**To: UN Special Rapporteur on the Right to Food** **hrc-sr-food@un.org**

Submission by FIAN International, 2 December 2022

**Call for Input**: To inform the Human Rights Council report of the Special Rapporteur on the right to food, focusing on the nature, degree, and cause of violence present in food systems.

**Focus Country: India**

Violence as a result of violations of the right to food is apparently on the increase in India: According to the latest figures of the World Hunger Index, India ranks 107th out of 121 countries (category "serious") and has thus steadily deteriorated in recent years. It can be assumed that the current situation is even worse due to the consequences of COVID 19. More than two-thirds of the population cannot afford a healthy diet.[[1]](#footnote-1)[[2]](#footnote-2)

India's legal framework is largely positive in this context. For example, the protection of the environment is anchored in the constitution[[3]](#footnote-3), and there are anti-discrimination and participation laws. However, there is an increasing tendency to soften these laws, especially in favour of economic interests and market liberalisation (environmental impact assessment, Land Acquisition Act, etc.). Moreover, very often violations of the law are not punished, on the contrary, they are even supported by the state, especially when it comes to enforcing economic interests.

The Indian government sometimes spends only one fifth of the budgeted sums on welfare programmes, and there are serious deficiencies in the distribution of funds. Discriminated population groups such as Dalits and Adivasis, who are disproportionately affected by hunger and malnutrition, suffer particularly.[[4]](#footnote-4) [[5]](#footnote-5) Government spending in the health sector has stagnated below 1.6 % of India's national product for more than ten years.[[6]](#footnote-6) At the same time, India's military budget is the third largest in the world.[[7]](#footnote-7)

About 30% of the country's geographical area is degraded[[8]](#footnote-8), about 70% of surface water is highly polluted. Air pollution and the waste crisis are considered among the worst in the world, climate change-induced droughts, floods and groundwater shortages are increasing dramatically. In addition, biodiversity loss is a cause of deep concern, as are extreme cancer rates linked to pesticide exposure.[[9]](#footnote-9) Those most affected by these human and environmental rights violations are the marginalised groups who depend on natural resources for their survival and have hardly any means to protect themselves from the negative impacts. Policy measures to improve the social security system, to maintain existing jobs and livelihoods (including an intact environment), to respond adequately to the dramatic impacts of climate change in India in particular, and to create new, sustainable and long-term livelihood opportunities to address the dramatic unemployment, as well as discrimination and exclusion, are obviously insufficient.

**The following information provides a case[[10]](#footnote-10) in point.**

Since 2005, the rural population in the district of Jagatsinghpur (Odisha state) has been protesting against environmental destruction and the illegal appropriation of their land. Industrial facilities and infrastructure - including steel and cement plants, a power plant and a port - are to be built there. Following the withdrawal of the South Korean company POSCO, India's Jindal Steel Work is the developer.
The livelihood of the people living there is based on rice cultivation, fishing and the cultivation of betel leaves, the most lucrative crop in the fertile region. Most of the local people are agricultural workers and fishermen. Their livelihoods are based on the rich biodiversity and fertility of the area. Many are day labourers from the marginalised Dalit community who already live in precarious economic conditions. The planned projects are being carried out in disregard of the Indian legal framework and international human rights obligations, and without the consent of the affected communities. Most of the land required is officially classified as forest land - and thus actually exempt from redesignation. However, applications for the legally vested rights to forest land have not been processed by the authorities since 2011. Several village assemblies passed resolutions against the expropriation of their land and community forest resources.

To date, however, forcible industrialization has proceeded unimpeded, and repression of the population continues to grow in scale. Despite apparent serious discrepancies in the environmental impact assessment, the government environmental clearance was issued in April 2022 and the land was granted to the company. According to estimates, the projects will destroy the livelihoods of at least 40,000 farmers, agricultural workers and fishermen. People are already suffering from severe environmental pollution from industries located in the immediate vicinity. Due to the additional emissions, further serious health effects are feared.

The State of Odisha has responded with severe repression to the protests of those who are defending their livelihoods. Violence and criminalization have been reported frequently, and massive deployment of police has been hindering the free movement of villagers and their access to agricultural fields and betel vineyards, and restricting supplies of emergency goods. Hundreds of police have been stationed in the area since late 2021. On January 14, 2022, a group of about 500 people were attacked by police. More than 80 community members have been arrested over the past eleven months as a result of their resistance to the projects. Currently, about 400 criminal cases are pending against over 1000 community members. Their leader has been in custody for more than ten months - he is accused of murder, among other things. Human rights defenders involved in organizing and leading the protests have faced serious reprisals including arrests, detention, physical assault, threats and harassment and are implicated in false police cases. Many residents do not dare to return to the village for fear of arrest.
It is estimated that more than 1,000 families have already lost their livelihoods due to the violent demolition of betel vineyards, the restriction of fishing, illegal sand mining on the limited sand dunes, as well as the violent and illegal cutting down of trees and the devastation of flora and fauna. The violent demolition of houses since October 2022 has left many families homeless this winter, surviving only with the support of other villagers.

The intended projects have been allowed to proceed without adhering to the due procedure as per the Environmental Impact Assessment (EIA) Notification, 2006, and without giving adequate attention to the rights and claims of the affected villagers under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA, 2006). As many of the villagers belong to the Scheduled castes (Dalits), the alleged incidents have also led to several violations of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

India is a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) in which the human right to adequate food and nutrition is enshrined. By failing to respect the right to food and nutrition of the villagers and through its omission to settle the rights and claims of the affected communities under the FRA, 2006, the Government of India has breached its international obligations under the ICESCR. Under the obligation to respect, India must refrain from interfering with or curtailing the enjoyment of human rights. By inflicting the above-described violence on villagers, it appears that the Odisha Government has not complied with its obligations under international human rights law. Human rights defenders are also entitled to specific protection from the State from arbitrary arrest under false charges, use of force, or deprivation of liberty, under the United Nations General Assembly’s Declaration on Human Rights Defenders 1998.

The UN Declaration for the Rights of Peasants and Other People Working in Rural Areas (UNDROP), in whose favor India voted, explicitly mentions in Article 6(2) that peasants shall not be subjected to arbitrary arrest. Article 15 (4) emphasizes the rights of peasants to determine their food and agricultural systems. Furthermore, Article 17 (1) outlines the individual and collective right to land (access to, use and manage land and water bodies, coastal seas, fisheries and pastures) and Article 17 (4) emphasizes the rights of peasants to be protected against arbitrary and unlawful displacement from their land and prohibits the destruction of agricultural areas and expropriation of land.

The affected parties call on the Indian government, the relevant ministries, as well as the Odisha state government to immediately withdraw police forces, restore freedom of movement, and halt proceedings against protesters. Furthermore, they demand the immediate processing of the forest rights claims, which are guaranteed by law, as well as the renewed implementation of the environmental impact assessment. They recommend the promotion of small and medium enterprises to boost the state's economy, eliminate unemployment and preserve traditional livelihoods without creating more environmental problems in the area. In addition to complying with the Covenant on Economic, Social and Cultural Human Rights (especially the right to food), all of India's commitments under the Convention on Biological Diversity, the Paris Agreement on Climate Change, and the Sustainable Development Goals (SDGs) must be implemented.

The situation in Jagatsinghpur demonstrates clearly the degree of influence and grip that powerful companies often have over state institutions. It highlights the [urgent need for a binding UN treaty to reiterate the primacy of human rights](https://www.fian.org/en/press-release/article/corporations-must-be-held-accountable-for-human-rights-and-environmental-crimes-3041) over investment agreements.[[11]](#footnote-11)

1. https://www.globalhungerindex.org/ranking.html [↑](#footnote-ref-1)
2. https://www.cseindia.org/71-per-cent-of-indians-cannot-afford-a-healthy-diet-says-cse-s-state-of-india-s-environment-2022-in-figuresreport-11286 [↑](#footnote-ref-2)
3. Article 48-A of the Indian Constitution states that “*The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country*.” Article 51-A spells out the fundamental duty of every citizen to “*protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures*”. Available at <https://www.india.gov.in/my-government/constitution-india/constitution-india-full-text> [↑](#footnote-ref-3)
4. https://theleaflet.in/why-schemes-for-weakest-sections-face-massive-cuts/ [↑](#footnote-ref-4)
5. <https://de.statista.com/statistik/daten/studie/19411/umfrage/bruttoinlandsprodukt-pro-kopf-in-indien/> [↑](#footnote-ref-5)
6. https://www.oxfamindia.org/press-release/inequality-kills-india-supplement-2022 [↑](#footnote-ref-6)
7. https://www.globalvillagespace.com/analyzing-indias-76-billion-usd-defence-budget/ [↑](#footnote-ref-7)
8. https://www.downtoearth.org.in/news/environment/land-degradation-in-india-hurts-farmers-and-forest-dwellers-the-most-78701 [↑](#footnote-ref-8)
9. https://earth.org/environmental-issues-in-india/ [↑](#footnote-ref-9)
10. FIAN has been supporting this case for several years, [supporting the local protest movement through campaigns, open letters and submitted a parallel report on the occasion of India’s Universal Periodic Review 2022](https://www.fian.org/en/news/article/india-stop-eviction-and-environmental-destruction-in-odisha-2936) also jointly [with other organisations](https://www.fian.org/en/press-release/article/india-government-must-end-illegal-forced-land-acquisition-and-criminalisation-of-human-rights-defenders-in-odisha-3032) [↑](#footnote-ref-10)
11. https://www.fian.org/files/files/POSCO\_V5.pdf [↑](#footnote-ref-11)