Introduction

‘Right to food’, in India, has been one of the most contentious and highly debated issues in relation to the right to development and most importantly, food security of the poor. With the judicious intervention of the highest law-maker of the land, the Supreme Court, a rights-based approach to development has emerged putting aside the concept of welfare approach, according to which it is required of the State to fulfil its promises given to the citizens. Thus, this new approach of the 21st century focuses on the realization of human rights through human development rather than through violations of policy, poor governance, trust between the State and citizens, treaties, etc.

However, the implementation of this strategy of human development is dependent on the ability of a country to progressively and systematically mainstream human rights concerns into national legislation and governance programmes. In order to bring in good governance, it is necessary for the states to incorporate the strategy that is based on the goals of human development. It is well understood that the State must formulate appropriate national development policies that aim for the constant improvement of the well-being of the entire population based on their active participation in development, democratization and the process of governance.

Basic rights, namely the right to food, health, education, etc., must continue, as these are not only essential for human development but also necessary for the proper functioning of a democratic State. In this study, the focus is on issues related to the right to food and the way the State has been looking at it. Simultaneously, this study also focuses on the continuous conflict between the State and individual and the ways various people’s movements articulated on the right to food, which is the essential for the survival of human beings.

In this context, right to food is defined as part of everyone’s right to a standard of living, adequate for the development of the individual.\(^1\) In the process, it is expected that the state and its institutions respond appropriately to ensure the right to

---

\(^1\) As defined in the Article 25(1) of the Universal Declaration of Human Rights, 1948.
food of its citizens. The state as an autonomous body needs to protect this right recognizing it as the fundamental right and make everyone to be free from hunger and malnutrition. Therefore, the state needs to emphasize in the production and distribution of food. Right to food will be fulfilled when all people, at all times, have physical as well as economic access to sufficient, safe and nutritious food to meet their minimum daily requirement.²

In this process, considering the right to food as means of development is quite significant because development itself is considered as a human right and it is an emerging paradigm in the contemporary debate. The right to food is characterized by adherence to five principles, which is necessary for its fulfilment. Firstly, to ensure the equitable distribution of food to target the most vulnerable and marginalized segments of the society. Secondly, to make sure there is no discrimination on grounds of categories like race, caste, colour, sex, etc. Thirdly, to guarantee participation by providing access to decision-making and by enabling the exercise of power in the execution of policies. Fourthly, to make sure that there is accountability in instances of the non-fulfilment of the right to food and applying corrective measures. Lastly, the transparency for ensuring accountability because the programmes, if any, related to the right to food must be designed in such a manner as to bring out openly all the interrelations and linkages between different actors.

However, the right to food includes the right to the development of a process that enables the progressive realization of the right to food together with the economic growth that is defined by the standards: equitable, non-discriminatory, transparent, accountable and participatory (ENTAP).³ These are all essential elements of good governance and necessary to keep in mind while trying to achieve right to development and right to food. Thus, there is an intimate interrelationship between the right to food and right to development. The right to development unifies civil and political rights with economic, social and cultural rights into an indivisible and

² This concept is used by the Food and Agricultural Organisations (FAO), United Nations. Statement by the FAO was made at the 2nd session of the OEWG, 29 January – 2 February 2001. http://www.fao.org However, the operational concept of the right to food is also used by the other Organizations of the respective nations.

interdependent set of human rights and fundamental freedoms, to be enjoyed by all human beings, without distinction of race, sex, language or religion. Right to development refers to a process of development, which leads to the realization of each human right.

Recognizing the right to development as a human right raises its status to one with universal applicability and inviolability. It also specifies a course of action for the people, by the State institution and international community on which a claim is made. Further, it goes on to state that the implementation of that right gets the first priority to allocating national and international resources and capacities. Furthermore, it obliges the State, the international community and other agencies of society, including individuals to implement and to co-operate with each other in ensuring development and eliminating obstacles. Right to development is an inalienable human right by virtue of which every human being and all people are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. The first principle affirms the right to development as an inalienable human right and therefore the right cannot be taken or bargained away.

The Constitution of India has enshrined Fundamental Rights (Part-III), to protect the basic rights of the people, which all citizens are entitled to. These, along with the Directives Principles of State Policy (Part-IV), place an obligation on the State to follow for the formulation of policies to achieve certain socio-economic goals. The Right to Life, Article-21 of the Constitution, elaborates and brings within its ambit various rights like right to food, health and environmental protection as necessary pre-requisites and to ensure a dignified life for its citizens. Thus the increasing possible realization of these rights that are being justifiable under Article-21 of the Constitution of India was taken as the major task of the state. The Indian Constitution promised to raise the level of nutrition and standards of living of its population while ensuring freedom from hunger and securing improvements in the efficiency of the production and distribution of food grains.

---

The right to food is important and it is directly related to the non-derogable right to life that is the foundation of all rights. There is no explicit provision for the right to food in the Constitution of India. However, the issue of right to food gained wider attention when the Supreme Court of India intervened through a writ petition filed by the PUCL (People’s Union for Civil Liberties) against the Union of India, Food Corporation of India, and six state governments under Public Interest Litigation (PIL) in the year 2000. Responding to the Writ Petition the Supreme Court interpreted the Article-21 in wider sense and delivered its historic judgment in 2001.

In this judgment, the Supreme Court directed all state governments in India to provide cooked meal instead of dry ration to all primary school going children. Further, the respective apex court asked the government to incorporate the right to food as an essential element in the policy making process. Expressing seriousness over the starvation deaths in Orissa, Rajasthan, Madhya Pradesh and growing food insecurity and the state’s inaction, the Supreme Court directed to take immediate actions for the free distribution of food grains to the needy instead of storing and wasting it in the state government-owned warehouses and the Food Corporation of India (FCI). The Supreme Court also held the view that priority has to be given to those who are neither able to go for employment nor have the capacity to demand from the State. In this connection, on November 23, 2001, the Court directed all the state governments to implement nearly eight food security schemes.

5 The Supreme Court has laid down that where a legal wrong or legal injury is caused to a person or to a determinate class of person by reason of violation of any constitutional or legal right or any burden is imposed in contravention of any Constitutional or legal provision or without authority of law or any such legal wrong or legal injury of illegal burden is threatened and such person or determinate class of persons, is, by reason of poverty, helplessness or disability or socially or economically disadvantaged position, unable to approach the Supreme Court for relief, any member of the public can maintain an application for an appropriate direction, order or writ in the High Courts under Article 226 and in the case of breach of any fundamental right in the Supreme Court under Article 32 seeking judicial redress for the legal wrong or injury caused to such person or determinate class of persons. D.D. Basu, An Introduction to the Constitution of India, Wadha Company Ltd., 2001.pp. 54-59.

6 The schemes are: (1) the Public Distribution System (PDS); (2) Antyodaya Anna Yojana (AAY); (3) the National Programme of Nutritional Support to Primary Education, also known as “mid-day meal scheme”; (4) the Integrated Child Development Services (ICDS); (5) Annapoorna; (6) the National Old Age Pension Scheme (NOAPS); (7) the National Maternity Benefit Scheme (NMBS); and (8) the National Family Benefit Scheme (NFSB). Essentially, the interim order of 28th November 2001 converted the benefits of these eight “schemes” into legal entitlements. A ninth scheme, Sampoorna Gramin Rozgar Yojana (SGRY), was not mentioned in this order, but it did figure in the initial list of food-related schemes on which the Supreme Court requested affidavits from the State Governments (on 17 September 2001), and SGRY became the main focus of the next interim order, issued on 8 May 2002. www.righttofoodindia.org.in
With the intervention of the Supreme Court, all the state governments have taken serious steps to implement the National Programme for Nutritional Support to Primary Education (NPNSPE) or as popularly known as the Mid-Day Meal Scheme (MDMS) that actually introduced in 1995. While in some states, the scheme has gained good public support due to the overall interest in the scheme by different stakeholders, in some other states it did not take off so well. Therefore, the major objective of the Supreme Court’s intervention has remained an unfinished goal in many of the states. In light of the above, the present study is an attempt to assess the understanding of different stakeholders’ perception on the MDMS as an effective means to fulfil children’s right to food.

• An Overview of Literature

With the aim of universalization of primary education by increasing enrolment, retention and attendance and simultaneously influencing nutrition of students in primary classes, the famous Mid-Day Meal Scheme (MDMS) was launched in 1995. The scheme since then has become almost universal while feeding primary school children all over the country. However, ever since its introduction this scheme has become one of the contentious issues not only for the policy makers but also the academic world. Intellectuals from all the disciplines, especially the social sciences, started to study the different aspects and issues related to the scheme, which traces its development and examines its achievements. There is enormous literature on the subject and a large number of empirical, theoretical and policy related research studies have been carried out. Most of these studies have highlighted on different issues of the scheme including, nutritional standards, health, the problem of attendance and level of enrolment, relating to child labour, the process of socialization, the problem of infrastructure, the nature of social policy and services introduced by the State and lastly food as a matter of right.

Nutrition and health constitutes the most important aspects of MDMS. Many studies concluded that the lack of nutrition among school going children is a major reason to hinder the educational attainment. In India, large sections of children are
deprived of adequate diet and nutrition, which results in educational as well as physical underdevelopment. According to Dreze (2004), nutritional deficiencies are the most significant obstacle for child growth and development in Karnataka, Rajasthan and Chhattisgarh. In his case-study on Andhra Pradesh, Vijayaraghavan (2004) found that nutritional deficiency was the major problem for school going children. He, while referring to the Supreme Court’s order, mentioned that many states in India are not following the requirements and even providing much less food than directed by the Supreme Court. The same argument is also made by Jain and Shah (2005), De and Noronha (2005) and Afridi (2005). They found that many states, including New Delhi, the country’s capital, provide very small amount of food to the children whereas a few states like Tamil Nadu, Karnataka, Gujarat and Kerala are able to provide, to a considerable extent, sufficient as well as nutritious food.

Regarding the quantity of food, one has to keep in mind facts such as the needs of a class one child are very different from those of a class V child (Jain and Shah, 2005). They mentioned in their study that this has not been taken into account while fixing the quantity of food provided to children of different ages or at different schools. Jain and Shah (2005) find that the quantity of food cooked is inadequate in one of the seven districts surveyed in Madhya Pradesh. In general, they reported a great sloppiness in determining the quantities to be cooked. Blue (2005) reports that though the quantity distributed appeared to be smaller than 100 gm, out of 67 children who were interviewed, 52 said that the school meals filled them up.

The quality of meals is studied by many researchers including Rajivan (2004), Dreze and Goyal (2003), Afridi (2005), Blue (2005) and Khera (2006). All of them have highlighted on one issue, that is, the quality of meals is a real and greatest challenge in almost all the states in India. Reports of children being taken ill after consuming the mid-day meal have occasionally made headlines in various parts of the country.\(^7\) The issue of different menu is one of the bigger challenges for many states of India. The two main problems were lack of adequate staff for preparing the meal and the lack of adequate funds. Jain and Shah (2005) find that the assumptions

\(^7\) An impressive collection of newspaper reports (in Hindi) on food poisoning and other “mid-day meal incidents” in Uttar Pradesh (which has one of the worst mid-day meal schemes in India) is available from the dynamic action group in Lucknow. [www.righttofoodindia.org.in](http://www.righttofoodindia.org.in)
regarding prices of vegetables and dal while fixing the budget are absurd. The budgeted cost of dal is Rs 25 per kg whereas a more realistic price according to them would be Rs 30-35 per kg. This meant that smaller quantities than required are bought and children get watery dal or just potatoes in lieu of vegetables. It was also observed in many studies that although the quality of food is very bad and children get the same type of food every day, children get side dish or pickle along with them (Dreze and Goyal: 2003). When states such as Rajasthan and Madhya Pradesh began providing cooked MDM, they were providing the same dull meal every day—ghooghri in Rajasthan and dalia in Madhya Pradesh. During field visit to Jashpur (Chhattisgarh), Dreze and Goyal revealed that many children told them with glee that they got everything in school—eggs, papad-achar, dal and rice. See Mascarenhas (2006) on Maharashtra and Afridi (2005) for details of the Suruchi Bhojan in Madhya Pradesh.

Afridi (2005) has attempted the complex task of assessing the calorie and protein content of the school meal. Afridi’s study is based on samples of food taken from 63 schools from 35 Panchayats in one block of Chindwara (Madhya Pradesh). She finds that a varied menu performs much better in terms of meeting the RDA (Recommended Daily Allowance) than the Dalia meal. The Suruchi Bhojan programme, which provides for a varied menu, meets close to a fifth (22 per cent) of a child’s RDA in terms of calories. The Dalia meets only 11 per cent of a child’s RDA, in terms of actual intake.

The nutritional deficiency among school-going children has resulted in their improper growth, inadequate learning abilities, lack of concentration (Saxena: 2003, Rajivan: 2004, Mishra: 2003, Shiva Kumar: 2003). Thus, the poor nutritional status of the school-going children is a significant cause for their dropping out and slow learning and high percentage of failure in the primary stages (Devendra: 2003, Dhananjayan: 2003, Karam: 2003). Adequate health and nutritional status of individuals is both an end as well as means to promote productive potential of the population in the interest of economic development (Rajivan: 2004, Dogra and Dogra: 2003). Thus, the MDM is an investment in human resource development, which is essential for a country like India (Dhanajaya: 2003).
Some studies (Jain and Shah: 2005, De and Noronha: 2005, Afridi: 2005, Dreze and Goyal: 2003, Brahman: 2003, Jaitley: 2002, Mathew: 2003, NIN: 2003) have noted that the amount of food provided by the respective schools do not meet the Supreme Court’s norms. However, the above studies have also found that the school is the best institution through which both nutrition as well as educational programmes could be implemented effectively. School meal programme is a direct intervention programme through which the nutritional status of the children can be improved (Dreze and Goyal: 2003, Sen: 2002).

Using the meal programme in primary schools, some scholars argue that the scheme was launched to lower the widespread incidence of malnutrition primarily among children of poor background and to increase their access to education as well as food. A few also argue that eating meal in the school helps to overcome short-term hunger and thereby increase their concentration and learning inside the class room (Saxena: 2003, Shiva Kumar: 2003, Vijayaraghavan: 2004, Dreze: 2004). Realizing the different dimensions of under-nutrition in childhood, the centre and the state government together embarked on the nutrition and health intervention programme including MDM. Thus, the school is the best place where this nutrition intervention can be best carried out. (Mishra: 2003, Chandrasekhar: 2003).

MDM on the other hand is perceived as an important means to improve enrolment (Kanam: 2003, Devendra: 2003, Dogra and Dogra: 2003, Dreze and Goyal: 2003, Sen: 2002, Jaitley: 2002). After the introduction of the scheme, it was noticed that it had tremendous impact on school enrolment. Children became regular and also continued to stay during the post-lunch session. Along with above, the short-term and the long-term effects of MDM on child health nutrition are also discussed. (NIN-ND: 2003, Mathew: 2003). Chandrasekhar (2003) stated that with the increasing emphasis on national policies such as democratization of education, eradication of illiteracy, universalization of primary education and nutritional inputs to improve the health status of children, MDMS is considered as the most suitable scheme through which every aspect could be included.

But the study by Padmini Swaminathan, Jeyaranjan, Sreenivasan and Jayashree (2004) found that these schemes did not go far in enabling the state to
achieve its objective of universalizing primary school enrolment and/or in retaining
cchildren in schools is however clear from the renewed emphasis and reiteration of the
original objectives namely, addressing hunger and getting children to school as
rationale provided by the government while launching the 1882-83 MDMS in Tamil
Nadu. Even they pointed out that the same situation is at the national level as the main
issues of the introduction of the scheme got diluted from food security to educational
security. John Harris (1986) lists seven types of justification for the scheme, namely,
political, nutritional, employment, welfarist, health, education and social. Harris
focuses on the theme of education wherein the scheme is expected to increase
enrolment of children at the age of five and of non-starters, especially girls above this
age.8

Another concern regarding the quantity and quality of food is that the needs of
a class-I child are very different from those of a class-V child. Though many studies
report that children are getting their food, there is no uniform rule to ensure the
equitable distribution of food (Jain and shah: 2005). The quality of meal is also a
major factor in MDMS. Reports of children being taken ill after consuming the MDM
have become an issue in various parts of the country. (Menon: 2003, Khan; 2006,
Seth: 2005, Sharma: 2005). Further, one study has attempted to assess the calories and
protein content of the school meal (Afridi: 2005). The study reveals that a varied
menu performs much better in terms of meeting Recommended Daily Allowance
(RDA) than the same daily meal every day. In another study, the difference of MDM
as a substitute or a supplement has been dealt with. The study highlights that the
school meal is a substitute for home food (Blue: 2005).

Provision of micro-nutrients such as iron, vitamin-A and Iodine and de-
worming are other simple and low cost health interventions that can be combined with
the MDMS (Gopaldas: 2006, Dreze: 2006). One study also focuses on poverty that

---

8 At various times it was also stated that the scheme would regularize school attendance, reduce rates of
dropping out from school, inspire nutrition education, contribute to nutritionally valuable practical
activities such as the planting of food trees and educate about environmental sanitation; in turn,
enabling diffusion of such messages to other members of the beneficiaries families. Barbara Harris,
“Meals and Noon-Meals in South India: Food and Nutrition Policy in the Rural Food Economy of
Tamil Nadu State”, Development Studies Occasional Paper No 31, School of Development, Studies,
University of East Anglia, October, 1986, P-17.
leads to under-nutrition and dropouts from school (Laxamaiah: 1999). In fact, this is being done in a few states such as Gujarat and Tamil Nadu and is now beginning to receive attention in many other states.\textsuperscript{9} In some schools, provision of MDM has not drawn expected results or has not been utilized at all but simultaneously argued that these programmes have, to a large extent, brought improvement in the general health of children, which has resulted in the decline of dropout rates (Diwan: 1992, Prakash: 1992, Bhatt and Yasmeen: 1994).

The MDMS has another objective of increasing enrolment, and reducing the number of dropouts. The MDMS has led to a substantial increase in the enrolment of children in primary schools. Most of the studies found a major increase in enrolment immediately after the introduction of MDM (Jain and Shah: 2005, Naik: 2005, Kumar: 2003, PROBE survey: 1999, Saradamma: 2002, NIN: 2003, Ramachandran: 2000, Shah: 1983). Following the introduction of MDM in Rajasthan in July 2002 a small study of 63 schools in the remote district of Barmer suggested a 23 per cent increase in the enrolment of children (Khera: 2006). According to Jain and Shah (2005), there was a 36 per cent increase in enrolment in Madhya Pradesh in 2004.

Naik (2005) finds a drastic increase in enrolment in Karnataka. Dreze and Kingdon (2001) also found in their study that enrolment has gone up due to MDMS and pertaining to primary schooling in 1996. In most of the studies a highlighted fact is the relatively higher increase of girls’ enrolment records than overall increase in enrolment (Dreze and Kingdon: 2001, Deaton and Dreze: 2006, Dreze and Goyal: 2003, Jain and Shah: 2005). Thus, MDMS made an important contribution to the reduction of gender bias in school participation. Almost all the studies focussed on the increase in attendance after the introduction of the MDMS. Therefore a conclusion can be drawn from the above studies that increase in attendance signifies that there is significant growth in feeding of the school going children.

\textsuperscript{9} For instance, the annual work plan of Andhra Pradesh states that micronutrients and de-worming tablets would be provided. Madhya Pradesh also provides iron and folic acid supplements and de-worming tablets; vitamin A is being considered.
The *Lok Adhikar* Network study of 2002 in Barmer records a 36 per cent increase in the enrolment of girls. The CES survey in 2003 records a 19 per cent increase in the enrolment of girls and the SPS survey in 2005 records a 38 per cent increase for girls.\(^{10}\) Similarly, there is a greater impact on the enrolment of children from disadvantaged families: dalits, scheduled tribes and the poor. This is as one would expect since those are the families that need MDMS the most. Further, poor working mothers are particularly happy with the programme as it frees them from the burden of feeding children during the day. According to a newspaper (*The Indian Express*) report by Ghosh (2006), regular attendance has grown by 15-20 per cent in UP since the introduction of the MDM. See also Menon (2003), Rather (2006) and Zaidi (2005).

Some studies have also focused on gender disparity, increase of enrolment and retention of girls (Saihjee: 2003, Kameswari: 2003, Singh: 2001, Dreze and Kingdon: 2001, LAN study: 2002, CES; 2003). It is also found that there is improvement in attendance as well as retention rates (Dreze: 2003). Some also argued that MDMS has been introduced as a means to achieve the target of universalization of primary education (Pathania & Pathania: 2006, Acharyya: 1984, Premi: 1989, Raza: 1990, Mohan: 1992). MDM plays a greater role in preventing children from going to work. This aspect needs to be taken into consideration at the time of implementation of MDM. Poor socio-economic conditions have compelled the children of poor parents to work from a very early age. MDM reduces the opportunity cost of sending the children especially girls to primary schools. (Mathew: 2003, Kumar: 2003, Dreze and Goyal: 2003). Shiva Kumar (2003) points out that the roots of child labour lie in food insecurity within the households. Critics have pointed out that the MDM cannot prevent the children from dropping out of the schools, even if they are registered just for the sake of taking advantage of the MDM scheme, if they work outside due to extenuating factors at home. Sinha (2007) pointed out that MDM is the largest nutrition intervention programme for which many parents prefer to send their children

\(^{10}\) The government’s enrolment drives, such as the Sarva Siksha Abhiyan and other state-specific drives such as *Siksha Aapke Dwar* in Rajasthan also began around the same time, so it is difficult to disentangle the effect of MDMS on enrolment from the effect of these drives.

\(^{11}\) One of the attractive features of the MDMS is that it combines universal entitlement with an element of self-selection since children who attend government schools tend to come from disadvantaged families.
to school than sending them to market for work. She argues mid-day meal scheme is a major means through which different child problems can be resolved.

Studies found that poverty of parents and their feeling that education would not help in meeting the needs of life was changed after the introduction of cooked MDM in the schools (Krishnamurthy: 1985, Naik: 1961, Das: 1974, Verma: 1987). Another remarkable aspect of MDM is that it can help overcome social barriers and class prejudices prevalent in Indian society. Dreze and Goyal in their research findings also dealt with the socialization of MDMS. MDM can be a means to undermine caste prejudices through sitting and sharing meals together. (CES: 2003). Through MDM, the child’s behaviour can also be shaped (Kumar: 2003).

The study by Thorat and Lee (2005), focused on access to meal by Dalits. The findings of the survey in selected states conducted in 2003 expose the patterns of exclusion and caste discrimination that afflict the government’s mid-day meal scheme. The study investigates Dalit participation in these programmes and also measures aspects of physical access, participatory empowerment and community-level access. It reveals how in Rajasthan and Tamil Nadu Dalit children were denied access to MDM. In Rajasthan, it was found that the Dalit children were not allowed directly to touch resources like food, water, etc. (Pushpendra and Sood: 2005, Dreze and Goyal: 2003, Menon: 2003). There has been some opposition to MDM on the ground that it detracted the attention from the teaching activities at school (Singh: 2004, Dreze and Vivek: 2002, Dreze: 2004).

For the implementation of MDMS, infrastructure is a basic necessity. Infrastructure such as kitchen sheds, storage, supply of drinking water, adequate staff for cooking food, etc., are essential. Various studies have reported that the provision of infrastructure is a major challenge (CES: 2003, Pushpendra and Sood: 2005, Khera: 2002, Dreze and Goyal: 2003, Thorat and Lee: 2005, Blue: 2005). It is also found that water facilities are inadequate and children were involved in fetching water thereby distracting them from studies (Jain and Shah: 2005). But in some cases, it was found that state governments were giving more importance to provisioning of drinking water to schools (Afridi: 2005, Swaminathan: 2004). On the other hand, some studies reveal that lack of separate kitchen and storage creates disturbance in the teaching process.

Many of the above studies of MDMS found that water facilities were inadequate. In some cases, children were being asked to fetch water for cooking from the nearest water source (MKSS study in Kelwara and Jain and Shah: 2005). Recent study conducted by Jain and Shah (2005), Afridi (2005), and Swaminathan (2004) have found that many state governments have given emphasis on the need for providing water facilities near schools. On the other hand studies (Dreze: 2006, Singh: 2008, Khera: 2006) done recently highlighted upon the fact that the provision of water facility has improved a lot as now many states have better water supply and many states have been able to provide piped water supply to its schools.

Studies by Afridi (2005) and Swaminathan (2004) have found that many state governments have woken up to the need for providing water facilities near schools. Many schools even have piped water supply for the scheme. Afridi (2005) also found that due to the unavailability of separate kitchens, classroom procedures are disturbed. He reports that meals in Chindwara (Madhya Pradesh) are cooked in the classrooms and the smoke distracts students from their learning activities. Dreze (2006) also highlights the same problem in many states where there is no proper and separate kitchen. Kitchen sheds are lacking in almost all Northern states. Therefore the norm is still to cook in the open, in a makeshift space, at the house of the cook, or in one of the classroom (Afridi: 2005, Blue: 2005, Dreze and Goyal: 2003, Jain and Shah: 2005).

Swaminathan (2004) finds that as there is no provision for maintenance of buildings, none had been painted a second time. In some schools, “broken doors and windows enable free entry for men and cattle alike; floors are often broken”. Pushpendra and Sood (2005) find, since there was no storage facilities in one of the sample schools, rice was stored in the house of the president of the village education committee (VEC). The availability of adequate staff to take care of the cooking is another problem of the scheme. It is essential to have enough staff for the smooth implementation of the scheme. This issue has been raised by several studies and widely reported in local and national newspapers (Afridi: 2005, Blue: 2005, Dreze
and Goyal: 2003, Jain and Shah: 2005, Pushpendra and Sood: 2004, Rather: 2006, and the Telegraph: 2006b). Pushpendra and Sood (2005) found that in Bihar, teachers had to procure the rice from the block office. Related issue regarding appointment of cooks, helpers and organizers, as many studies have revealed, that norms according to 2004 Supreme Court’s order are not being followed (preference is to be given to women and Dalits). There is widespread discrimination against Dalits in the appointment of cook and helper cook for the MDMS (Jain and Shah: 2005, Pushpendra and Sood: 2005, Dreze and Goyal: 2003). Another consistent issue is the remuneration of the cooks. They are underpaid and get irregular remuneration (Pushpendra and Sood: 2005, Swaminathan: 2004).

The Government of India launched MDMS with varied objectives and these are discussed by many researchers cited above. Significantly many of them dealt with the issues like attendance, enrolment, drop out, socialization, child labour, etc. While reviewing the literature, it was observed that through the MDMS, many scholars visualized it as a means to increase attendance. Simultaneously, many studies that are reviewed highlighted on the social role of the scheme as it socializes the students, bridges the gender gap, provides economic enhancement to poor parents while providing employment opportunity, etc.

Even though MDMS was introduced in 1995 and many studies have already been done upon the scheme, we observed that very few studies have perceived the scheme as means to fulfil the child’s right to food. Few studies mostly done by Dreze carried out the rights based perspective. The available literature on the scheme gave more stress on the education perspective than the food perspective. Importantly, the significant cause for the introduction of the scheme was not highlighted much as it was expected. Issues of accountability, legal enforcement, monitoring and evaluation have hardly been discussed in the available research. A strong relationship could not be established between MDM and laws at different levels of government. Very little literature on MDMS discusses the issue of governance, sustainability of democratic procedures and greater need as well as involvement of civil society organizations.

Therefore, in this work a rights-based approach is used to understand the functioning of MDM. In this context, the argument is taken from Arjun Sengupta’s
work on right to development where he underlined that access to food, primary health care and primary education are most fundamental for the implementation of the right to development and the alleviation of poverty. Sengupta argued that individual’s development could be possible when his/her basic rights are protected and promoted by the State. And those basic rights would be fulfilled when the State makes proper policies and implement it properly.

Ghosh (2006) mentioned that 47 per cent of the children in India are malnourished and government gives less priority for the children’s health, food and education. She feels that as children are the future of India, their growth need to be protected with proper investment. Asbjorn Eide (1980) did extensive study on the right to food where he mentioned that the right to adequate food and the right to be free from hunger is the first and foremost right for each and every human being. He highlighted on the role of the state institutions as the highest governing body. He mentioned that the state needs to intervene in the matter of protection of child rights.

Zeigler (2005) in his special Rapporteur on right to food discussed the urgent need to discuss the right to food and proposed voluntarily guidelines on right to food. He discussed the right to food and how it is an important way to strengthen the state’s commitment to eradicate hunger and malnutrition among the vulnerable groups of the society. Discussing the various food schemes, he argued for a responsive and accountable government, whose clear-cut duty is to regulate the activities of the policy implementers.

In this context Panth (2002) referred to Right to Life under Article 21 of the Indian Constitution and concluded that right to food can directly be interpreted under this article. He included the state, market and civil society as agents crucial for ensuring the right to life. In his writings, he made an attempt to study the food security situation in India and the role of the State from a human rights perspective in providing adequate food. Significantly, Panth came to the conclusion that implementing agency of the government has failed in delivering its duty including providing food to its vulnerable groups including the senior citizens, women and children. Dev (2003) argues that the right to food plays a pivotal role in the rights-based approach to development. He examines the right to food in the Indian context.
He analysed the right to food in terms of availability, accessibility, adequacy and sustainability and tried to see the food security programme from a human rights approach and the issue of food is approached from the rights perspective.

Sinha (2006) mentioned that malnutrition of children is a more serious issue than the tsunami or any other disaster in the country. Even though many a programme exists in the country, unfortunately the issue of children’s rights seldom finds space in contemporary political discourse. She argues the process of ensuring that every child is taken care of as a matter of right involves societal pressure through public action and democratization of all public institutions. She argues that problems children face is just like a hidden disaster because of its serious possible consequences. In a true democracy, every child must be regarded as indispensable and the government must be held accountable. And regarding the feeding scheme like MDMS, she argues that noon meal is a must as children need institutional care and support and school as the best institution fulfill children’s different rights. Simultaneously she also emphasizes the role of political parties and putting these issues in their political agenda and bringing about legislation for the protection of children’s rights.

Singh (2004) argues that MDM are a distraction from the central purpose of improving the quality of education. The so-called right approach is missing as the scheme neither fulfilled the right to food of children nor has improved the quality of education. And the nutritional standard of the food is quite low and therefore it can never fulfil the children’s right to food. Several states have already made good use of this potential, and much more can be done in this respect, at a relatively low cost.

Curie (2002), highlighted on the persisting hunger and starvation death in Kalahandi district of Orissa. He was sceptic about the State policies and Indian democracy which believes in rule of the people. He questioned the state authority and asked why people starve in Indian democracy. His books systematically discussed about the policy failure in India for which the people starve and therefore criticised the Indian State. He discussed about the responsibility of the State in the protection of people’s rights in general and right to food in particular.
Dreze (2004) in his extensive research on food in general and MDMS in particular brought different issues on right to food. He mentions that the right to food is one of the basic rights essential to achieve democracy in India. He feels that this right is nowhere realized in India, where nutrition levels are among the lowest in the world. The right to food, moreover, does not include the arguments related to entitlements and responsibilities. But he feels though serious difficulties are involved in making the right to food fully justiciable, new interventions are possible with legal action, democratic practice and changing public perceptions. More importantly, he argues that the right to food needs to be linked to other economic and social rights relating to education, work, health and information, which together hold the promise of radical change in public priorities and democratic politics.

Therefore, the present study attempts to perceive MDM as a means to fulfill children’s right to food. A wide gap which is seen in the literature needs to be filled while focusing more on the rights approach rather than perceiving it as a mere central government scheme. While perceiving the scheme as a means to fulfil children’s right to food, the study draws attention of the role of the State and its institutions involved in fulfilling that right. MDMS is being perceived as a major State intervention through which rights can be protected. And therefore emphasis is given more on the issues of implementation, State intervention, functioning of State institutions.

Human rights approach to the scheme is found necessary as it is the basis of the origin of the scheme. The present study tries to establish the causal relation between MDMS and rights. Issues of governance, accountability, legal remedies with a strong monitoring mechanism are continuously debated throughout the study which was more or less missing in the literatures reviewed.

- Problem of the Study

Provision of cooked food in all states would mean that schools have a role in providing better nutrition for children and alleviating hunger among children. In the contemporary context, when the poor are struggling against all odds because of the lack of resources that are due to them as a matter of right, school as an institution
open up to fulfil this fundamental right. The real challenge of the programme lies in working out the modalities for reaching out to every child who is already attending school and to ensure that all other children who do not go to school must attend it. Most of the time it is assumed that all children may not be able to come to school and therefore the MDMS can act as an incentive to increase the enrolment and attendance of children in schools. Therefore, some way or the other, MDM is seen as a means to increase enrolment. Though the issue of hunger touches each and every child, increase in enrolment can be a major sign of their food security. So, it is necessary to see that to achieve universal coverage of right to food programme, it is imperative that every child has access to school.

Secondly, it is also argued that the children’s right to food must be independent of children’s right to education. Schools are to be recognized as institutions that not only provide children their right to education but also a place that can offer an environment for the overall development of the children. On the other hand, a plan of action is therefore imminent in order to raise a demand through public action and a process of building local institutions and an involvement of the community at large to enable children’s access to school that are meant for them. The MDMS, to be effective, must also generate a social norm that no child must be hungry and right to food must be guaranteed to all children who are retained in schools. Most importantly, the MDMS is looked upon as supply side issues. Since this programme has not emerged in response to an articulated demand, it tends to suffer from wastage and inefficiency in its implementation.

The present study tries to make a modest contribution towards the understanding of the functioning of MDM as a right and its impact on children’s right to food. This study basically aims to compare the levels of performance of MDMS in the two Indian states, namely, Tamil Nadu and Orissa.
• **Objectives of the Study**

The main objective of the study is to understand the functioning of MDM at the ground level. Further the study sets for itself the following related objectives;

- Though MDMS has many objectives, bringing the children back to school, increasing attendance and reducing dropout rates are its main objective as mentioned by the Government since its inception. In this point the study aims to understand the correlation between MDM and education of the children.

- The right to food is, in some ways, a more complex right than the right to education. MDMS is also perceived as a means to feed the millions of hungry children who are malnourished and slow in their physical and mental growth. So, understanding the correlation between MDM and children’s right to food is a major objective.

- Thirdly, the success of the scheme depends upon its implementation. As a number of studies highlighted upon the problem of implementation of the scheme, the present study is aimed at identifying the problems related to programme implementation and simultaneously to find out ways and means to overcome these problems.

- The present study attempts to examine the functioning of the public institutions as they are vital in implementing the scheme and protecting children’s right to food. The study therefore tries to examine the functioning of those institutions that are established to deliver the services to the children based on human rights standards like equity, non-discrimination, transparency, accountability and participation. Throughout the study, emphasis is given on the ENTAP to understand the implementation issues.

- To understand the functioning of MDMS and causes and failure of the scheme while taking two states, one successful and the other lagging behind.
• **Study Area**

To carry out the study, two Indian states, Orissa and Tamil Nadu were selected. The selection of these two states was based on their performance with regard to MDM. While Tamil Nadu is a leading state in the country in the implementation of the scheme, Orissa on the other hand, is lagging behind on the same respect. The mid-day meal programme was initiated as a means of achieving universal primary education of satisfactory quality for all school children below the age of 14 by increasing the enrolment, improving attendance and retention, and simultaneously improving nutritional status. This study attempts to investigate different aspects based on primary data collected from Bhadrak district of Orissa and Kancheepuram district of Tamil Nadu. A comparative study is carried out looking at the level of implementation in respective schools. Data was collected from schools as well as from a sample of households of school children. The investigation includes a study of the organizational structure of the programme.

The success of the scheme depends on vigilant public participation and sustained political interest in the scheme. The role of civil society and democratic participation is given significance in both the states. While reviewing the literature on MDMS of both the states, it is found that the success of the scheme in Tamil Nadu could be due to the overwhelming public participation and involvement of civil society organizations which is seen lacking in the case of Orissa. Hence, the study attempts to find out the overall implementation and the issue of performance of MDMS in two states, so that the right based approach to the scheme could be best understood.

• **Method of Study**

In the first stage, the two states Orissa and Tamil Nadu were selected based on their performance regarding the implementation of MDMS. At the second stage, one district was selected from each state keeping in view the socio-economic and geographical condition. Bhadrak District from Orissa and Kancheepuram district from Tamil Nadu was selected for the study. Further, in each district, two blocks were selected through random sampling. Again in each Block, two schools were selected based on the level of performance of MDM implementation to have a detailed
understanding of the problem. In this regard, the field level officials were consulted before the selection of schools. The field study involved detailed interviews with teachers, parents, children and cooks. Along with these, focussed group discussions with the officials involved in MDM implementation and members of different committees like, Village Education Committee (VEC), Mother Teacher Association (MTA), Parents Teacher Associations (PTA), Self-Help Groups (SHGs), were also used as the important source of information.

During the field study, we had interactions with members of VEC, MTA and PTA. From each state six VEC members were interviewed. Though their involvement is much important in MDMS implementation, personal interaction was required to gather information. And regarding interaction with MTA and PTA members, a total number of fifteen was taken from each state. During interacting with PTA members, more emphasis was given to women’s groups or to mothers.

Thus, from each district, four schools were selected randomly. Out of the four schools, two were government primary schools and two were government funded schools. From each school 24 children were selected thereby making the total number of children interviewed as 96 from each state. Consideration was also made on the performance of the MDM both pre-2001 and post-2001. The respondents for the next category were head masters, other teachers, cooks and parents respectively. From each school, four teachers and two respondents from among the cook/organizer and cook’s helper were chosen. The total respondents from parent category per school were twelve members.

The fieldwork was carried out at two stages to generate necessary data. Stage one involved a visit to the four schools both in Orissa and Tamil Nadu with a broad set of questionnaires. The second stage was to collect data from secondary sources, concerned departments of the district and state headquarters. In addition, literature was obtained from published material was also used as important source of information.

The government officials interviewed were from the Women and Child Development Department, the District Social Welfare Office, and the Department of
Rural Development and School Education. Data was also collected on enrolment, attendance, retention and dropouts from the Department of School Education. Focus was also given to the impact of MDM on child health and education, parent and teacher’s level of satisfaction on the scheme.

- **Organization of the Thesis**

  The present work is organized into five chapters excluding introduction and the conclusion. *Chapter-I* deals with the theoretical foundation of child rights in general and child rights to food in particular while emphasizing the right to food through MDMS. The chapter is also concerned about the emergence and development of child rights in the international, national as well as in the regional level. It also deals with the MDMS and its objectives in protecting the child’s right to food, education as well as nutrition while focusing on the intervention policies of the National government in protecting the child’s right to food. This chapter discusses various approaches to understanding a child’s right to food by placing it in constitutional, legal and policy frameworks. The chapter also briefly discusses the overall operationalization of MDMS at the state level with comments on the ways it is functioning in successful states, lagging behind states and failed states in relation to MDMS.

  *Chapter-II* discusses the MDMS and its origin and growth in India. In the same chapter, the argument is built up about how the scheme is perceived as a means of the child’s right to food and right to education. The operation of MDMS in various parts of India is also presented in a broad manner. The chapter also talks about the government’s initiatives to strengthen the scheme and the role of various agencies in protecting or promoting the scheme. The chapter gives a sketch of the government’s policy as well as financial initiatives for MDMS.

  *Chapter-III* discusses the MDMS in Tamil Nadu and the role of the state institutions in protecting the child’s right to food. It briefly discusses the socio-economic, demographic, nutritional, educational and institutional backgrounds regarding the scheme in Tamil Nadu. During the study emphasis is given to the
various issues leading to the success of the scheme. The empirical evidence that was gathered in the field was presented in relation to the MDMS in the state.

Chapter-IV deals with the MDMS in Orissa. The chapter briefly discusses various nutritional intervention programmes implemented for the children in Orissa. And specific emphasis is given on the functioning of MDMS and the role of the state government in implementing the scheme. During the study, emphasis is given on the various issues relating to the scheme. The empirical evidence that was gathered in the field was presented in relation to the MDMS in the state.

In Chapter-V, a comparative analysis of the functioning of MDMS in both the states is presented. For the comparison, certain components such as the level of participation, civil society role, the level of government response and the degree of performance compared were selected.

The dissertation concludes with a presentation of the major findings of the thesis and some of its implications.