaps not as responsive to chronic hunger experiences as could be other right-to-food claims, such as a universal public distribution system, land reforms, or better nutritional support for the most vulnerable and homeless households. The NFSA may have been a step in the right direction (Mander 2012; Sinha 2014), but an analysis of thicker needs, formulated on the basis of the politico-normative project of the right to food, must still be considered to secure food access to all Indians.

CRedit authorship contribution statement

Guillaume Dandurand: Conceptualization, Methodology, Formal analysis, Investigation, Resources, Writing – original draft, Project administration, Funding acquisition.

Declaration of Competing Interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

Data availability

The authors do not have permission to share data.

Acknowledgement

I leap on this opportunity to thank anonymous reviewers, colleagues, and mentors who have read and commented on previous drafts of this article: Shubhra Gururani, Peter Vandergeest, Tania Li, Heather Cruickshank, and Nasya Razavi. Special thanks to Albert Schrauwers who gave me his personal copy of Fraser's *Unruly Practices* before my fieldwork. The research that informed this article was generously supported by the Social Sciences and Humanities Research Council (SSHRC), the International Development Research Centre, the Ontario Graduate Scholarship program, York Centre for Asian Research, and the SSHRC-funded Major Collaborative Research Initiative on Global Suburbanisms at York University.

References

- Aggarwal, A., Mander, H., 2013. Abandoning the Right to Food. *Economic and Political Weekly* 48 (08), 7–8. <https://www.epw.in/journal/2013/08/commentary/abandoning-right-food.html>.
- Anand, D., 1999. *Apparel Export Promotion Council vs A.K. Chopra*. Supreme Court of India.
- Banik, D., 2010. Governing a Giant: The Limits of Judicial Activism on Hunger in India. *J. Asian Public Policy* 3 (3), 263–280. <https://doi.org/10.1080/17516234.2010.536343>.
- Bartel, Robyn, Carter, Jennifer (Eds.), 2021. *Handbook on Space*. Edward Elgar Publishing, Place and Law.
- Bedi, H.P., 2015. Right to Food, Right to Mine? Competing Human Rights Claims in Bangladesh. *Geoforum* 59 (February), 248–257. <https://doi.org/10.1016/j.geoforum.2014.08.015>.
- Bennett, L., Layard, A., 2015. Legal Geography: Becoming Spatial Detectives. *Geogr. Compass* 9 (7), 406–422. <https://doi.org/10.1111/gec3.12209>.
- Birchfield, L., Corsi, J., 2010. Between Starvation and Globalization: Realizing the Right to Food in India. *Michigan J. Int. Law* 31 (4), 691–764.
- Blomley, N.K., 1994. *Law, Space, and the Geographies of Power*. Guilford Press, New York.
- Bornstein, E., Sharma, A., 2016. The Righteous and the Rightful: The Technomoral Politics of NGOs, Social Movements, and the State in India. *Am. Ethnol.* 43 (1), 76–90. <https://doi.org/10.1111/amet.12264>.
- Braverman, I., Blomley, N., Delaney, D., Kedar, A. (Eds.), 2014. *The Expanding Spaces of Law: A Timely Legal Geography*. Stanford University Press, Stanford.
- Brown, W., 2004. The Most We Can Hope For...: Human Rights and the Politics of Fatalism. *The South Atlantic Quarterly* 103 (2), 451–463. <https://doi.org/10.1215/00382876-103-2-3-451>.
- Carmalt, J.C., 2007. Rights and Place: Using Geography in Human Rights Work. *Hum. Rights Q.* 29 (February), 68–85. <https://doi.org/10.1353/hrq.2007.0003>.
- Carmalt, J., 2018. For Critical Geographies of Human Rights. *Prog. Hum. Geogr.* 42 (6), 847–861. <https://doi.org/10.1177/0309132517723720>.
- UN CESCR. 1999. "General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant)." In *Refworld*. Vol. E/C.12/1999/5. <http://bit.ly/2GXvQb9>.
- Chamuah, A., 2018. For a Sociology of Aadhaar. *Contributions to Indian Sociology* 52 (3), 343–437. <https://doi.org/10.1177/0069966718787030>.
- Chhibbar, Y. P. 2001. "PUCL Petitions Supreme Court on Starvation Deaths." *PUCL Bulletin*, July 2001. http://www.pucl.org/reports/Rajasthan/2001/starvation_death.htm (last accessed September 26, 2017).
- Chhotray, V., 2014. Disaster Relief and the Indian State: Lessons for Just Citizenship. *Geoforum* 54 (July), 217–225. <https://doi.org/10.1016/j.geoforum.2014.01.013>.
- Chopra, D., 2011a. Interactions of 'Power' in the Making and Shaping of Social Policy. *Contemporary South Asia* 19 (2), 153–171. <https://doi.org/10.1080/09584935.2011.565312>.
- Chopra, D., 2011b. Policy Making in India: A Dynamic Process of Statecraft. *Pac. Aff.* 84 (1), 89–107. <https://doi.org/10.5509/201184189>.
- Congress. 2009. "In Full: Congress Manifesto for General Elections 2009." *News18*, March 24, 2009. <http://bit.ly/2vhKClr>.
- Correia, J.E., 2018. Indigenous Rights at a Crossroads: Territorial Struggles, the Inter-American Court of Human Rights, and Legal Geographies of Liminality. *Geoforum* 97 (December), 73–83. <https://doi.org/10.1016/j.geoforum.2018.10.013>.
- Dandurand, G., 2019. When Biopolitics Turn Digital: Transparency, Corruption, and Erasures from the Infrastructure of Rationing in Delhi. *PolAR. Political and Legal Anthropology Review* 42 (2), 268–282. <https://doi.org/10.1111/plar.12305>.
- Delaney, D., 2010. *The Spatial, the Legal and the Pragmatics of World-Making: Nomospheric Investigations*. Routledge, Abingdon, Oxfordshire.
- Delaney, D., 2015. Legal Geography I: Constitutivities, Complexities, and Contingencies. *Prog. Hum. Geogr.* 39 (1), 96–102. <https://doi.org/10.1177/0309132514527035>.
- Delaney, D., 2016. Legal Geography II: Discerning Injustice. *Prog. Hum. Geogr.* 40 (2), 267–274. <https://doi.org/10.1177/0309132515571725>.
- Delaney, D., 2017. Legal Geography III: New Worlds, New Convergences. *Prog. Hum. Geogr.* 41 (5), 667–675. <https://doi.org/10.1177/0309132516650354>.
- Donnelly, J., 2013. *Universal Human Rights in Theory and Practice*. Cornell University Press, Ithaca, NY.
- Drèze, J., 2004. Democracy and Right to Food. *Econ. Pol. Wkly. Special Articles (April)*: 1723–31.
- Drèze, J., Sen, A.K., 2012. *An Uncertain Glory: India and Its Contradiction*. Allen Lane, London.
- Drèze, J., 2011. Employment Guarantee and the Right to Work". In: Khera, R. (Ed.), *The Battle for Employment Guarantee*. Oxford University Press, New Delhi, pp. 3–20.
- FAO, 1996. "World Food Summit Plan of Action." World Food Summit, Rome, IT, November 1996. http://www.fao.org/wfs/index_en.htm.
- FAO, 2002. "Draft Declaration of the World Food Summit: Five Years Later." In *World Food Summit: Five Years Later*. Rome, IT. <http://www.fao.org/docrep/MEETING/004/Y6948E.HTM>.
- FAO, 2005. *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security*. Rome, IT: FAO of the UN. <http://www.fao.org/3/a-y7937e.pdf>.
- Faria, C., Klosterkamp, S., Torres, R.M., Walenta, J., 2020. Embodied Exhibits: Toward a Feminist Geographic Courtroom Ethnography. *Annals of the American Association of Geographers* 110 (4), 1095–1113. <https://doi.org/10.1080/24694452.2019.1680233>.
- Ferguson, J., 1990. *The Anti-Politics Machine: "Development", Depoliticization, and Bureaucratic Power in Lesotho*. Cambridge University Press, Cambridge, MA.
- Foley, R., Miller, T., 2020. Urban Techno-Politics: An Introduction. *Sci. Cult.* 29 (3), 309–318. <https://doi.org/10.1080/09505431.2020.1759962>.
- Foucault, M., 1991. Governmentality. In: Burchell, G., Gordon, C., Miller, P. (Eds.), *The Foucault Effect: Studies in Governmentality*. The University of Chicago Press, Chicago, p. 308.
- Fraser, N., 1989. *Unruly Practices: Power, Discourse, and Gender in Contemporary Social Theory*. University of Minnesota Press, Minneapolis.
- Ghoddousi, P., Page, S., 2020. Using Ethnography and Assemblage Theory in Political Geography. *Geography Compass* 14 (10), e12533. <https://doi.org/10.1111/gec3.12533>.
- Gillespie, J., 2020. A Legal Geography Approach. In: Gillespie, J. (Ed.), *Protected Areas: A Legal Geography Approach*. Springer International Publishing, Cham, pp. 29–57. https://doi.org/10.1007/978-3-030-40502-1_3.
- Gloppen, S., 2005. "Public Interest Litigation, Social Rights and Social Policy." Working paper prepared for the World Bank Conference, New Frontiers of Social Policy, Arusha, TZ, December 12–15, 2005. <http://bit.ly/2JKvypU>.
- Gonsalves, Colin. 2002. "The Spectre of Starving India." *Combat Law*, no. 3 (September). <http://www.indiatogether.org/combatlaw/issue3/starve.htm>.

- Goodale, M., 2006. Ethical Theory as Social Practice. *Am. Anthropol.* 108 (1), 25–37. <https://doi.org/10.1525/aa.2006.108.1.25>.
- Goodale, M., 2007. Introduction: Locating Rights, Envisioning Law Between the Global and the Local. In: Goodale, M., Merry, S.E. (Eds.), *The Practice of Human Rights: Tracking Law Between the Global and the Local*. Cambridge University Press, Cambridge, MA, pp. 1–40.
- Government of India, 2009. Report of the Expert Group to Advise the Ministry of Rural Development on the Methodology for Conducting the Below Poverty Line (BPL) Census for 11th Five Year Plan. Ministry of Rural Development, GoI, New Delhi.
- Government of India, 2013. National Food Security Act. dfpd.nic.in/nfsa-act.htm.
- Graham, N., Bartel, R., 2016. Special Issue: Legal Geography/ies. *Geographical Research* 54 (3), 231–232. <https://doi.org/10.1111/1745-5871.12195>.
- Gupta, A., 2012. Red Tape: Bureaucracy, Structural Violence, and Poverty in India. Duke University Press, Durham, NC.
- Gupta, R., 2011. Comment." Democratizing Knowledge, p. 624. http://www.india-seminar.com/2011/624/624_comment.htm.
- Hecht, G., 2001. Technology, Politics, and National Identity in France. In: Allen, M.T., Hecht, G. (Eds.), *Technologies of Power: Essays in Honor of Thomas Parke Hughes and Agatha Chipley Hughes*. MIT Press, pp. 253–294.
- Hecht, G., 2011. *Entangled Geographies: Empire and Technopolitics in the Global Cold War*. MIT Press.
- Hecht, G., 2009. *The Radiance of France, New Edition: Nuclear Power and National Identity after World War II*. MIT Press.
- Hertel, S., 2016. A New Route to Norms Evolution: Insights from India's Right to Food Campaign. *Soc. Mov. Stud.* 15 (6), 610–621. <https://doi.org/10.1080/14742837.2016.1213161>.
- Himanshu, Sen, A., 2011. Why Not a Universal Food Security Legislation? *Econ. Pol. Wkly* 46 (12), 38–47.
- Huizenga, D., 2022. Rival Jurisdictions on a Resource Frontier: Law, Territorialization, and Inscription in the Eastern Cape, South Africa. *Geoforum* 133 (July), 1–10.
- Jacobsen, M.H., 2021. Practical Engagements in Legal Geography: Collaborative Feminist Approaches to Immigration Advocacy in Denmark. *Area* 53 (4), 595–602. <https://doi.org/10.1111/area.12654>.
- Jakobsen, J., 2019. Neoliberalising the Food Regime 'amongst Its Others': The Right to Food and the State in India. *J. Peasant Stud.* 46 (6), 1219–1239. <https://doi.org/10.1080/03066150.2018.1449745>.
- Kent, G., 2002. *The Human Right to Food in India*. University of Hawaii, Honolulu <http://bit.ly/2ORCmV>.
- Khera, R., 2006. Mid-Day Meals in Primary Schools: Achievements and Challenges. *Econ. Pol. Wkly* 41 (46), 4742–4750.
- Khera, R., 2009. Right to Food Act: Beyond Cheap Promises. *Econ. Pol. Wkly* 44 (29), 40–44.
- Khera, R., 2013. *Democratic Politics and Legal Rights: Employment Guarantee and Food Security in India*. Institute of Economic Growth, New Delhi. IEG Working Paper 327.
- Khera, R., 2018. The Aadhaar debate: Where are the sociologists? *Contribut. Indian Sociol.* 52 (3), 336–342. <https://doi.org/10.1177/0069966718787029>.
- Laliberté, N., 2015. Geographies of Human Rights: Mapping Responsibility. *Geogr. Compass* 9 (2), 57–67. <https://doi.org/10.1111/gec3.12196>.
- Li, Tania Murray, 2007. *The Will to Improve: Governmentality, Development, and the Practice of Politics*. Duke University Press, Durham, NC.
- Mander, H., 2012. *Ash in the Belly*. PRHI, New Delhi.
- Mander, H., 2015. *State Food Provisioning as Social Protection: Debating India's National Food Security Law*. FAO of the UN, Rome, IT <http://www.fao.org/3/a-i4957e.pdf>.
- Masiero, S., Prakash, A., 2015. Does Computerisation Reduce PDS Leakage? Lessons from Karnataka. *Econ. Pol. Wkly* 50 (50), 77–81.
- Mathur, N., 2012. Transparent-Making Documents and the Crisis of Implementation: A Rural Employment Law and Development Bureaucracy in India. *PolAR Polit. Legal Anthropol. Rev.* 35 (2), 167–185. <https://doi.org/10.1111/j.1555-2934.2012.01197.x>.
- Merry, S.E., 2006. Transnational Human Rights and Local Activism: Mapping the Middle. *Am. Anthropol.* 108 (1), 38–51. <https://doi.org/10.1525/aa.2006.108.1.38>.
- Mitchell, T., 2002. *Rule of Experts: Egypt, Techno-Politics, Modernity*. University of California Press, Berkeley.
- Moragues-Faus, A., 2017. *Problematising Justice Definitions in Public Food Security Debates: Towards Global and Participative Food Justices*. *Geoforum* 84 (August), 95–106.
- Morozov, E., 2013. *To Save Everything, Click Here: The Folly of Technological Solutionism*. PublicAffairs, New York.
- O'Donnell, T., Robinson, D.F., Gillespie, J., 2020. An Australian and Asia-Pacific Approach to Legal Geography. In: O'Donnell, T., Robinson, D.F., Gillespie, J. (Eds.), *Legal Geography: Perspectives and Methods*. Routledge, Abingdon, Oxfordshire, pp. 3–16.
- Parisi, L., 2010. Feminist Perspectives on Human Rights. *Oxford Research Encyclopedia of International Studies*, March. <https://doi.org/10.1093/acrefore/9780190846626.013.48>.
- Patil, S. P., 2009. "Address by the Hon'ble President of India, Shrimati Pratibha Devisingh Patil, to Parliament." Former President of India Shrimati Pratibha Patil. June 4, 2009. <http://pratibhapatil.nic.in/sp040609.html>.
- PUCI, 2001. People's Union for Civil Liberties versus Union of India and others. Supreme Court of India.
- Robinson, N., 2009. Expanding Judiciaries: India and the Rise of the Good Governance Court. *Washington University Global Studies Law Review* 8 (1), 1–69. https://openscholarship.wustl.edu/law_globalstudies/vol8/iss1/2.
- Robinson, D.F., Graham, N., 2018. Legal Pluralisms, Justice and Spatial Conflicts: New Directions in Legal Geography. *Geogr. J.* 184 (1), 3–7. <https://doi.org/10.1111/geoj.12247>.
- Rose, N., 1999. *Powers of Freedom: Reframing Political Thought*. Cambridge University Press, Cambridge, MA.
- RTFC, 2012. *National Food Security Bill 2011: Summary Critique*. <http://bit.ly/2v8dbaW>.
- RTFC, 2013. "Right to Food Campaign Rejects the National Food Security Bill Cleared by the Cabinet." *Im4!Change*. <https://bit.ly/3q6OwNn>.
- RTFC, 2008. *Supreme Court Orders on the Right to Food: A Tool for Action*, 2nd ed. Right to Food Campaign, Secretariat, New Delhi. <http://bit.ly/2qrsnLC>.
- Sainath, P., 1996. *Everybody Loves a Good Drought*. Penguin Books, New Delhi.
- Saxena, N.C., 2015. Socio Economic Caste Census: Has It Ignored Too Many Poor Households? *Econ. Pol. Wkly* 50 (30), 14–17.
- Sen, A.K., 2013. *Poverty and Famines. The Amartya Sen and Jean Drèze Omnibus*, 17th Impression. Oxford University Press, New Delhi.
- Sen, A.K., Drèze, J., 2013. *Hunger and Public Action. The Amartya Sen and Jean Drèze Omnibus*, 17th Impression. Oxford University Press, New Delhi.
- Sharma, A., 2013. "State Transparency after the Neoliberal Turn: The Politics, Limits, and Paradoxes of India's Right to Information Law". *PolAR. Political and Legal Anthropology Review* 36 (2), 308–325. <https://doi.org/10.1111/plar.12031>.
- Shaw, D.J., 2007. *World Food Security: A History since 1945*. Palgrave Macmillan, New York.
- Sinha, D., 2014. *Demanding a Comprehensive Food Security Legislation. Essays*, 15–22. Access to Food. IRIS Knowledge Foundation, Mumbai.
- Speed, S., 2005. Dangerous Discourses. *PolAR: Political and Legal Anthropology Review* 28 (1), 29–51. <https://doi.org/10.1525/pol.2005.28.1.29>.
- Spiegel, S.J., 2017. EIAs, Power and Political Ecology: Situating Resource Struggles and the Techno-Politics of Small-Scale Mining. *Geoforum* 87 (December), 95–107. <https://doi.org/10.1016/j.geoforum.2017.10.010>.
- Storey, D., 2020. "Political Geography". In: Kobayashi, A. (Ed.) *International Encyclopedia of Human Geography (Second Edition)*. Oxford: Elsevier, pp. 199–206. Doi: B978-0-08-102295-5.10488-3.
- UN General Assembly. 1948. "UDHR." Vol. 217 (III). A. Paris. <http://bit.ly/2Hht3g5>.
- UN General Assembly. 1966. "ICESCR." Vol. 2200A (XXI). <http://bit.ly/2EKLjji>.
- Swaminathan, M., 2000. *Weakening Welfare: The Public Distribution of Food in India*. LeftWord Books, New Delhi.
- Valverde, M., 2011. Seeing Like a City: The Dialectic of Premodern and Modern Knowledge Formats in Urban Governance. *Law and Society Review* 45, 247–312. <https://doi.org/10.1111/j.1540-5893.2011.00441.x>.
- Von Schnitzler, A., 2016. *Democracy's Infrastructure: Techno-Politics and Protest after Apartheid*. Princeton University Press, Princeton, NJ.
- Yadav, Y., Palshikar, S., 2009. Between Fortuna and Virtù: Explaining the Congress' Ambiguous Victory in 2009. *Econ. Pol. Wkly* 44 (39), 33–46.