

**Sanjay Parikh, *Courts & Hunger: Understanding the Man-made Disaster at Kalahandi, Bolangir & Koraput in Odisha* (Vani Book Company, 2022), First Edition, 199pp.**

The Indian higher judiciary has generally been sensitive to the sufferings of the people. Several cases that have been filed in the form of public interest litigation (PIL) before the courts have immensely helped poor and needy. However, it is not easy for a citizen living in a distant land to knock at the doors of the highest court of the land. Despite several procedural limitations the Indian higher judiciary nevertheless has positively and promptly responded to the poor and deprived sections of the society. The zeal and the determination with which such cases were pursued by some selfless individuals before the courts need to be told. This book under review just does this. It is one of the rare books that chronicle the legal and administrative steps taken to provide thousands of famine-stricken people in a remote part of our country a hope for survival.

Lack of food security in a community context is a big challenge for our society. Famines from time to time have wrecked havoc taking away the precious lives of the people. It is generally believed that famines happen on account of natural causes and that there are no solutions to it. But that is not entirely so. Famine and hunger are largely manmade. The arrival of a famine, as argued in this book, is predictable. This is clear from the studies and data that are available on the issue. Both long and short term measures could be put in place to regulate the impact of a famine. The book further points out that the bureaucratic apathy and neglect of the State in providing timely assistance, redistributing the available natural resources to the people in a judicious way have been causing the famines. Hunger, inevitably, is the offshoot of these famines resulting in loss of life. The colonial administrations used up all the natural resources for their own profits. The post-colonial approach towards recurring famine and hunger is largely of denial. Some of these issues form the central theme of this book.

The author of this book, a senior counsel of the Supreme Court, takes the socio-legal route to not only to identify the causes for the frequent occurrences of famine and hunger, but also to provide durable solutions to it. This legal battle of over a decade has been captured in this concise book. This book in one part narrates the personal journey of the author seeking answers to some of the fundamental dilemmas of the society relating to hunger, poverty and inequality. In another part it further seeks to narrate how the author chooses the legal route to deal with some of these issues.

As the book title says it is about understanding the man-made disaster at Kalahandi, Bolangir and Koraput (known as KBK districts) in Odisha. We all respond with huge concern to the subjects like poverty, hunger, malnutrition, unorganised

labours and so on. But here, in this book one can see that the aspect of hunger triggers a chord in the author. This is not all. It makes him do something about it. In the introductory part author shares a personal account of an experience that he felt as a child that made him think about the aspects of hunger. This part also narrates the context that emerged in the years to come to deal with this issue such as his first meeting with Kishen Pattanayak a Member of Parliament and a social activist from Odisha in 1989. It was Kishen Pattanayak who took this issue to the Supreme Court and argued in person. The context is important. The court had issued proper orders and had given a liberty for Pattanayak to come back. However, the author notes that he looked disheartened as he was not in a position to fight the case further and tells the author that “it would not be possible for him to start the battle all over again.” It is here that the author expressed his wish to take it forward to see it to its logical end. The author, indeed, takes it up from where Kishen Pattanayak left and ensures that the case reaches its logical end. Fortunately, we have this book recording the intense court-monitored work done over nearly two decades to mitigate the impact of famines on peoples in the KBK districts of Odisha.

Further, this book provides an account of the story as to how a responsive judiciary could deal with the sufferings of the people. It is not just one order or the judgment of the Court that transformed considerably the lives of the people living in these districts. It is a long and arduous legal battle challenging the notions and denials created by the machineries of the State apparatus that this book outlines. It is a series of orders of the Supreme Court based on the regular assessments provided by the National Human Rights Commission (NHRC) and its various expert committees and commissions that challenged the ground realities. The book also outlines concisely the socio-economic factors, exacerbated by the apathy of the State and its machinery. It also refers to various sources and materials that need further research in the light of the work so far accomplished.

The narration of the legal work provides insights into the effective working of the human rights institutions such as the National Human Rights Commission (NHRC) and other official bodies pursuant to a reference by the Supreme Court. The study and findings by the NHRC through various expert committees provide an accurate insight into the perplexing issue of famine in KBK districts of Odisha. Consequent to this the orders passed by the Supreme Court facilitated to a large extent to improve the situation. In fact, it did considerably reduce the famine situation in some of these areas. It also shows that, if properly pursued and with sensitive legal minds on board as judges and heads of NHRCs, our legal institutional frameworks could deliver.

The book, besides an introduction by the author as discussed above, has two parts. The first part outlines in ten chapters the various facets of the issue of

famine and hunger in these Odisha districts. It begins with a chapter by providing the history and profiles of KBK districts. This is followed by a chapter on the prevalence of poverty and famine in Odisha. The third chapter provides an account of the history of Famine Codes as formulated by the colonial administration and the changes brought about in the subsequent decades. Tabulated chronology of these Famine Codes provides us an overview of the changes effected. The fourth chapter takes a look at the conceptual framework relating to hunger, poverty and famine referring to the work of Amartya Sen and others. The international legal framework relating to right to adequate food and human rights issues form part of the fifth chapter. This is followed by a chapter on the Constitution of India and the Right to Food. The subsequent chapters move to legal and policy initiatives taken by the Supreme Court of India after obtaining various suggestions and recommendations from the National Human Rights Commission.

The second part contains all the primary documents (from Appendix A to G) that include the proceedings before the Supreme Court starting from 1989 to 2006, the work of the NHRC, its expert committees and commissions that assisted the Supreme Court. Besides these, there are number of tabulated references to the chronology of famines in the India, the evolution and formulation of Famine Codes since early 18<sup>th</sup> century to this day in the Indian and the South Asian context. These Famine Codes continue to guide the lives and times of many of the affected people in different parts of our country even to this day. A critique of these Codes also forms part of this work. Later parts of the book deal extensively with the proceedings before the Supreme Court and the NHRC. Statistical details, tables and references add to the authenticity of the book. The hearings before the NHRC form a substantial part of this book. The recommendations of the NHRC pursuant to these comprehensive hearings were totally accepted by the Supreme Court and its orders were passed based on these recommendations.

The last chapter on the Road Ahead and the continued monitoring mechanism for the KBK districts is noteworthy. The road ahead is to bring in permanent and stable change by adapting the mechanism suggested by the NHRC in the State machinery. These changes include grass root level institutions within the districts. It also speaks about the monitoring at different levels, at different designated times and across different sectors. The Supreme Court in its final order provided the Petitioners to approach it in case of difficulty. Further, the Court asserted that its orders (that include the recommendations of the NHRC) have binding effect on Centre, State and all the other authorities. All the primary documents that include court proceedings and proceedings before the NHRC have been annexed to the book as seven Appendices. This will be a very useful basic source for further research for the students, lawyers and others.

The conclusions in the last part of the book are forthright. These are: (a) if there is government will the problem of poverty and hunger could certainly be addressed; (b) for starvation deaths government is fully responsible and should be answerable for its constitutional obligations and the public duty doctrine as evolved by the Supreme Court; (c) no longer could the problems of poverty and hunger be shielded by putting the blame on natural calamities; and (d) the model evolved in these proceedings before the court could be used to tackle inequality and related problems. According to the author these proceedings exposed certain myths created by the government regarding hunger and starvation deaths. Further the author notes that “these proceedings established beyond doubt that if good governance, a clear intention, honesty, firm action and sincerity exist it would not be difficult to achieve the cherished goal of equitable development.”

The book has an insightful forward by the former Chief Justice of Supreme Court and the former Chairperson of the NHRC, Justice M.N. Venkatachaliah. It was during his term as Chief Justice and later as Chairperson of NHRC that the whole legal saga of starvation deaths issue in KBK districts began. Appreciating the work done by the author “with rare sensitivity towards human suffering” Justice Venkatachaliah notes with admiration the following: “Of such men, it is admirably said, that they have grown two-blades of grass where one grew and deserve the better of mankind.”

Finally, there are many such stories of redemption from the precincts of Supreme Court and other great institutions like NHRC and others. These need to be told. For those, who wish to examine the involvement of higher judiciary, Supreme Court in particular, this book is a good starting point. Considering the volume of work done almost for a decade the narration in the book really appears like a synopsis for a further larger work. Certain basic philosophical and jurisprudential questions about the role of law raised by the author in the introductory part of the book need serious consideration. This book should be made a compulsory reading for the young law aspirants in law schools. The primary sources incorporated in the book provide a ready material for the researchers in the field of human rights, in particular for those who are highly vulnerable. It also provides a roadmap as regards the conducting of a research at ground level taking into account the concerns of lowest rung of the society.

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