Summary and Conclusion

In the previous chapters, various arguments based on rights, state responsibilities, and children’s rights in general and children’s right to food in particular is discussed. Consequently, to understand the operationalization of the child’s right to food, MDMS is taken into account and based on theoretical knowledge. Empirical studies were carried out in Orissa and Tamil Nadu. And in the field work chapters, I have tried to find out various practical issues related to the fulfilment of the child’s right to food and two states’ response towards the child’s right to food through MDMS. Tamil Nadu has been successful in implementing the scheme, in the meanwhile Orissa is lagging behind. The problem arises, even though MDMS is a centrally sponsored scheme and state governments are the implementing agency, there is variation while implementing the scheme in both the states. When Tamil Nadu’s mid-day meal scheme is the country’s largest in terms of the number of beneficiaries and the quality of food, Orissa is one of those states which seem to be lackadaisical about implementing the scheme, even though it has the highest rates of child mortality, starvation and death.

While perceiving the MDMS from the right perspective, emphasis is given to the right to education, right to information along with right to food. Simultaneously, the entitlement and state responsibility issues are being highlighted. But difficulties arise while clarifying the responsibilities associated with the right to food. The primary responsibility is fixed with the state, as it alone commands the resources; as the protector of constitutional rights of individuals, it is required to protect everyone from hunger. Moreover, the state’s responsibility does not get over here because it has an overarching duty to eradicate social discrimination, bridging the gap of inequality and strengthening the weaker sections. How far the Indian state is able to fulfil the basic needs of its population has been discussed keeping MDMS in view.

Providing cooked MDM to primary school children is a major step taken up by the Indian State in the late 90’s. Three arguments are invoked in support of the scheme. First, MDM boosts school attendance, especially among poorer children. Second, it protects children from classroom hunger and enhances child nutrition.
Third, MDM contributes to social equity in different ways – they teach children to share a common meal irrespective of caste and class, they act as a form of income support for poor households, and provide employment opportunities to poor women.

However, on other hand, in India where the Infant Mortality Rate is 67 per 1,000 live births, 47 per cent of the children are malnourished and 60 million children underweight under the age of five and 67 per cent pre-school children are under the risk of death and finally 2.42 million children under the age of five die because of malnutrition, the protection of the child’s right to food seems to be a myth. Children’s issues is being termed as a hidden disaster, as propounded by many of the eminent researchers like Shantha Sinha, Amartya Sen, Jean Dreze and others; unfortunately they were not successful in bringing it to the State’s attention. The Constitution of India recognized how crucial children’s well-being was to the functioning of India’s democracy when it stated “that the State shall direct its policy toward ensuring that children are given opportunities and facilities to develop in a healthy manner and its conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.”

However, India’s first comprehensive policy for children was adopted in 1974 through its National Policy for Children which assigned the responsibility to the State for providing adequate services to the children both before and after birth. Looking at the growing malnutrition and hunger situation in the country, the State of India introduced the MDMS to provide food as well as education to the children coming to school under the age group of 6-11 years. Institutions were empowered to implement the scheme with full potential to protect the children from any sort of exploitation. Accordingly, institutions like the Women and Child Welfare Department and Social Welfare Department were created to look after the child issues and to formulate policies for them. Based on this, administrative arrangements from the central level to the school level directed to see the proper implementation of the scheme which was targeted for direct intervention for children who are 6 to 11 years of age.

MDMS was introduced by the Central Government with two major objectives, that is, to increase attendance and to provide nutritious food to children. And under this scheme, a provision of dry food grains was distributed to the children, based on
their percentage of attendance. But the scheme could not receive much attention of the Indian state until the judicial intervention in 2001. In April 2001, the Supreme Court intervened with the appeal by the People’s Union for Civil Liberties. The Court clarified again that the right to life implies the right to food and MDMS is interpreted as an important means to protect that right. And on November 28, 2001, the Supreme Court directed all state governments to introduce cooked MDM rather than dry ration in primary schools within six months. This interim order came up in the context of the public interest litigation mentioned in earlier chapters. Hence, the MDMS was the widely accepted scheme thereafter. But on the other side interference of the SC was highly debated and criticized by the policy makers that the Supreme Court’s ‘meddling’ with policy issues such as the provision of MDMs in primary schools is totally unconstitutional and undemocratic.

Over a period of time, it was seen that the scheme has remained a mere governmental programme and the implementation has lacked professionalism and effectiveness among the implementing agencies. In other words, the prime objectives of the scheme, namely, nutrition and education, have grossly been undermined across the states. While a few states have initiated many reforms to strengthen the scheme, a large number have lagged behind indicating different socio-economic factors like lack of revenue and little interest taken by the public.

- **Political Commitment**

To ensure the survival of children, finding out priorities is essential and representation is vital which can be done through political will. Though child rights seldom find space in contemporary political discourse, attempt is therefore necessary to bring this issue to the forefront by the policy makers. At the moment, there are no fundamental differences of opinion among political parties as they could not have given emphasis to child rights because for them, child issues are not contentious and attention to them does not profit them much as children are not voters who have a say in who comes to power and who does not. The child issues have never come up for serious discussion and debate and political parties have seldom thought through the programme. During the parliamentary sessions between 2003 and 2004 out of 28,227 questions that were raised in the two Houses of Parliament only 843 questions, a mere
3% were child focussed (Lok Sabha-424 and Rajya Sabha-419) and out of this only 11% related to the health of children in the country. None of these questions exhibited passion or political commitment. It therefore can be concluded that it is an issue that is considered insignificant in electoral calculations.

In Tamil Nadu, where MDM goes back to 1925, and were universalized in 1982, the whole arrangement is widely accepted as a basic entitlement of all children and has been internalized by all parties concerned – parents, teachers, cooks, administrators, and children themselves. MDMs are provided every day of the year, including holidays, and any lapse in this regard would be considered a serious matter. In Orissa, by contrast, MDMs are still far from being perceived as a basic entitlement of all children.

However, the Tamil Nadu experience is different as both the regional political parties (DMK and AIDMK) made MDMS as compulsory in their party agenda. Even though children are not eligible for vote or the political parties could not get any sort of profit out of them, both the political parties have taken the scheme seriously. In Tamil Nadu, MDMs have been a lively political issue ever since M. G. Ramachandran who initiated this idea in the early 1980s. In fact, many researchers, critics and policy makers consider this initiative one of the pillars of Ramachandran’s lasting popularity. But the prominence of child issues in Tamil Nadu politics while comparing with other states like Orissa is a major reason for the relatively good quality of nutrition and health services.

- **Democracy and Public Action**

Access to all facilities provided by the State is a fundamental right of the citizen in India. When those fundamental entitlements are inaccessible to the public, there is a need of public action through judicial interventions as happened in the case of MDMS in 2001. In the Indian context, because the legal framework is an expression of the State’s commitments the court has the responsibility to pressurize the State to fulfil its commitment. In other words, the legal instruments could set the

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principles for public debates and discussions, and concretise the translation of law into actual practice.

Public action would bring pressure on the State to concretise these obligations and also expose the lacunae of the policy implementations. Public action is premised on an intrinsic faith in the system and its capacity to respond. To mobilize communities to access facilities is to anticipate public action. The difference of the system in providing immediate redressal is often tolerated because of mass ignorance related to their entitlements or rights. And the system takes opportunities of putting people in high risk.

Holding political leaders and bureaucratic set up legally as well as morally responsible and accountable for apathy and wrongdoing for non-implementation of a scheme meant for the welfare of the people is more significant in maintaining good governance and fulfilling the rights of its population in general and of children in particular. A mechanism that integrates officials, governmental organizations and individual initiatives and makes them bear collective responsibility for the effective functioning of a democratic political system is still immature in the Indian context. This is because of lack of spontaneous interventions by local institutions and local people. The so called procedures and hierarchical structure restrict the individual from the bottom rung to participate. And the sequence of reforms to strengthen public schemes does not necessarily follow a bottom-to-top approach. The flow of information could bypass some levels, thereby causing chaos. At the moment, policy makers more or less prefer to do the same thing like trying to compete for profits and pursue their political careers as rent seekers.

In a context where there are no processes to promote active participation in democracy, the delivery of services is based on different factors and local leaders and the politics of identification and selection of some to the exclusion of others. When the issue of distribution comes, the bureaucracy as well as the local bodies forms a strong collaboration in the name of strengthening public institutions. In the process, people and their rights do not get the attention they deserve. And all that is given to the poor through public institutions and policies is regarded as a reward that is gifted from the ruler to the ruled instead of as a right. In a way, while the public institutions
and the modern welfare state have an obligation to the poor children, the culture of delivery of services does not reflect this as seen from the study. Public action, involving local institutions and local bodies, enabling the community to question, negotiate and bargain with the authorities to deliver services would pave the way for enhancing every child’s access to a nutritious MDM, making it an institution for protecting the rights of children aged 6-11 years. This would involve participation of people in decision-making processes and thus democratizing the public spaces.

Now the MDM is a major scheme which is implemented in all the states in India, has come across many ups and downs since its introduction. The scheme suffers from various problems like distribution of dry ration, nutrition, false evidence of attendance, teacher’s hesitance to carry out the scheme in the school and corruption. Yet after the Public Distribution System (PDS), MDM is going to be the largest school feeding programme in the world. It was launched all over India with an ambition to universalize primary education and to enhance the nutrition level of the children. It is perceived as an important means to attract poor children to school and facilitate their education, increase their attendance, reduce dropout rates and feed them at least once a day.

However, the nutrition aspect of the scheme is sidelined and the scheme is being only emphasized as a means of increasing attendance. The state of Tamil Nadu has given importance to both the educational as well as the nutritional aspect of the scheme; the Government of Orissa has sidelined the nutritional aspect of the scheme and emphasized educational attainment, which was also partially successful.

One common problem that MDMS is facing is inflated number of beneficiaries – by showing greater attendance rates, the schools would get more food grains. This directly translates into larger quantities of ration than actually required. Estimates about the actual number of beneficiaries in each centre have to be made by the Panchayat Union Officers during the month of June and July. Due to the shortage of staff, the officials concerned are unable to check these irregularities. As a result, the problem persists, thus giving an opportunity for corruption and misappropriation of the ration meant for school children.
Another problem is of being provided with less ration than the stipulated quantity. Both the states have complained about the 5-7 kg less rice allocation from the civil supply corporation. While allocating the daily ration, the school is forced to reduce the amount or the number of days from the stipulated quantity and the stipulated number of days respectively (a school is forced to provide less than 100 grams of rice or reduce meal days from 6 to 5).

In addition there is leakage of rations at the local level. The field study in Orissa revealed that the dal which is provided to the children is nothing but yellowish hot water without minimum quantity of dal and vegetable. The tasteless dal had prompted many beneficiaries of the schools to bring their own side dishes or some take meals to home and some other bring curry or pickle from home to add to their meal.

During the verification of the food grains in both the states, it was found that the dry ration supplied to the centres is extremely poor in quality. The major problem of the dal and rice provided to schools is that it often smells of decay. The pungent smell from the rice and the bitter dal create difficulty for the children to have food. Not only this, the inferior quality of pulses takes much more time to boil, making the cook spend more firewood (cooks complained that the available fuel and its quality are not amenable to cooking for the required period). Therefore, generally half-boiled dal used to be given to the children during lunch time.

More significantly, in Orissa there is no independent kitchen and store for MDM which is available in Tamil Nadu. As a result, the cook is forced to prepare meal in the school veranda. In both the States it is found that fuel is a major problem as they do not get it regularly and they do not have sufficient number of utensils for MDM preparation. Regarding the maintenance of hygiene during food preparation as well as its distribution, Tamil Nadu is strict about it whereas in Orissa schools are rather casual about it. Though there is a provision of honoraria for the cook and helpers, they are not paid regularly. Some of them have pointed out that although the government has released the money, they have not received it. Though this non-payment of the budgeted and allocated money or the cook and helper may not hinder the functioning of the system directly, they signify how leakages have become part of
the overall system of administration of the programme. Regarding the provisioning of potable drinking water, all schools visited have their own tube wells. In the case of Tamil Nadu, each school has piped water supply.

The most important thing about Tamil Nadu’s Noon Meal Scheme is that it functions all through the year. Children get special and double meals during special occasions. So as not to lose out on these national holidays, the organizers ensure that special and extra meal is served on the day prior to the national holiday. But these things do not happen in the case of Orissa where for the most part, children do not get their regular meal even during school days due to absence of cook or non-arrival of the ration. These indicate the state’s lack of interest in providing food to its children.

Ensuring a cooked and nutritious MDM in primary schools is rapidly becoming a broad-based people’s movement where it is expected that organizations and individuals around the country are to take part in facilitating and protecting the child’s right to food through MDMS. Foremost among various issues that need to be taken care of is giving importance to its nutritional aspect which has been a major challenge since its inception. Awareness regarding MDMS as a matter of the child’s right has to be strengthened with the effective participation of the government as well as the public. The success of the programme is dependent on continued public participation and vigilance as well as sustained political interest in it.

The experience so far clearly shows that MDM have much to contribute to the well-being of the future of Indian children. The MDMS has many flaws, but it needs to go forward because it has many roles to play for the overall development of the children. Having said this, qualitative improvements are urgently required if MDM are to achieve their full potential. MDM are an important terrain of future engagement not just for the nation, but also for the nation-building; this is in addition to it being a welfare programme for the public at large.

Last but not the least, the transformation of a country from a high level of food insecurity to one of near nutritionally secure cannot be achieved overnight. Similarly, the perception towards a child should also change because like everyone else, the child too has certain entitlements and they must be entitled to proper leisure, food,
recreation and safe environment; it has to be ensured that any work performed by him/her must not be at the expense of his/her life. Therefore, any programme to build up children’s future should not be considered as a means of profit making or political gain. But it the meanwhile, there is an urgent need to change the mindsets of everyone concerned to accept that every child must be out of hunger and starvation and they must be in school for their proper growth. And it can be possible if the public institutions are able to strengthen their capacity to put aside their differences and join their hands to create a space for the future generation.

Therefore, vibrant expressions of public action and civil society participation should bring changes in the political and administrative systems, which then become more accessible to the poor and thus result in a deepening of democracy and democratization of public institutions. Talking about the functioning of the relevant departments, there is an urgent need to sensitize them regarding the needs of the children and the meeting of those needs. A similar process is also replicated with regard to defining the respective roles of the elected representatives in all the layers of Indian polity and emphasizing their obligation towards the children even though they do not have a constituency.