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What forms of state provisioning best secure the food and nutrition security of children?

An important question arises on what forms of state provisioning should be provided for children in a food security law, including the kind of entitlements and guarantees for infants, the most vulnerable, and malnourished children.

For infants, the Indian National Food Security Act (NFSA) promotes exclusive breastfeeding until the age of 6 months.

ARGUMENTS IN FAVOUR

- Provides total food security and a sterile source of nourishment

ARGUMENTS AGAINST

- Not effective for the most vulnerable, owing to lack of child care facilities and maternity entitlements

For children after 6 months, NFSA provides for "meals". Packaged food is still being debated; the Supreme Court favours hot-cooked food.

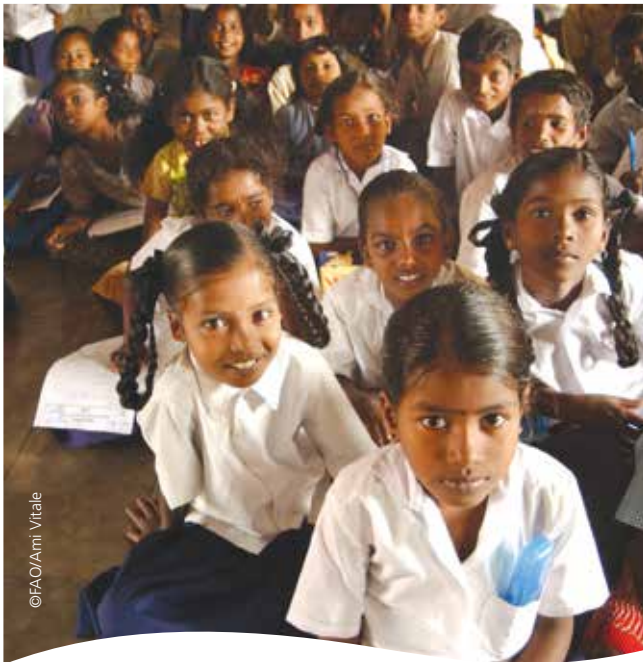
ARGUMENTS IN FAVOUR

- Packaged food with specific micronutrient fortification can address malnutrition

ARGUMENTS AGAINST

- Hot-cooked, culturally appropriate food is healthier and not influenced by commercial interests

For malnourished children, NFSA provides for an additional meal. This provision is however considered weak, owing to lack of a definition for the concept of malnutrition, as well as the limited impact of an additional meal.



This chapter briefly covers some major debates about which food provisioning duties should be specifically provided for children's food and nutrition in a right to food law. India's food security law contains universal feeding entitlements for preschool and schoolchildren, but it effectively excludes strong guarantees for infants, children lacking families who can take care of them, out-of-school children, and malnourished children.

Children are especially vulnerable in accessing their right to food, being physiologically and psychologically dependent on adult protection and care, for food as well as a range of other survival needs and rights. Children also have special food requirements. Inadequate consumption of nutritious food, especially in the first 1 000 days from conception (including poor nutrition of the mother while the child is still in the womb), can have devastating life-long consequences on health and future development¹. The role of the state in

ensuring adequate child nutrition is critical, especially for children whose families are challenged or unable to secure their full nutritional needs.

Because the damage done by malnutrition at this age is very difficult to correct later, the first question to arise relates to what, if anything, the law should do to protect and promote the food rights of children during the first 1 000 days of their lives. Up until 6 months, exclusive breastfeeding provides total food security to the baby,² and is also a bacteriologically sterile source of nourishment. NFSA mandates the state to promote exclusive breastfeeding until the age of 6 months. This reflects a consensus in principle, but practical debates remain. One agreed-upon duty is nutritional counselling to educate mothers about the importance of breastfeeding. But others point out that many impoverished mothers have to labour (even right before and after pregnancy) at work sites without crèches or child care services, which is why they cannot breastfeed their children. Infants are often left in the care of older siblings, who being young themselves cannot provide sanitary food, water or conditions. Therefore, crèche or child care services along with maternity entitlements are key to addressing malnutrition early in an infant's life, but the food law does not contain these obligations.

Breastfeeding is important after 6 months up until 2 to 3 years, but this age requires complementary feeding as well.³ NFSA provides for "meals" for children after 6 months up until 6 years in feeding centres, and until 14 years in schools. There is debate over whether or not to use packaged food, given its merits of micronutrient fortification. Many senior Indian state ministers and officials have advocated ready-to-eat packaged food in place of hot-cooked meals for children below 6 years,⁴ and in some cases even in schools. Their argument is that even a mild micronutrient

1 Fifteen percent of children are estimated to be stunted at birth and 58 percent at 23 months. See: Cronin, A.A., Rah, J.H, Ngure, F.M., Odhiambo, F., Ahmed, S., Aguayo, V. and Coates, S.J. 2014. *Water, Sanitation, Hygiene (WASH) and the Nutritional Status of Children in India: Understanding the Linkages and Structuring the Response*. A UNICEF and Ministry of Women and Child Welfare Rapid Survey of Children showed that under-five stunting was at 39 percent in 2013–2014 (compared with 48 percent in the NHFS-3, in 2005–2006) and under-five wasting was at 15 percent (compared with 20 percent according to NHFS-3 data).

2 WHO breastfeeding information (available at <http://www.who.int/topics/breastfeeding/en>).

3 Ibid.

4 See for instance: Sethi, N. 2013. Child Development Scheme may become Monopoly of contractors, packaged food manufacturers. *The Hindu*, August 20, 2013 (available at <http://www.thehindu.com/todays-paper/tp-national/child-development-scheme-may-become-monopoly-of-contractors-packaged-food-manufacturers/article5040459.ece>). See also: Raman, A. 2007. Hard to swallow. *Outlook India*, December 10, 2007.

deficiency can adversely affect a child's development, immune system, and growth; therefore packaged food with specified micronutrient fortification is the best defence against malnutrition. They argue further that the neediest segment of children – in the critical 6–36 month age group – may not be able to come to the feeding centre daily to eat food. Cooking in poor hygienic conditions and keeping leftover food may also result in bacterial contamination; packaged food provides a worthy alternative.

The alternative view is that locally, hot-cooked, culturally appropriate food is a far more robust guarantee of child nutrition than micronutrient-fortified ready-to-eat food. Many charge that the pressure to introduce packaged food is influenced by commercial and not children's interests. Economist and Nobel laureate Amartya Sen wrote to the Prime Minister to dissuade governments from serving packaged foods to children, stressing that private contractors may jeopardize children's health while pursuing their commercial interests. Commercially and centrally produced food is also seen to hinder self-reliance in food security, creating unnecessary dependence on products upon which families and communities have little control. Critics suggest

instead the usage of self-help groups of women and mother committees to cook meals, which allow for local control and accountability.

NFSA takes an ambiguous position on this issue by only prescribing "meals" to children from 6 months to 14 years, and by defining a "meal" as "hot-cooked or pre-cooked and heated before its service meal or take-home-rations, as may be prescribed by the central government". Once again, it is the Supreme Court which has been far more explicit in its support of hot-cooked meals rather than contractor-driven packaged food.⁵

Another set of debates relate to the precise guarantees that food programmes and the law should contain for malnourished children. The state's view, reflected in NFSA, is to restrict the requirements in the law to providing an additional meal to these children. However, experts consider this to be entirely inadequate, and among the most serious shortcomings of the law. They say that NFSA does not define malnutrition, and therefore even the small guarantees (of an additional meal) it provides are nebulous. Defining malnutrition is admittedly a technically contested territory, and the law could have retained the definition in the NAC draft which defined it as a "condition that develops when the body, over a prolonged period of time, does not receive or absorb adequate and appropriate calories, proteins and other nutrients required for good health, growth and maintenance of the human body and mind".⁶ Others argue that it may have been useful for the draft to define malnutrition as "stunting", "wasting" or "underweight" for children, and having a body mass index (BMI) of less than 18.5 for adults. Even if spot-fed double rations as NFSA provides, undernourished children (even those in the 3–6 year age group) cannot consume all the food at one sitting in the centre.

Critics also argue that children may fall prey to malnutrition despite being able to access adequate quantities of nutritious food. This could occur when they are unable to absorb the



5 Supreme Court Order of November 28, 2001 in WP (C) No. 196 of 2001 (available at <http://www.righttofoodindia.org/orders/nov28.html>).

6 NAC (National Advisory Council). 2011. *National Food Security Bill, 2011*, p. 5 (available at http://www.indiaenvironmentportal.org.in/files/nfsb_final.pdf).



nutrients in their food because of infectious diseases such as diarrhoea and other maladies, thereby triggering a vicious cycle, with unsanitary living conditions and unclean water leading to repeated infections that result in malnutrition. Inadequate access to health care prolongs the duration and severity of the infections, which exacerbates further

the inability of the body to absorb nutrients. An additional meal is meaningless in addressing malnutrition if these other services are not guaranteed, at least for children. The law also does not provide for treating malnutrition, whether in communities or in institutions.

Finally, there is debate on what special protections there should be for children who are most excluded, such as children without adult protection, street and working children, and the children of migrants and homeless parents. There are vastly varying statistics on their numbers – it is a very difficult population to count – but indisputably they run into several millions. These children either don't have families or have families who are unable to provide for their food needs, either because the children are in exploitative and often unsafe work, or because they accompany impoverished parents into distress migration. These children are often regarded as the subject of specific child protection laws and schemes, and not of a food security law. But critics point out that the law cannot be silent and indifferent to the special food needs and vulnerabilities of these children and in fact debar them from accessing feeding programmes in schools. These excluded children require much stronger guarantees, such as being in protected and open residential schools. Incidentally, even the other major rights-based law for children, that guaranteeing free and compulsory education, similarly contains no guarantees for these children, who critics believe should be the first concern of any rights-based law.

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www.fao.org/righttofood
 or contact us at
righttofood@fao.org

