

# The Missing Middle? Women's Collectives and the Right to Food in India

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## Abstract

India has one of the most ambitious legal frameworks for food security in the world and one of the most serious hunger burdens of any middle-income country. This paper argues that the gap is structural: the right to food, read into the constitutional right to life and codified in the 2013 National Food Security Act (NFSA), recognizes two categories of legal actors — atomized individual beneficiaries and registered NGOs with standing to file Public Interest Litigation — but not the village-level women's collectives that actually mediate millions of women's access to food entitlements on the ground. Drawing on organizational documentation from three development organizations, longitudinal evaluation data tracking 1,308 women micro-entrepreneurs across ten states, and the parliamentary record of the NFSA's own drafting, the paper demonstrates that these collectives perform systematic legal intermediation work: translating bureaucratic procedures, documenting patterns of entitlement denial, monitoring scheme implementation, and creating accountability with officials and informal power holders. The paper argues that the right response is not to integrate collectives into the state's delivery machinery but to recognize the intermediation work they already do — a distinction that determines whether legal standing strengthens their capacity to hold the state accountable or reinforces the inequalities it is meant to address.

**Keywords:** food security, women, women's collectives, legal intermediation, welfare policy, village governance, legal pluralism

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# 1 Introduction

India has one of the most ambitious legal frameworks in the world for food security. The right to food was not originally written in the Constitution: the Supreme Court read it into the constitutional right to life under Article 21, and Parliament later gave it statutory form in the 2013 National Food Security Act (NFSA). That entitlement now covers roughly two-thirds of the population, and, since January 2023, food rations have been fully free rather than subsidized (WFP 2025). However, hunger remains: India ranks 102nd out of 123 countries on the Global Hunger Index (Welthungerhilfe, Concern Worldwide, and IFHV 2025). For many, entitlements fail either because eligibility cannot be proven or bottlenecks in the delivery systems (Panda and Dash 2025; Carswell and De Neve 2022; Drèze, Khalid, et al. 2017).

The gap between rights and realities is stark but hardly unique to India — it is widely observed in countries with rights-based policies (Alston 2005; Nelson and Dorsey 2018; Moyn 2010; Rajagopal 2003). Making rights real requires more than legal pronouncements. It requires organizational infrastructure — built by civil society intermediaries who give citizens voice — and a state with the capacity to respond to their claims (Epp 2010; Fox 2015). These intermediaries occupy an uneasy position: when they partner with states to provide services, they cannot easily hold the state accountable (Hulme and Edwards 1997; Banks, Hulme, and Edwards 2015). India’s right-to-food framework illustrates this pattern, but with a puzzle of its own: its executive spent two decades building a collective voice-generating infrastructure, while its judiciary, constructing a parallel legal architecture for food security over the same period, never fully recognized it.

This is the paradox at the heart of this paper: a legal architecture built over two decades of sustained Supreme Court activism in *PUCL v. Union of India* — producing more than 50 interim orders and, eventually, the NFSA — features individual beneficiaries and elite NGOs as legal actors, but not the collectives who actually mediate entitlement access and service delon the ground.

The scale of the collective infrastructure built by the executive and legislature during this period is considerable. The 73rd and 74th Constitutional Amendments of 1992 gave constitutional status to village-level democratic institutions, mandating elections, reserving seats for women and marginalized communities, and formally recognizing Gram Sabhas as deliberative bodies (George, Rao, and Sharan 2024). In 2011, just as the PUCL case was gaining momentum, the government launched the National Rural Livelihoods Mission (NRLM) — one of the largest rural development initiatives in the world, with a combined budget of \$5.1 billion and \$1 billion in World Bank support — actively recruiting NGOs to mobilize women into Self-Help Groups (SHGs) explicitly designed to help them exercise their voice and hold state service providers accountable, particularly in local government bodies (Ministry of Rural Development, Government of India 2011; Joshi and Rao 2018). The state also built a collective accountability system through the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), whose mandated social audits gave village-level collectives a legally recognized monitoring role in the delivery of the

right to work (Aiyar and Mehta 2015; Adhikari and Heller 2024).

In the lives of women, the state's collective infrastructure and its legal entitlements are not separate. The core beneficiaries of the food security rules — pregnant women, ICDS mothers, ration card holders — were also the women who met in SHGs, attended Gram Sabhas and participated in citizen audit groups capable of collectively claiming entitlements. Evidence of impact abounds. SHGs have been shown to have positive effects on the economic, reproductive, social, and political domains of women's empowerment, largely through the accumulation of social capital and the strengthening of civic capacity (Desai and Joshi 2014a; Desai and Joshi 2014b; Sanyal, Rao, and Majumdar 2015; Datta 2015; Brody et al. 2017; Joshi and Rao 2018; Díaz-Martin et al. 2022). Similarly, collective monitoring through MGNREGA's social audits has been shown to shift the terms of citizen-state engagement — moving workers, at least temporarily, from passive beneficiaries to active claimants (Afridi and Iversen 2014; Aiyar and Mehta 2015; Veeraraghavan 2021).

This paper asks why none of this evidence — the empowerment gains, the accountability gains, the scale of what the state built — shaped the NFSA's core design, and why collectives were written into implementation and delivery but not into the crucial domain of accountability. The language of the NFSA and the parliamentary record of its drafting illuminate the institutional environment in which the law was written. Organizational records from three development organizations and longitudinal data tracking women micro-entrepreneurs show how that law is actually lived with on the ground.

The paper acknowledges that access to collectives is itself uneven and far from universal. But this is precisely why the right approach is not to integrate them into the state's delivery machinery but to recognize the work they already do. This distinction is key to strengthening collectives' capacity to hold the state accountable rather than reinforcing persistent structural inequalities in access — all the more critical given the real constraints India's civil society organizations already operate under (Adhikari and Heller 2024). Legal standing, in this context, is not a demand for more resources or more latitude; it is a narrower ask that leaves those constraints untouched. Recognition of this kind is not a technical or administrative fix, since citizen voice, in Sen's account, is both constitutive of freedom and instrumental to development (Sen 1999).

The paper proceeds as follows. Section 2 reconstructs the legal architecture of India's right to food. Section 3 examines why institutional arrangements coalesced around atomized beneficiaries. Section 4 uses a mixed-method approach of qualitative and quantitative data to document the intermediation functions that women's collectives perform. Section 5 turns to the distribution of the missing middle, examining where these collectives exist and, critically, where they do not. The final section concludes by considering what recognition — not integration, but acknowledgment of collective intermediation — might require from the legal architecture.

## 2 Background: The Legal Architecture of Food Security

### 2.1 The PUCL Case

In 2001, the People’s Union for Civil Liberties (PUCL) filed a writ petition asking the Court to recognize food as a fundamental right under Article 21 of the Constitution and to direct the government to implement existing food security schemes (Drèze 2004; Brierley 2019). Rather than issuing a single declaratory judgment, the Court converted the case into continuing mandamus, issuing more than 50 interim orders between 2001 and 2017 that progressively defined entitlements, established monitoring mechanisms, and held state officials personally accountable for implementation failures. The case has since been recognized as one of the most consequential exercises of judicial activism in Indian constitutional history (Mishra 2024).

The Court’s November 28, 2001 order laid out the basic framework for the policies that were to follow, specifying precise nutritional entitlements for different categories of beneficiaries. Children aged 6 months to 6 years were entitled to 300 calories and 8–10 grams of protein per day through supplementary nutrition programs. Pregnant and lactating women were entitled to 500 calories and 20–25 grams of protein per day. Children in government and government-assisted primary schools were to receive mid-day meals (Drèze and Goyal 2003). These specifications established the right to food not as an abstract principle, but as quantifiable and enforceable entitlements targeted at specific categories of the population (Birchfield and Corsi 2010). This partitioning of the population into administratively defined categories is a structural feature of the framework that will be examined more closely in the following subsection.

To ensure implementation, the Court created a multi-layered accountability structure. On May 8, 2002, the Court appointed two Supreme Court Commissioners “to redress complaints that have not been resolved by the Collectors and the Chief Secretary.”<sup>1</sup> The Court authorized them to “take the help of NGOs and individuals to help them monitor the implementation of the court’s orders,” directing that “The Commissioners shall be at liberty to take the assistance of individuals and reliable organizations in the State and Union Territories.”

The Court also established clear lines of accountability. The October 29, 2002 order stated that “Chief Secretaries will be held responsible if starvation deaths are established in their states.” Subsequent orders required Chief Secretaries to file detailed compliance reports, creating a hierarchical grievance pathway: individual beneficiaries could file complaints with District Collectors; unresolved complaints would escalate to Chief Secretaries; and persistent failures could reach the Supreme Court <sup>2</sup>.

The May 8, 2002 order also recognized Gram Sabhas — the constitutionally mandated

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<sup>1</sup>Order dated May 8, 2002, available at: <https://web.archive.org/web/20150722012905/http://www.righttofoodindia.org/orders/may8.html>

<sup>2</sup>Order dated October 29, 2002, available at: <https://www.righttofoodcampaign.in/legal-action/supreme-court-orders>

village assemblies comprising all adult residents — as monitoring bodies, directing that they were entitled to conduct Social Audits into all Food/Employment schemes” and to monitor the implementation of the various schemes.” This provision created space for community-level oversight, but through a formal governance institution rather than the informal women’s collectives this paper documents: Gram Sabhas already held constitutional recognition (George, Rao, and Sharan 2024), and their audit function did not extend the same standing to the SHGs, WRCs, and monitoring committees that operate within and around them.<sup>3</sup>.

The imagined process for claiming rights was quite clear: individual beneficiaries would see their names on displayed lists, understand their entitlements, and file complaints with Collectors or local institutions if those entitlements were denied. Formal NGOs such as the PUCL itself could file a case of Public Interest Litigation (PIL) to challenge systemic failures and even be enlisted by Supreme Court Commissioners to assist with monitoring. But filing a PIL requires resources, legal expertise, and sustained access to counsel that beneficiaries and the collectives closest to them do not possess (Peisakhin and Pinto 2010).<sup>4</sup> The lack of a formal mechanism that links women’s collectives to the grievance architecture is a design feature with consequences.

## 2.2 The NFSA

The National Food Security Act (NFSA), enacted on 5 July 2013, codified many of the interim orders into statutory entitlements: 35 kg of food grains per month for Antyodaya Anna Yojana (AAY) households and 5 kg per person per month for priority households, with prices capped at Rs. 3/2/1 per kg for rice, wheat, and coarse grains, respectively. It established maternity benefits of Rs. 6,000 for pregnant and lactating women and guaranteed nutritious meals for children through ICDS centers and mid-day meal schemes (Drèze and Khera 2017).

The NFSA was lauded for centering women in its implementation architecture. Section 3(3) of the Act mandates that "the eldest woman of the household of age 18 years or older" be designated as the head of household for ration card purposes, framed in official documentation as "a step towards women empowerment." The Act’s life-cycle approach further targeted women through cash maternity benefits and nutrition support for pregnant and lactating mothers (Government of India 2013). The Act assigned States and Union Territories responsibility for "effective implementation," including identification of eligible households, distribution of foodgrain entitlements through fair price shops, and the establishment of grievance redressal mechanisms (Government of India 2013).

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<sup>3</sup>Order dated May 8, 2002 is also available at: <https://www.righttofoodcampaign.in/legal-action/supreme-court-orders>

<sup>4</sup>Peisakhin and Pinto’s field experiment found that low-income citizens who filed Right to Information requests about their ration card applications were consistently successful — outcomes comparable only to bribery (Peisakhin and Pinto 2010). That RTI filing and bribery are the two effective strategies is itself evidence of the access problem: both require resources, knowledge, or connections that impoverished women may not possess.

The Act does establish one form of collective oversight: Section 29 creates Vigilance Committees at the State, District, Block, and fair price shop levels, with a mandate to inform the District Grievance Redressal Officer of violations and malpractice (Government of India 2013). But Vigilance Committees are state-constituted bodies whose composition is prescribed by State Governments rather than autonomous collective intermediaries operating independently of the state. The contrast with Section 12(2)(e) is instructive: in specifying reforms to the Public Distribution System, the Act explicitly envisions preference to public institutions or public bodies such as Panchayats, self-help groups, and co-operatives in the management of fair price shops, and recognizes women or their collectives as potential managers of delivery infrastructure (Government of India 2013). The core issue here is that the Act can see women's collectives when they are performing delivery functions the state has assigned to them, but remains silent on any accountability functions that would hold the state accountable.

The decade since the NFSA's passage has brought substantial delivery-side reform: end-to-end computerization of the supply chain, Aadhaar-linked beneficiary databases, and biometric verification at fair price shops have reduced diversion, and the "One Nation, One Ration Card" scheme has extended portability to migrant workers. These reforms strengthened the state's capacity to monitor its own transactions. They left untouched the question this paper is concerned with: who, besides the state and the individual beneficiary, has standing to say the transaction failed.

On 10 February 2017, the Supreme Court formally closed the PUCL case, noting that "in view of the passing of the NFSA," the litigation had achieved its objectives (Mishra 2024). This two-decade effort by the judiciary and the legislature was, in important respects, a genuine victory for women and food security: nutritional entitlements had been progressively defined and expanded, officials were held personally responsible, and landmark legislation enacted.

The NFSA marked, in the government's own language, "a paradigm shift in the approach to food security from welfare to rights based approach." It was part of a broader rights based turn in Indian social policy that also produced the Right to Information Act (2005), the Forest Rights Act (2006), and MGNREGA (2006). As this paper's introduction notes, India was not alone in this turn: the gap between rights language and substantive enforcement that characterizes the NFSA is a recurring feature of rights-based frameworks throughout the developing world (Alston 2005; Nelson and Dorsey 2018).

### **3 Why the Architecture Looks This Way**

Why did India build its legal architecture for food security around the language of individual rights? Three strands of academic literature offer converging partial answers. The first locates the answer in the history of human rights policies. Moyn (2010) argues that individual rights frameworks became politically hegemonic in the 1980s, filling the vacuum left by collapsed experiments with socialist models of welfare across postcolonial states.

Rajagopal builds on this further by arguing that the postcolonial international system admitted Third World resistance as legitimate primarily when filtered through the discourse of human rights (Rajagopal 2003). The post-Cold War growth of NGOs with transnational advocacy capacity further consolidated this trend (Brass et al. 2018; Banks, Hulme, and Edwards 2015; Kennedy 2006).

The comparative record provides a second perspective. Epp's study of rights revolutions across the United States, Canada, Britain, and India shows that India's rights-based policies reflected judicial initiative from above rather than organized pressure from below (Epp 1998). The support structure for legal mobilization that drove rights revolutions elsewhere never consolidated in India: the legal profession remains highly fragmented, with most lawyers practicing individually and litigation driven by individual cases rather than coordinated strategy. Legal power is wielded largely by upper-caste men far removed from the communities whose entitlements are most at risk, and financing for rights litigation remains channeled through the court system itself rather than through independent civil society organizations (Epp 1998). This led to top-down policy design.

A third perspective comes from the welfare state literature. Piven and Cloward (1971) argued that welfare systems are designed, at least in part, to contain the collective political pressure that generates them: by channeling all procedures through individuals, they atomize the very constituencies whose organizing power made rights legislation possible. Atomized claimants are administratively legible and politically manageable; collective intermediaries with pattern documentation and grievance escalation capacity are neither.<sup>5</sup>

None of these frameworks fully explains the particular institutional form that India's food security policies took. Three additional analytical prisms provide additional insights: the mode of governance inherited from the colonial period, the challenge of fractal inequality at the community level, and the political economy of a state that systematically underdelivers on programs requiring ongoing local accountability. These prisms are not equal in weight but they illustrate why collectives went unrecognized and who bears the cost.

### **3.1 Modes of Governance: Populations, Not Citizens**

India's legal architecture bears the imprint of a mode of governance inherited from the colonial period, which produced fixed administrative categories through census, survey, and classification rather than recognizing citizens as such (Dirks 2001; Sen 2006), leaving behind a bifurcation between citizens with rights and subjects to be administered that

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<sup>5</sup>The authors note that American community action agencies, created by the Economic Opportunity Act of 1964 with an explicit "maximum feasible participation" mandate, briefly held recognized intermediary status — and were stripped of it by Congress in 1967 precisely after demonstrating the accountability capacity that made them politically inconvenient (Piven and Cloward 1971). Since then, the *Hunt v. Washington* associational standing doctrine has reproduced the last-mile gap in programs such as food assistance. Organizations with standing to litigate or intervene in regulatory processes are systematically not the organizations serving undocumented workers, remote rural communities, or informal-economy workers; those populations are served by informal, legally unrecognized collectives structurally identical to the ones this paper documents.

postcolonial states like India inherited rather than dismantled (Mamdani 1996).

That inheritance is visible in how access to the state actually works today: it runs less through the rule-bound guarantees of citizenship than through relationships of one kind or another. Civil society is inhabited by a relatively small section of people who are, in the constitutional sense, rights-bearing citizens capable of making legal claims, while the vast majority interact with the state as targets of governmental programs — governed through what Chatterjee calls political society, where claims never rise to the level of justiciable rights, and the state retains control without accountability (Chatterjee 2004, pp. 38–40). This division does not track socio-economic status as cleanly as it might seem: even those with formal access to rights-based channels often bypass them for personal connections to officials, while the less privileged rely on political participation and informal intermediaries just to be heard at all (Heller, Swaminathan, and Varshney 2023).

The NFSA’s architecture illuminates this precisely. The Act targets pregnant women, lactating mothers, and caregivers of young children — but as populations to be administered, not as actors capable of monitoring and enforcing their own entitlements. Women’s collectives fall entirely outside this frame, possessing neither the legal status of recognized actors nor the specific entitlements of individual beneficiaries. They are the structural blind spot of the governance architecture.

### **3.2 Persistent Inequalities**

The blind spot runs deeper than the governance mode alone. India’s poverty alleviation programs face a structural targeting problem that extends well beyond the NFSA (Muralidharan 2023; Baland, Somanathan, and Vandewalle 2019; Khera 2011; Drèze and Sen 2002): inequality in rural India is fractal, persisting not only between broad government-defined caste categories but between and within sub-groups at every level of disaggregation (Joshi, Kochhar, and Rao 2022). Standard administrative categories systematically miss the most disadvantaged communities: even within groups already recognized as disadvantaged, some jatis — the Musahars and Doms within the Scheduled Caste category, for instance — remain significantly worse off than others. By targeting broad categories of women — pregnant women, lactating mothers, SC household heads — the NFSA’s beneficiary architecture cannot see the fractal structure of exclusion that determines, on the ground, whose entitlements are actually claimed.<sup>6</sup>

The legal system itself lacks representation from marginalized groups. Women comprise roughly 15 percent of enrolled advocates, hold fewer than 14 percent of high court posts, and are nearly absent among judges of Dalit, Adivasi, and Muslim backgrounds

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<sup>6</sup>These concerns have a long history. Ambedkar, the principal architect of the Indian constitution and the foremost political leader of India’s Dalit communities, warned that a constitution could guarantee formal rights while leaving intact the structures of caste — a system of graded inequality that assigns worth, mobility, and access to resources on the basis of birth — that prevented their realization (Ambedkar 1936; Ambedkar 1947). He feared that formal legal equality would mean little for those whose social position made them unable to appear before officials, file complaints, or insist on entitlements without fear of retaliation.

(Centre for Law and Policy Research 2025). Furthermore, translating top-down policies into substantive change in daily practice is a long-standing challenge (Menon 2012; Bartlett 1990): women embedded in care and dependency relationships face obstacles to claim the benefits of formal legal innovations (Fineman 2017).

The NFSA's architects were not ignorant of these realities. The Act explicitly centers women and targets disadvantaged households for many of these reasons. But the targeting apparatus they built operates at the level of broad categories, not the finer-grained jatis and sub-groups documented above. The Standing Committee's own record of how priority households were to be identified confirms this: eligibility was to be determined through household-level socio-economic indicators and demographic categories — Scheduled Castes, Scheduled Tribes, the disabled, widows, the elderly — treated as internally undifferentiated groups, with no criterion distinguishing a Musahar household from any other Scheduled Caste household (Lok Sabha Standing Committee 2013). A framework built this way can adjust who counts as a beneficiary; it cannot see, let alone correct for, the fractal structure of exclusion within that category.

### **3.3 The Political Economy of the Indian State**

The architecture of the NFSA also reflects what the Indian state, at its median capacity level, can actually support. State power is heavily centralized: local government expenditure is only 3 percent of total government spending, compared with 27 percent in the United States and 51 percent in China (Kapur 2020). The result is a state that performs well in episodic activities but poorly in ongoing delivery — and food entitlements require the latter.

This is not simply a capacity constraint. Bardhan traces it to a political economy long dominated by landowners, industrialists, and the professional/bureaucratic class, whose interests are best served by discretionary rather than accountable governance (Bardhan 1983); Manor and Jenkins call the state "institutionally allergic" to both (Adhikari and Heller 2024), and Muralidharan finds the same disposition in procurement, where corruption makes state-civil society partnerships hard to sustain (Muralidharan 2023, p. 10). This proprietary elite overlaps substantially with the upper-caste legal profession noted earlier: a bureaucracy drawn from the same class has little reason to build accountability institutions for collectives representing populations it has long excluded.

Chhattisgarh's PDS reforms are a partial exception. Transferring fair price shop ownership to SHGs and local bodies mattered, achieving measurable reductions in diversion and improvements in access (Kishnamurthy 2014), but the model delegated only the last mile of distribution. It did not grant any standing to contest upstream failures in procurement, targeting, or beneficiary enrollment. The state solved a delivery problem by recruiting collectives as implementing partners, but left the accountability gap intact.

MGNREGA offers a striking contrast. Enacted two years before the NFSA, its architects recognized that individual grievance-filing was structurally inadequate for a program requiring daily local accountability, and built collective monitoring directly into the Act.

Section 17 mandated social audits in each Gram Panchayat and Andhra Pradesh went furthest — creating a state-funded cadre of village resource persons drawn from SHG members to facilitate verification before public hearings (Aakella and Kidambi 2007; Adhikari and Heller 2024). Evidence suggests that this produced some benefits: audits shifted workers from passive beneficiaries to active claimants and recovered funds that individual complaint channels could not (Aiyar and Mehta 2015; Afridi and Iversen 2014; Fox 2015; Adhikari and Heller 2024). But the Andhra Pradesh model worked because a highly capable state-NGO partnership already existed there — and sustaining it required political will and institutional capacity that could not be taken for granted (Veeraraghavan 2021). That fragility is now being borne out: the system is being actively dismantled.<sup>7</sup> That MGN-REGA’s architects built collective monitoring into the Act while the NFSA’s did not makes the latter’s silence less a matter of design constraint than a policy decision.

### 3.4 Two Tracks, One Blind Spot

Civil society found entry into the state for NREGA and the Right to Information Act, through bodies like the NAC (\cite{adhikariheller2024}). But for food security, the PUCL led the way on a different institutional track. The judiciary and then the legislature’s drafting process for the NFSA mostly bypassed the collective infrastructure the state was simultaneously building at the time — never considering whether that infrastructure might also serve as a channel of accountability.

The judiciary’s own institutional design makes this omission difficult to explain as mere oversight. As noted in Section 2, the PUCL process was two decades of continuing mandamus, with Commissioners and Chief Secretaries specifically tasked with situational monitoring throughout 2001–2017 — on its face, an apparatus designed to register changing conditions on the ground over time. Yet across these same years, the state was mobilizing an estimated 90 million women into Self-Help Groups under the National Rural Livelihoods Mission, launched in 2011, squarely within the mandamus period and aimed at populations largely overlapping with the Court’s own beneficiary categories. A continuing mandamus with an explicit mandate to draw on non-governmental organizations had both the multi-year window and the institutional mechanism to notice this build-out, and did not. This is consistent with the mode of governance described in Section 3.1: a judiciary that sees populations to be administered rather than citizens organized in collectives would tend not to register collective infrastructure as a category of interest, whatever oversight mechanisms were formally available to it.

The legislative track reveals a different kind of failure — not institutional decline, but institutional focus. The National Advisory Council (NAC), the body most directly responsible for embedding collective accountability into NREGA and the Right to Information

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<sup>7</sup>The VB-G RAM G Bill, passed in December 2025 to replace MGNREGA, proposes significant changes to the scheme’s financing and rights-based framework, including a modified 60:40 Center-state cost-sharing arrangement that critics argue will effectively dismantle the scheme in fiscally constrained states. Whether the social audit architecture established under Section 17 will survive remains unclear at the time of writing.

Act, remained substantively engaged with food security through the drafting of the NFSB: its recommendations were finalized in October 2010, it issued a further explanatory note and a formally approved draft bill through June 2011, and a dedicated Expert Committee was convened under Dr. C. Rangarajan to examine its recommendations (Lok Sabha Standing Committee 2013).<sup>8</sup> This activity appears to have run concurrently with NRLM's launch, which was mobilizing millions of women into SHGs over the same months the NAC was finalizing its recommendations on food security. Yet the documented consultation process behind the bill — Concept Note circulation, State Food Secretary meetings, Empowered Group of Ministers deliberations, NAC rounds, the Rangarajan Committee, and inter-ministerial consultation spanning more than twenty ministries and departments — contains no recorded engagement with SHGs, women's collectives, or civil society intermediaries of the kind NRLM was building at scale (Lok Sabha Standing Committee 2013). What the process reveals is a structural blind spot in how the bill's architects thought about implementation and accountability: a consultation apparatus organized around ministries, state secretaries, and technical experts, not around the collective infrastructure the state was simultaneously building. The PUCL litigation proceeded entirely outside this process, on its own judicial timeline.

## 4 Women's Collectives as De Facto Legal Intermediaries

This section documents the intermediation work that grassroots women's collectives perform at the interface between beneficiaries and state nutrition schemes. The evidence is based on organizational documentation from three significant development organizations — PRADAN, SEWA Bharat, and Seva Mandir — including annual reports, program documentation, case narratives, and evaluation records published between 2018 and 2025. It is important to note that these three organizations are themselves registered entities with formal legal status. They build, train, resource, and sustain the village-level collectives — Self-Help Groups, Women's Resource Centers, trade groups, and community monitoring committees — through which ordinary women actually interface with the state. Since organizations have an evident interest in presenting their own impact favorably, I corroborate their claims against independent sources wherever possible, and flag, rather than adopt, figures that rest solely on an organization's own account of its impact.<sup>9</sup>

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<sup>8</sup>This account draws on the Standing Committee's own published record of the consultation process, which documents the sequence of Concept Note circulation, ministerial and state-level meetings, NAC deliberations, and Expert Committee review that preceded the Bill's introduction (Lok Sabha Standing Committee 2013). The record is the Committee's own retrospective summary rather than a full archive of NAC internal deliberations, and it documents the process the NAC and other bodies followed rather than a verbatim account of what was discussed in each meeting.

<sup>9</sup>I have conducted fieldwork with all three organizations discussed in this section, and PRADAN and SEWA Bharat are additionally well-established subjects of peer-reviewed scholarship, including my own prior published research (Desai and Joshi 2014a; Desai and Joshi 2014b; Joshi and Rao 2018), which corroborates several of the patterns documented here independently of the organizations' own reporting.

The scale of what these organizations support is considerable. By 2017, when the Supreme Court closed the PUCL case and declared the legal architecture complete, the National Rural Livelihoods Mission had organized an estimated 90 million women into self-help groups across India.<sup>10</sup> The three case organizations report operating at comparable scale: PRADAN alone supported 3.4 million households through SHGs organized into 5,400 village organizations across nine states (PRADAN 2025), and SEWA Bharat organized informal workers into sector-specific trade groups and community monitoring committees across eight states (SEWA Bharat 2024). Seva Mandir's scale is of a different kind: it has sustained autonomous women's collectives in Rajasthan for nearly sixty years without formal state partnership. In each case, by these organizations' own account, the collectives they support were performing work the legal framework assigns only to individual beneficiaries or registered NGOs.

Two additional sources supply independent corroboration for these accounts. The first is government documentation: training manuals published by the National Health Systems Resource Centre under the National Health Mission, and program data from the National Rural Livelihoods Mission. These are the state's own instructions to SHGs about the functions they are expected to perform, and the state's own accounting of the scale at which they perform them — making them evidence not only of what collectives do but of the gap between what the state asks of them and what it legally recognizes. The second is longitudinal evaluation data from SEWA Bharat's Udyami program, which tracked 1,308 women micro-entrepreneurs across 21 districts in ten states over two survey rounds in 2022 (Desai, Hazra, et al. 2023), covering entitlement access, decision-making agency, confidence in negotiating with government officials, healthcare utilization, and participation in local governance. The records of Kudumbashree in Kerala are drawn on not as a fourth source but as a contrasting case of formal recognition, providing the closest existing approximation of what legal recognition for women's collectives might look like in practice.

This design has some limitations: the organizations are illustrative rather than representative, the Udyami data cannot be generalized to women's collectives as a whole, and the quantitative analysis establishes associations rather than causal effects. None of these limitations undermines the claim about the importance of collectives. What that importance looks like in practice is the subject of the sections that follow.

## **4.1 Mechanisms of Intermediation**

### **4.1.1 Information Translation and Bureaucratic Navigation**

For women who balance paid and unpaid work with limited knowledge, unfamiliarity with bureaucratic procedures, and restricted mobility, the distance between knowing about an entitlement and successfully claiming it can be significant (Laslett and Brenner 1989). The PUCL framework assumed that posting beneficiary lists in ration stores and Anganwadi centers would allow claims. As the SEWA Bharat evaluation data documented in Section 2

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<sup>10</sup><https://nrlm.gov.in/shgOuterReports.do?methodName=showShgreport>

illustrate, a woman managing paid work and unpaid care at Rs. 150 per day cannot easily go to the Block Development Office to file a complaint when the Anganwadi worker denies her child the nutrition promised under NFSA Section 4(a).

The three case organizations demonstrate how the collectives they build and support fill this gap. The Seva Mandir Women's Resource Centers – trained and supported by Seva Mandir but operating as autonomous village-level bodies – provide counseling and documentation support to help women obtain social security entitlements (Seva Mandir 2021). PRADAN reports operating at institutional scale, with 99 GP-level Help Desks and block-level Nagarik Sahayata Kendras across 511 Gram Panchayats in five states, in partnership with the Ministry of Panchayati Raj. By PRADAN's own account, this let households access entitlements through systematic collective intermediation rather than individual discovery of posted lists (PRADAN 2025).

A recent implementation study of SEWA Bharat's Shakti Kendras (SSKs) in Gujarat provides the most granular evidence (Thomas et al. 2022). SSKs combined home visits, documentation support, and group exposure visits to government offices to build women's independent navigation capacity. Between January 2020 and March 2021, six SSKs achieved 12,730 household contacts. Women in SSK areas had not felt the need to use PMJAY's telephone grievance mechanism, going instead directly to their Sevika — bypassing the formal channel not because it failed, but because the SSK model was already performing the intermediation work the formal architecture was never designed to provide. SEWA Bharat's own reporting suggests this pattern holds at network scale: across its full SSK network, the organization reports linking over 42,000 women to social security entitlements and schemes (SEWA Bharat 2025). In this context, the collective is not a convenience — it is the only mechanism through which the entitlement becomes claimable at all.

#### **4.1.2 Monitoring and Collective Complaint Tracking**

Beyond helping individual women navigate entitlement systems, women's collectives do something the PUCL-NFSA framework neither anticipates nor accommodates: they document patterns of exclusion affecting multiple households simultaneously and monitor whether schemes are actually delivering what the law promises. Complaint tracking surfaces what has gone wrong for specific households; implementation monitoring asks whether the scheme as a whole is functioning. Together, they constitute a form of collective oversight that the individual grievance hierarchy – running from District Collectors to Chief Secretaries to Supreme Court Commissioners – was never designed to recognize or receive.

The three case organizations demonstrate how both functions operate where they have no formal recognition. PRADAN's SHG discussions surface systematic exclusions at the village level — multiple members reporting Anganwadi workers demanding bribes, ration cards not updated despite births, pregnant women denied the Rs. 6,000 maternity benefit under NFSA Section 4(b) — and help desks aggregate these patterns across villages and escalate them to Panchayat officials. The results are striking: 25,000 ultrapoor households were linked to entitlements and supported in asset creation, and in West Bengal alone,

674,000 households developed entitlement plans (PRADAN 2025). SEWA Bharat’s community monitoring committees go further, conducting structured observation of ICDS centers — tracking Anganwadi worker attendance and whether pregnant and lactating women are receiving entitled benefits — before women know to complain that the scheme is not working (SEWA Bharat 2024). Seva Mandir’s collectives go further still: its annual reports document not only monitoring of Anganwadi attendance and performance but active partnership with the state to repair infrastructure, reduce absenteeism, and restore functionality to centers that have ceased to function (Seva Mandir 2021).

None of these functions — collective complaint tracking, proactive implementation monitoring, pattern escalation — has any recognized place in the NFSA. Section 14 establishes District Grievance Redressal Officers to receive individual complaints; it has no mechanism through which a federation’s findings about systematic Anganwadi absenteeism or denied maternity benefits can be formally entered into the accountability architecture.

### 4.1.3 Mediation and Accountability Creation

Of the three intermediation functions documented here, mediation and accountability creation most directly resembles legal work — and most clearly exposes the gap between what collectives do and what the legal framework can see. Where information translation helps women navigate systems that are formally open to them, and complaint tracking surfaces patterns of systemic failure, mediation and accountability creation involves collectives asserting, on behalf of women, that entitlements are owed and that failure to deliver them will not go uncontested.

The authority through which they do this resembles what Adhikari and Heller, writing on NREGA’s social audit institutions, call *working the institutions* rather than *marching through* them: not episodic contentious mobilization, but sustained, everyday negotiation and claim-making through which effective claims become embedded in local institutions over time (Adhikari and Heller 2024). The aagewan’s authority is a village-level, retail form of this same practice — built through organizational proximity, community trust, and repeated engagement with the same officials.<sup>11</sup>

All three organizations support women in asserting claims, and each describes this work in their annual reports and case studies as “linking” vulnerable communities to state programs. The need for this intermediation has intensified as Aadhaar-based biometric authentication has become a gateway to PDS entitlements across states: manual laborers, whose fingerprints are worn by physical work, face systematic authentication failures at fair price shops, and women whose Aadhaar details are missing, outdated, or unseeded on ration cards are routinely turned away from benefits they are legally owed (Drèze 2019, p. 177).

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<sup>11</sup>This kind of informal, relationship-based authority is not without risk: Heller, Swaminathan, and Varshney find that in urban India, political participation without formal standing tends to produce brokerage rather than accountability, particularly for the poor (Heller, Swaminathan, and Varshney 2023). The distinction likely lies in whether the intermediation is collective and public-facing or a private transaction — a distinction this paper’s evidence cannot fully settle.

Case-studies and the longitudinal evaluation of SEWA Bharat provide additional insights. When women encountered rejected claims or failed authentication, they went to their aagewan instead of the formal grievance channel — not because the channel had failed them, but because the collective intermediary was already performing the work the formal architecture was never designed to provide (Thomas et al. 2022). Women exposed to SEWA’s organizing activities showed significantly higher confidence in negotiating with government officials — 71 percent versus 67 percent among women without such exposure — and 38 percent felt able to make independent decisions about health expenditures compared to only 25 percent of women without collective support (Desai, Hazra, et al. 2023). This confidence translated into results: women involved in SEWA accessed health insurance schemes at significantly higher rates (73 percent versus 62 percent) and spent nearly half as much on healthcare (Rs. 2,760 versus Rs. 5,362), suggesting that collective knowledge enabled them to navigate public health systems instead of defaulting to more expensive private providers.

The accountability gains from collective involvement are not confined to informal assertion. In Chhattisgarh, the government’s 2004 PDS reforms transferred ration shop management from corrupt private dealers to gram panchayats, self-help groups, and other community institutions. Drèze attribute the turnaround directly to this shift: community institutions have less incentive to divert grain because doing so would amount to cheating their own members, and a more inclusive PDS generates greater collective pressure on the system to function (Drèze 2019, pp. 183–184). When collectives are formally incorporated into delivery, the accountability dynamic the WRCs achieve informally becomes structural. The NFSA’s grievance architecture forecloses precisely this possibility.

During the Covid-19 pandemic, India’s lockdown exposed what the formal grievance architecture could not reach. When state channels became inaccessible overnight, it was the national network of aagewans who stepped in. In Odisha, Badhigaon aagewans partnered with the local panchayat to take over ration distribution entirely, with very little hunger reported through the lockdown. In Punjab, aagewans identified migrant families systematically missed in official surveys and ensured they received ration kits on a priority basis (Sen and Haque 2021).

The crisis also revealed the distance between operational practice and legal recognition. The aagewans who distributed rations in Badhigaon had no formal standing to do so, no authority to escalate if a delivery fell short, and no recognized role in the accountability architecture that would have surfaced those failures. The state delegated the function without extending the recognition that would have made the arrangement reciprocal: dependence flowed toward the collectives, accountability did not flow back. Drèze notes that stronger accountability measures were actually quietly dropped from the National Advisory Council’s early drafts before the NFSA was enacted (Drèze 2019, p. 194); the Government of India’s own National Health Systems Resource Centre publishes training manuals directing SHGs to perform the monitoring and intermediation functions the legal architecture withholds recognition from (National Health Systems Resource Centre 2023). What the architecture reflects is not an absence of knowledge about what collectives do, but a struc-

tural choice about what the state is prepared to acknowledge.

## 4.2 The Legal Limbo

The intermediation work documented above bears striking similarity to legal work. Legal pluralism scholarship has long recognized this pattern: most dispute resolution and enforcement of rights occur outside formal institutions through the private ordering of local bodies, and the relationship between informal systems and the state is constitutive rather than simply supplementary (Galanter 1981; Merry 1988). The NFSA's architecture reflects the opposite assumption. A collective that has documented systematic denial of maternity benefits in dozens of households understands it as a collective failure, yet has no standing to file a collective grievance. By 2017, when the Supreme Court closed the PUCL case and declared the legal architecture complete, thousands of collectives were performing this work daily, and the Government of India was actively training more of them to do so.

Kerala's Kudumbashree offers the closest existing approximation of what formal recognition might look like, and also highlights its limits. Kudumbashree's Community Development Societies (CDS) are registered under the Charitable Societies Act, formally embedded in Kerala's panchayat planning structure, and explicitly recognized as intermediaries in state program delivery. Williams et al. documented real gains: women moving into public life, building civic capacity, and in some cases using their Kudumbashree standing as a pathway into formal panchayat leadership. However, full integration into the state's delivery machinery came at a cost. In Palakkad, the party networks directly controlled the selection of CDS leaders and the most marginalized women — Paniya adivasi households in Wayanad, the Nayadi community in Palakkad — were excluded from the collectives meant to serve them. Conducting poverty surveys, sustaining Gram Sabha attendance, and supervising NREGP worksites reduced many women to unpaid government labor rather than empowered intermediaries (Devika 2016). This outcome, however, followed from a specific institutional design: in Kerala, recognition meant administrative incorporation. CDS structures were built into the panchayat planning system, funded through it, and staffed through processes that party networks could capture.

The recognition proposed here has a specific and narrow scope: a legal duty for the District Grievance Redressal Officer to accept a collective's documented pattern — fifty denied maternity benefits in five villages, say — as a formal complaint carrying its own evidentiary weight, distinct from and not reducible to fifty individual complaints. Nothing in the NFSA currently prevents a WRC or SHG federation from bringing such a pattern to a DGRO. What is missing is not permission but obligation: the DGRO has no duty to log such a submission as a formal complaint, to weigh it differently from a single household's account, or to trigger any escalation because the source is a collective rather than an individual. This distinction is neither administrative nor just conceptual. Evidence from urban India suggests that informal engagement without institutionalized standing tends to default into brokerage rather than accountability: political participation there increases the odds of resolving a problem, but primarily by routing citizens through intermediaries and trans-

actional exchange rather than through a rule-bound response the state owes them (Heller, Swaminathan, and Varshney 2023). Recognition, in this sense, would not grant collectives a new capacity to speak; it would obligate officials to treat what they already say as evidence carrying its own procedural weight. This is a narrower claim than integration: formalizing standing addresses the discretionary character of an official’s response, not the prior question of which collectives have the resources, training, and organizational reach to bring a pattern forward in the first place. The two problems are related but distinct, and the second is not solved by the first.<sup>12</sup>

## 5 The Distribution of the Missing Middle

The preceding section documents what women’s collectives accomplish where they exist. There is however, a deeper distributional question that is relevant here: what proportion of rural Indian women actually have access to such collectives? India’s headline figures are often cited as evidence of scale: as of January 2025, approximately 100 million women households have been mobilized into 9.09 million Self-Help Groups under DAY-NRLM, averaging 14 SHGs per village and covering roughly one in eight Indian women.<sup>13</sup> That estimate, however, counts households mobilized rather than active participants; it averages across a distribution in which southern states account for a disproportionate share of coverage; and it says nothing about the quality or intermediation capacity of the groups counted. Many women remain excluded.

The exclusion operates at two levels. At the geographic level, civil society organizations in rural India are concentrated in southern states and in villages that are more accessible, more populous, and better served by infrastructure — a pattern consistent with broader evidence that NGOs systematically self-select in operationally convenient locations rather than areas of greatest need (Brass et al. 2018; Banks, Hulme, and Edwards 2015; Werker and Ahmed 2008). In Uttarakhand, for example, population size, distance from nearby towns, and village-level infrastructure quality were the primary predictors of which villages had a prior NGO presence (Usmani, Jeuland, and Pattanayak 2024). At the community level, access is further stratified, even where collectives exist. Poor Dalit and Muslim women are frequently excluded from SHGs through the reproduction of local power hierarchies within group structures (Jakimow and Kilby 2006; Batliwala and Dhanraj 2007; Baland, Somanathan, and Vandewalle 2008; Baland, Somanathan, and Vandewalle 2019). Local power differentials rooted in caste, education, and land ownership shape the composition and stability of the group, with the most vulnerable women the most likely to leave over

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<sup>12</sup>This mirrors what Adhikari and Heller, describing NREGA’s social audit institutions, call *embedded autonomy*: audit bodies that are state-funded and formally answerable to bureaucratic oversight, but in which civil society deliberately does not occupy formal institutional positions, instead providing advisory and capacity-building support from outside. They note this is what gives such institutions their effectiveness, but also that it is a balance that can be easily compromised (Adhikari and Heller 2024) — a caution that applies equally to the reform proposed here.

<sup>13</sup><https://nrlm.gov.in/shgOuterReports.do?methodName=showShgreport>

time (Nichols 2021). A census of SHG survival in 386 villages in eastern India finds that households of disadvantaged castes exhibit higher attrition rates and smaller loans, and that groups without formally educated members are four times more likely to become inactive (Baland, Somanathan, and Vandewalle 2019).

These patterns directly connect to the issue of fractal inequality. The women most structurally excluded from formal entitlement channels are not simply poor women in the aggregate — they are specific jati communities whose disadvantage persists even within groups already recognized as marginalized (Joshi, Kochhar, and Rao 2022). The distribution of collective access reproduces this fractal structure: the Musahars and Nayadi, who are least likely to appear on beneficiary lists, are also least likely to participate in the SHGs that might help them claim those lists' promises. The legal architecture thus compounds two invisibilities at once. It does not recognize the collective intermediaries through which entitlement access actually occurs for the minority of rural women who have them. And it does not account for the far larger population for whom neither individual complaint nor collective intermediation is practically available — the women the framework has made invisible twice over.

Acknowledging this distributional reality — naming the missing middle within the legal framework rather than assuming it away — is a necessary precondition for designing a rights architecture capable of reaching those it has most consistently failed.

## 6 Conclusion

This paper has documented a structural paradox at the heart of India's food security governance. The legal architecture constructed through the PUCL case and codified in the 2013 NFSA succeeded in specifying entitlements, establishing grievance hierarchies, and holding officials personally accountable. What it systematically failed to do was recognize the village-level collectives that actually mediate millions of women's access to those entitlements. Women's collectives translate bureaucratic procedures, document patterns of exclusion, conduct proactive implementation monitoring, and create accountability with officials and informal power holders — daily, at scale, in a legal gray zone the PUCL-NFSA framework cannot see.

The paradox, at root, is one of non-recognition across branches of government rather than a single failure of design. The executive and legislature spent the same two decades building the collective infrastructure — NRLM's Self-Help Groups, MGNREGA's social audit provisions — that the judiciary's continuing mandamus never incorporated into the entitlement architecture it was constructing in parallel. The judiciary saw individual beneficiaries and registered NGOs because that is what the PIL apparatus before it was built to see; it did not see the SHGs and federations the state was simultaneously mobilizing at scale, because they were never a party to, or contemplated by, the litigation. The NFSA that eventually codified the Court's orders inherited this blind spot rather than correcting it. The executive's continuing capacity for unilateral action on the same architecture is visible

in what followed: the January 2023 merger of the NFSA with the PMGKAY converted the Act's entitlements to a fully free basis without legislative amendment (Section 2.2). What has not moved, in either branch, is recognition of the collective intermediaries this paper documents — a gap that is not a structural inevitability but a continuing choice.

The argument is *not* that these collectives should be absorbed into the state's delivery machinery. Kudumbashree's Community Development Societies demonstrate both what formal recognition can achieve and what it costs. The question is not whether to recognize women's collectives, but how to do so in ways that make their capacity to hold the state accountable durable rather than dependent on who happens to be in office.

The answer begins with a simpler observation: the legal framework should be consistent with itself. The PUCL framework already recognizes certain civil society organizations as legal actors — registered NGOs can file Public Interest Litigation, and Supreme Court Commissioners were explicitly authorized to enlist reliable organizations in monitoring. But this recognition extends only to the top of the system, where the threshold of resources and legal expertise required to participate is highest. It does not reach downward to the village level, where entitlement access is actually mediated.

Closing that inconsistency is the first track of a policy response. Organizations already recognized by the courts for PIL purposes — and the collectives affiliated with them — should be allowed to file collective complaints with District Grievance Redressal Officers under NFSA Section 14. This includes the WRC affiliated with Seva Mandir, an SHG federation supported by PRADAN, a trade group organized by SEWA Bharat. These are registered, documented actors, many already formally partnered with state programs. Allowing them to file collective grievances would not require new institutions or new legislation. It would also increase efficiency and improve service delivery to the most vulnerable.

The second track addresses a more complicated problem. Recognition alone does not reach women who have no collective at all. The most marginalized women — poor Dalits, Muslims, those in remote low-infrastructure villages — are precisely those least likely to be reached by any collective. Addressing this requires a parallel investment agenda explicitly targeted at collective infrastructure in underserved areas: sustained funding for organizations working in low-NGO-density districts, incentives for existing SHG federations to expand into excluded communities, and monitoring frameworks that track collective coverage alongside individual beneficiary enrollment. The distributional evidence here makes clear that legal recognition and investment in collective infrastructure must advance together.

The two tracks are connected. A legal framework that cannot see its own intermediaries cannot diagnose why entitlements fail to reach those who need them most, let alone design the conditions under which that reach might be extended. Naming the missing middle, acknowledging, within the grievance architecture, the collectives that already perform intermediation work, is the necessary first step toward building the infrastructure that would extend that reach to the women the framework has twice made invisible: first, by failing to recognize the collectives that serve them, and second, by failing to reach the communities where no collective yet exists.

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