

December 26<sup>th</sup>, 2007

Shri. AK Rath  
Secretary to Government of India  
Department of Elementary Education  
Ministry of Human Resource Development  
C-Wing, First Floor, Shastri Bhavan  
New Delhi 110 001

Dear Shri. Rath,

**Sub: Proposal to replace hot cooked, meals in the Mid Day Meal Scheme with biscuits.**

This is with reference to the proposal received by you on replacing the “hot, cooked meals” in the Mid Day Meal Scheme with a 100 gram pack of biscuits.

We are totally opposed to any such step being introduced for the following reasons:

- (a) The orders of the Supreme Court in CWP 196/ 2001 are clear and unambiguous on this. The order of Nov 28<sup>th</sup>, 2001 of the Honorable Court was:

*“...We direct the State Governments/ Union Territories to implement the Mid-Day Meal Scheme by providing every child in every 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. 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 half the Districts of the State ( in order of poverty ) and must within a further period of three months extend the provision of cooked meals to the remaining parts of the State....”*

This order was further re-affirmed by the order of April 20<sup>th</sup>, 2004, which stated, *inter alia*, that:

*“It is a constitutional duty of every State and Union Territory to implement in letter and spirit the directions contained in the order dated 28th November, 2001.”*

There is no room therefore for a re-look at the emphatic orders of the Supreme Court on this matter. Any attempt to do so would not only be blatantly illegal but would also most certainly be construed as a contempt of court by the Government of India.

(b) We have also got the proposal examined on merits by the National Institute of Nutrition which is a body of the Indian Council of Medical Research and the premier nutrition institution in the country. Dr.Veena Shatrugna, Deputy Director, NIN, in response to our query has stated, *inter alia*, that:

*"...The National Institute of Nutrition, a premier Institution of the Government of India has worked on the Recommended dietary requirements for adults and children, and biscuits do not find a mention anywhere, nor is it recommended as a source of calories or nutrients, because biscuits (sweet or salty) are empty calories.*

*2. We advise the population of India to derive its nutrients from foods, because India fortunately has a variety of cereals like rice, wheat, ragi, jowar, maize etc pulses like moong, Arhar, chana etc and vegetables which include greens, root vegetables, and others like cabbage, bhendi, beans etc, nuts and oil seeds like goundnuts, and til, with jaggery to add taste to children's diets. It is difficult to understand how biscuits can be classified under any of the above foods. At best they are snacks made of refined maida, sugar and hydrogenated fats. Adding 1, 2 or even 5 micronutrients to biscuits might create many problems because humans need at least 20 known vitamins, minerals and other protective substances which can only be derived from fresh vegetables and fruits not from added chemicals. In addition there are at least 300 known phytochemicals, anti-oxidants and flavonoids necessary for human metabolism. These substances protect against adult onset chronic diseases. Chemical substances called micronutrients cannot replace natural foods, therefore chemically laced biscuits must not be allowed to replace a major meal of a growing child. I would like to state that biscuits are not given in lieu of a meal to growing children anywhere in the world.*

*3. In addition It is important for India's Children to appreciate the local foods, and tastes, biscuits will only prepare children to switch to fast foods as adults. This will hasten the onset of diabetes, and obesity in these kids. With biscuits in the school lunch programme we will end up delegitimizing Indian food prepared by mothers everyday, a damage which cannot be quantified."*

*"...At the National Institute of Nutrition we have been concerned about the importance of balanced diets prepared from familiar Indian foods to combat malnutrition (data from NFHS 3 shows that 46% of children in India are severely malnourished). In fact our experience of using cereal, pulse, milk, eggs and bananas for feeding children with severe malnutrition has been acknowledged by scientists and international agencies. We cannot understand how biscuits can replace this food.*

*Our considered opinion therefore would be in favour of "hot, cooked meals" as mandated by the Supreme Court orders and which is the established practice across the country rather than biscuits..."*

We would also like to draw your attention to the letter dated October 17<sup>th</sup>, 2007 (D.O.No.14-2/ 2004-ND/Tech.) from the Food and Nutrition Board of the Ministry of Women and Child Development which while considering this issue has categorically stated that:

- “...the proposal from Biscuit Manufacturers Welfare Association (BMA) for supply of biscuits in Mid Day Meal Scheme was examined in the Ministry and observed that biscuits which comes under the category of “Snacks” cannot replace the Meal. Moreover, 100 gm. Of biscuits are providing only 6.5 gm. of protein, which is not fulfilling the nutrition norms, fixed under Mid Day Meal Scheme...Therefore it is recommended that proposal submitted by BMA may not be considered for supply of biscuits in the Mid-Day Meal Scheme”
- (c) It has also been our experience that any centralised procurement in feeding entitlement programmes leads to large scale corruption. The interim order of the Supreme Court of October 7<sup>th</sup>, 2005, with reference to the centralised procurement in the ICDS is explicit that , “...*The contractors shall not be used for supply of nutrition in anganwadis and preferably ICDS funds shall be spent by making use of village communities, self help groups and Mahila Mandals for buying of grains and preparation of meals.*” This order was subsequent to our bringing to the notice of the Supreme Court, through our periodic reports, the large scale corruption involved in the supply of supplementary nutrition.
- (d) The spirit of the Supreme Court interim order covers all entitlement feeding programmes including the Mid Day Meal Scheme and therefore any attempt to introduce ready-to-eat meals would be construed as a violation of the interim order of October 7<sup>th</sup>, 2004.
- (e) A decentralised meal that is cooked at the school not only provides opportunity for livelihood support for millions of women who are engaged as cooks and helpers, it also reinforces social equity messages. Taking note of this, the Supreme Court had in its interim order of April 20<sup>th</sup>, 2004, further noted that “*In appointment of cooks and helper, preference shall be given to Dalits, Scheduled Castes and Scheduled Tribes*”. Centralised food systems do not address such concerns.
- (f) Further, children of all castes sit together and consume the mid day meal and this in itself sends out a very powerful social message to children who are of an impressionable age, about social equity. This will be irretrievably lost if the hot, cooked meal is replaced by a packet of biscuits.
- (g) We have through our interventions with the Government of India and State Governments insisted that decentralised systems of monitoring and control should be put in place, involving members of the community especially local bodies and Panchayats and committees which also include parents of the children. Having a cooked meal in the school premises ensures that such control

**Dr. N.C. Saxena, Commissioner and Mr. Harsh Mander, Special Commissioner to the Supreme Court in the case PUCL v UOI & Others Writ Petition (Civil) 196/2001**

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can be exercised better by the community. Community monitoring would not be possible if centralised systems are introduced.

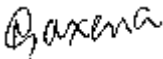
- (h) Decentralised meals (at the school level) also allow children to get culturally appropriate meals, using local ingredients, which is closest to what they would be eating at home. It would not be appropriate to replace this with dehydrated food since no production system, even if it is decentralised at the State level, as you have suggested in your mail, can ensure such a diverse range of foods.

We would therefore urge you not to pursue further any proposal for introducing ready to eat food in the form of biscuits on any other form in the Mid Day Meal Scheme. In our opinion, not only would it violate the spirit of the Supreme Court interim orders but also irreparably damage the Mid Day Meal Scheme because of the factors that we have outlined above.

We would request you to take cognizance of our objections to this proposal and inform you that if the Ministry pursues this any further, we will be forced to recommend contempt of court proceedings against the Government of India in the Supreme Court,

The Mid Day Meal Scheme is a flagship programme of this Government and we trust that your Ministry will not take any step that will irreversibly damage it.

With Regards



Dr. N.C. Saxena



Harsh Mander

cc: Ms.Anita Kaul, Joint Secretary, Ministry of Human Resource Development, Government of India.