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Hunger, Ethics and The Right to Food

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addressing the same question may yield different conclusions and differ in the way they selected outcomes and defined outcome thresholds. A systematic review may conclude that drug A is recommended; and another systematic review may subsequently conclude that the drug is harmful, due to hitherto undisclosed adverse effects. The review may find that drug A causes fewer deaths than drug B but is less effective in treating obesity. Future comments in this journal will describe methods of integrating the numerical results with other important information when summarising the results of meta-analyses in systematic reviews, so that one can understand how much confidence to place in the overall evidence provided to reliably inform health decisions.

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Hunger, ethics and the right to food

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Abstract

The management of hunger has to look into the issues of availability, accessibility and adequacy of food supply. From an ethical perspective, this paper argues in favour of the right to food. But, for this to become viable, the state has to come up with an appropriate and effective bill on food and nutrition security, address the issue of inadequate provisioning of storage space by state agencies leading to rotting of food grains - a criminal waste when people are dying of hunger; and rely on local level institutions involving the community, that complement the administrative structure to identify the poor and reduce exclusion and inclusion errors.

Introduction

The problem of hunger arises, more often than not, not from the non-availability of food; but from the inaccessibility of the available food (1:1). Again, provisioning of food for the hungry is not just to ensure that people eat. It is also important to know how much, and what food, people eat - an adequate, balanced and nutritious diet is vital. The recent global food crisis brought into focus spiralling prices and some reduction in availability (2-3), but these cannot be separated from accessibility and nutritional adequacy (4-5). Bringing together these divergent issues is a challenge for economic thinking, public policy and ethics.

It is in this context that this paper proposes to raise issues concerning the food security of vulnerable sections of the population, the crisis in Indian agriculture, inadequate storage and rotting of food grains procured by the public agencies, a national food security bill, updating of the poverty line for 2004-05 by the Planning Commission based on a new method, and some concomitant ethical challenges. The last will be an issue cutting across other themes, which needs some independent discussion focusing on the predicament of who should get the fruit to begin with.

Who should get the fruit?

There are three children who want a fruit, say an apple, which according to the old adage, if consumed every day will keep the doctor away. The first child, Kwo, has a special liking for the apple and enjoys eating it the most (the other two children accept this); the second child, Dhu, is the one who put in the effort into nurturing and tending the plant of which this is the first fruit (the other two children do not deny this); and the third child, Rae, is undernourished and without access to enough food (the other two concede that they are well supplied with food). Now the question is: who should get the fruit? This is similar to the situation indicated by Amartya Sen where three children were quarrelling over a flute – the first child knew how to play it, the second child had made it and the third child did not have any amenities to engage with. A classic philosophical question with at least three possibilities – the utilitarian position favouring the first child, the libertarian argument linking property rights with effort favouring the second child, and the egalitarian point of view favouring the third child (6).

In different forums and discussions where the fruit question has been raised by this author, there has been a convergence of opinion in favour of Rae, the malnourished child, getting the fruit. This position seems to be egalitarian, but the agreement could have a different reasoning for different individuals. Some taking the philanthropic position of giving food to the needy, and others arguing from the rights perspective that every individual has a right to food. The latter differ from the former in stating that it is not a dole that is being given to the poor and needy out of sympathy; it is their right.

A libertarian perspective could say that the person who put in the effort should own the fruit, has a property right, and should be compensated for this in some form. If the compensation has a public policy provisioning and the fruit is given to Rae then this does not contradict the right to food perspective.

There are utilitarian arguments in favour of Kwo being given the apple, who then, gives some other food to Rae. This may not violate the right to food, but it could lead to Rae consuming some unhealthy food with adverse implications for bodily health. This, in a sense, still violates Rae's right to food, with reference to health and nutrition. Independent of the health implications, compensation with some other food means that Rae will have to make do with a second-best preference, a compromise.

The argument in favour of Rae's right to food can also be viewed from a Rawlsian "difference principle" perspective, that is, it should be of the greatest benefit to the least advantaged members of society (7: 42-3). This emanates from an 'original position' where people are under a "veil of ignorance", an abstract position where people representing different stakeholders come together to frame rules but they do not know which group they belong to, and hence, all of them agree to rules that are in line with the 'difference principle'. It is akin to the 'maxmin' outcome of game theory where the players first find out the minimum possible value in each of the strategies then choose the strategy that gives the maximum from all these minimum values, which indicates that at least this much is assured. However, the Rawlsian 'difference principle' is much more than "maxmin" because it is based on mutuality and trust. More importantly, the difference principle is the concluding part of Rawls' second principle of justice. It is preceded in priority by the first part which refers to fair equal opportunities for all to choose the most suitable person(s) to positions of power and authority. These are preceded by the first principle, which has an overarching priority and refers to equal liberties for all.

A similar, but much more profound social thought echoes from Mahatma Gandhi's talisman: when in doubt, recall the face of the most vulnerable person and contemplate the implications of your actions on that person and you will find your answers. This can be applied as a test for any intervention that one plans, public policy or otherwise. Its advantage over Rawls lies in two aspects. First, one need not be under a veil to be in the original position, one can be oneself. Second, one need not be in the realm of abstract thought, one can be grounded in practical reality. There will then be no doubt about Rae's right to food.

Food security and vulnerability

India ranks 66th among 88 countries in the Global Hunger Index (GHI) of 2010 (8). GHI is a multidimensional measure using three equally weighted indicators-- the proportion of undernourished population for 2004-06, the proportion of underweight children below the age of five for 2003-08, and the mortality rate of children under-five for 2008. With a GHI value of 23.7 the situation is considered alarming for India. What is more, a similar calculation for 17 major states indicates that the situation is serious in four, alarming in 12, and extremely alarming in one (9: 16). More and more individuals are like Rae. This indicates the vital importance of the right to food.

There are two points of concern in the calculation of "undernourished population" being based on 1800 kilocalorie as an adequate requirement. First, this seems to have emerged from the thinking that such people will receive state support under some social security arrangement, as in some Western societies, to meet their minimum food requirements; and that they do not have to put in hard labour. But, this norm will be seriously inadequate for those individuals whose occupation and other contingencies require greater energy intake, as is generally the case with the poor in many parts of the world.

Second, even when one agrees with the norm, a more appropriate interpretation would be that it represents the proportion of “underfed population”; because besides deficiencies in energy, undernourishment also includes deficiencies in protein, vitamins and minerals, among other things (8: 9). Such an interpretation also fits in with the final index being a measure of hunger, not undernourishment. Even for the poor, the first priority would be to meet a minimum energy requirement to avoid starvation. But, once this is met, there are other priorities in life such as the educational requirements of children, or the immediate health needs of some family members that could take precedence over food and nutritional adequacy. But, shortfalls in adequate food and nutrition will have adverse long term implications on health that can also have an intergenerational impact: the poor health of the mother being translated into poor health of the child. Thus, not giving the fruit to Rae takes us beyond the domain of the right to food to issues of inequities in health and nutrition (10).

The total cereal consumption for all deciles, excluding that of the lowest decile, has declined from 1972-73 to 2004-05 (11: 43). A closer look reveals that the decline has largely been for nutri-cereals (like *bajra* and *jowar* among others) across all decile groups, which in some sense have been replaced by rice and wheat for the lower decile groups. What could give the impression of a changing consumption pattern over time is actually an outcome of the larger agricultural policy following the green revolution, with an excessive focus on rice and wheat, to the neglect of other crops. This has also coincided with the poverty norm being linked with a calorie requirement or energy consumption. Thus, Rae’s right to food has to go beyond cereals and also include, among other things, fruits.

Between the years 1972-73 and 2004-05, one also observes that energy consumption of the richest and the poorest deciles are converging, but a substantial gap still remains, with the energy consumption of the latter as a proportion of the former being 53 per cent in rural areas, and 56 per cent in urban areas, in 2004-05 (11: 44). While the positive relationship between energy intake and expenditure deciles is understandable from an income perspective, there is an ethical imperative because the energy requirement is likely to have an inverse relationship with expenditure deciles. Then again, the average food consumption does not capture the uncertainty that the poor face in terms of access to food, which could mean some days of starvation. Such a struggle for food on a daily basis will, most likely, exclude other things essential for the development of a healthy body and mind.

The study further shows that the growth of per capita expenditure for the bottom five decile groups compared to the all India average is higher when 2004-05 is compared with 1972-73, but lower when it is compared with 1993-94 (11: 42). This means that the poorer groups have had relatively lower increments in recent years, also identified as a post-reforms period, where the economy has witnessed a higher growth path. Some of the other vulnerable populations (or those

identified with Rae) are lactating and pregnant mothers, children – particularly the girl child- and school dropouts, the elderly, single and destitute women, those with ailments and physical disabilities, *dalits* and tribals, and the unemployed among others. Similarly, some sectors have not benefited as much as others have. One such sector is agriculture.

Crisis in Indian agriculture

Indian agriculture is undergoing a crisis that is manifested in twin dimensions – agricultural and agrarian (12-13). The former is indicative of a developmental failure on account of poor public provisioning to the agricultural sector. This resulted in a deceleration in production and productivity of almost all crops in the 1990s (triennium ending (TE) 1994-95 to TE 2007-08) when compared to the 1980s (TE 1981-82 to TE 1993-94); the per annum growth rates in production during the 1990s for foodgrains, oilseeds and sugarcane at 1.1 per cent, 1.2 per cent and 1.4 per cent, respectively, being lower than the per annum population growth rate of 1.9 per cent for 1991-2001 (12: 49-50) or 1.6 per cent for 2001-11, according to the latest census.

The latter underlines the threat to the livelihood base of the mass of small and marginal farmers and agricultural labourers. The annual per capita availability of foodgrains has come down from 177 kilograms in TE 1992 to 159 kilograms in TE 2007. Using the norm of 2400 kilocalories per consumer unit (this is lower than per capita, as it adjusts for age and sex composition), the incidence of calorie poor in rural India is 43 per cent; it is even higher for the occupational group of agricultural labourers at 58 per cent and the land size group of marginal holding (0-1 hectare) households at 47 per cent (12: 54). A cruel irony is that those whose hands grow the nation’s food do not have enough to eat.

Further, the nemesis of the Indian farmer has been poor returns on cultivation, which based on a nation-wide survey conducted during 2003, is less than eight rupees per person per day (14). To contextualise from our fruit analogy, this reflects the sorry predicament of Dhu. What is more, Dhu’s situation, like that of Rae, falls short of the adequate food and nutritional requirement. The farmers have been getting some relief with recent increases in minimum support prices for foodgrains. This, however, has brought into focus the need for proper storage and distribution of foodgrains.

Rotting foodgrains

In recent times, the rotting of foodgrains in storage facilities of the Food Corporation of India (FCI) and other public agencies such as the Central and State Warehousing Corporations has received much attention. “Between 1997 and 2007, 1.83 lakh tonnes of wheat, 6.33 lakh tonnes of rice, 2.20 lakh tonnes of paddy and 111 lakh tonnes of maize were damaged in different FCI godowns,” revealed a right to information petition (15). The Supreme Court of India in an order also pointed out that: “...In a country where admittedly people are starving, it is a crime to waste even a single grain” (16). It further advised that the Government take different steps including that of distributing

the food to those who deserve it. This, in a sense, reflects Rae's right to food, but more importantly, it underlines the state's duty to fulfil that right.

The Ministry of Consumer Affairs, Food and Public Distribution in a recent press release indicated that, as of 1 June 2011, the capacity of FCI and other public agencies to store grains is 623.65 lakh tonnes, of which 28.5 per cent (or 177.69 lakh tonnes) is under the open sky covered by a tarpaulin. What is worrying is that this combined capacity is only 95.3 per cent of the stocks at 654.73 lakh tonnes (17). A letter to the Supreme Court of India further highlights poor food grains management from two additional aspects (18). First, there are instances of storage of food grains under cover and plinth in the open for more than a year, exposing them to two or three monsoons and thereby rendering a substantial amount of it unfit for consumption. Second, the FCI let go of hired space because of adverse remarks from the Comptroller and Auditor General (CAG) and then could not hire back the same when the situation warranted.

A parliamentary committee report on similar concerns begins by invoking the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights while reiterating the State's obligation "to ensure for everyone under its jurisdiction access to the minimum essential food which is sufficient, nutritionally adequate and safe to ensure their freedom from hunger" (19: paragraph 1.1). The report goes on to suggest the need to construct additional storage spaces in a decentralised and time-bound manner without compromising on modern scientific technology, have more frequent physical verification of the stored food grains stocks, introduce the National Food Security Bill (NFSB) at an early date, and finalise the poverty estimates so as to help reduce exclusion and inclusion errors among others (19). The National Food Security Bill (NFSB) has been introduced in the ongoing winter session of parliament in 2011 and the Planning Commission has now accepted the new poverty estimates for 2004-05 suggested by an expert group that it had constituted. Both these issues need some further discussion.

National Food Security Bill

A debate on the proposed NFSB has already been initiated in the press and other forums because of two versions - one that the National Advisory Council (NAC) has suggested (20), and another one that the Empowered Group of Ministers (EGOM) seeks to introduce (21). Both the versions have official sanction, and hence, it is good to see a discussion within the government itself. However, it is noteworthy that the NAC version also has the involvement of civil society, particularly a network of individuals and associations working jointly to implement the right to food. Some remarks on this are in order.

The NAC version begins with a preamble, which ends indicating that "... a set of core entitlements within the universal right to food and nutrition are provided to be enjoyed and progressively expanded until universal access to adequate nutrition is achieved" (20: 2). The EGOM does not have a preamble invoking

the constitution and international covenants, but begins by stating that the bill will "... provide for food and nutritional security, in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices" (21). Thus, in a sense both agree to the relevance of nutrition in this exercise and one feels that this primacy should be explicitly mentioned in the title, which should read as the National Food and Nutrition Security Bill, 2011.

At some point, the EGOM version refers to cash transfers in lieu of entitlement and leverages it with unique identification. Both these points have been under discussion in policy circles for quite some time and have a common origin. They are likely to do away with leakages and bring about effective targeting. The intentions are to address Rae's right to food. But, they suffer from a common problem - they miss the real issue.

Cash transfer is a money-centric approach that ignores the need to make food available where people need it. If food is made available and there exists an effective food grains distribution mechanism then cash transfer (if that is pegged to the real amount of food, note that this is different from being conditional to food purchases only) could make it accessible. Unique identification is a techno-centric approach to the real world problem of identifying individuals with food and nutritional insecurity. Independent of the issue of privacy under unique identification, which is equally important in a democratic polity, any technology for identifying people should be leveraged only after it is in place. This is not to belittle either the relevance of money or technology. They are very important, but as means and not as ends. One has to be cautious in the approach, otherwise exclusion and inclusion errors can take different forms and dimensions (22).

Counting the poor

An exclusion error is considered more serious than an inclusion error. This is particularly so in a welfare state, especially when the excluded person is well below the poverty line, whereas the included person is just slightly above that line. Then again, the norm used as a poverty line could refer to one aspect of vulnerability, whereas the intervention measure through public policy could be intended for something else.

In India, food and nutrition interventions have taken different forms. Some of these are: the Integrated Child Development Scheme through *Anganwadis* for children below six years, and pregnant and lactating mothers, the Mid-day Meal (MDM) scheme for children going to government and government-assisted primary schools, and the Targeted Public Distribution System (TPDS) under which below poverty line households receive food rations at a subsidised price through the fair price shops.

Under TPDS it is essential to know the list of people below the poverty line. The Planning Commission has now accepted the recommendation of the expert group where the incidence of poverty is 41.8 per cent for rural areas and 25.7 per cent for urban areas in 2004-05 (23). While calculating this, the expert group did away with benchmarking the incidence of poverty

with a calorie norm. The report of the expert group does mention that around the poverty line, people in urban India can afford the existing norm. But, their observed intake of 1776 kilocalories is closer to a norm of 1770 kilocalories indicated by the Food and Agriculture Organisation (FAO). If the latter is being used as a justification in support of the observed intake, then it misses the point that once basic hunger is satisfied, people will have other priorities that could compromise with food and nutrition security. It could be the education of children, the health care needs of family members, and social events (marriage, birth and death) among others; or, as in Adam Smith's England, the need to buy a pair of leather shoes so as to be able to go out without shame (24: V.2.148). It is another matter that the FAO norm is for light and sedentary activities and not for medium to heavy activities that the poor in India may be associated with. Thus, the claim that the new poverty line goes beyond calorie needs and incorporates the health care and education requirement is invalid (25-27).

There are a few other concerns arising out of this new estimate. It uses median expenditure of health and education as a norm, which could be an underestimate because expenditure distribution is positively skewed (25, 28). It is not easy to replicate or to come up with comparable poverty lines for earlier years (29). Thus, time series analysis, beyond what is given in the report, is difficult. And, the acceptance of the poverty ratio for urban India from the old method as a starting point and then using it to compute a poverty line basket, has no other basis than the pragmatic consideration of starting from somewhere (30-31). More importantly, it changes the share of the poor across states, and if absolute numbers are not taken into consideration for increasing the budget, then poorer states will get lower amounts under some centrally sponsored poverty reduction schemes (32).

As the estimates of the expert group are based on a sample survey of consumption expenditure from households, it cannot be used to identify poor households in the population. Before providing food or fruit, Rae needs to be identified. It is for this purpose that an independent census of below poverty line households in rural areas is underway in 2011. This should be an independent exercise. The incidence calculated using the national sample survey data cannot be imposed on the census data to limit the number of households which are poor, even if one allows a margin to address for some exigencies (33). This top-down approach may reduce the inclusion errors, but is also likely to increase the exclusion errors.

What is required is a bottom-up approach, grounded in reality, to complement the top-down administrative structure and implementing mechanism. There is a strong case for involvement of the community at various levels, strengthening transparency to evaluate processes at every stage from policy formulation till the achievement of the policy objectives, and improving accountability (34-35).

Conclusion

Any analysis of hunger has to take into consideration the availability, accessibility and adequacy of food among other conditions. In our fruit analogy, a win-win situation lies in

compensating Dhu and providing for Rae, in which Kwo ends up with positive externalities, while both Dhu and Rae become better off. It satisfies Mahatma Gandhi's talisman and Rawlsian fairness. The state should come up with an appropriate and effective bill on food and nutrition security, address the issue of rotting food grains -- a criminal waste when people still die of starvation-- and rely on bottom-up methods that complement the top-down administrative structure to identify the poor and reduce both exclusion and inclusion errors in targeting.

Note

The Draft National Food Security Bill, 2011, has now been put up for public scrutiny and is available from: http://fcamin.nic.in/dfpd_html/Draft_National_Food_Security_Bill.pdf.

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Attempts at regulation of medical education by the MCI: issues of unethical and dubious practices for compliance by medical colleges and some possible solutions

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Introduction

There are, at present, over 335 medical colleges in the country conducting the MBBS course (1). Of these, well over 50 per cent are run by private organisations. Further, an overwhelming majority of institutions set up within the last two decades are privately run and not state sponsored. This itself indicates that governments, both central and state, do not have adequate

resources to invest for this purpose. Many of these private institutions are managed by organisations and trusts which are recent entrants to the field and do not have a long history of experience in running educational institutions, leading one to suspect that altruism and a drive to promote education is not the sole factor guiding the start of these institutions. Medical education has become a promising and profitable business.