



Policy Brief for Parliamentarians

Children's Right to Food in the NFS Bill 2011 A Raw Deal for Our Children

Introduction

The National Food Security Bill 2011, introduced in parliament by the Ministry of Consumer Affairs, Food and Public Distribution, seeks to give India's citizens the right to food and nutrition security. Unfortunately, the legislation is silent on conferring this right to our children.

India is home to a third of the world's malnourished children. The condition stunts their physical and mental growth, affecting their ability to think and comprehend, which in turn affects their ability to study and achieve overall well being.

As of today, we only have one scheme to ensure children's right to nutrition and to facilitate their proper growth - Integrated Child Development Services (ICDS) Scheme. Less than 1% on the total union budget is spent for the 14% of India's population - children under 6 years who fall in the most sensitive stage of growth.

Present Scenario

The consensus among our policy makers appears to be that malnutrition in India can be eradicated through the current under-resourced nutrition programs and reliance on factory-made tinned food fortified with nutritional supplements, manufactured and marketed by multinational corporations. In contrast, the solution to the problem lies in political commitment that invests in and encourages

community management and strengthening of the local food distribution system because malnutrition is not an illness but a problem linked to food insecurity and starvation.

What does Food Security for Children Mean?

Food security for children means ensuring that they get enough food to meet their physical and mental growth and development needs.

Since the nation is currently discussing the NFS legislation it is important to ensure the passage of a law that assures children the full range of these nutrient elements which would mean providing a diet that includes cereals, pulses, edible oil, eggs, meat, fruits, vegetables, tubers, milk and other dairy products.



Limited Thrust of the NFS Bill 2011

According to its introduction the proposed legislation is “an Act to ensure food security to enable assured economic and social access to adequate food and life with dignity, for all persons in the country, at all times, in pursuance of their fundamental right to live with dignity.”

However, the bill limits its perspective of children’s right to food to the ICDS and the Mid-Day Meal scheme. There is no reference to the Supreme Court order,¹ passed six years ago, for the ‘universalisation with quality’ of the ICDS. An analysis of the bill finds that it is limited in its purview of benefits to women and children. It does not treat children as legal claimants to the right to food but as beneficiaries of a few welfare programmes.

Targeting Based on Faulty Poverty Line and Filtering Families out of the BPL List (Priority Households in NFS Bill 2011)

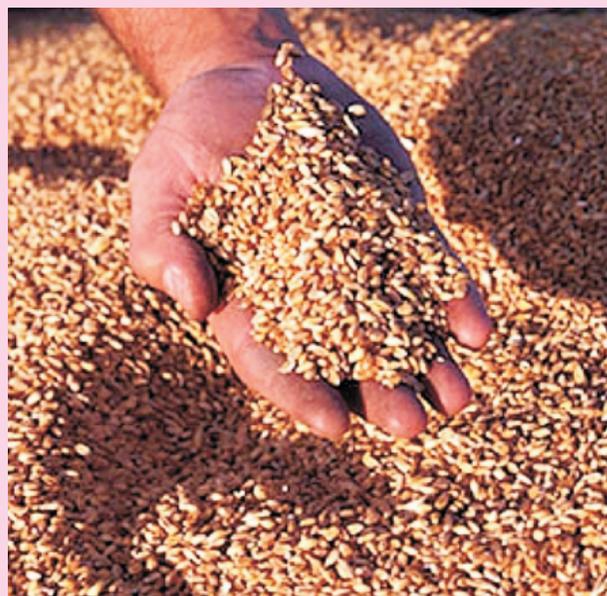
The assumptions on which the Planning Commission has classified families for determining their BPL status into Priority Households (earlier Below Poverty Line - BPL) and General Households (earlier Above Poverty Line - APL) - with the remaining families being the Excluded category - will lead to 41 crore people being removed from the BPL list.²

- Of these 41 crore people, 4.5 crore are children aged below six years.
- Around 63 crore people of the country’s total population of 121 crore stand to benefit from the law. But the actual number of people who do not get adequate food or nutrition is closer to 93.17 crore.³

Shortfall of Foodgrains

The NFS Bill says each member of a priority (BPL) household will be given 7 kg of cheap

rations per month while each member of a general (APL) household will receive 3 kg.



The Foodgrains requirement for sedentary male is 13.80 kg per month, whereas for women it is 12.30 kg. Adult male doing moderate work requires 15.60 kg and women 13.50. The population engaged in heavy work (the manual labourers, mining workers, etc.) requires 20.10 kg and 17.25 kg for men and women respectively.⁴ The Indian Council of Medical Research estimates that a five-member household would require about 49 kg of foodgrains per month,⁵ while the proposed legislation provides for only 35 kg.

Similarly, around 25 percent of the population, or 300 million, have been included in the general (APL) household category. Each member of these households will receive 3 kg of grains per month at half the minimum support price (the price the government pays for the foodgrains). So a five-member general household would receive 15 kg of food-grains.

Children will be the first to suffer because of this shortfall of foodgrains provided to poor families under the public distribution system.

No Food Security without Edible Oil and Pulses

A major cause of malnutrition among children is the lack of adequate proteins and fat in their diet. These nutrients are available in edible oil and pulses. Even 30-40 per cent of children's calorie requirement should come from fat.⁶ However, the bill refers only to the right to cereals and fails to mention oil and pulses.

No Mention of Restructuring the ICDS

The government should restructure the ICDS to make it more effective, since in its current form it does not have any significant impact on infant malnutrition. The basic nature of the ICDS scheme should be changed from centre-based to outreach-based. For example, the government defines the Anganwadi institution as a childcare and development centre. Ideally, its responsibilities should also include vaccination, health check-ups, monitoring children's development, pre-school education, and nutrition-health education. They should also educate families on the nutrition requirements of children and encourage them to adopt techniques to ensure this. The government should restructure the ICDS to make it more effective.

Packaged Food Preferred to Hot Cooked Meals

The bill talks about hot cooked meals to provide adequate nutrition. At the same time, it includes a provision for readymade meals (packaged food) in the first chapter, which can lead to entry of packaged foods manufactured and supplied by private sector companies. The technical details it specifies for food (for example, that it should contain 50 percent of the required micronutrients) will lead to centralisation of the child nutrition programme. Centralisation

entails complete central control over food distribution, with no role left for the mahila mandals and self-help groups, which would go against the Supreme Court stipulation that these institutions be given the responsibility of preparing hot cooked meals. This is a dangerous development that threatens to dismantle the community-based food security system. Contractors and companies should be prohibited from playing any role in anganwadis and the mid-day meal scheme. And in compliance with the directions of the Supreme Court, mahila mandals, self-help groups and panchayati raj institutions should be given a central role in all such programmes.



Encouraging Fortified Foods and Contractual System

Clause 3 (2) of Chapter II of the bill gives the government the option of supplying wheat flour in place of wheat through the ration shops, which may give legal sanction to adding micronutrients in the flour. Studies have shown that such micronutrients may have harmful effects, especially in children (see box 1).

Despite this evidence, the current NFS bill favours the corporate sector with its provision for setting up centralised kitchens in urban areas because they have the means to mechanise food

preparation. The current practice of involving religious institutions in public schemes is also not a good idea because they would be guided by religious tenets, which may exclude eggs and animal products. So it is best to allocate this work to mahila mandals and self-help groups in urban areas and provide them with the necessary financial assistance.

Preventing and Managing Malnutrition

Clause 6 of Chapter II of the Bill is about preventing and managing malnutrition and mentions supplying nutritious food to victims of malnutrition. However, no attention is paid to their general health nor is there any mention of

community management of the problem, which is a viable solution to malnutrition.

Limited Perspective of Mid-Day Meals

The Bill gives the right to food of children only up to the age of 14 years, as present Mid Day Meal Scheme covers the children up to the Middle School level when it should ideally be extended up to 18 years of age. Government of India has ratified the UN Convention of Rights of the Child, which defines all under the age of 18 years in the category of Child. The emphasis should also be on ridding the delivery system of its corruption and contradictions and on monitoring the quality of food provided.

Box 1: Debunking micro-nutrient supplementation myth

1. Knowledge of energy density of food makes it mandatory that about 40% of calories are provided from fat for children between 6 months to 3 years. "It is unfortunate that even before the calorie gap is filled micronutrients deficiency is being addressed with the use of chemicals as food substitute for 70% of the population."
2. The nutrition scenario has not changed for the poor since 1970, when major food programs started. The statement of Dr. Gopalan that "If you fill the calorie gap, protein deficiency will disappear", is valid even today.
3. "But" there is very little room for more calories from cereals to fill this calorie gap in children and adults. Most of our food programs carry only Rice and Wheat.
4. The food supplementation group of children had significantly higher prevalence of fever and dysentery, with a small gain of 250 gms in weight over 8 months period.
5. Studies at the National Institute of Nutrition showed no improvements in heights of children from poor backgrounds who were given calcium supplementation for 6 months.
6. Therapeutic iron intakes may result in oxidative stress, possibly strain the liver enzymes.
7. Micronutrient supplementation cannot be a national programme in the absence of adequate and natural food.
8. Children from Nepal had access to a reasonably well functioning primary health care system, changing the balance of risk and benefit with iron and folic acid. There might be benefits in settings with a high prevalence of anemia, lower malaria transmission, and an effective primary care system.
9. Studies from Indonesia where vitamin A supplements were given to children show that high Vitamin A intake didn't contribute to the growth of children who were prone to respiratory illnesses.
10. In India, studies showed that children aged 1-5 years benefit only when vitamin A was given during the summer months, in children aged 1-5 years.
11. Calories must come from varied sources such as fats and oils, roots, vegetables, oilseeds, milk, eggs, fruits like bananas, etc. to meet the massive deficiencies of calories, proteins and other nutrient deficiencies.

Source: Personal communication with Dr. Veena Shatughna, Deputy Director (retd.) of National Institute of Nutrition

The Issue of Maternal Rights

One cannot deal with the problem of malnutrition without addressing the issue of maternal rights of women. The bill breaks new ground by including a concrete provision for women in the unorganised sector. According to this provision, they will be given economic assistance for a period of six months at the rate of Rs 1,000 per month. However, there is need to make it explicit that such economic assistance should be universal. Also, the Rs 1,000 disbursement needs to be linked to the consumer price index. Another issue is that the provision does not include the right to six months' paid (minimum wage) maternity leave.

Changes Required in the Bill

Universalisation with quality: Clauses 4, 5 and 6 of the Bill should include the provision for 'universalisation with quality' of the ICDS. Also, local millets should be given preference in the foodgrains for anganwadis and midday meals. Chapter VII talks about the need for structural changes in the public distribution system but there is no mention of its universalisation.

Structural change and accountability: Chapter II, which talks about the rights of women and children to food, should also include provisions for structural changes in the ICDS, Mid-Day Meal scheme and Maternity Health and Rights programmes as well as a monitoring mechanism to ensure strict accountability. There should also be a provision for performance audit that includes the gram sabha and the beneficiaries.

Grievance redressal mechanism: The system should not be limited to only registering complaints but should include the authority for carrying out a performance audit of its economic, qualitative and rights-based aspects.

Recognise conflict of interest: This is where the government needs to prove its accountability to children. There should be a clear affirmation in the Bill that private companies and non-governmental organisations will not be contracted to implement entitlement programmes. In addition, keeping in mind the implementation aspects, a monitoring system should also be set up.

Avoid medicalisation and fortification of food: The fortification of children's food with pharmaceutical and micronutrient elements should not be part of the food supply programme. The procedure to be followed should be to first get approved scientific institutions of the central and state governments to conduct research on such elements and present their findings, after which a detailed discussion should take place before any decision is taken on their inclusion. The government should exclude studies undertaken by companies that have vested commercial interests in the programme when formulating its policies and decisions.

Women's empowerment: Chapter VII has a clause for women's empowerment. This chapter should also specify that mahila mandals and women's self-help groups will be given the responsibility of preparing and managing the supply of nutritious meals to anganwadis and the mid-day meal scheme. In addition, the mahila panchayat should be given the authority to monitor these programmes.

Earmark and commit more resources: The actual expenditure of the government to assure children their right to food and nutrition averages Rs 3.40 per child. This amount is not adequate in a country where 42 percent of the child population is malnourished. The bill refers to the subsidies given under the public distribution system but it does not specify the funds required for the ICDS, Mid-Day Meal

scheme and Maternal Health and Rights programme. All it says is that these programmes will continue to run as they presently do. If there is nothing more concrete in the bill, the right of children to be free from malnutrition and live a decent life will be compromised.

Coordination between departments and accountability: The ICDS, Mid-Day Meal scheme and Maternal Health and Rights programme are coordinated by different ministries. Another department is responsible for providing safe drinking water. There are no guidelines on how the functioning of these departments can be coordinated, nor is there any provision for accountability.

All control should not vest with the central government: The proposed legislation will see the central government controlling the entire process, which may lead to a weakening of the federal structure. The central government has allocated itself the responsibility of formulating nutrition standards, deciding about packaged foods and even stipulating the expenditure of the state government for each and every programme.

Select References:

- ¹ PUCL Vs. Union of India and Others, Writ Petition No. 196/2001
- ² Author's calculation based on NSSO figures on Calorie Intake in India provided in its report **Nutritional Intake in India, NSS 66th Round Report No. 540 (66/1.0/2)**
- ³ Estimation based on the figures of Calorie Intake in India provided in the report titled **Nutritional Intake in India, NSS 66th Round Report No. 540 (66/1.0/2)**
- ⁴ <http://www.fao.org/docrep/X0172E/x0172e02.htm>
- ⁵ Calculations presented in the Primer on NFSA, Published by Right to Food Campaign and Submissions made to Parliamentary Standing Committee
- ⁶ Personal communication with Dr. Veena Shatrugna, Deputy Director (retd.) of National Institute of Nutrition

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