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## Hunger In a Land of Plenty: The Benefits of a Rights-Based Approach to India's Mid Day Meal Scheme

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# Hunger In a Land of Plenty: The Benefits of a Rights-Based Approach to India's Mid Day Meal Scheme

## Abstract

In 2001, the Indian Government made the right to food a legal entitlement through various interim orders and legislation. It implemented the Mid Day Meal Scheme (or school lunch program) as a way of guaranteeing children this right. This study uses a general survey of how this program has been promoted by government officials and discussed by Indian scholars, as well as a more specific case study in two schools in the state of Tamil Nadu, to argue that the kind of "rights based approach" advocated in international human rights discourse for the implementation of such programs has largely been lacking in India. Children are given meals at school, but for the most part, little sense of their "right to food." Interviews with children at a school where parts of a rights-based approach are used suggest that the approach does in fact engender greater understanding of rights and entitlements than occurs in schools where children do not receive such instruction.

## Keywords

child hunger, noon meal program, human right to food, India, Social Sciences, Political Science, South Asia Studies, Mary Summers, Summers, Mary

## Disciplines

Other Political Science

**HUNGER IN A LAND OF PLENTY: THE BENEFITS OF A RIGHTS-BASED APPROACH TO INDIA'S MID DAY MEAL SCHEME**



**Priya Shankar**

Political Science and South Asian Studies Senior Honors Thesis  
Advised by Professor Mary Summers and Professor Claudia Vallengia

**ABSTRACT:**

In 2001, the Indian Government made the right to food a legal entitlement through various interim orders and legislation. It implemented the Mid Day Meal Scheme (or school lunch program) as a way of guaranteeing children this right. This study uses a general survey of how this program has been promoted by government officials and discussed by Indian scholars, as well as a more specific case study in two schools in the state of Tamil Nadu, to argue that the kind of “rights based approach” advocated in international human rights discourse for the implementation of such programs has largely been lacking in India. Children are given meals at school, but for the most part, little sense of their “right to food.” Interviews with children at a school where parts of a rights-based approach are used suggest that the approach does in fact engender greater understanding of rights and entitlements than occurs in schools where children do not receive such instruction.

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Priya Shankar  
The University of Pennsylvania, 2009

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## I. INTRODUCTION

He eyed the clock. Ten minutes to noon, he thought, as his stomach churned. During the silences when his teacher gasped for fresh air, one could hear little grumbles of his stomach whispering for a taste of the noon stew that would be served to him everyday. The teacher continued her lecture as sweat trickled down her wrinkled sari; she seemed to be counting down for him... ten, nine, eight...one... zero! He ran out of the classroom at zero, but was still not the first to make it outside to the expanse where he and his friends would share their daily meal. Just a bit too slow today, he thought. Without washing his hands, he picked up an aluminum water tumbler and a “pathram” (plate) and stood in line. He could hear the clang of the cook’s ladle on the rusty plates ahead of him. Clang- two more people, Clang- just one more person. And then it was his turn. He made his way to the front of the line, taking the mix of rice and sambar chadam (a salad of eggplant, lentils, and beans) while picking up his daily egg. With a full plate of food and a hungry stomach, he sat with his friends in the mud next to a pile of trash. Yet, in spite of this mucky brown and grey mess next to him, he was satisfied.

This little boy is just one of the many recipients of the Mid Day Meal Scheme in Tamil Nadu, India. The Mid Day Meal Scheme is a noon meal program in India that seeks to end child hunger and malnutrition in the country. Each day, cooks and helpers at government and government-aided schools in India serve hungry children their noon meals. While the implementation of the program differs by state, Tamil Nadu is often noted as a beacon of success for having an efficiently organized and effective Mid Day

Meal Scheme (MDM) and providing nutritious meals that children enjoy. Moreover, many students in the state of Tamil Nadu currently view their meal as a guarantee; there is no doubt in their minds that as soon as the clock strikes twelve, they will be provided a wholesome meal from staff members at their school.

While the nutritional aspects of the Mid Day Meal have served as the topic of much discussion in India, this paper will focus on the MDM from a human rights perspective. The International Bill of Human Rights proclaims that a child can acquire his/her basic human right to adequate food through school- provided meals. The Food and Agriculture Organization of the United Nations and international human rights scholars emphasize the importance of implementing mid day meals using what they call a “rights based approach.” Under such an approach, all parties involved in providing the right, as well as the rights-holder, should be aware of what the rights-holder should receive. Additionally, the rights-holder should know who to speak to in the case that his or her right is not being guaranteed and should be able to shape and have a say in the way the meal is provided. In the case of India's Mid Day Meal Scheme, which is the central topic of this paper, a rights-based approach should be child-centered, emphasizing the child's entitlement to the right to food. Children should know how many calories they should be eating or the types of food that will be served and have a means of vocalizing complaints and/or suggestions. Finally, all parties involved in the Mid Day Meal Scheme should be taught basic human rights principles regarding the rights of children.<sup>1</sup>

India's right to food movement serves as an example of an initiative to implement human rights. Even so, in India, a rights-based approach to the application of the right to

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<sup>1</sup> Kent, George. *Designing Rights-Based School Feeding Programs*. University of Hawaii. Draft of October 24, 2007. P.6



food has hardly been harnessed. Most scholars, activists, and government officials focus on the right to food in terms of the nutritional needs of recipients, without laying emphasis on the rights aspect. This thesis will begin with a broad survey of “right to food” discussions in India in which most participants fail to forcefully advocate a rights-based approach to the Mid Day Meal Scheme.

Secondly, we will use a case study of two public governments schools in Tamil Nadu, India to argue that a rights-based approach can have an impact on the civic participation of recipients of the MDM. The state of Tamil Nadu has already put into place many of the structural features necessary for a successful Mid Day Meal program; under such conditions, the full potential of the rights-based approach can and should be harnessed. There is much possibility through the Mid Day Meal Scheme to impart notions of human rights, entitlement, and civic participation that can empower children as they progress through life. Moreover, only with such active participation of the children of India will it be possible to break the silence in the country surrounding hunger and poverty.

## II. INTERNATIONAL DISCUSSION

The *Universal Declaration of Human Rights*, the *International Covenants on Economic, Social, and Cultural Rights*, and the *International Covenant on Civil and Political Rights* comprise the International Bill of Human Rights.<sup>2</sup> Many international scholars, activists, and politicians have interpreted and provided practical applications to the rights described in these conventions. This scholarly discussion constitutes the international discussion on the right to food that provides a critical frame for all such dialogue in India.

India is one nation that has attempted to apply this international human rights discourse at the domestic level. The Government of India has vocalized its support of the right to food, while the Supreme Court of India has passed various interim orders making the right to food a legal entitlement.<sup>3</sup> This chapter will focus on international discussion with relation to the right to food.<sup>4</sup>

### THE RIGHT TO FOOD

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<sup>2</sup> Kent, George. 2005. *Freedom from Want: The Human Right to Adequate Food*. Washington, D.C.: Georgetown University Press. P. 29.

<sup>3</sup> Interim orders are orders issued by the court while a case is being heard. Many of these orders are incorporated into the court's final judgment once the case is finalized.

<sup>4</sup> There is, of course, no one Indian interpretation on the right to food. Indian discourse is diverse and nuanced. This paper focuses, however, on the arguments of a few of the main actors in Indian discourse on the right to food.

Human rights became prominent in the mid-twentieth century as “the extremes of despotism and tyranny in many countries of the world had become intolerable.”<sup>5</sup> In particular, the horrors of Nazi Germany resulted in members of the international community beginning to demand overarching standards of human rights. When the Charter of the United Nations was adopted in 1945, nations pledged to take action to achieve “universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”<sup>6</sup> The human rights movement also won an important victory with the approval of the Universal Declaration of Human Rights (UDHR) on December 10, 1948 by the United Nations General Assembly.

Since the ratification of the UDHR, the human right to adequate food has become one of the most globally accepted human rights. Even so, there has perhaps been no other human right that has been as flagrantly violated.<sup>7</sup> Such chilling realities become clear with the words of the United Nations’ Special Rapporteur on the right to food: “In the world today, it is an affront to human dignity to see how many people starve to death, or live a life... in conditions of squalor... unable to escape, with minds and bodies that are not whole.”<sup>8</sup> Today, 840 million people suffer from hunger everyday.<sup>9</sup> Every seven

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<sup>5</sup> Kent, George. 2005. *Freedom from Want: The Human Right to Adequate Food*. Washington, D.C.: Georgetown University Press. P. 28.

<sup>6</sup> Kent, George. 2005. *Freedom from Want: The Human Right to Adequate Food*. Washington, D.C.: Georgetown University Press. P. 28.

<sup>7</sup> Weston, B and Claude, R. 2006. *Human Rights in the World Community: Issues and Action*. Philadelphia: University of Pennsylvania Press. P. 194

<sup>8</sup> Kent, George. 2005. *Freedom from Want: The Human Right to Adequate Food*. Washington, D.C.: Georgetown University Press. P. 7.

<sup>9</sup> Ibid, P. xv.

seconds, a child dies from hunger or malnutrition-related diseases.<sup>10</sup> In contrast, “there is enough food in the world to feed the world population twice over.”<sup>11</sup> The tragic realities of global hunger and the numerous governmental violations of the human right to adequate food have triggered worldwide responses, such as the emphasis on the right to food in international human rights law, the creation of local feeding programs and charities, and large-scale international action taken by nongovernmental organizations and multilateral organizations such as the United Nations Children’s Fund, the World Bank, and the World Food Programme.<sup>12</sup>

The *Universal Declaration of Human Rights*, the *International Covenants* (Economic, Social, and Cultural Rights and Political and Civil Rights) and the *Convention on the Rights of the Child* set the foundations for the human right to food. The *Universal Declaration of Human Rights* (1948) asserts in article 25(1) that “everyone has the right to a standard of living adequate for the health and well-being of himself and his family.”<sup>13</sup> Here a right to food can be inferred from the right to an adequate standard of living. The right to food is subsequently reaffirmed in Article 11 of the *International Covenant on Economic, Social, and Cultural Rights* (ICESCR, 1966), which states that “the States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and

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<sup>10</sup> Ibid, P. xv.

<sup>11</sup> Ibid, P. xv.

<sup>12</sup> Weston, B and Claude, R. 2006. *Human Rights in the World Community: Issues and Action*. Philadelphia: University of Pennsylvania Press. P. 193.

<sup>13</sup> United Nations Declaration on Human Rights. Universal Declaration of Human Rights. 10 April 2009. <<http://www.un.org/Overview/rights.html>>.

housing" and "to be free from hunger."<sup>14</sup> Additionally, the *International Covenant on Civil and Political Rights* (1989), article 1, paragraph 2 states, "In no case may a people be deprived of its own means of subsistence," and adds in article 6 that "every human being has the inherent right to life."<sup>15</sup> These clear references in *the Universal Declaration of Human Rights* and the two *International Covenants* imply the right to adequate food and other necessities for sustaining life.<sup>16</sup> The right to food is also the only human right that the framers of the two International Human Rights Covenants specifically term "fundamental," thereby highlighting the importance of its implementation and realization.<sup>17</sup>

The *Convention on the Rights of the Child* (which came into force in 1990) also consists of two articles addressing the issue of nutrition.<sup>18</sup> Article 24 affirms that "States Parties recognize the rights of the child to the enjoyment of the highest attainable standard of health..." and shall take appropriate measures "to combat disease and malnutrition . . . through the provision of adequate nutritious foods, clean drinking water,

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<sup>14</sup> Marks, Stephen. 2004. *The Right to Development: A Primer*. New Delhi: Sage Publications. P. 75.

<sup>15</sup> Ibid, P. 74.

<sup>16</sup> Weston, B and Claude, R. 2006. *Human Rights in the World Community: Issues and Action*. Philadelphia: University of Pennsylvania Press. P. 192.

<sup>17</sup> Marks, Stephen. 2004. *The Right to Development: A Primer*. New Delhi: Sage Publications. P. 76.

<sup>18</sup> The Convention is a comprehensive legal instrument, legally binding on all nations that ratify it. The articles specify that national governments that agree to be bound by the convention have the major responsibility for the implementation. Moreover, to provide added international pressure for responsible implementation, article 43 calls for the creation of a Committee on the Rights of the Child. It consists of experts whose main functions are to receive and transmit reports on the status of children's rights in signatory countries. Finally, Article 44 of the Convention requires states parties to submit "reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights." In these ways, the Convention on the Rights of the Child has gained an international acceptance and presence.

and health care."<sup>19</sup> Article 24 also asserts, "States Parties shall take appropriate measures to ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition [and] the advantages of breastfeeding..."<sup>20</sup> In paragraph 3 of Article 27, the Convention requires that Parties "shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing, and housing."<sup>21</sup> These articulations in the *Convention on the Rights of the Child* emphasize that children should also be guaranteed the right to food; only with this right can a child enjoy the "highest attainable standard of health." Moreover, the convention recognizes how dependent children are on both the state and, of course, on their parents in having their rights realized. Only with the education and support of their parents will children be delivered the assistance they need in the realization of the right to food. Also, only with the proper dissemination of information from the state to individual parents or schools will children reap the benefits of their entitlement to the right to food.

In 1996, discourse on the right to food continued via the Rome World Food Summit (WFS).<sup>22</sup> The objective of the summit was to renew a global commitment to hunger alleviation while working to propose ways to implement the right to food. For the members of the Summit, food security could only be achieved if "the UN High Commissioner for Human Rights, in consultation with relevant treaty bodies...[worked] to better define the rights related to food ... and to propose ways to implement and realize

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<sup>19</sup> Marks, Stephen. 2004. *The Right to Development: A Primer*. New Delhi: Sage Publications. P. 74.

<sup>20</sup> Ibid, p. 74.

<sup>21</sup> Marks, Stephen. 2004. *The Right to Development: A Primer*. New Delhi: Sage Publications. P. 74.

<sup>22</sup> Ibid, P. 74.

these rights...”<sup>23</sup> (FAO 1996). At the conclusion of the Summit, members adopted the Rome Declaration on World Food Security and World Food Summit Plan of Action, which aimed to reduce the number of undernourished people, estimated to be about 800 million in 1996, to half of that number by 2015.<sup>24</sup> This Plan contained seven commitments setting out the implementation of the right to food at national and international levels.

The objectives and claims of the Summit resulted in several initiatives: supportive resolutions from the Commission on Human Rights; a day of discussion on the Right to Food held by the UN Committee on Economic, Social and Cultural Rights; and Expert Consultations on the human right to adequate food held in Geneva, Rome.<sup>25</sup> Moreover, in May 1999, the United Nations’ Committee on Economic, Social and Cultural Rights released its landmark *General Comment 12 on The Right to Adequate Food (Art. 11)*, which also aimed to clarify the implementation of the right to food. Finally, all of these efforts were given greater impetus with the appointment of the United Nations Special Rapporteur on the Right to Food and the Millenium Summit of the United Nations in 2000. Goal one of the Eight Millennium Development Goals, supported by 189 nations attending the summit, was to eradicate extreme poverty and hunger.<sup>26</sup>

These various charters, conventions, declarations and summits have brought international attention to the right to food. Scholars and activists have attempted to interpret and implement these rights at the national level. The international interpretations

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<sup>23</sup> Ibid, P. 76.

<sup>24</sup> Ibid, P. 74

<sup>25</sup> Marks, Stephen. 2004. *The Right to Development: A Primer*. New Delhi: Sage Publications. P. 77.

<sup>26</sup> Ibid, P. 77.

of the right to food have emphasized how this right needs to be viewed not only from a biological lens (as in providing for the biological needs of recipients), but also from a social and cultural perspective (as the right to food fulfills and can facilitate certain social and cultural goals). They also emphasize the importance of utilizing rights-based approaches in the framing of food assistance programs.

## **WHAT DOES IT MEAN TO HAVE A RIGHT TO FOOD?**

Scholar George Kent describes the realization of the right to food by emphasizing that national governments hold the responsibility for implementing these rights. Kent mentions in his work, *Food Is a Human Right*, that both the *Universal Declaration of Human Rights* and the *International Covenant on Economic, Social and Cultural Rights* imply that “the primary responsibility of national governments is to facilitate, which means assure that they are enabling conditions that allow people to provide for themselves.”<sup>27</sup> However, in nations where people are not able to feed themselves adequately, governments have some obligation to provide for these individuals.<sup>28</sup> In this regard, although international law does not specify the character or exact level of assistance that is required, it is clear that people must not be allowed to go hungry and governments should work to eliminate hunger.<sup>29</sup>

The realization of the right to food requires both the availability of and accessibility to food that is free from adverse substances and is culturally acceptable. Available food must also meet the following criteria: it must satisfy dietary needs and

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<sup>27</sup> Weston, B and Claude, R. 2006. *Human Rights in the World Community: Issues and Action*. Philadelphia: University of Pennsylvania Press. P. 194

<sup>28</sup> Ibid, P. 193.

<sup>29</sup> Ibid, P. 193.



include nutrients such as iron, vitamin, and iodine; be culturally acceptable by fitting in with prevailing food or dietary culture; be safe and free of toxic elements and contaminants; and be of good quality with regards to taste and texture.<sup>30</sup> In terms of accessibility, realizing the right to food requires both physical and economic accessibility.<sup>31</sup> Economic accessibility implies that the personal or household financial cost associated with the acquisition of food or adequate diet should not be so high as to compromise other basic needs. Socially vulnerable groups, such as children and impoverished segments of the population may need attention through special programs in order to facilitate economic accessibility.<sup>32</sup> Physical accessibility implies that adequate food must be physically accessible to everyone. Sections of the population deserving special attention should be identified and ensured that they have physical access to food. These groups include “infants and young children, elderly people, the physically disabled, the terminally ill and people with persistent medical problems, etc.”<sup>33</sup> The Mid Day Meal Scheme (MDM) or the school lunch program in India is one way to ensure that children have both physical and economic access to the right to food. Through the MDM, children have access to food that is free of cost (economic access). Moreover, by attending government schools, they can also be ensured physical accessibility to adequate food.

## **OTHER FACETS OF THE RIGHT TO FOOD**

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<sup>30</sup> Marks, Stephen. 2004. *The Right to Development: A Primer*. New Delhi: Sage Publications. P. 76.

<sup>31</sup> Marks, Stephen. 2004. *The Right to Development: A Primer*. New Delhi: Sage Publications. P. 86.

<sup>32</sup> Ibid, P. 86.

<sup>33</sup> Ibid, P. 87.

The right to food is highly interrelated with the implementation of a wide range of other human rights and conditions. For instance, to implement programs such as the Mid Day Meal Scheme, children first need to access their right to education by attending schools before they can be recipients of a right to food. The realization of the right to food also depends on the freedom of information and association. To implement programs such as the Public Distribution System in India, access to information (or the right to information) is required for the target population to know the time at which ration shops open and appropriate information on the supply of food grains. Finally, fulfilling the right to food also depends on conditions such as the availability of adequate amounts of food to distribute to its population. Availability is dependent on whether a country produces adequate food resources domestically or imports them. These circumstances affect a country's "development programmes and policies," which in turn affect the availability of food and purchasing power of individuals.<sup>34</sup> In these ways, the realization of the right to food is interrelated and interdependent on a host of other human rights and national policies, as well as economic and agricultural conditions.

International human rights scholar George Kent discusses another facet of the right to food, explaining how it must be looked at from social and political *as well as* biological perspectives. Participants should have the opportunity to vocalize their opinions about the food that is being served to them and "*must* have some institutionalized remedies available to them that they can call upon if they feel they are

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<sup>34</sup> Marks, Stephen. 2004. *The Right to Development: A Primer*. New Delhi: Sage Publications. P. 102.

not being treated properly.”<sup>35</sup> People should feel they are able to speak out if their rights are being violated. Moreover, rights-holders should have the opportunity to freely participate in shaping the conditions in which they live. As Kent describes, “people must be recognized as social beings with a need and a right to share in shaping not only their individual futures but also the futures of their communities.”<sup>36</sup>

Kent argues that the right to food cannot be actualized under an authoritarian regime that strips people of their political and social rights. He explains that while it would be possible to ensure that an individual’s biological needs are met via authoritarian measures, the broader right to food requires that people can influence what and how they are fed: “if they are fed prepackaged rations or capsules from a trough, their right to adequate food is not being met.”<sup>37</sup> The political and social aspects of the right to food constitute the focus of this paper. This approach to the right to food, endorsed by international covenants, declarations, and international human rights scholars, argues for a rights-based approach to the implementation of welfare schemes that takes into account human biological, social, political, and cultural needs.

## **RIGHTS-BASED APPROACHES**

International scholars and members of the Food and Agricultural Organization of the United Nations have discussed national strategies for the implementation of the right to food. One of the key strategies they have advocated is the aforementioned rights-based

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<sup>35</sup> Weston, B and Claude, R. 2006. *Human Rights in the World Community: Issues and Action*. Philadelphia: University of Pennsylvania Press. P. 192

<sup>36</sup> Ibid, 192.

<sup>37</sup> Weston, B and Claude, R. 2006. *Human Rights in the World Community: Issues and Action*. Philadelphia: University of Pennsylvania Press. P. 192

approach to the application of the right to food. A rights-based approach utilizes the principles of the international human rights system in order to prescribe plans for the execution of welfare schemes.<sup>38</sup> The main facets of this approach include equality, accountability, empowerment, and participation. Moreover, under a rights-based approach, people are considered key actors in their own development instead of passive recipients of commodities and services. In turn, the approach aims to foster active participation that puts beneficiaries in power with the “[capability] to change their own lives, to improve their own communities and to influence their own destinies.”<sup>39</sup> Moreover, rights-based approaches empower citizens who take part in government schemes “to participate in decision-making, to claim their rights and to demand recourse [by] holding governments and public officials accountable for their policies and actions.”<sup>40</sup> To achieve these objectives, the main strategies of a rights-based approach include educating individuals about rights, monitoring the outcomes of government schemes, utilizing both “top-down” and “bottom-up” approaches in synergy (better implementation of welfare schemes, while fostering rights consciousness in individuals), and working to ensure the accountability of all stakeholders.

Under this method, governments should view the promotion of food security as an obligation and not merely as an act of charity. In this sense, governments should act as top-down providers, working to end hunger while ensuring that citizens know that they

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<sup>38</sup> OHCHR Homepage. United Nations High Commissioner for Human Rights. 03 May 2009 <<http://www.unhchr.ch/development/approaches-04.html>>.

<sup>39</sup> OHCHR Homepage. United Nations High Commissioner for Human Rights. 03 May 2009 <<http://www.unhchr.ch/development/approaches-04.html>>.

<sup>40</sup> Food and Agricultural Organization of the United Nations. 2006. *The Right to Food in Practice: Implementation at the National Level*. Rome: Right to Food Unit. P. 25.

are entitled food. Much of this top-down provision can be done via government-sponsored food distribution schemes, such as the Mid Day Meal Scheme in India. Moreover, under a rights-based approach to government schemes, “special emphasis [is placed] on the active participation of all stakeholders in policy development, transparency in government, and on ensuring through an independent legal framework that people have access to effective remedy whenever they have not received their due.”<sup>41</sup> As such, the rights-based approach to government welfare schemes goes beyond ensuring that biological needs of participants are being met and is more than simply a top-down model. This approach works to create a human rights culture surrounding welfare schemes where from the top down, the governments’ promotion of food security is viewed as an obligation, and where from the bottom up beneficiaries of the scheme are empowered, can participate, know their rights, and can shape government policy affecting them.<sup>42</sup>

*The Right to Food in Practice: Food and Agriculture Organization Instructions* explains that utilizing a rights-based approach does not solely mean that the government should recognize all individuals as rights-holders, but also that individuals should see themselves as entitled rights-holders. The authors of these *Instructions*, explain that “the individual—and that means each and every individual—must be empowered.”<sup>43</sup> In other words, a rights-based approach strengthens the capacity of duty bearers to carry out their obligations to rights-holders, while ensuring that communities and rights-holders are

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<sup>41</sup> Ibid, P. 3.

<sup>42</sup> This study defines a culture of human rights as one that promotes a rights-based approach. Children know they are entitled rights-holders and all parties involved in the meal know their respective duties. Moreover, children are taught human rights education and/or encouraged to participate in shaping the MDM.

<sup>43</sup> Food and Agricultural Organization of the United Nations. 2006. *The Right to Food in Practice: Implementation at the National Level*. Rome: Right to Food Unit. P. 3.

empowered to demand accountability.<sup>44</sup> To create this “top-down and bottom-up synergy”, the FAO states that participants in food assistance programs must receive “education on the right to food and the underlying reasons why it is not always realized.”<sup>45</sup> Moreover, under a rights-based approach, laws and policies must be developed to deliver beneficiaries’ entitlements, and to respond to violations of rights.

The FAO also points out the importance of imparting human rights education to beneficiaries of welfare schemes stating, “education is important not only to spread awareness to duty bearers about their roles in realizing the right to food, but also to ensure that recipients know their rights” and are aware of the entitlements they can claim.<sup>46</sup> With relation to children and school feeding programs, the FAO explains that “children’s capacities to ensure their own future food security are enhanced if human rights, agriculture, food, safety, nutrition, environmental education are integrated into school curricula at all levels.”<sup>47</sup> The FAO further points out that human rights education can supplement school meals in a way that empowers children, imparting knowledge that will help them “ensure their own food security.” The FAO makes this claim even more specific by advocating the use of books, such as *The Right to Food: A Window on the World*, which are designed to help children understand their entitlement to the right to food.<sup>48</sup> Moreover, the FAO states that only by using these educational methods can the

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<sup>44</sup> Ibid, P. 6.

<sup>45</sup> Ibid, P. 6.

<sup>46</sup> Food and Agricultural Organization of the United Nations. 2006. *The Right to Food in Practice: Implementation at the National Level*. Rome: Right to Food Unit. P. 9.

<sup>47</sup> Ibid, P. 9.

<sup>48</sup> This book is created by the FAO and the World Association of Girl Guides and Girl Scouts (WAGGGS), a global education initiative that has produced an instructional cartoon book containing eight stories set in eight different countries, with illustrations

right to food become a reality at the national level.<sup>49</sup> Education can empower rights-holders to push duty-bearers to fulfill their responsibilities. Also, once educated, individuals can then keep duty-bearers accountable by bringing their right to food violations before courts or other institutions providing compensation.

In short, the FAO argues that a rights-based approach is critical to the implementation of government welfare schemes as a means of ensuring that rights-holders participate in decision-making, claim their rights, and keep the government accountable for its policies and actions. Rights-based approaches give preference to strategies for empowerment over charity. They focus on beneficiaries as “the owners of rights and the directors of development, and emphasize the human person as the centre of the development process.”<sup>50</sup>

## **RIGHTS-BASED APPROACHES TO SCHOOL MEALS**

Under human rights law, school-feeding programs are one way of ensuring the right to food of school-going children. This study will focus on India’s Mid Day Meal Scheme as an example of such initiatives. School meals contribute to the realization of children’s rights to education and to food, both of which are spelled out in the *Convention on the Rights of the Child* and other international agreements.<sup>51</sup> School feeding programs are also the most widely applied food programs across the world; they have been

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drawn by young people from those countries, and designed to present right to food issues in a new and vivid way. The book was launched on World Food Day, 16 October 2006, in Rome.

<sup>49</sup> Ibid, P. 13.

<sup>50</sup> OHCHR Homepage. United Nations High Commissioner for Human Rights. 03 May 2009 <<http://www.unhchr.ch/development/approaches-04.html>>.

<sup>51</sup> Kent, George. “School Meals as Entitlements.” Presented at the University of Hawaii.

implemented in many countries, from the richest, including the US, to the poorest.<sup>52</sup> School lunch “is within administrative capacity of all governments to implement.”<sup>53</sup> Moreover, feeding is surprisingly cheap. S. Vivek, an activist supporting the realization of the right to food in India, suggests that “the World Food Programme (WFP) spends an average of just nineteen cents per child per day...while in India the cost is almost half that of WFP.”<sup>54</sup> These programs have many benefits including improving school attendance, protecting children from hunger and increasing academic achievement. Beyond that, “meal programs can provide special opportunities for teaching. For example, the lunch period can be used to talk about various aspects of food and nutrition while the children are eating.”<sup>55</sup>

Human rights activists and scholars argue that as beneficiaries of school meal programs, children become recipients of the right to food; a right that their societies, communities, and national governments are obligated to provide them in order to facilitate their growth and future independence. Children pick up some of their most crucial skills, including literacy, numeracy, and the ability to use a wide range of modern institutions in school. As a result, “society has an obligation to ensure that children are provided school meals as hunger has serious detrimental effects on a child’s education.”<sup>56</sup>

Scholar George Kent serves as one of the most ardent international advocates of a rights-based approach to school meals. His interpretation of the International Bill of

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<sup>52</sup> Kent, George. 2008. *Global Obligations for the Right to Food*. Maryland: Rowman & Littlefield Publishers, Inc. P. 192.

<sup>53</sup> Ibid, P. 193.

<sup>54</sup> Ibid, P. 193.

<sup>55</sup> Kent, George. “School Meals as Entitlements.” Presented at the University of Hawaii.

<sup>56</sup> Kent, George. 2008. *Global Obligations for the Right to Food*. Maryland: Rowman & Littlefield Publishers, Inc. P. 194.



Human Rights emphasizes that rights-based approaches to feeding should make meals “clear and effective entitlements” that can be vocalized and enforced.<sup>57</sup> Moreover, he argues that introducing a rights-based meal program will result in better meal service and opportunities for students to “learn about the human right to food and the workings of the rights system.”<sup>58</sup>

Under a rights-based school meal system, children should have a clear sense of what they should and should not be receiving, while understanding that they are not merely recipients of charity, but are instead entitled rights-holders. Moreover, children should have a means of remedying or changing the system if they are not receiving the adequate quality and quantity of food; they should also know who is accountable for the food and feel as though they have the right to speak out when they do not receive their due.<sup>59</sup>

Additionally, Kent argues that a well-developed rights-based school meal program should consist of three main roles: the rights-holders, the duty bearers, and the agents of accountability.<sup>60</sup> The agents of accountability should ensure that those who have certain obligations to rights-holders have carried out their duties. Such a framework implies that rights-holders must know the nature of their rights and should have a means of contacting and seeking remedies from agents of accountability; duty bearers must

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<sup>57</sup> Kent, George. “School Meals as Entitlements.” Presented at the University of Hawaii.

<sup>58</sup> Ibid.

<sup>59</sup> Kent, George. “School Meals as Entitlements.” Presented at the University of Hawaii.

<sup>60</sup> In Kent’s *Designing Rights-Based School Feeding Programs*, he explains that duty bearers include cooks, servers, cleaners, the school principal, and the government agencies that fund and oversee the school feeding programs.

know their duties corresponding with the rights of the rights-holder; and agents of accountability should ensure proper implementation.

Kent argues that all rights rest on the notion that where there is a right there must be remedy and where there are no remedies, there are no effective rights.<sup>61</sup> He, therefore, suggests that a complaint procedure should be in place for rights-holders who do not feel they have obtained their entitlements to complain to the duty bearer. However, if the duty bearer is much more powerful than the rights-holder, then the rights-holder may only have a soft or weak voice. In effective programs, the rights-holder should then be able to complain to agents of accountability who pass on complaints to duty bearers with a stronger voice.<sup>62</sup>

Kent conditions his argument on rights-based approaches to school meals by explaining that this method requires a stable, non-emergency situation in which there are reasonable levels of resources to work with, including food and human labor. With limited resources, school meal programs are generally run in a manner that promotes children's passive acquisition of food. Some students may offer suggestions or complain from time to time, but they tend to learn that their views have little impact. In essence, they take what they can get. Effective rights-based programs can transcend these limits by encouraging vigorous participation of students, and working to ensure that they participate in taking complaints to appropriate authorities. In his work *Designing Effective Rights Based School Feeding Programs*, Kent explains that schools utilizing a rights-based approach to school meals should create a School Feeding Monitoring

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<sup>61</sup> Kent, George. "School Meals as Entitlements." Presented at the University of Hawaii.

<sup>62</sup> Kent, George. "School Meals as Entitlements." Presented at the University of Hawaii.

Committee (SFMC) where students and staff members work together to take complaints to the appropriate authorities. He suggests that “the committee could be formed of...one student from each grade level, and two teachers,” and adds that, “to encourage vigorous participation by students, they should constitute a majority of the membership.”<sup>63</sup> Kent also points out that these SFMC’s should prepare statements on rights of children including details about the content of meals; about duties of all parties involved; and about accountability mechanisms including the committee’s own role in ensuring accountability of duty-bearers and transferring complaints to the appropriate authorities.<sup>64</sup>

As Kent emphasizes, the task of the rights-based approach to school meals is to overcome the culture of silence surrounding hunger and to empower students to find their voice. Establishing school meals as entitlements is a way of ensuring that children realize they are active rights-holders and that they can do more than passively receive food from school staff. This method also applies the insight of many educational reformists who explain that education can often degenerate to an act of depositing information on children who are then forced to passively accept ideas. Similarly, school meal programs can simply be a way of depositing food in children who passively accept it without vocalizing their opinions. As Kent describes, “whether dealing with information or with food, students should be encouraged to become more critically engaged as they mature.”<sup>65</sup> School meals can become an important point of entry for empowering

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<sup>63</sup> Kent, George. *Designing Rights-Based School Feeding Programs*. University of Hawaii. Draft of October 24, 2007. P. 9.

<sup>64</sup> Kent, George. *Designing Rights-Based School Feeding Programs*. University of Hawaii. Draft of October 24, 2007. P. 9.

<sup>65</sup> Kent, George. “School Meals as Entitlements.” Presented at the University of Hawaii.

students, school staff, and a society as a whole.<sup>66</sup> Students who learn that they have rights and learn to stand up for those rights in relation to school meals are more likely to stand up for their rights in the larger world.<sup>67</sup> Finally, studies show that rights-based school meal programs do better than conventional programs in both nutritional and educational dimensions.<sup>68</sup> These higher expectations arise because coverage of students and quality of the meals is likely to improve through these programs.

George Kent's interpretation of the International Bill of Human Rights and his discussion of rights-based approaches to school meals serves as the centerpiece of this thesis. While India has attempted to apply the right to food nationally, it has, like many other nations including the United States, largely failed to use the types of rights method described by Kent, especially with relation to the Mid Day Meal Scheme. The next section will discuss the Indian interpretation on the right to food, while examining how they differ from those prescribed by Kent and the FAO.

### **III. ORIGINS OF THE MID DAY MEAL IN INDIA**

This chapter explores India's efforts to implement a right to food within the context of international human rights discourse. By providing a description of both the Government of India's orders related to the right to food and activists' perception of this right, this chapter will provide a broader context for understanding why India has failed to emphasize rights-based approaches to government schemes.

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P. 55.

<sup>66</sup> Ibid, P. 55.

<sup>67</sup> Kent, George. *Designing Rights-Based School Feeding Programs*. University of Hawaii. Draft of October 24, 2007

<sup>68</sup> Kent, George. "School Meals as Entitlements." Presented at the University of Hawaii. P. 56.

India is a party to the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights* and the *Convention on the Rights of the Child*; as such, the country has, at least in theory, “committed itself to honoring the right to adequate food.”<sup>69</sup> Currently, these treaties have not been incorporated into the legal system, yet the Government of India has acknowledged the importance of creating harmony between domestic and international obligations. Article 51 (c) of the Indian constitution states that the Government of India should “foster respect for international law and treaty obligations...”<sup>70</sup> Moreover, Indian courts interpret domestic laws as much as possible in a manner agreeable to India’s international obligations. Only in the case of conflict between international law and national law, does national law prevail.<sup>71</sup>

Influenced by the international human rights treaties it has signed and the efforts of national human rights advocates, the Government of India attempted to actualize the right to food in 2001. These efforts took on more legal force after the public interest litigation, *P.U.C.L. vs. Union of India*, which will be explored below. Using national law as a mechanism to enshrine the right to food, the Government of India issued several orders creating government schemes, subsidizing the price of food for poor citizens, and ordering the provision of free and universal meals to children who attend government schools. Yet, despite the existence of these food distribution plans and visions to

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<sup>69</sup> Kent, George. 2005. *Freedom from Want: The Human Right to Adequate Food*. Washington, D.C.: Georgetown University Press. P. 146.

<sup>70</sup> "Constitution of India -- with all the Amendments." About India Code Updated Acts. 29 July 2008. Government of India. 07 May 2009. <<http://indiacode.nic.in/coiweb/welcome.html>>.

<sup>71</sup> Kundu, A and Jain, S. 2004. *Right to Food Case Study: India*. Food and Agricultural Organization. P. 9.

implement the human right to food, “this right is nowhere near realization in India, where under-nutrition levels are among the highest in the world.”<sup>72</sup>

The second National Family Health Survey (1988-99) illustrated the tremendous poverty and hunger in the country. According to the survey, “47 per cent of all Indian children (were) undernourished, 52 percent of all adult women [were anemic], and 36 per cent (had) a body mass index (BMI) below the cut-off of 18.5 commonly associated with chronic energy deficiency.”<sup>73</sup> In 2001, the problem persisted with around 213 million undernourished people, meaning that India ‘is hungrier’ than any other country in the world, including all of the countries in Sub-Saharan Africa combined.<sup>74</sup> In India, citizens struggle with even the slightest disruption in the food system by natural disasters as “they live so close to the edge of disaster under normal conditions.”<sup>75</sup> In comparison, China’s accomplishments in reducing child-malnutrition, with now “just 7 percent of its children under 5 underweight,” stand in sharp contrast to India’s statistics.<sup>76</sup>

The supply of food in the country, moreover, underlines the fact that the problem in India is one of distribution, of economic and political institutions, and will, rather than of environmental and agricultural constraints or an actual physical lack of food. India achieved food security at the macro level in the late seventies. Additionally, the total

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<sup>72</sup> Dreze, Jean. 2004. *Democracy and the Right to Food*. New Delhi: Economic and Political Weekly. P. 1.

<sup>73</sup> Dreze, Jean. 2004. *Democracy and the Right to Food*. New Delhi: Economic and Political Weekly. P. 1.

<sup>74</sup> According to the Food and Agricultural Organization, South Asia has a higher prevalence (47 percent) of underweight pre-school children than Sub-Saharan Africa (31 percent) date????

<sup>75</sup> Dreze, Jean. 2004. *Democracy and the Right to Food*. New Delhi: Economic and Political Weekly. P. 1.

<sup>76</sup> “As Indian Growth Soars, Child Hunger Persists.” NY Times. March 12<sup>th</sup>, 2009. <[http://www.nytimes.com/2009/03/13/world/asia/13malnutrition.html?\\_r=1&emc=eta](http://www.nytimes.com/2009/03/13/world/asia/13malnutrition.html?_r=1&emc=eta)>.

production of food grains reached 130 MT in 1980-81, which was “considered to be adequate to meet certain normative requirements of the entire population.”<sup>77</sup> In the nineties, “India not only remained self sufficient in food grain production, but [was] able to build a reserve to meet exigencies” to protect the domestic economy from fluctuations in the world market, and to reduce seasonal as well as regional variation in the price of food grains.<sup>78</sup>

In short, India has the means of providing for its citizens, yet fails to do so. In 2001, more than “60 million tons of [surplus stock of] rice and wheat were lying idle in public warehouses across the country.”<sup>79</sup> Many Indian human rights activists witnessed such realities upon visiting a village near Jaipur, Rajasthan where “people had no food at all ...[and lack of food had] prematurely aged the young people.”<sup>80</sup> In contrast, the warehouses of the nearby Food Corporation of India (FCI) were full of grains that were being eaten by rats.<sup>81</sup>

In 2001, outrage at this contradiction between food surplus and existing hunger led to public interest litigation against the Government of India. The People’s Union of Civil Liberties Rajasthan, one of India’s oldest and largest human rights organizations, filed a writ petition on the right to food citing the governments’ neglect of basic human dignity and the right to life of citizens of India. Moreover, the group referenced various

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<sup>77</sup> Kundu, A and Jain, S. 2004. *Right to Food Case Study: India*. Food and Agricultural Organization. P. 11.

<sup>78</sup> Kundu, A and Jain, S. 2004. *Right to Food Case Study: India*. Food and Agricultural Organization. P. 9.

<sup>79</sup> Swaminathan, M.S. and Medrano, Pedro. 2004. *Towards Hunger Free India: From Vision to Action*. Madras: East West Books. P. 146

<sup>80</sup> Gonsalves, C.; Ramesh Kumar, P.; Srivastava, A. 2005. *Right to Food*. Delhi: Human Rights Law Network. P. 5.

<sup>81</sup> *Ibid*. P. 5.

constitutional commitments and federal and state laws that the Indian government had failed to uphold. This public interest litigation known as “the People’s Union of Civil Liberties (Rajasthan) v. Union of India and Others, Writ Petition (Civil) 196 of 2001”, was one of the first major advocacy efforts pushing the government to end its neglect of hunger and to make real a right to food. To address these demands, the Supreme Court of India issued various rulings creating food distribution schemes such as the Mid Day Meal Scheme, the Public Distribution System and the Integrated Child Development Scheme. Moreover, the case has helped to spark the creation of a National Right to Food Campaign that has worked to protect and defend the right to food.

## **THE COURT CASE**

One way that activists of the People’s Union of Civil Liberties Rajasthan (P.U.C.L.) under Attorney Kavita Srivastava pushed the Indian government to implement the right to food was via a “writ petition” to the Supreme Court of India. The petitioners cited that the central and state governments for violating the right to food by failing to respond to droughts and neglecting the breakdown of the Public Distribution System (PDS). The petitioners requested the Supreme Court to issue orders urging “the government to provide immediate open-ended employment in drought-affected villages, to provide gratuitous relief to persons unable to work, to raise food entitlements under the PDS, to provide subsidized food grains to all families, and to ensure that the central government supplies free [food grains] to these programmes.”<sup>82</sup>

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<sup>82</sup> Secretariat of the Right to Food Campaign. 2005. *Supreme Court Orders on the Right to Food: A Tool for Action*. Delhi: Right to Food Campaign. p. 11.



In their pursuit of these claims, the PUCL focused on the legal commitments to the right to food that could already be found in the Indian Constitution and in the Indian Directive Principles (non-binding articles that helped frame the Indian Constitution). Specifically, the petitioners highlighted Articles 21 and 32 of the Indian Constitution, and Articles 39 (a) and 48 of the Directive Principles.

Article 21 of the India Constitution states, “No person shall be deprived of his life or personal liberty except according to procedure established by law.”<sup>83</sup> Based on this article, the petitioners argued that food is necessary for one’s survival (or life) and that the right to food can be inferred from the allusion to both the right to life and personal liberty.<sup>84</sup> Emphasizing such notions, the National Human Rights Commission (NHRC) explained in the proceedings of a hearing on January 17<sup>th</sup>, 2003 that,

“the expression ‘Life’ has been judicially interpreted to mean a life with human dignity and not mere survival or animal existence. In light of this, the State is obligated to provide...those minimum requirements which must be satisfied in order to enable a person to live with human dignity...In the view of the Commission, the Right to Food is inherent to a life with dignity”<sup>85</sup>

As such, the petitioners urged the Supreme Court to interpret Article 21 of the constitution in light of the links between the right to life, to live with dignity, and to have means of basic sustenance. The group also tied Article 21 with Articles 39 (a) and 48 of

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<sup>83</sup> "Constitution of India -- with all the Amendments." About India Code Updated Acts. 29 July 2008. Government of India. 07 May 2009  
<<http://indiacode.nic.in/coiweb/welcome.html>>.

<sup>84</sup> Secretariat of the Right to Food Campaign. 2005. *Supreme Court Orders on the Right to Food: A Tool for Action*. Delhi: Right to Food Campaign. P 10.

<sup>85</sup> *Ibid.* P. 8.

the Directive Principles, claiming that they were necessary “to understand the nature of the obligation of the State ...to ensure the effective realization of [the right to food].”<sup>86</sup>

Under Article 39 (a), “the State shall...direct its policy towards securing that the citizen, men and women equally, have the right to an adequate means of livelihood,” and under Article 47, “the State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties.” While these two articles of the Directive Principles are unenforceable, they provide insight and lend guidance to the ways in which the Supreme Court should interpret laws. As such, the petitioners argued that the state is obligated to:

“...[raise] the level of nutrition in the country, ensure that citizens have a means of livelihood, and ensure that all citizens have a right to a dignified life...making the Right to Food a guaranteed Fundamental Right which is enforceable by virtue of the constitutional remedy.”<sup>87</sup>

Since 2001, the scope of the public interest litigation has grown to cover issues such as the implementation of food related schemes (including the Mid Day Meal Scheme), urban destitution, the right to work, starvation deaths, general transparency and accountability.<sup>88</sup> All of these various addendums to the litigation relating back to the right to life (mentioned in Article 21 of the Constitution), have pushed the government to recognize the multi-faceted and interdependent nature of this right and the key

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<sup>86</sup> Ibid. P. 9.

<sup>87</sup> The right to food became an enforceable claim as a result Article 32 of the Constitution which provides the right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred.

<sup>88</sup> Secretariat of the Right to Food Campaign. 2005. *Supreme Court Orders on the Right to Food: A Tool for Action*. Delhi: Right to Food Campaign. P. 9.

importance of the right to food. As such, to-date 382 affidavits have been submitted, 55 “interim applications” filed, and 44 “interim orders” created.<sup>89</sup>

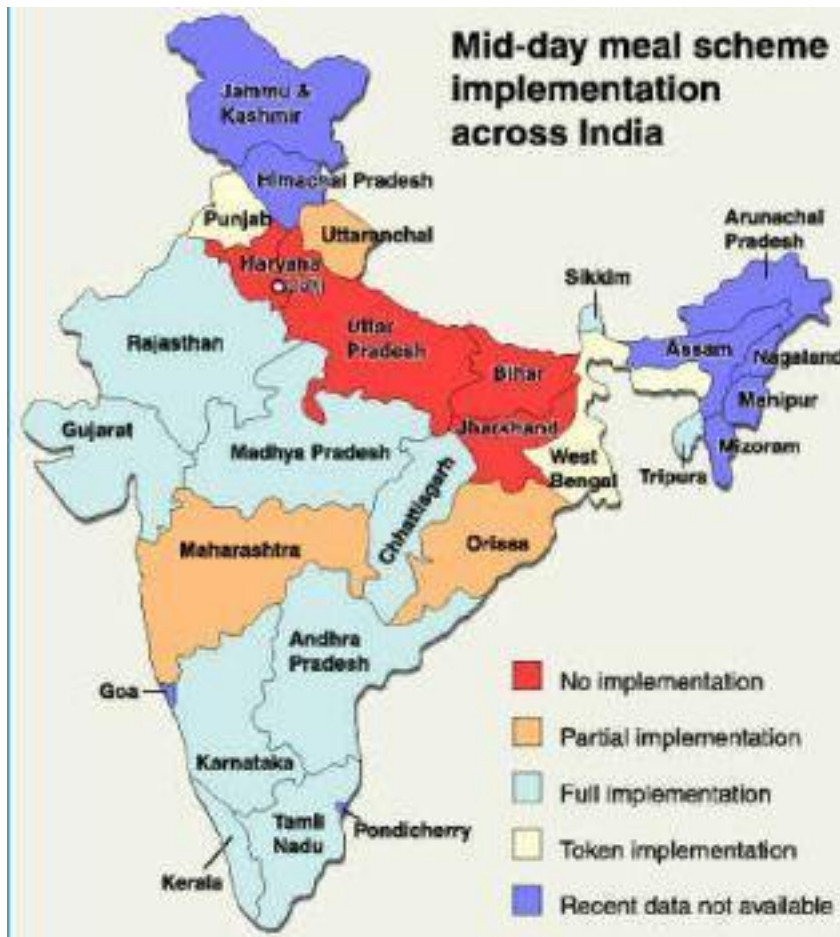
The first major interim order of the Supreme Court, issued on November 28<sup>th</sup>, 2001, focused on eight food-related schemes: The Public Distribution System, Antyodaya Anna Yojana, the National Programme of Nutritional Support to Primary Education, also known as the MDM, the Integrated Child Development services (ICDS), Annapurna, the National Old Age Pension Scheme, the National Maternity Benefit Scheme, and the National Family Benefit Scheme. This interim order is especially significant as it converted the benefits of these eight schemes into legal entitlements. In other words, recipients of these schemes can now seek redress if not given their prescribed allotment of grains.<sup>90</sup>

In the case of the MDM, this interim order not only gave children legal protection to existing entitlements, but also directed the government to replace monthly dry rations of grain with daily, cooked meals in government and government-aided schools. Underlying this order was the belief that the national and state governments should be held accountable for protecting the right to food via the implementation of these food-related schemes.<sup>91</sup> The next section will discuss how Indian scholars have since the passage of these orders interpreted and discussed the implementation of the MDM.

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<sup>90</sup> Secretariat of the Right to Food Campaign. 2005. *Supreme Court Orders on the Right to Food: A Tool for Action*. Delhi: Right to Food Campaign. P. 19.

<sup>91</sup> *Ibid.* P. 19.



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## THE MID DAY MEAL SCHEME

The Mid Day Meal Scheme is the popular name for school noon meal programs in India. Currently, fifty million children are recipients of the scheme, making it the largest nutrition program in the world.<sup>92</sup> Since its inception, the scheme has worked to achieve multiple goals: protecting children from hunger in the classroom: increasing school attendance and enrollment (contributing both to the right to food and the right to

<sup>92</sup> Dreze, J. and Goyal, A. 2003. *The Future of Mid Day Meals in India*. New Delhi: Economic and Political Weekly. P. 4676.

<sup>93</sup> Dreze, Jean. 2004. *Democracy and the Right to Food*. Economic and Political Weekly. P. 6.

education): working to undermine caste prejudices by teaching children to sit together and share common meals; reducing the gender gap by increasing school enrollment and providing an important source of employment for women; “[liberating] working women from the burden of feeding their children during lunch”; and providing a source of economic support and employment for scheduled castes and scheduled tribes. Moreover, when the meal has been nutritious, it has also helped to foster the healthy development of the child.<sup>94</sup>

The central government first sponsored the Mid Day Meal Scheme in 1995 via the National Programme of Nutritional Support to Primary Education, aimed at introducing cooked meals in all government and government-aided schools by 1997. Under the Nutrition Program, state governments could distribute “monthly grain rations (known as ‘drying rations’) to school children instead of cooked meals.”<sup>95</sup> Realizing that most state governments had failed to implement this task, the 2001 public interest litigation culminated in the urgent Supreme Court orders (mentioned previously) directing the state governments to introduce cooked meals in schools within six months. However, as Indian development economist Jean Dreze explains, “once again, most states missed the deadline, and even today, some states (notably Bihar, Jharkand, and Uttar Pradesh) are yet to comply.”<sup>96</sup> In some states such issues as corruption, poor quality of food, lack of staff or utensils for serving the food, unhygienic conditions, and lack of the adequate quantity of grains significantly undermine the program’s impact. (see above map for

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<sup>94</sup> Supreme Court Orders on the Right to Food: A Tool for Action. October 2005. P. 27-30

<sup>95</sup> Dreze, J. and Goyal, A. 2003. *The Future of Mid Day Meals in India*. New Delhi: Economic and Political Weekly. P. 1

<sup>96</sup> Ibid, P. 6.

disparities in implementation between states in India) In contrast, Dreze describes states such as Tamil Nadu (where the ethnographic research for this thesis was conducted), as prime examples of “what mid-day meals have achieved and how they can be improved.” While some states in India have hardly begun to implement the mid day meals or have initiated lackluster or poor quality programs, Tamil Nadu ’s noon meal program has institutionalized a universal mid-day meal program in its schools, which should, in theory, allow for a rights-based approach to the program’s implementation.

### **THE MID DAY MEAL SCHEME IN TAMIL NADU**

Today, the southern state of Tamil Nadu, is considered a shining example of a success story in the implementation of the mid-day meal scheme.<sup>97</sup> Tamil Nadu’s first experimentation with school lunches occurred as early as 1923 while India was still under British rule. During this time, the Corporation of Madras introduced the school lunch program in order to alleviate malnutrition and encourage school attendance. With the aid of voluntary organizations such as CARE, over 2 million children were provided with meals.<sup>98</sup> In 1957, the Government of Tamil Nadu began to partially fund the program. The state allocated around 6 paise per child, garnering an additional 4 paise through donations. Until 1961, the meal mainly consisted of rice and sambar soup, a staple dish of Tamil Nadu.

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<sup>97</sup> Dreze, J. and Goyal, A. 2003. *The Future of Mid Day Meals in India*. New Delhi: Economic and Political Weekly. P. 7.

<sup>98</sup> Rutledge, Jennifer. "A Child's Right to Food: India's Mid-Day Meals Programme" Paper presented at the annual meeting of the ISA's 49th Annual Convention. San Francisco. Mar 26, 2008. <[http://www.allacademic.com/meta/p250577\\_index.html](http://www.allacademic.com/meta/p250577_index.html)>. P. 22.

In the 1960's preparation of the meals was left to school headmasters and children who often aided in the process. As a result of concern about the resulting loss of the children's education time, in 1967 the program was modified so that food was prepared in Central Kitchens, then delivered to each school. This system, however, brought another set of issues, including "problems with vehicles and bad roads [meaning] that students did not always get the meals they had been promised. Thus, there were less feeding days under this new system."<sup>99</sup> Through the 1980s, efforts were made to streamline the system and expand coverage as much as possible.

Today, Tamil Nadu has one of the most efficiently organized school lunch systems in India. Every primary school has three staff members who deal solely with the school meals program: a cook, a helper, and an organizer who handles logistics and accounts. In 1994, all 7.4 million children in the state were covered by the program.<sup>100</sup> In 2003, an independent survey conducted by the Center for Equity Studies reported that "it was a joy to observe the mid-day meal in Tamil Nadu- a living example of what can be achieved when quality safeguards are in place."<sup>101</sup> This thesis will go on to look at the results of the program's impact in two different schools in Tamil Nadu, one highly unusual in that it has a human rights curriculum in association with its Mid Day Meal program, and the other, which has far more typically implemented its feeding program without any associated curriculum. Before looking in depth at the ethnographic data from these two schools, we will first look more generally at interpretations of scholars,

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<sup>99</sup> Ibid. P. 22-23.

<sup>100</sup> Ibid. P. 23.

<sup>101</sup> Dreze, J. and Goyal, A. 2003. *The Future of Mid Day Meals in India*. New Delhi: Economic and Political Weekly. P. 7.

activists, and government officials on how the MDM should be implemented; this analysis will lay the foundation for the ethnographic assessment.

#### **IV. INDIAN INTERPRETATIONS ON THE IMPLEMENTATION OF THE MDM**

This chapter will contrast Indian interpretations on how to implement the MDM with the ideas suggested by international human rights scholars. Many Indian activists, researchers and government officials have commented on how to implement the MDM and what rights-holders should receive from the scheme. Some see the MDM primarily as a means for children to receive food to satisfy their nutritional needs. For many others, the Mid Day Meal has social implications such as alleviating caste discrimination or serving as a way for children to learn about good hygiene. Very few participants in the discussion have viewed the execution of the MDM from a rights-based perspective. They have not argued for the promotion of a culture of human rights or for institutional remedies to be in place for children who do not receive their allotment of food from the scheme.<sup>102</sup> Moreover, those scholars who mention a rights-based approach to the implementation of the Mid Day Meal Scheme fail to place importance on children knowing their rights and entitlements or implementing the MDM in a way that empowers children to actively seek the realization of those rights.

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<sup>102</sup> This study defines a culture of human rights as one that promotes a rights-based approach. Children know they are entitled rights-holders and all parties involved in the meal know their respective duties. Moreover, children are taught human rights education and/or encouraged to participate in shaping the MDM.



In general, there is limited advocacy of a rights-based approach found in scholarly arguments for how to implement the MDM in India. The interpretations of the Government of India, the National Right to Food Campaign, and key academics such as Jean Dreze and S. Vivek illustrate the differences between Indian interpretations and international human rights prescriptions. This thesis will ultimately argue that the lack of a rights-based approach to advocacy of the MDM has helped to perpetuate the status quo: a lack of discussion on hunger and the entitlement to food amongst local populations in India. Most Indian citizens continue to have limited say in the issues that affect them, and rarely discuss their own entitlements. Perhaps if a more rights-based approach to the MDM scheme were implemented, it could help to empower marginalized communities who often are unaware that they are rights-holders and feel at the mercy of voluntary government charity.

This thesis will use both political theory and some preliminary ethnographic investigations at two schools in Chennai, Tamil Nadu to argue that a more focused and forceful advocacy of a rights-based approach to the MDM can be extremely useful in giving voice to many rights-holders. A rights-based approach to the implementation of the MDM can help children speak out when they aren't receiving the entitlements that they should be receiving as recipients of the scheme. It can also instill the values of civic participation that children may carry on as they grow older. Unfortunately, today's Indian civil society lacks the unified and forceful advocacy needed to allow children to reap the greatest benefits of the Mid Day Meal Scheme. In order to make these arguments about the theoretical and practical weaknesses in Indian advocacy for the right to food as expressed in the nation's implementation in its MDM scheme, we will first turn to look at

the rhetoric and arguments of Indian scholars who have shaped both the National Right to Food Campaign and the Government of India's legislation related to the MDM.

### **INDIAN SCHOLARS: Neglect of Forceful Advocacy of a Right to Food**

Indian development scholar Jean Dreze describes the right to food as anything but easy to implement. He argues that the entitlements and responsibilities associated with the right to food are not immediately obvious. The basic right to food represents a claim of individuals on society and an entitlement to be free from hunger. However, as Dreze suggests, difficulties arise as soon as one tries to hash out this broad definition and translate it into specific entitlements and responsibilities.<sup>103</sup> In light of this complexity, some human rights scholars in India have defined rights garnered from the MDM as those related to basic nutritional support. Others have focused on how the implementation of this right can help promote caste and gender equality.

Jean Dreze and S. Vivek are the leading academics studying and promoting the better implementation of the MDM and the acknowledgment of a child's right to food. These scholars have made major contributions to the development of the National Right to Food Campaign and the passage of government legislation. They rarely, however, seek to address some of the questions that are of greatest concern to international human rights scholarship. How can notions of rights and entitlements be imparted to children? Should children be treated as passive acquirers of rights, if they are not able to make adult decisions yet? How can one implement the MDM in schools in a way that empowers children as future Indian citizens? While deeply concerned with the issues of how the

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<sup>103</sup> Dreze, Jean. 2004. *Democracy and the Right to Food*. New Delhi: Economic and Political Weekly. P. 4.

national mandates for the MDM should be framed, these authors fail to focus on questions regarding the practical application of these rights in schools. Both authors neglect the importance of empowering children as active rather than passive rights-holders. In short the work of S. Vivek and Dreze demonstrates the failure of Indian academics to forcefully advocate a rights-based approach to the MDM.

In an article by Dreze and Sen titled *Democracy and the Right to Food*, the two authors state that,

“In Tamil Nadu, where mid day meals go 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. Mid-day meals are provided on every day of the year including holidays and any lapse in this regard would be considered a serious matter. In (say) Chattisgarh or Madhya Pradesh, by contrast, mid-day meals are still far from being perceived as a basic entitlement of children. This is one reason why the implementation of the mid day meals remains quite casual in these states, to the extent that the meal often fails to materialize on a particular day, without anyone make a fuss.”<sup>104</sup>

Dreze and Sen clearly take the right to food seriously. They want children and their communities both to have and to know their entitlements. They imply that when community members and children internalize their rights, they can keep the government accountable for its policies and action; they can and will “make a fuss” if the MDM is not being implemented in adequate quantity or quality. Even so, they fail to make a rights-based approach to the MDM a centerpiece of their policy recommendations or to explore how notions of rights and entitlements can best be imparted to children and communities. To his credit, in *Democracy and the Right to Food*, Dreze states that, “the mid-day meal story ... highlights the importance of campaigning for economic and social

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<sup>104</sup> Dreze, Jean. 2004. *Democracy and the Right to Food*. New Delhi: Economic and Political Weekly. P. 6.

rights outside the courts, using all democratic means available. Indeed, had the Supreme Court order on the mid-day meals been allowed to take its own course, it is doubtful that it would have been implemented.”<sup>105</sup> He explains that one of the reasons why court orders related to the MDM fail to be adequately or uniformly implemented is that there is little public pressure on the government. Ultimately, however, Dreze falls short of actually calling on the public to apply pressure or to demand their entitlements.

These limitations in his work become clearer in his article *The Future of Mid-Day Meals*, widely cited by other human rights academics in India. In this article, Dreze describes what he sees as the multiple benefits of the MDM: its contributions to school enrollment; ending classroom hunger; teaching good habits (such as washing one’s hands before and after eating); and education about the importance of clean water, good hygiene, a balanced diet, and related matters. He also suggests various nutritional objectives such as raising intake of calories and proteins, and providing nutritional supplements such as iron and iodine. He later discusses some of the important social contributions of the MDM:

The contribution of mid-day meals to equity has a variety of aspects. For instance, mid-day meals help to understand caste prejudices, by teaching children to sit together and share a common meal. They also foster gender equity by reducing the gender gap in school participation, providing an important source of female employment in rural areas, and liberating working women from home.<sup>106</sup>

Dreze does mention that the MDM can facilitate school attendance among underprivileged children; but he does not suggest that the program can (or should) promote students’ active participation in their school environment and in shaping the

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<sup>105</sup> Ibid. P. 6.

<sup>106</sup> Dreze, J. and Goyal, A. 2003. *The Future of Mid Day Meals in India*. New Delhi: Economic and Political Weekly. P. 1.

MDM. All in all, the social values that Dreze mentions as important to impart through the MDM fall short of the ideas for implementation prescribed by the FAO and Kent in that they don't encourage such active participation. Moreover, Dreze advocates a top down structure in which duty bearers or agents of accountability actively shape the way the scheme is run, while children passively accept these standards. Dreze does not mention bottom-up approaches in which children take part in School Feeding Monitoring Committees or vocalize their complaints. Moreover, he does not suggest that children should be taught about their entitlements or their rights. Dreze's ideas and arguments have had a major impact on the National Right to Food Campaign and to some extent on legislation, but he clearly has not pushed for a rights-based approach to the MDM. He fails to speak forcefully to the possibilities for the institutionalization of a human rights culture via the MDM so that children know their entitlements and can speak out.

S. Vivek, another major Indian scholar, has also played an important role in discussions on the right to food. Vivek understands the importance of viewing food not only in nutritional terms. He explains that, "Food has biological, social, and cultural functions. Each of these is important in determining our well-being and also in developing capacities to navigate in this complex world. To understand the importance of school feeding, we have to evaluate it in terms of protecting children from hunger, its positive impact on education, and on other social and cultural rights that school feeding programs affect."<sup>107</sup> In this sense, Vivek clearly understands the broader implications of school meals, not simply as a means of fulfilling biological needs, but also as having certain social and cultural functions. Moreover, interestingly enough, Vivek is one of the

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<sup>107</sup> Kent, George. 2008. *Global Obligations for the Right to Food*. Maryland: Rowman & Littlefield Publishers, Inc. P. 193.

few scholars in India who does use the term “rights-based approach” in his work. He explains that school-feeding programs should be implemented not merely by giving any edible substances, but should be oriented towards full physical and mental development of the child. Similarly, he is one of the few who have explored international human rights literature, citing the *Convention on the Rights of the Child* to support his claims.

In his view, however, “the rights based approach means that no child should be left behind due to financial reasons.”<sup>108</sup> In relation to school feeding programs (SFPs),

Vivek states:

“a rights-based SFP should address every child at risk of hunger and malnutrition, defined in the broadest of terms. Food should be culturally suitable and nutritious. Since nutrition is a key concern of SFPs, nonfood aspects of malnutrition should be addressed where possible. In particular, this should involve preparation of meals in a hygienic environment, periodic deworming, and nutrition education to children. The best of the programs combine school feeding with a basic school health program. Emphasis should be given to children sharing a meal in a cordial and nondiscriminatory fashion. Where possible, symbolic and substantial measures should be adopted to eliminate all forms of discrimination.”<sup>109</sup>

Despite Vivek’s use of the term, rights-based approach, his advocacy falls short of the FAO and Kent’s views in two ways: he uses group rhetoric over individual rhetoric and again fails to focus on instilling human rights education through the MDM. Even with his use of the term “rights-based approach,” Vivek does not focus on a child’s perception of his/her entitlements or the promotion of a human rights culture. He does not go beyond group rhetoric when suggesting that “no child should be left behind,” and does not discuss ideas of empowerment, transparency, or accountability advocated by George Kent and the FAO. Moreover, whereas Kent argues for imparting values of civic

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<sup>108</sup> Ibid. P. 194.

<sup>109</sup> Kent, George. 2008. *Global Obligations for the Right to Food*. Maryland: Rowman & Littlefield Publishers, Inc. P. 197.

participation through the implementation of the MDM, Vivek merely alludes to the importance of such concepts without prescribing concrete ways of institutionalizing their role through the MDM.

Both Dreze and Vivek have played a significant role in the right to food discussions in India and have helped shape the advocacy of the National Right to Food Campaign and legislation related to the MDM. Ultimately, their failure to forcefully advocate a rights-based approach to the MDM has resulted in parallel discussions in the realm of activists and government officials; there is little emphasis on a bottom up, child-centered, human rights approach to the MDM.

## **THE NATIONAL RIGHT TO FOOD CAMPAIGN**

The 2001 People's Union of Civil Liberties (Rajasthan) petition and the subsequent hearing of the Supreme Court of India resulted in a larger Right to Food Campaign which has placed pressure on the government to carry through with responsibilities mandated in Supreme Court rulings. Since its inception, the Campaign has been successful in bringing some media attention to the right to food. Moreover, as a result of court orders, most state governments have introduced the MDM in government and government-aided schools benefiting many school-going children. The Campaign has also succeeded in working to extend the meal to older children in school through the tenth grade and to provide food for children during holidays in some states. Finally, the Campaign has successfully pushed the Supreme Court to set up methods for monitoring implementation of various food distribution schemes.

The members of this campaign have been the most visible advocates of the right to food and the universalization of the Mid Day Meal Scheme, but have failed to forcefully promote a rights-based approach to the application of the MDM. They have pushed for top-down changes in the implementation of the MDM but have not stressed bottom-up implementation of the MDM. Members of the Campaign have urged the Indian government to view food security as an obligation and not merely a form of benevolence, but they have not forcefully advocated for a child-centered scheme in which children can speak out if they do not receive their due or can influence policies that affect them. In other words, the grass-roots aspects of empowerment utilized in a rights-based approach often appear to be missing from the groups' message.

The Campaign's foundation statement asserts, "[the National Right to Food Campaign] consider[s]...the primary responsibility for guaranteeing [the right to food] and these entitlements rests with the state. Lack of financial resources cannot be accepted as an excuse for abdicating this responsibility."<sup>110</sup> The Campaign, therefore, urges the government to recognize its responsibility to the citizens of India and to begin to view the eradication of hunger as an obligation, and not merely as an act of charity. Even so, the Campaign fails to stress the bottom-up aspects of a rights-based approach that allow children to participate in decision making.

For instance, the *Midday Meals Primer: a tool for the implementation of the MDM* is the Campaign's main guiding resource. In the Primer, the Campaign explains that the potential benefits of nutritious mid-day meals include "promoting school

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<sup>110</sup> Right to Food Campaign. 2009. The Right to Food Campaign Secretariat. 20 April 2009. <<http://www.righttofoodindia.org/>>.



[attendance], preventing classroom hunger, facilitating the healthy growth of children, imparting educational information, fostering social equality, and enhancing gender equity.”<sup>111</sup> While all of these objectives are extremely important for a successful MDM, the Primer fails to advocate concepts central to a rights-based approach such as the promotion of a human rights culture, children’s awareness of their rights, or their active participation in shaping the MDM at their school.

In a similar respect, in questionnaires provided by the Campaign for assessing the MDM, there is almost no emphasis on pushing investigators to ensure that children know they are entitled rights-holders. The questionnaires ask local investigators to examine whether the nutritional needs of the child are being met and whether the MDM promotes or reinforces any sort of caste discrimination. There are suggestions that investigators make enquiries from children about the quality of the mid-day meals, particularly in regards to how nutritious the meal is, whether they like it, whether anyone fell ill after eating the midday meal, and so on.<sup>112</sup> While it could be argued that the existence of these questions represents an enshrinement of the role of the child, in reality the framing of these questionnaires treats the presumed investigators as active agents while children remain only as passive recipients of the MDM. There is no suggestion or expectation that children should be expressing their opinions of the meals to any one other than the investigators. In contrast, an effort to encourage rights-consciousness in beneficiaries would ask whether sites have methods in place by which children can voice their

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<sup>111</sup> Right to Food Campaign. *Midday Meals Primer: a tool for the implementation of the MDM*. [www.righttofoodindia.org](http://www.righttofoodindia.org). New Delhi, 2005.

<sup>112</sup> Right to Food Campaign. *Midday Meals Primer: a tool for the implementation of the MDM*. [www.righttofoodindia.org](http://www.righttofoodindia.org). New Delhi, 2005.

thoughts and opinions of the quality and adequacy of the MDM scheme and participate in decision-making on a regular basis.<sup>113</sup> It would also inquire whether the implementation of the MDM scheme is being supplemented by human rights education.<sup>114</sup> For example, are children being taught to understand their rights and actively shape schemes that affect them? Ultimately, the promotion of a culture of human rights and more sustainable civic participation of children in the MDM do not resonate as central messages of the National Right to Food Campaign in India.

The various pamphlets and primers published by the National Right to Food Campaign focus on the role that community activists can play in the scheme:

The next challenge to [achieving] a radical improvement in the quality of midday meals... is likely to require sustained public pressure, as children's rights tend to have a low priority on the political agenda. Everyone can contribute to this effort: public action is needed at all levels, from remote villages to the national capital. And there is a role for everyone: parents, teachers, journalists, politicians, researchers, or just concerned members of the community.<sup>115</sup>

Children are left out of their definition of who should be participating in public action in support of an adequate MDM scheme. Moreover, the Campaign has involved children in only one of the major demonstrations aimed at keeping the government accountable, although this demonstration was extremely effective. On April 9, 2002, shortly after the Supreme Court rulings, the Right to Food Campaign called for a national "Day of Action." It placed pressure on the government to introduce the MDM after the

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<sup>113</sup> Kent, George. 2008. *Global Obligations for the Right to Food*. Rowman & Littlefield Publishers, Inc. Maryland. Page 130.

<sup>114</sup> Ibid.

<sup>115</sup> Dreze, J. and Goyal, A. 2003. *The Future of Mid Day Meals in India*. New Delhi: Economic and Political Weekly. P. 1.

government had failed to achieve implementation by the court-mandated deadline of February 28, 2002. With the support and advocacy of the Campaign, “people took to streets across the country demanding the implementation of food related schemes.”<sup>116</sup> Moreover, according to the Campaign, this was the first significant step taken where many groups got together to form local coordination committees, thereby boosting the Campaign’s local base.<sup>117</sup>

In the Day of Action protests, the Campaign worked to engage community members and children to demand their entitlement to the MDM. Children participated in demonstrations in most states from Bangalore, Karnataka to Patna, Bihar. For instance, in Patna, 5000 students participated in rallies against the government, while in Bhopal, 400 students demanded the implementation of the MDM in front of the Chief Minister’s residence. In each of these instances, children either protested outside with empty plates or parents of school-going children prepared the MDM outside of houses of government officials, symbolizing that the government had failed to implement the program. These demonstrations caught the attention of a wide range of national journals and newspapers such as the Times of India, Hindu, Business World, and Outlook magazine, and resulted in a number of press conferences and other media coverage.<sup>118</sup> In many of these conferences, children were interviewed and invited to speak with journalists, demonstrating the importance of their opinions. According to the Campaign’s website, the event also led to widespread discussion about the orders of the court by various

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<sup>116</sup> Right to Food Campaign. 2009. The Right to Food Campaign Secretariat. 20 April 2009. <<http://www.righttofoodindia.org/>>.

<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

sections of the community, with court orders translated and distributed quite extensively. Through this media coverage, messages about entitlements reached many sectors of society, and locally organized meetings engendered a great deal of participation by the citizenry.<sup>119</sup>

Collective demands for the MDM were raised in more than a hundred districts of the country through public hearings, protest demonstrations, and hunger rallies.<sup>120</sup> Moreover, most states responded in a positive manner. In the state of Rajasthan, through the advocacy of the Right to Food Campaign and the demands of citizens, the government decided to set up monitoring committees to meet the Supreme Court orders. The Chief Minister also sent instructions to the district collectors of the MDM to consistently oversee the program. Finally, the Minister decentralized responsibility for administering the meal, allowing village officials to fix the menu based on local needs.<sup>121</sup> Similar to the success seen in Rajasthan, in the state of Jharkand, 2,500 children gathered in the Town Hall of Ranchi to demand the implementation of the MDM; they also visited the Chief Whip of the ruling Bharatiya Janata Party, Mr. C.P. Singh, who promised to implement the scheme immediately.<sup>122</sup> In Jharkand whole communities participated in the protests; “Panchayats, Gram Sabhas, Teachers and the general public [conducted] the events, apart from a large number of NGOs.”<sup>123</sup>

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<sup>119</sup> Right to Food Campaign. 2009. The Right to Food Campaign Secretariat. 20 April 2009. <<http://www.righttofoodindia.org/>>.

<sup>120</sup> Ibid.

<sup>121</sup> Ibid.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid.

Ultimately, the Day of Action, orchestrated by the National Right to Food Campaign incorporated many of the goals and strategies promoted by Kent and the FAO; it worked to promote entitlement consciousness, create grassroots social movements, engage citizenry and build a local base. However, since this event, the Campaign has failed to promote bottom-up, child-centered approaches on a broad or more sustained basis. More specifically, the type of institutionalized human rights culture suggested by Kent is clearly missing from the groups' message. Five years later, the country still sees major quality and quantity issues with the MDM.<sup>124</sup> Moreover, some states have yet to provide children with the MDM.

The failure to recognize children's potential power and effectiveness in advocating on their own behalf is problematic on many levels. First and foremost, it misses the opportunity to educate children to become active citizens. On a more pragmatic level, it misses the fact that, because children are the recipients of the MDM, if they are not encouraged to speak out when they have complaints, their advocates may not always know of program failures.

As opposed to the approach taken by the National Right to Food Campaign, George Kent argues that students should play a central role in the MDM: they "should have a right to particular kinds of information, such as the contents of the meals that are planned, and perhaps their nutritive values"; they "should (also) have a right to information as to what they could do if their meals are unsatisfactory"; "they should have a right to know what they are entitled to, and also what they can do about it if they

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<sup>124</sup> Kent, George. "School Meals as Entitlements." Presented at the University of Hawaii.

don't get it."<sup>125</sup> Kent rightly points out that in India, "one can only wonder how many children or parents know the actual content of the Supreme Court's specifications regarding school meals, or have any idea of what they should do if they don't get what the court says are their entitlements."<sup>126</sup> Even so, the National Right to Food Campaign fails to forcefully advocate a rights-based approach to the application of the Mid Day Meal Scheme that underscores children's entitlements or participation in decision-making. The following section will discuss the Supreme Court and Government of India interpretation of how to best implement the MDM.

## **THE SUPREME COURT AND GOVERNMENT OF INDIA**

Since the 2001 public interest litigation led by P.U.C.L. (Rajasthan), the Supreme Court and Government of India have worked to make the MDM and the right to food a legal entitlement for children in India. With the passage of many interim orders, activists like P.U.C.L. attorney Colin Gonsalves have called the "right to food case" one of the most successful cases undertaken by human rights activists in India. However, even as the Supreme Court and government have begun to take their obligations to the Indian people seriously, they, like the activists and advocates who have fought for them to implement these programs, have failed to promote a rights-based approach to the implementation of the MDM. National legislation on the MDM does not refer to this approach or promote a culture of human rights surrounding the MDM. Moreover, the legislation does not encourage children's understanding of entitlements or work to ensure that duty bearers are accountable to children. In sum, the Indian government has enforced

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<sup>125</sup> Kent, George. "School Meals as Entitlements." Presented at the University of Hawaii.

<sup>126</sup> Ibid.

legislation to promote the right to food that differs markedly from the approach advocated by international human rights scholars.

In his discussion of a rights-based approach, Kent argues that national legislation should support the right to food and should advocate a culture of human rights. He urges national governments to formulate legislation so “clients have clear entitlements to its services” and so welfare schemes make explicit commitments to honor these entitlements.<sup>127</sup> Additionally, he proposes that a complaint procedure be established so those who [feel] “they have not obtained their entitlements can get a fair hearing, and if necessary, have the situation corrected.”<sup>128</sup>

Legislation on the MDM such as the 2004 National Programme of Nutritional Support to Primary Education describes how the main objectives of the MDM Programme are “to help universalize the scheme by improving enrollment, retention and learning levels of children, while improving nutritional status and quality of the food.”<sup>129</sup> The legislation also makes a commitment to the children of India, making the promise that the central government will provide greater funding to the MDM and assistance at a rate of 1 Rupee per child, per day.<sup>130</sup> Despite a serious commitment to improving the MDM, national legislation does not currently make human rights a major objective. The MDM legislation does not mention the terms “human rights” or “entitlements of

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<sup>127</sup> Kent, George. “School Meals as Entitlements.” Presented at the University of Hawaii.

<sup>128</sup> Ibid.

<sup>129</sup> Rutledge, Jennifer. "A Child's Right to Food: India's Mid-Day Meals Programme" Paper presented at the annual meeting of the ISA's 49th Annual Convention. San Francisco. Mar 26, 2008. <[http://www.allacademic.com/meta/p250577\\_index.html](http://www.allacademic.com/meta/p250577_index.html)>. P. 22.

<sup>130</sup> Ibid. P. 22.

children”. In addition, the legislation proposes a way for monitoring that does not mirror the prescriptions of international human rights scholars.

The national legislation as outlined in the National Programme of Nutritional Support to Primary Education, calls for top-down monitoring of the MDM: “to oversee the management and monitoring of the program, Steering-cum-Monitoring Committees (SMCs) will be set up at four levels viz. National, State, District, and Block.... National and State-level SMCs will be expected to meet at least once every six months, and District and Block level SMCs, at least once a quarter.”<sup>131</sup> This proposal demonstrates a commitment to ensuring proper implementation of the MDM. Even so, this type of enforcement does not go far enough to establish a rights-based approach. Kent calls for a bottom-up approach to monitoring with national mandates for school-level monitoring initiatives in which children are involved. He writes that national governments should provide:

“resources, and... incentives for the School Meal Monitoring Committees as appropriate, and guidance and assistance for their operations. Governments should also help to establish monitoring procedures to be used by the SMMCs to provide annual reports to the national governments in standard form.”<sup>132</sup>

In this regard, Kent urges collaboration between the government and schools through School Meal Monitoring Committees in which children take part in monitoring the MDM and submitting their complaints to the government. India’s national legislation clearly

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<sup>131</sup> Ministry of Human Resource Development. 2006. National Programme of Nutritional Support to Primary Education. <[http://74.125.47.132/search?q=cache:8C\\_ouHfr22YJ:www.schooleducation.kar.nic.in/pdf/files/mdmguidelines2006.pdf+National+Programme+of+Nutritional+Support+to+Primary+Education&cd=3&hl=en&ct=clnk&gl=us](http://74.125.47.132/search?q=cache:8C_ouHfr22YJ:www.schooleducation.kar.nic.in/pdf/files/mdmguidelines2006.pdf+National+Programme+of+Nutritional+Support+to+Primary+Education&cd=3&hl=en&ct=clnk&gl=us)>.

<sup>132</sup> Kent, George. “School Meals as Entitlements.” Presented at the University of Hawaii. P. 54.



fails to call for such provisions and does not enshrine a rights-based approach to the MDM.

### *Supreme Court*

Since 2004, the arrival of progressive Supreme Court justices has resulted in beneficial changes in the MDM. These officials worked to create a new set of guidelines for the Mid Day Meal that were more detailed than in the past, including:

“...the designation of committees to oversee the program at the national, state, district, and block levels, and a number of admonitions that the meals should be of good quality, that they be safely prepared, that the meals are to be varied from day to day, that the community should get involved, that the meals should be used for socialization skills, and that the meals should be monitored by various different agencies...”<sup>133</sup>

The detailed nature of these guidelines represents the willingness of Supreme Court justices to improve the MDM.

Supreme Court Commissioner, N.C. Saxena has, furthermore, demonstrated a keen interest in the MDM and has even expressed interest in a rights-based approach to its application. He states:

“if freedom from hunger is a basic right of all citizens...then robust redressal and compensation mechanisms ought to be in place to deal with instances where the right is violated. As things stand, such arrangements are sorely lacking. By and large, food entitlements are treated as a gracious gift of the State, and it is not considered important to punish the culprits or compensate the victims in the event where these entitlements are not realized. This neglect must be addressed if the right to food is to become a reality.”<sup>134</sup>

In this sense, Saxena acknowledges and seems to underscore many of the beliefs held by international scholars on how the MDM should be applied. He urges redressal and

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<sup>133</sup> Swaminathan, M.S. and Medrano, Pedro. 2004. *Towards Hunger Free India: From Vision to Action*. Madras: East West Books. P. 163.

<sup>134</sup> *Ibid.* P. 163.

compensation mechanisms and that food be viewed as entitlement of citizens. Saxena qualifies his approval of a rights-based approach, however, by stating that while “the notion is appealing... its practical implications are often far from clear.”<sup>135</sup> Ultimately, the Supreme Court’s rhetorical support of this approach has not yet translated into rulings that rights-based approaches be applied in the states’ administration of the MDM.

Thus, although the Indian government and Supreme Court are clearly concerned with using the MDM to promote certain democratic values, they fail to advocate a rights-based, child-oriented approach to doing so. While the Supreme Court commissioner has demonstrated interest in promoting rights-consciousness, this support has not translated into specific rulings or an institutionalization of a rights-based approach. Moreover, while it is quite admirable that the Government has vocalized the importance of imparting values such as equality, cooperation, discipline, and good hygiene, there is no mention of teaching children human rights education or other values which help children speak out and understand that they are right holders.

In Kent’s discussion of rights-based approaches to meal provision, he emphasizes that national legislation should go beyond emphasizing the nutritional aspects of the MDM. While the MDM can fulfill important nutritional and educational needs, students should also be taught that the meals are an important entitlement. He argues that the framing and implementation of national legislation should keep in mind a variety of critical questions. Does the food belong to the donors who are free to provide it or not as they please? Or does the food ultimately belong to the programme participants and do they have a clear right to it? If the food is not provided in the proper way, can someone

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<sup>135</sup> Swaminathan, M.S. and Medrano, Pedro. 2004. *Towards Hunger Free India: From Vision to Action*. Madras: East West Books. P. 145.

be called into account?”<sup>136</sup> Using these questions as guidelines to ensure that children reap the greatest benefits of the MDM, Kent argues that children should be taught that the state is obligated to provide them with food and that they are entitled rights-holders, who have institutional remedies when they do not receive their due.

Today, the MDM has seen major challenges in its implementation. There are major state-by-state differences with many states experiencing quality and quantity issues. When citizens do not demand their rights, states have all too often neglected proper implementation of the scheme. In a scheme primarily run by state-governments, the national government cannot adequately or forcefully oversee the program. Thus, even though the rhetorical and legal commitments of the national government and Supreme Court promote a right to food, this right is too seldom enforced in practice. A forceful effort to promote a rights-based approach to implementation of the program could, however, at least begin to address some of these issues of national state capacity by setting up an institutional approach at the level of local schools to promote and mobilize children (and their parents) to understand their rights and advocate for their enforcement.

## **CONSEQUENCES OF LIMITED INTERPRETATIONS**

Despite the efforts of the extraordinary scholars and activists in the National Right to Food Campaign, and some notable legislators and judges, India remains a country where there has been “silence in the ... media on decades and decades of malnourishment

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<sup>136</sup> Kent, George. “School Meals as Entitlements.” Presented at the University of Hawaii. P. 48.

and anaemia among a large number of children and women in most states.”<sup>137</sup> When beneficiaries or rights-holders in government schemes do not know their rights, they do not put pressure on the government to address hunger. Ultimately the cycle of hunger continues. As one scholar notes, in India the “persistence of high levels of endemic poverty and often a silence about the issues of human well-being in the Assemblies and Parliament of elected representatives often reflects how political democracy has continued to pursue group rhetoric rather than an individual based entitlement to development of one’s full potential.”<sup>138</sup>

The essential argument of this thesis is that a rights-based approach to the world’s largest school meal program could help to address this problem by concretely encouraging the social and civic development of Indian children as citizens with a sense of their individual rights and entitlements. George Kent and the FAO have, as we have seen, made this argument in theoretical terms. The next chapter of this thesis will explore some preliminary ethnographic evidence from two schools in Tamil Nadu that suggests that the association of the implementation of the MDM with a rights-based educational program can indeed provide children with a greater, more concrete sense of their rights and entitlements than occurs in a school which pursues the much more standard course of implementing the MDM without any such associated curriculum.

## V. QUALITATIVE RESEARCH ON THE MDM IN TAMIL NADU

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<sup>137</sup> Dreze, Jean. 2004. *Democracy and the Right to Food*. New Delhi: Economic and Political Weekly. P. 1.

<sup>138</sup> Sinha, Amarjeet. 2005. *India: Democracy and Well-Being*. New Delhi: Rupa Co. P. 42.

Although there has not been a concerted effort to implement rights-based approaches to the MDM in India, there have been schools that have adopted facets of the rights-based discourse. Tamil Nadu is a state where the MDM runs efficiently and successfully; these conditions can allow for rights-based approaches to be implemented. This study, therefore, selected Chennai, the capital of the state of Tamil Nadu, as the site for ethnographic research on experiences related to the MDM in local schools. Two schools were selected: Bheemana Gardens School and V.P. Koil School. One school promoted human rights education and gave children a chance to participate in the MDM, while in the other school a culture of human rights was noticeably missing. When comparing the responses of children and staff at both schools, there was a stark difference between the school environments, children's understanding of entitlements, and their thoughts on the quality of the meal. The following section describes the methodology for testing the implications of utilizing a rights-based approach. The findings suggest that this approach can benefit both students and staff, while ensuring the accountability of duty bearers to right-holders.

## **METHODOLOGY**

This study consists of both surveys and interviews of children and staff at two different schools in Chennai, India. At the Bheemana Gardens School, 26 sixth graders, 23 seventh graders, and 33 eighth graders, totaling 82 students were surveyed. In-depth interviews were also conducted with 5 students in the 6<sup>th</sup> grade and with some staff members. At the V.P. Koil School, interviews were conducted with 35 6<sup>th</sup> graders, 41 7<sup>th</sup> grade graders, and 46 8<sup>th</sup> graders, totaling 122 surveyed students. In both schools combined, 204 students were surveyed. Moreover, 10 children and 4 staff members were

asked to partake in in-depth interviews. These interviews were conducted during a one month period from December to January 2009.

Bheemana Gardens School is on Bheemana Garden Street in Alwarpet, Chennai and V.P. Koil School is located at V.P. Koil Street in Mylapore, Chennai. The two schools are located around 20 minutes apart from one another in Tamil Nadu's capital city. They consist of children from similar socio-economic backgrounds; children at both schools are generally the first in their families to attend school.<sup>139</sup> Parents of these children work as auto rikshaw drivers, waste collectors, household maids or servants, informal sector workers, or they are unemployed. Principals at both schools described most children as being from low caste backgrounds. Principal T. Nalanikumar of V.P. Koil School explained that the school consists of "very low level families who are struggling. These are the children of waste collectors or are children who are found on the streets." Similarly at the Bheemana Gardens School, Principal M. Murugesan commented that the school is comprised of "very poor children."

A series of survey questions were asked, including: how often do you eat the MDM; what are your thoughts on the MDM; have you ever heard of the right to food; if yes, who would you talk to; and if you ever had a problem in your community who would you talk to. These surveys were conducted orally with a class as a whole. Children were asked to put their heads down to avoid looking at their fellow classmates when raising their hand for their response. Questions were repeated twice before students were asked to respond. This study also consisted of in-depth interviews in which participants were selected randomly. These interviews were conducted during school hours 7 am to 3 pm

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and were structured in an open-ended fashion to allow interviewees' answers to dictate the direction and flow of the conversation.

While these surveys and interviews cannot be used to generalize about the efficacy of all rights-based programs, they do provide evidence of how scholar George Kent's ideas can be applied. Under the conditions of the MDM in Tamil Nadu, there appears to be evidence that a rights-based approach can have an impact on children, affecting their understanding of entitlements and the right to food. It also can be inferred that a rights-based approach can result in greater civic participation of children in India.

## **EMERGING THEMES**

The school differed greatly in terms of rights consciousness (knowledge of the right to food), thoughts on the quality of the meal, and thoughts on participation expressed by the children. These themes will be addressed in the following subsections: lunch environment; understanding of the right to food; ability to influence decisions at the school; and civic participation.

### **LUNCH ENVIRONMENT**

There was a significant difference in the lunch environments at V.P. Koil School and at Bheemana Gardens School. While at V.P. Koil School children were taught to sit together during lunch and to eat in a clean area inside a classroom, children at the Bheemana Gardens School often sat together outside in muddy, dirty conditions. Some children could even be found near piles of trash that had not been deposited in dumpsters. These environmental differences also appeared in children's interactions with staff members and in their decorum during lunch. During lunch at V.P. Koil School, children

would sit down on the floor of a classroom waiting to be served by the teachers, staff, cooks and helpers of the school. The floor would be cleaned before the children arrived at noon. The children would also only be permitted to eat lunch after washing their hands, and picking up a glass of water. Staff members at the school would oftentimes serve children a second or third time. In contrast, at Bheemana Gardens School children waited in a single line to receive their food from cooks and helpers. While children at this school also received second or third servings of food, both the children and the staff members appeared detached from one another or tense with one another. At times, the children would complain about the quality of food, and the cook would make a comment back to the children and appear to “throw” the food on their plate.

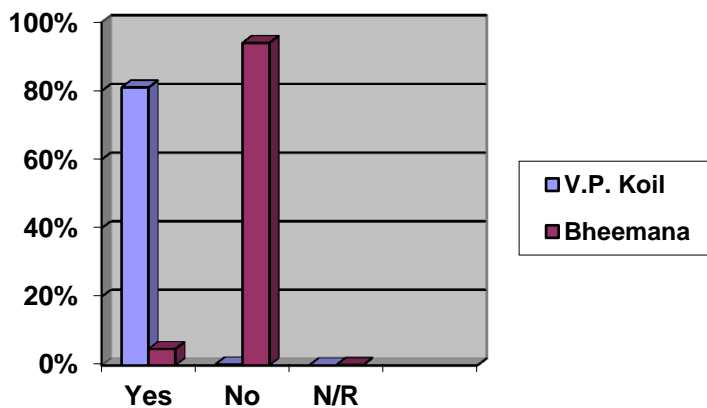
Even when children in the 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> standards from each school were asked their thoughts on the MDM, there appeared a difference between answers of children between the two schools. At V.P. Koil School, the school with a greater emphasis on human rights, out of a total of 122 students surveyed, 101 students rated the meal very good (83%) while 10 students rated the meal good (8.1%). Only 2 students rated the meal as okay (1%) with the remaining 9 students choosing to abstain from answering the question. In contrast, at Bheemana Gardens School there was much more variation in students perception of the meal. Out of 82 6<sup>th</sup> through 8<sup>th</sup> graders, 31 students rated the MDM very good (38%), 13 students rated the meal as good (16%), and 28 students rated the MDM as okay (34%). 10 students did not respond to this question. At both schools it appeared that students generally liked the meal, but there was clearly less enthusiasm at Bheemana Gardens School than at V.P. Koil School.



## UNDERSTANDING OF THE RIGHT TO FOOD

Other questions in the survey explored whether children at both schools knew that they were entitled to a right to food. When comparing Bheemana Gardens School and V.P. Koil School, this study found a difference in knowledge. When asked the question, do you have a “right to food,” 99 out of 122 students (81.1%) at V.P. Koil answered that they have a right to food. 4 students said that did not (3.27%), while 9 students did not respond. In contrast, at the Bheemana Gardens School, 4 of 82 students (4.8%) in the 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> grades thought they had the right to food, while 77 students (94%) said that they did not. These stark differences between the students at both schools raised the question of why students at V.P. Koil were so much more aware of their rights and entitlements.

### Survey Question: Do you have a right to food?



When speaking to staff members, one of the major factors that stood out in explaining the difference between the two schools was that children in the 7<sup>th</sup> grade at V.P. Koil School were taught a human rights education curriculum. The human rights education book used by the school, titled “Koranthaigal Urimai” or children’s rights,

consisted of games related to the right to food in which children were taught about their entitlement and told to speak out to staff members at the school when they didn't receive it. Students were also taught about the extent of hunger in India and the importance of citizen demand in guaranteeing a right to food. According to Headmistress Nalinakumar,

To promote citizenship we have a morning assembly where prayers are said and children give respect to elders and parents. We later have a moral values class for all students. In the 7<sup>th</sup> class, human rights education is taught to children and the human right to food is one component of it. Each individual should know what rights they have got, and giving food to children should be compulsory...It is our duty to see that is given to the children.

Principal Nalinakumar's words clearly echo scholar George Kent's commitment to the idea that children should be taught to know their right to food.

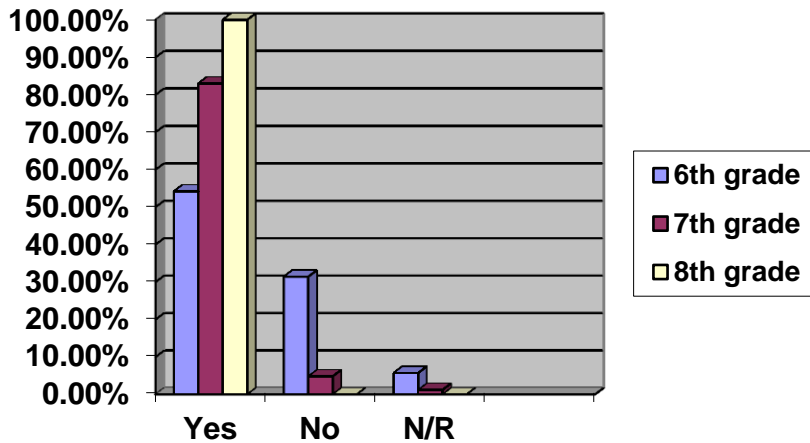
Comparing the survey answers and interviews with the children in the 6<sup>th</sup> grade at V.P. Koil (who had not yet studied the school's official human rights curriculum) with their elders (who had) made it possible to study the impact of this curriculum on the school's seventh and eighth graders. A comparison of the answers given by 6<sup>th</sup> graders at the V.P. Koil School and Bheemana Gardens suggested the impact of being in a school where such a curriculum was taught, even before children had received the specific instruction.

Out of a total of 35 students in the 6<sup>th</sup> grade at V.P. Koil School, 19 students (54.2%) stated they had a right to food, while 11 (31.4%) stated that they did not. 2 students (5.7%) abstained from answering. In contrast, out of a total of 41 students in the 7<sup>th</sup> grade, 34 responded that they had a right to food (83%), 2 students (4.8%) answered that they did not have this right. 5 students did not answer this question. Students in the 8<sup>th</sup> grade had an even greater understanding of their entitlements. 46 out of the 46 (100%) 8<sup>th</sup> grade students knew that they had a right to food. The disparity between 6<sup>th</sup> (54.2%),

7<sup>th</sup> (83%), and 8<sup>th</sup> graders' (100%) knowledge of rights demonstrates how valuable supplementing the MDM with human rights education can be. There was nearly a 30% increase in the number of students who knew what the right to food was between the 6<sup>th</sup> and 7<sup>th</sup> grade. Moreover, all students in the 8<sup>th</sup> grade knew their rights. These outcomes suggested that the 7<sup>th</sup> grade human rights curriculum had made a difference for the children at V.P. Koil.

**Survey question: Do you have a right to food?**

**V.P. Koil School**



Even before they had received this curriculum, however, children in 6<sup>th</sup> grade at V.P. Koil School fared better than the 6<sup>th</sup> graders at Bheemana Gardens School with regard to their knowledge of their entitlements. While 54.2% of 6<sup>th</sup> graders at V.P. Koil knew of their right to food, there were no 6<sup>th</sup> graders (0 out of 26 students) at Bheemana Gardens who were aware of this right. There may be different explanations for this disparity. Perhaps 7<sup>th</sup> or 8<sup>th</sup> graders at V.P. Koil had discussed human rights with the 6<sup>th</sup> graders at the school or the 6<sup>th</sup> graders were informed by teachers that they would learn

about human rights education and the right to food in the 7<sup>th</sup> grade. Regardless, this greater knowledge of human rights was transmitted among the younger children.

Moreover, it seems clear that being in an institution where older children receive such instruction had a significant impact on younger children, compared to a school where there was no such curriculum at any grade.

Under the rights-based approach to the MDM advocated by Kent, students should know their entitlements and have an understanding of their right to food. They should also be able to hold schools accountable when/if they do not provide children with their due. In his discussion on the right to food, Kent mentions that children should know the contents of the daily meal including the meal's nutritional content. In this way, as well, V.P. Koil differed from Bheemana Gardens School. V.P. Koil School staff made it a point to write the contents of the MDM each day on a large board in the center of the school and to include the day's nutritional content. In contrast, at Bheemana Gardens School there was no menu of any kind by which children could know the contents of the meal.

Although V.P. Koil's school lunch program fell short of the types of accountability measures discussed by Kent (such as having children involved in a formal school lunch monitoring committee or reviewing the menus and the quality of the food), posting menus and nutritional content represents at least a partial implementation of Kent's suggested rights-based program. The school kept its students and parents informed of the meals' content meaning that if the posted meal was not provided, children could speak out. They could also refer back to this menu if they have any questions. At

Bheemana Gardens none of these methods of ensuring accountability were put into practice.

### **THOUGHTS ON INFLUENCING DECISION-MAKING**

This study also tried to assess whether or not students felt they were active or passive recipients of the MDM, exploring whether children believed they should be able to express their opinions and thoughts on the MDM. When asked, do you think you should have a say in the food you eat, 82 out of 85 students (97%) in the 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> grades at the Bheemana Gardens School believed that they should have a say in the food they ate. At V.P. Koil School, 96 out of 120 students (80%) felt that they should have a say in the food they ate. At both schools, students overwhelmingly believed that they should be able to speak out and have a say in the MDM. Interestingly, Bheemana Gardens School had a greater percent of students (17% more) wanting to vocalize their thoughts, concerns, and opinions on the meal.<sup>140</sup> This study then sought to understand whether there was a difference in terms of whether students could speak out at the school and if they had tried to do so.

There was no institutional mechanism in place for students to express their thoughts on the MDM at either school. There were, however, significant differences between the two schools in students' perception about whether they could speak out if they did have a problem. This study found that students at V.P. Koil School felt that they could speak out, but often did not because they were happy with the quality of the meal.

In contrast, students at the Bheemana Gardens School felt disempowered. They explained that they had no way of expressing their feelings about the meal.

At V.P. Koil School, five students in the sixth grade were interviewed to understand thoughts on rights and if students could and would talk to someone if they had a suggestion about the MDM. Out of the 5 students, all responded that they had a right to food. Moreover, all students besides one replied that he/she could talk to staff if they had a suggestion about the MDM. Yet, three students responded that they loved the meal and wouldn't know what to ask for, while the other two mentioned that they already had placed specific suggestions. One student stated, "I can ask, but the food they give is grand and healthy food. I don't know why I would ask for more." In a similar respect, another student explained, "I don't ask because the food is clean. I could tell the Headmistress and she would take care of it; whatever I like they will give me." Additionally, a student, who did have a more specific request had "asked Madam for sambar and lemon chadam" for the MDM. In general, the children at V.P. Koil expressed that they could speak out or provide their suggestions to the headmistress if they wanted to.

At Bheemana Gardens School, by contrast, four of five randomly selected 6<sup>th</sup> grade children said that they could not and would not speak out. One participant stated, "At home I can ask, but here I cannot. I cannot complain here at school." According to another student, "We don't have choice. Government chooses noon meal. We cannot complain." Another student replied, "I cannot complain here. If I want variety I have to tell my mother, and not tell the school." The only student who had a different response explained that she liked the meal. She believed that she could talk to the headmaster of the school about the meal, if she wanted, but she had never tried.

This admittedly limited sampling of students suggests a potentially fundamental difference between the two schools: at one most children believed that they could speak out if they felt that they needed to; at the other, most felt that they could not complain or provide their opinions. One potential explanation for this difference is the culture of human rights promoted at V.P. Koil School, where children are taught to be active and knowledgeable rights-holders. While the rights-based model for the MDM is not implemented to the full extent at V.P. Koil, students still felt that they could speak out if they needed to. At Bheemana Gardens School, children felt that they could not provide their suggestions or opinions.

## **CIVIC PARTICIPATION**

Children from both schools were also asked whom they would talk to if they had a suggestion about the MDM or if they had a problem in their community. Both questions were used to assess the levels of civic participation amongst students and to see whether there might be a correlation between teaching human rights and the level of student community participation. At each school students were asked who they would go to if they had a suggestion about the MDM. They were given the following options to choose from: headmaster/headmistress, teacher, government official, newspaper, other, or would not go to anyone. At V.P. Koil 35 out of 35 6<sup>th</sup> graders said they would go to their headmistress, while no student signaled that he/she would inform any of the other parties. Amongst 7<sup>th</sup> graders at the school 7 out of 41 said they would speak to the teacher, 33 said they would speak to a headmistress, 1 said he/she would speak to a government official, and no students replied that they would speak to either the press or another

person. For eighth grade students at the school, 4 replied that they would speak to a teacher, 39 replied that they would speak to the headmistress, 1 replied that he/she would speak to a government official, and 2 students said that they would speak to the press. All 46 eighth grade students replied to this survey question. Ultimately, at V.P. Koil School, the majority of children said that they would take their concerns to the headmistress. 107 out of 126 students (89%) replied in this way, while the rest of the students suggested other avenues.

**Survey Question: Who would you go to if you had a question about the MDM?**

V.P. Koil School	6 <sup>th</sup> Grade	7 <sup>th</sup> Grade	8 <sup>th</sup> Grade
Headmistress	35	33	39
Teacher	0	7	4
Government Official	0	1	1
Newspaper	0	0	2
Other	0	0	0
No One	0	0	0
Total	35	41	46

At Bheemana Gardens School, when 6<sup>th</sup> graders were asked who they would speak to if they had a suggestion about the MDM, 4 replied that they would speak to a teacher, 20 to a headmistress, and 2 mentioned that they would not go to anyone. Among 7<sup>th</sup> graders, 2 mentioned that they would speak to a teacher, 17 to a headmistress, and 3 to a government official. These respondents constituted the total number of students (22



students in the 7<sup>th</sup> grade). Finally, amongst 8<sup>th</sup> graders, 9 students said they would speak to a teacher, 16 to the headmistress, 7 to a government official, and 2 to the press. 34 out of 36 8<sup>th</sup> graders responded to these questions. Here also, the majority of students mentioned that they would speak to their headmistress (53 out of 82 students or 64.6%), yet their responses were more mixed than those at the V.P. Koil School. Out of the remaining 29 children more than half of them (15 students) expressed that they would speak to their teacher.

**Survey Question: Who would you go to if you had a question about the MDM?**

Bheemana Gardens	6 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>
Headmistress	20	17	16
Teacher	4	2	9
Government Official	0	3	7
Newspaper	0	0	2
Other	0	0	
No One	2	0	
Total	26	22	34/36

Ultimately, at both schools, children appeared confident in taking their complaints about the MDM to their headmistress. The overwhelming response in both schools suggests that children in Tamil Nadu understand who to approach when they see issues with the MDM. Students at V.P. Koil, however, have been taught more vigorously about their entitlements. The lack of variation in their responses suggests that they all know to

approach the headmistress when they see any issues with the MDM or have any suggestions. The greater variation at the Bheemana Gardens School may reflect the fact that there has not been a formal effort at that school to instruct children in what forum and to whom suggestions and thoughts should be given.

## **VI. CONCLUSION**

The purpose of this thesis is to explain how school meal programs can empower children under the premise of rights-based empowerment. In such a setting, children, teachers, and staff become more aware that children are the rights-holders with a legal entitlement to a right to food. A rights-based approach requires an environment in the lunchroom conducive to uplift, human rights education, and an institutional way for students to voice their opinions. In Kent's advocacy for a rights-based approach to the MDM, he emphasizes that an institutional means should be set in place to ensure that children have a constant way of speaking out and providing their suggestions. Moreover, children should comprise the majority of participants in a School Meal Monitoring program.

At V.P. Koil, aspects of a rights-based approach have been introduced. As a result, many children know their rights, and believe they can speak out. This study demonstrates that the partial implementation of a rights-based approach at V.P. Koil enhances children's understanding of human rights and their understanding that they are rights-holders. The V.P. Koil School clearly has both a wonderful environment for the children and human rights education for students. There is, however, no institutional way for children to express their suggestions or opinions on a regular basis. Children at V.P.

Koil School know that they have a right to food and expect it on a daily basis, but many still do not speak out to staff members. These children point out that the food is already good and that they should accept the food they receive without asking for more. This study's findings suggest that with an institutional mechanism for promoting participation, more students might speak out and become more active citizens.

According to Kent, when schools harness the full potential of the MDM, the meal can become a source of social empowerment and enlightenment for children. It can be a way to mold children from being mere passive rights-holder to active holders who feel empowered to shape the communities in which they live. They can learn to speak out if they are not provided with adequate allotments of food or nutrients in their meals. Kent's prediction that a greater level of civic participation will result from a rights-based approach cannot be fully assessed by this preliminary study of these two schools, neither one of which fully embraces such an approach. This study does suggest, however, that children do reap many benefits at schools that implement rights-based approaches. Children learn that they are rights-holders and that they are entitled to the MDM. Duty bearers and teachers understand that they have obligations to the children and provide a better lunch environment to the children. Staff members ensure that children know the daily contents of the MDM, allowing children to keep staff accountable to the menu. The conclusion of this study is, therefore, that a rights-based approach to the MDM does have significant potential for empowering children in a society that desperately needs activist citizens committed to a universal right to freedom from hunger.

## VII. APPENDIX

### SURVEY QUESTIONS:

1. How often do you eat the MDM?
2. What are your thoughts on the MDM?
  - a) Very Good, b) Good, c) Okay, d) Abstain
3. Do you think you should have a say in the food you eat?
  - a) Yes, b) No, c) Abstain
3. If yes, who would you talk to?
  - a) Teacher, b) Headmistress, c) Government Official, d) Newspaper, e) Other,
  - f) No one, g) N/R

### IRB APPROVED CONSENT FORMS:

**UNIVERSITY OF PENNSYLVANIA  
Informed Consent Form**

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**Title of the Research Study: A child's right to food via the Mid Day Meal scheme**

**Protocol Number:**

**Principal Investigator: (name, address, phone and email)**

**Mary Summers  
3814 Walnut Street  
Philadelphia, PA 19104**

**Priya Shankar,  
101 S. 39<sup>th</sup> Street  
Philadelphia, PA 19104  
(925) 200-2502  
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**Co-investigator: (name, address, phone and email) none**

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You are being asked to take part in a research study. This is not a form of treatment or therapy. It is not supposed to detect a disease or find something wrong. Your participation is voluntary which means you can choose whether or not to participate. If

you decide to participate or not to participate there will be no loss of benefits to which you are otherwise entitled. Before you make a decision you will need to know the purpose of the study, the possible risks and benefits of being in the study and what you will have to do if decide to participate. The research team is going to talk with you about the study and give you this consent document to read. You do not have to make a decision now; you can take the consent document home and share it with friends, family doctor and family.

If you do not understand what you are reading, do not sign it. Please ask the researcher to explain anything you do not understand, including any language contained in this form. If you decide to participate, you will be asked to sign this form and a copy will be given to you. Keep this form, in it you will find contact information and answers to questions about the study. You may ask to have this form read to you.

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### **What is the purpose of the study?**

The purpose of the study is to learn more about the Mid Day Meal scheme (school lunch program) different schools in Tamil Nadu, India. The Government of India has issued legislation mandating a state-wide implementation of the Mid Day Meal scheme as a means of enshrining a child's "human right to food." My study seeks to explore the relationship between human rights discourse on the right to food and the implementation or acquisition of the right to food on the ground. Do the children understand they are recipients of a human right via the state? What does this receipt look like? How does human rights discourse compare with the ground realities in Tamil Nadu?

### **Why was I asked to participate in the study?**

You are being asked to join this study because the implementation of the Mid Day Meal scheme (MDM) in Tamil Nadu is internationally acclaimed as one of the best state providers of MDM and as a result, one of the best providers of the right to food. The input of children is necessary in order to understand the implications of human rights discourse on their acquisition of a right via the MDM scheme. I have selected students of the 2<sup>nd</sup>, 5<sup>th</sup>, and 6<sup>th</sup> standards to participate in the study.

### **How long will I be in the study? How many other people will be in the study?**

The study will take place over a period of one month. This means for the next one month I will ask you to spend one day participating in this study. Each session will last approximately 2 hours. You will be one of 15-20 other children and staff in the study.

### **Where will the study take place?**

You will be asked to answer questions at school on January 9<sup>th</sup> and January 10<sup>th</sup> at 10:30 am.

### **What will I be asked to do?**

Subjects will simply need to arrive on time to the lunch room. I will ask the children a few interview questions there about the Mid Day Meal scheme. I will also observe the serving of school lunch.

### **What are the risks?**

There are no risks of this study. All material is confidential and names will not be included in my senior thesis. Also, questions do not contain any sensitive material and at any point of time you can ask me for clarification and more information.

### **How will I benefit from the study?**

There is no benefit to you. However, your participation could help us understand more about the relationship between the Mid Day Meal scheme and human rights, which can benefit you indirectly. In the future, this may help other people to reap the benefits of a government endowed right. Learning about the MDM may help staff and children look at food distribution, their entitlements, acquisition of rights, and ability to shape the society they live in in new ways.

### **What other choices do I have?**

Your alternative to being in the study is to not be in the study.

### **What happens if I do not choose to join the research study?**

You may choose to join the study or you may choose not to join the study. Your participation is voluntary.

There is no penalty if you choose not to join the research study. You will lose no benefits or advantages that are now coming to you, or would come to you in the future.

There are no negative consequences if you choose not to participate and participation is completely voluntary.

### **When is the study over? Can I leave the study before it ends?**

The study is expected to end after all participants have completed all visits and all the information has been collected. The study may be stopped without your consent for the following reasons:

- The PI feels it is best for your safety and/or health-you will be informed of the reasons why.
- You have not followed the study instructions
- The PI, the sponsor or the Office of Regulatory Affairs at the University of Pennsylvania can stop the study anytime

You have the right to drop out of the research study at anytime during your participation. There is no penalty or loss of benefits to which you are otherwise entitled if you decide to do so. Withdrawal will not interfere with your future care.

If you no longer wish to be in the research study, please contact Priya Shankar, at [Priyais@sas.upenn.edu](mailto:Priyais@sas.upenn.edu) or (925) 200-2502 and take the following steps:

-simply inform me that you wish to discontinue your participation in this study.

### **How will confidentiality be maintained and my privacy be protected?**

The research team will make every effort to keep all the information you tell us during the study strictly confidential, as required by law. The Institutional Review Board (IRB) at the University of Pennsylvania is responsible for protecting the rights and welfare of research volunteers like you. The IRB has access to study information. Any documents you sign, where you can be identified by name will be kept in a locked drawer in at the University of Pennsylvania office. These documents will be kept confidential. All the documents will be destroyed when the study is over.

Additionally, all names of subjects will be made anonymous and subjects will be identified in code- Participant A, Participant B, etc. No other information (besides responses to questions) will be taken and all information is anonymous and confidential.

### **What happens if I am injured from being in the study? *(for research that poses greater than minimal risks to participants.)***

If you are injured and/or feel upset and emotional discomfort while participating in the study you may contact the PI or the emergency contact name on the first page of this form. Also, you may contact your own doctor, counselor or seek treatment outside of the University of Pennsylvania. Bring this document, and tell your doctor/counselor or his/her staff that you are in a research study being conducted at the University of Pennsylvania. Ask them to call the numbers on the first page of this form for information.

If you are injured and/or feel emotional discomfort from being in the study, the appropriate care will be provided without cost to you, but financial compensation is not otherwise available from the University of Pennsylvania. If you are injured and/or feel emotional discomfort while in the study but it is not related to the study, you and your insurance company will be responsible for the costs of that care.

### **Will I have to pay for anything?**

These interviews are free of cost for participants. There will not be reimbursements of any kind as children will be at school when the study is conducted.

### **Will I be compensated for participating in the study?**

Unfortunately, there is no compensation given for this study It is purely voluntary.

### **Who can I call with questions, complaints or if I'm concerned about my rights as a research subject?**

If you have questions, concerns or complaints regarding your participation in this research study or if you have any questions about your rights as a research subject, you should speak with the Principal Investigator listed on page one of this form. If a member of the research team cannot be reached or you want to talk to someone other than those

working on the study, you may contact the Office of Regulatory Affairs with any question, concerns or complaints at the University of Pennsylvania by calling (215) 898-2614.

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When you sign this document, you are agreeing to take part in this research study. If you have any questions or there is something you do not understand, please ask. You will receive a copy of this consent document.

Signature of Subject

Print Name of Subject

Date



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