



RESEARCH ARTICLE

EVOLUTION OF MID DAY MEAL SCHEME.

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Abstract

The Right to life and personal liberty (Article 21) of the Constitution of India recognizes the Right to Food. Keeping in view Article 21 of the Constitution Supreme Court of India ordered to enforce various schemes which also include Mid-Day Meal Scheme. In present situation there is detection of food poisoning cases which affect the Right to life of the children which violates Article 21 of the Constitution of India and also Article 3 of Universal Declaration of Human Rights (UDHR).

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Introduction:-

Childhood is the most critical age for mental and physical growth of the child. For the proper growth of the child nutritional food is required. When a child does not get enough food with proper nutrition there are many problems such as malnutrition. The government of India initiated the Mid Day Meal Scheme to meet the nutrient value for those children who are studying in Government and Government Aided schools for the students who were unable to meet the nutrient value. The main focus of the Scheme was rural population where the children of the rural areas were unable to meet the nutritional value. This scheme attracted many children of rural as well as urban areas mostly the girl child who was mostly deprived from the Education. The present situation is that there is food poisoning cases registered due to consumption of meal provided by the Mid Day Meal Scheme.

Need of the study:-

To study the Right to Food.

Methodology:-

Secondary source by referring text Books, Articles, Case law etc.

Objective of the study:-

To study Legal provision related to Mid Day Meal Scheme.

Literature review:-

Constitution of India

Article 21 – Right to life and personal liberty.

No person shall be deprived of his life or personal liberty except according to procedure established by law.

Article 39(A) – Equal justice and free legal Aid.

Article 47 – Duty of the state to raise the level of nutrition and the standard of living and to improve public health.

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Universal Declaration of Human Rights (UDHR)

Article 3 – Everyone has the Right to life, liberty and security of person.

In most of the rural population in India is starving due to poverty. In 2001 People's Union for Civil Liberties (PUCL) observed in Jaipur, Rajasthan that the Food Corporation of India (FCI) godown was overfilled with food grains. The food grains were kept outside the godown and the rain had fermented the grains and it was rotting. There was a village in the vicinity of the godown where people used to follow "rotation eating or rotation hunger" in which some member of the family eats on one day and remaining on the other day. In the year 2001 there was 60 million tons of food grains in Food Corporation of India godowns where the buffer stock were required only 20 million tons. The government was having 40 million tons more than the required and people were dying due to starvation. Because of this reason People's Union of Civil Liberties filed Public Information Litigation (PIL) in Supreme Court of India. Starvation is one of the major factor in India since rural population of India and has less purchasing power due to increase in debt, massive unemployment natural disasters like droughts, flood etc.

The people's Union of Civil Liberties sought reorganization of Right to Food before the Supreme Court in 2001. Petitioner brought to the notice of the court that India public distribution system (PDS) is the largest and most comprehensive edifice to safeguard national food security. The petitioner also pointed out the irregularities in distribution of food stuff. The household with Above Poverty Line (APL) and Below Poverty Line (BPL) are entitled for 35kgs of grains per month but because of low supply PDS restrict the BPL families from getting the adequate amount of food stuff and they are not able to meet the basic nutritional need of the family. Even when the resources are available the state and central government are negligent in executing the above stated provision of 35kgs grains per month. On one side the 40 million tons which were lying idle in the government reserve and on other side half of the rural population is Below Poverty Line. Even when there is plenty of food available to feed the poor instead of distributing the additional food stuff the government was paying expenses of storage.

The supreme court of India found that Right to Food as necessary to uphold Article 21 of the Constitution of India which guarantees the Fundamental Right to "Life with Human Dignity". The Supreme Court decreed that all public distribution system shops, if closed were to be reopened within one week. The Food Corporation of India was ordered to ensure that food grains do not go to waste. The state government was given the responsibility for the implementation of following schemes such as Employment Assurance Scheme, which may have been replaced by Sampoorna Gramin Yojana, Mid-day Meal Scheme, Integrated Child Development Scheme, National Benefit Maternity Scheme for BPL pregnant women, National Old Age Pension Scheme for destitute person of over 65 years, Annapurna Scheme, Antyodaya Anna yojana, National Family Benefit Scheme and Public Distribution scheme for BPL and APL families. This case has set an example that the state cannot escape from responsibility of ensuring the Right to Food. On 28 November 2001 Supreme Court of India passed this order and mid day meal scheme was came into force throughout India.

Looking at the present situation the agencies that are providing scheme are working in negligent manner and providing food which causes food poisoning to the children. In the year 2011 the National Human Rights Commission (NHRC) has found negligence on the part of concerned public servant in the mid day meal poisoning case in the National Capital in which 44 girl students life were under the risk wherein lizard was found in the food which was served to the students of Sarvodaya Girls School provided by M/S Indcare Trust. It was clear that concerned authority neither taken due precautions nor conducted necessary checks before supplying food to the students. Not only the Human Rights of the girls were violated by providing them unhygienic mid day meal but also their life was put into danger due to negligence of concerned authorities. The National Human Rights Commission directed Delhi Government to pay Rupees five thousand each for the victim girls of the food poisoning except three students who could not be located since they have left the school.

Conclusion:-

Mid Day Meal Scheme is good initiative of government of India. Due to food poisoning the violation of right to life of the children takes place. Precautionary measures should be taken to avoid food poisoning cases which violate Article 21 of the constitution of India and Article 3 of the Universal Declaration of Human Rights (UDHR).

References:-

1. The constitution of India.
2. The Universal Declaration of Human Rights (UDHR).
3. Peoples union of civil liberties v/s union of India & ors Writ petition (civil) no 196 of 2001.
4. <http://www.nhrc.nic.in/dispArchive.asp?fno=13482>.