

FORWORD

Tamilnadu and later on some other southern states of India, experimented on the impact of Mid-Day Meal Scheme (MDMS) in the primary school stage for the school-going children. It resulted in augmenting attendance and improving punctuality and reducing dropout rates, attracting the child labour to schools instead of being engaged in hackneyed jobs for a pittance. The health of the child population also got improved. The prevention of wastage of efforts in the educational field at the primary stage argued loudly in favour of reciprocating the efforts elsewhere within the resources, the state was prepared to spare.

The Supreme Court in writ petition civil No. 196/2001 pronounced a judgement to conduct eight no. of social security schemes including Mid-Day Meal Scheme. This direction of the Hon'ble Supreme Court was to be an interim measure. Among the eight schemes there were two schemes specifically for children, namely MDMS and ICDS. In Orissa, we found that MDMS, both in the coastal as well as the tribal pockets was being implemented with certain objectives mentioned in the enclosed study paper.

About 95 schools could be contacted within a period of one month to find out the status of MDMS in such Schools, on the basis of which how healthy or unhealthy is the programme in schools not covered by us can be surmised. Broadly, it was found that in certain geographical tracts like the coastal area instead of cooked food, dry food was being given for each beneficiary family per working school days. Similarly, in tribal areas cooked food was being served by the teachers devoting much of their time in operating the proper functioning of the scheme.

An incisive analysis and observation laid us to believe that the economic and educational status of the coastal area was better than such status of the tribal pockets. Moreover, because of poverty of the tribals they could not be taken into confidence by the administration to implement the scheme efficiently. May be, in spite of the food of the MDMS attendance will be low, if instead of cooked food rice was served to them. Another feature was that for cooking fuel is a necessity and it is easily available in tribal areas where as in the coastal pockets it is tagged to family cooking services without requiring for more fuel. It is easily administered.

Thus MDMS in different pockets may yield in different results depending on customs and usages prevalent in the areas.

Should MDMS be served ? We say yes for the Supreme Court order. However, the level of educational deprivation of parents and proneness to pursue their age-old customs and traditions shall yield a quantitatively as well as qualitatively different result.

If the survey report can stimulate thinking among the educationists and legal experts we will consider that our efforts have not gone in vain.

(SHYAM SUNDAR DAS)
PRESIDENT,
COMMITTEE FOR LEGAL AID TO POOR.

PREFACE

The spirit of Article 45, proclaimed that the State would provide free and compulsory education to all children until they complete the age of 14 years. The pangs of poverty, wide spread social discrimination are the crux of manifold problems. Illiteracy level was increasing along with literacy level in absolute numbers. A sizeable segment of the school going children suffer from malnutrition and conditions of ill-health. In order to boosting their morale at the time of scarcity and in usual conditions, Govt. of India introduced a nutritional support feeding programme among the school going children in the nomenclature of Mid-Day Meal Scheme(MDMS). It is one of the welfare programmes in order to ensure enrolment, enhance attendance of those who are enrolled and reduced dropout rates, so that children can be retained in the school for education. The Mid-Day meal was considered an ideal enticement in such circumstance.

CLAP was taking vigorous initiative in order to conduct a sample survey after the pronouncement of Supreme Court's interim order (scarcity amidst plenty) to all States as well as Union Territories Administration.

The objectives of the Mid-Day Meal survey was to weigh the role of the two systems that of cooked food and provision of dry food for home preparation. But practically we have seen in our survey in the coastal areas family with school going children are being supplied with dry food at the rate of 3 Kgs per child among all the school going children.

In case of tribal areas cooked food is being provided to each school-going child who attends the school. In the former case the family participates at the family level in the scheme and in the later case the community participates directly or indirectly in providing fuel and certain other requirements by rendering services.

We are trying to recommend in the study to all States as well as the central govt. to implement the judgement of the Hon'ble Supreme Court in letter and

spirit (i.e. to provide cooked food instead of dry food with a minimum content of 300 calories and 8-12 grams of protein) among all the school going children at least for 210 days in a year.

INTRODUCTION

Children are the future of the mankind. From the survival to development, a child needs special care and protection both from family civil society and the state. Present day expenditure on them leads to return of future investment of the nation. Education and health, interalia are the two basic requirements of children. These primary needs are found to be more basic and urgent for school going children as we go down to the level of primary schools. The nation is committed to achieves universalisation of primary education covering children in the age group of 6-14 years. But here at this level, one comes across a paradoxical situation of more enrolment of students in the primary schools in one hand, a large scale dropout of children from the school on the other. As a result, there is poor retention and attendance of children in schools. This paradoxical situation has put a big question mark on the efficacy of universalisation of primary education in the country. Among the factors identified for such a malady are the large-scale poverty, malnutrition and under-nutrition amongst the school going children. The parents of most of the children are not only poor, but also have very low level of income. They fail to meet the required calories intake of their children. Besides, food eaten by the children lack essential nutrients.

On account of poverty, under-nutrition and malnutrition, children lack zeal, enthusiasm and interest for study. Learning becomes uninteresting and attending school is considered to be a sheer waste of time. It is found that most of the primary school going children donot get two quare meals a day in their homes. Often they attend school without any food. In a majority cases they get only one square meal a day and that too is deficient of vital nutrients. On account of this, their physical and mental growth is adversely affected. This reduces their quest for learnings and prevents them to pursue education on a continuous and sustainable basis. This is one of the main causes for growing dropout and poor retention of children in schools. It is therefore, suggested that

the children of this vulnerable age group be provided with some supplementary food in schools so as to upkeep their spirit of learning and interest in education. To overcome this the Govt. of India introduced Nutritional Support to Primary Education Programme (Mid-day Meals Scheme) in the year 1995. Of course the school lunch programme was implemented by several developed and developing countries of the World much earlier to India's experiment with these programme.

The National Programme for Nutritional Support to Primary Education (MPMS) was started in 1995. Cooked Mid-day Meals were to be introduced in all government primary schools within two years. In the meantime, state Govt. were allowed to distribute monthly 'dry-ration' to the children instead of cooked mid-day meals. The centres allocates through FCI to each district a quantity of grain @ 100 gms of grains per child per day. The allocation is made based on the oftake of the previous term. Cooked meals with the content of 300 calories and 8-12 gms of protein is to be provided on every working day of the school and for at least 200 days a year to students having a minimum of 80% attendance in the previous month where "dry rations" are given, 3 kgs of wheat or rice per month is to be provided to every child with 80% attendance for 10 months in a year the scheme covers all students in government and government aided primary schools. Non formal education centres are not covered in this scheme. Reimburshment for transport and other facilities is to be provided by the centre. But typically, it has not been coverings the costs. The states have been complaining that they have to meet the costs of transport. Personnel, etc. For implementing this "fully centrally sponsored scheme". Govt allots the grains to the districts directly, the Collector co-ordinates it with the Department of Education and the Gram Sabha on issues of logistics.

SUPREME COURT ORDER

On 9th May, 2001 under the banner of PUCL filed a Writ Petition Civil No. 196 of 2001 in the Supreme Court on issue of “Right to Food and Work”, the petition draws attention to the fact that 50 million tones of food grains is lying idle in FCI godowns, against a background of widespread hunger across the country, specially in drought areas. In response to the above case the apex Court directed the Central and State Govt. to implement the Supreme Court Order in the letter and spirit. The Supreme Court order are the following:

1. Targeted Public Distribution Scheme (TDPS):

- I) It is the case of the Union of India that there has been full compliance with regard to the allotment of foodgrain in relation to the TDPS. However, if any of the States give a specific instance of non-compliance, the Union of India will do the needful within the framework of the Scheme.
- II) The States are directed to complete the identification of BPL families, issuing of cards and commencement of distribution of 25 kgs. Grain per family per month latest by 1st January 2002.
- III) The Delhi Govt. will ensure that TDPS application forms are freely available and are given and received free of charge and there is an effective mechanism in place to ensure speedy and effective redressal of grievances.

2. Antyodaya Anna Yojana:

- I) It is the case of the Union of India that there has been full compliance with regard to the allotment of foodgrain in relation to Antyodaya Anna Yojana. However, if any of the States gives a specific instance of non-compliance, the Union of India will do the needful within the framework of the Scheme.
- II) We direct the States and the Union Territories to complete identification of beneficiaries, issuing of card and distribution of grain under this Scheme latest by 1st January 2002.

- III) It appears that some Antyodaya beneficiaries may be unable to lift grain because of penury. In such cases, the Centre, the State and the Union Territories are requested to consider giving the quota free after satisfying itself in this behalf.

3. Mid-Day Meal Scheme (MDMS):

- I) It is the case of the Union of India that there has been full compliance with regard to the Mid-Day Meal Scheme (MDMS). However, if any of the States gives a specific instance of non-compliance, the Union of India will do the needful within the framework of the Scheme.
- II) We direct the state Governments/Union Territories to implement the Mid-Day Meal Scheme by providing every child under every State Government and Government assisted Primary Schools with a prepared mid day meal with a minimum content of 300 calories and 8-12 grams of protein each day of school for a minimum of 200 days per annum. Those Governments providing dry rations instead of cooked meals must within three months start providing cooked meals in all Govt. and Govt. aided Primary Schools in all or half the Districts of the State (In order of poverty) and must within a further period of three months extend the provisions of cooked meals to the remaining parts of the State.
- III) We direct the Union of India and the FCI to ensure provision of fair average quality grain for the Scheme on time. The States/Union Territories and the FCI are directed to joint inspection of food grains. If the food grain is found, on joint inspection, not to be of fair average quality, it will be replaced by the FCI prior to lifting.

4. National Old Age Pension Scheme (NOAPS):

- I) It is the case of the Union of India that there has been full compliance with regard to the National Old Age Pension Scheme. However, if any of the State gives a specific instance of non-compliance, the Union of India will do the needful within the framework of the Scheme.
- II) The States are directed to identify the beneficiaries and to start making payments latest by 1st January 2002.

- III) We direct the State Govts./Union Territories to make payments promptly by the 7th of each month.

5. Annapurna Scheme:

The States/Union Territories are directed to identify the beneficiaries and distribute the grain latest by 1st January, 2002.

6. Integrated Child Development Scheme(ICDS):

- I) We direct the State Govts/Union Territories to implement the integrated Child Development Scheme(ICDS) in full and to ensure that every ICDS disbursing centre in the country shall provide as under:

- a) Each child up to 6 years of age to get 300 calories and 8-10 grams of protein;
- b) Each adolescent girl to get 500 calories and 20-25 grams of protein;
- c) Each pregnant woman and each nursing mother to get 500 calories and 20-25 grams of protein;
- d) Each malnourished child to get 600 calories and 16-20 grams of protein;
- e) Have a disbursement centre in every settlement.

- II) It is the case of the Union of India that there has been full compliance of its obligations, if any, under the Scheme. However, if any of the States gives a specific instance of non-compliance, the Union of India will do the needful within the framework of the Scheme.

7. National Maternity Benefit Scheme (NMBS):

- I) We direct the State Govts/Union Territories to implement the National Maternity Benefit Scheme (NMBS) by paying all BPL pregnant women Rs. 500/= through the Sarpanch 8-12 weeks prior to delivery for each of the first two births.

- II) It is the case of the Union of India that there has been full compliance of its obligations under the Scheme. However, if any of the States gives a specific instance of non-compliance, the Union of India will do the needful within the framework of the Scheme.

8. National Family Benefit Scheme:

- l) We direct the State Govts./Union Territories to implement the National Family Benefit Scheme and pay BPL families Rs. 10,000/= within four weeks through a local Sarpanch, whenever the primary bread winner of the family dies.
9. We direct that a copy of this order be translated in regional languages and in English by the respective States/Union Territories and prominently displayed in all Gram Panchayats, Govt. School Building and Fair Price Shops.
10. In order to ensure transparency in selection of beneficiaries and their access to these Schemes, the Gram Panchayats will also display a list of all beneficiaries under the various Schemes. Copies of the Scheme and the list of beneficiaries shall be made available by the Gram Panchayats to members of Public for inspection.
11. We direct Doordarshan and AIR to adequately publicise various Schemes and this order.

We direct the Chief Secretaries of each of the State and Union Territories to ensure compliance of this order. They will report compliance by filling affidavits in this Court within 8 weeks from today with copies to the Attorney General and Counsel for the Petitioner.

We direct liberty to the Union of India to file affidavit pursuant to the order of this Court date 21st November, 2001.

List the matter for further orders on 11th February, 2002. In the meanwhile, liberty is granted to the parties to apply for further direction, if any.

CLAP INTERVENTION

Mid-day Meals Scheme is meant for school going children, 50 percent school going are rural areas suffered from malnutrition and under-nutrition. 20-25 percent school going children in tribal areas are going to school is empty stomach. Most of the time, they donot get two square meals a day. Finally, they will suffer from malnutrition, hunger and starvation, if this would be the socio-economic condition of a school going children, then the meaning of formal education is a miracle for them. In order to rescue these categories of children, constitution of India says in Article-21 Right to Life with Dignity. Dignity of Life cannot be achieved without formal or informal education. So in order to break the vicious circle of poverty among the school going children, one of the alternative solution is MDMS.

CLAP is a pro-bono-publico civil society group, campaigning for the securing rights of the legal aid eligible person. Legal Aid Eligible persons mean most vulnerable segment of the society like women, children, SC and ST and whose income less than Rs 20,000/- per annum. CLAP is constantly working from its inception about securing right of the child. Right of the Child can be realised through their formal/informal education. Increase enrolment, enhancement of attendance and reduction of drop out among the school going children, Mid-Day Meal is the best alternative.

STOCK OF THE SITUATION

1. To promote physical growth and sound health of children by providing an adequate meal in the school which will meet at least one third of the daily requirements of calories and nutrients.
2. To enable children to attend the Primary school regularly.
3. To increase the enrolment of children in the primary schools.
4. To prevent dropouts of children from primary schools which has become cause of concern in the recent years.
5. To help children understand the relationship between food, nutrition, health and happy life.

6. To increase the ability of the children to study well by improving their concentration and perseverance.
7. To provide opportunities to children for social interactions and encourage them to shun differences among themselves due to caste and colour while participate in school lunch in a common platform.
8. To inculcate good habits and proper dealings among school going children of the tender age.
9. Breaks poverty situation of school going children.

In our survey, we have taken five districts both from coastal and tribal areas, where dry and cooked mid-day meals have been provided to school going children both Govt. and Govt.-aided primary schools. In coastal districts we have covered four districts like Jajpur, Cuttack, Khurda and Nayagarh and one tribal district was Mayurbhanj. Twelve blocks among five districts have also been covered both NAC, Municipality and rural areas like Dharmasala, Badachana, Badamba, Begunia, Jankia, Tangi-Choudwar, Bhubaneswar, Gania and Sukinda among blocks, twenty two panchayats have been covered like Neulapur, Sundaria, Sendapur, Gopalpur, Badamba, Jhadashapada, Panthah, Maudi, Billipada, Kaipadar, Khurda, Kunjuri, Pallatotapada, Kurahallamallaha, NAC Choudwar, Orabarasingh, Jankia, Gania, Bhubaneswar Municipal Corporation, Kayalapada, Kaptipada and Ninety five schools have been covered with total strength of students was 14,237.

Data was collected from the concerned DSWO, Block Officials as well as School teachers, School going students, VEC Members and Panchayatiraj representatives.

REVELATION

- Cooked food is being provided only in some areas of tribal districts.
- Dry food (i.e. rice) have been supplied in all other coastal districts of our state except urban areas.
- 3-kg of rice per month per students in coastal schools.
- Lifting of rice from concerned districts from FCI godown.

- Storage facility in schools not available.
- No co-ordination between Panchayatiraj institution, school teachers and management.
- School attendance is increasing after giving cooked food or dry food to each student.
- No public knowledge about constitution of committee for lifting of foods.
- In none of the panchayats covered under the survey there is any initiative to display information about social security schemes being implemented in the Panchayat and the number of beneficiaries thereof.
- There is no mechanism to examine regularly the amount of protein and calories each student receives out of mid-day meals.
- Gram Sabha/Palli Sabha is quite unaware about the scheme.
- Lifting of rice from the block office by the school teachers.
- Although school attendance is increased and dropout decreased but study atmosphere as a whole is partially being affected.
- Quality of rice and dal is not up to the standard.
- Sometimes mis-appropriation of food items by school teachers.
- Caste barrier is decreasing gradually.
- Fuel and cooked charge not been given by authority, so teachers sells some rice and adjust it accordingly.

IMPACT OF ENTITLEMENT FAILURE

Survey reveals that, the dropout rate in the Post-Mid Day Meals period has gone down significantly. Which is possible due to the impact of Mid-day meals scheme and spread of the importance of education. However, a close look at the data shows that the dropout rate in backward districts is still very high in post mid-day meals period. During

the field study, we found that the basic reasons responsible for the higher dropout rates are (1) engagement in the field during the harvesting season (2) taking care of siblings at home (3) taking domestic animals like cows, goats etc for grazing (4) lack of interest in study (5) helping parents to earn money.

With regard to attendance rate of students, it is found that the average attendance rate has increased in the period when Mid-Day Meal were served as compared to the period when Mid-Day Meals were not served irrespective of caste and sex in all the sample blocks of Orissa. Further greater increase in the attendance rate is found among the SC and ST students. The increase in the attendance rate as declared by the sample respondents like teachers, educated villagers, Panchayat representatives and NGO/Social Workers who are participants in this scheme.

Moreover, because of the lack of adequate and separate staff disturbance in teaching hours due to the involvement of teachers in Mid-Day Meals Scheme and delayed supply of rice and dal, a lot of marginal problems are witnessed in the Mid-Day Meals Scheme in Orissa.

There are a number of administrative factors, which have influenced the operation of the scheme. At first, the organisational structure of Mid-Day meals Scheme shows that the officials like DSDWO, BDO, SEO, SI, etc. are overburdened with work because, they are doing the additional work of Mid-Day Meals Scheme in addition to their main official routine based assignments. As a result, they are not finding enough time to look into the proper operation of the scheme in the State.

Prescribed quantities of rice (100 gms) and dal (15 grams) per student per day was not given to the students and the problem was more in Orissa, distribution of food was done on the basis of feeding strength. In sample schools of Orissa, the teachers were receiving more quotas of rice, dal and other items by showing inflated figures of enrolment and attendance of student in schools.

The preparation of mid-day meals in school veranda or in temporary built shade. Even children are distributed food on the veranda or in the classroom adjacent to kitchen space. This affect study atmosphere, teaching in classrooms is affected. The environment becomes unhygienic and uncongenial from storage and distribution points this creates a problem.

There is no separate budgetary allocation for mid-day meals programme, the programme is financed out the normal allocation of funds from Women and Child Welfare Department of Government of Orissa. This puts a great hardship in the operation of the programme.

The headmaster or his representative the assistant teacher shoulders all the responsibility of managing and distributions covered in the food to children scheme. Besides, the teachers also maintains daily record of receipts and expenditure under mid-day meals programme. Likewise, regular attendance of children taking mid-day meals is also maintained by him. All these affect his study time, his ability as a teacher taking classroom teaching and the general study atmosphere in the school.

Except rice and dal no other nutritious food are being given to the children. No egg/fish/meat or any other nutritious food are being given to the children.

In Orissa some general and higher caste students were not taking mid-day meals on account of their social status and prestige. This problem was found to be more in coastal districts as compared to tribal districts. On the other hand, in other states of country, such problems were not found. This was also free in case of students belong to higher income earning parents. There was often complaints by student and parents of higher castes when mid-day meals were cooked and served by cooks and helpers belonging to lower castes in Orissa.

Moreover, because of the lack of adequate and separate staff disturbance in teaching hours due to the involvement of teachers in mid-day meals scheme and delayed supply of rice and dal, a lot of managerial problems are witnessed in the mid-day meals scheme in Orissa.

Recommendations:

1. Proper implementation of Mid-Day Meals Scheme through out Orissa by providing every child in Govt./Govt. aided Primary Schools with prepared cooked meal with minimum content of 300 calories and 8-12 grams of protein each day for 210 days at least in a year.
2. Wide publicity of the Schemes should be made all over the State.
3. Involvement of PRI/Local NGOs/Youth Club in the process of MDMS.

4. Supreme Court order relating to social security scheme in general and mid-day meals scheme in particular should be translated and disseminated through regional languages.
5. School going children and Non-School going children should be covered under the scheme.
6. Percentage of school attendance should be relaxed for poor and tribal students for the inclusion of MDMS.
7. Quality of food grains have to be properly monitored by constituting a committee while lifting the food grains from FCI.
8. A definite policy be framed taking the above factors into consideration for proper and effective implementation of the scheme.
9. Budget allocation for purposes of implementation of the scheme have to be made in accordance with the actual requirements.
10. Greater transparency and accountability should be ensured and consistent monitoring in respect of implementation of the scheme should be made.
11. Any amount of public fund must be utilised in such a manner that the maximum benefits should reach those for whom such utilisation is targeted at and for greater public good.
12. Finally, Govt. should come forward with a White Paper describing the coverage and approach of the programme with financial allocation to keep the civil society informed about the status of the MDMS.

CONCLUSION: In order to break the vicious circle of poverty among the school going children, Supreme Court Order relating to Mid-Day Meal should be implemented in letter and spirit through out the State. Instead of dry food (i.e. rice) cooked food should be served each and every student. As a result of which the effective meaning of increasing enrolment, enhancement of attendance and reduction of drop out can be better realised.