

The Judgment of the Supreme Court Regarding Revision of Nutritional and Financial Norms under the Supplementary Nutrition component of the ICDS

India has experienced an impressive growth rate in the last four years, however still large majority of people die of hunger even today. The situation is especially grim for children of the country. India accounts for 35 per cent of the developing world's low birth weight babies and 40 per cent of child malnutrition (The Eleventh Five Year Plan document, Government of India).

The Legal Foundation of the Right to Food

The Constitution of India under Article 21 guarantees a fundamental right to life and personal liberty. The Supreme Court of India has stated that the Right to Life essentially means the right to live with human dignity, which includes the right to food and other basic necessities. Article 21 should also be linked to Article 39(a) and 47. Article 39(a) requires the State to direct its policy towards providing adequate means of livelihood for men and women equally. Article 47 requires the State to raise the level of nutrition and the standard of living of its people. Therefore, it is the State's responsibility to ensure that the people are free from hunger.

The Right to Food Case

In the light of alarming number of malnourished people and millions dying of hunger, the People's Union of Liberties filed a writ petition in the Supreme Court in April 2001 to seek legal enforcement of the right to food.

The Government of India is implementing several programme and schemes which seek to provide food to people. These include the Public Distribution System, Mid Day Meal Scheme, Integrated Child Development Scheme (ICDS), Sampoorna Grameen Rozgar Yojana and many others.

Among all these programmes, **ICDS** is the only major nutritional national programme that addresses the needs of children under the age of six years. Since the petition filed in 2001, various interim orders and judgments have been passed relating to the ICDS.

The Integrated Child Development Scheme

- The Integrated Child Development Scheme has been in operation since 1975.

- The scheme primarily aimed at early childhood development is perhaps the world's largest food supplementation programme.
- The Scheme targets children aged 0-6 years, pregnant and lactating women and adolescent girls.
- It comprises of a package of services: (a) Supplementary Nutrition (b) Growth Monitoring (c) Nutrition and Health Education (d) Immunization and (e) Referral & Preschool Education.
- The services are delivered through Anganwadi Centres (AWCs). An anganwadi centre caters to a population of 1000 people; however, for sparsely populated or hilly areas the centre could be set up for a population of 300 or more.
- In setting up of AWCs, priority is to be given to SC and ST hamlets/habitations.
- One of the crucial interventions which could be pivotal in addressing child malnutrition in India is **Universalisation of ICDS** and equally importantly, **Revision of nutritional and feeding norms as well as the financial norms of supplementary nutrition under the ICDS scheme.**

Universalisation of ICDS

As per the Supreme Court Order dated 28 Nov. 2001 to universalise the Scheme, its coverage was expanded to 6291 projects and 10.53 lakh anganwadi centres were sanctioned upto March 2007. Of this, 5670 projects were operational through 7.81 lakh Anganwadi Centres by the end of Tenth Plan.

The Supreme Court passed a judgment on 13 December 2006 directing the Government of India to sanction and operationalise a minimum of 14 lakh AWCs in a phased and even manner.

The Recent Supreme Court Judgment – Revision of nutritional and feeding norms as well as the financial norms of supplementary nutrition under the ICDS scheme

ICDS provides food supplements to children, pregnant and lactating women under the component of Supplementary Nutrition. According the concept note of ICDS Phase IV, the ICDS Scheme would be one of the primary means to address the issue of child malnutrition and achieve the target set by the Millennium Development Goals related to child nutrition. The Government of India has

committed to achieve the nutrition MDG of halving underweight rates from 54% to 27% between 1990 and 2015. Despite various measures, India failed to achieve the targets set in the Tenth Five Year Plan related to child and maternal health and it is most likely that India will fail to achieve the target set by it in the Millennium Development Goals.

Although some efforts have been made towards expanding the coverage of ICDS, the nutritional and feeding norms and the financial norms of supplementary nutrition have remained unchanged since the inception of the scheme. This has led to gap between Recommended Dietary Allowance (RDA) and the Actual Dietary Intake (ADI). Recommended Dietary Allowance (RDA) is the daily dietary intake level of a nutrient considered sufficient to meet the requirements of nearly all (97–98%) healthy individuals in each life-stage and gender group.

After consistent efforts of the People’s Union of Liberties and the Right to Food Campaign, very recently, on April 22, 2009, the Supreme Court passed a judgment directing all States and UTs to revise the nutritional and feeding norms as well as the financial norms of supplementary nutrition under the ICDS scheme.

Why is the Judgment on Revision of Norms important?

The Supreme Court’s judgment marks a significant step towards the struggle for the Right to Food. It is important for three reasons:

1. The nutritional norms have been revised taking into account the gap between the Recommended Dietary Allowance and the Actual Dietary Intake
2. The rate per beneficiary for provision of the food supplement has been doubled.
3. The judgment reinforces the continuance of ban on contractors in supply of food.

Understanding the Judgment

- A Task Force was constituted by the Central Government to undertake a review of the existing nutritional and feeding norms and the financial norms of supplementary nutrition.
- The revision of norms – nutritional and feeding and the financial – has been recommended based on the report submitted by the Task Force.

Children below 3 years and Children below 3-6 years		
	Old Norm	Revised Norm
Rate per beneficiary (Rs.)	2.00	4.00
Calories (cal)	300	500
Protein (g)	8-10	12-15
Underweight Children		
Rate per beneficiary (Rs.)	2.70	6.00
Calories (cal)	600	800
Protein (g)	20	20-25
Pregnant & Lactating Mothers		
Rate per beneficiary (Rs.)	2.30	5.00
Calories (cal)	500	600
Protein (g)	20-25	18-20

- Therefore, as per the revised norms:
 - (i) Children in the age group of 6 months to 3 years are entitled to food supplement of 500 calories of energy and 12-15 gm protein per child per day in the form of Take Home Ration (THR).
 - (ii) Children of age group 3-6 years are entitled to food supplement of 500 calories of energy and 12-15 gm protein per child per day in the form of a hot cooked meal and a morning snack.
 - (iii) Underweight children in the age group of 6 months to 6 years, food supplement in the form of THR will comprise of an additional 300 calories of energy and 8-10 gm of protein.
 - (iv) Pregnant and lactating mothers are entitled to a food supplement of 600 calories of energy and 18-20 gm of protein per beneficiary per day in the form of THR.

- As per the letter dated 24 February, 2009 issued by the Ministry of Women and Child Development and circulated to all States and UTs, for children in the age group 6 months to 3 years and also for underweight children, the THR could also be given in the form of Micronutrient Fortified Food and/or Energy Dense Food. The letter also mentions that since the child may be unable to consume whole meal at a time, mothers may be advised to feed small frequent meals to children.

- The letter also states that since the child in the age group of 3 to 6 years may not be able to consume the hot cooked meal of 500 calories at a time, the States/UTs may serve more than one meal to the children at AWCs. Underweight children in this age group should be given food supplement in the form of Micronutrient Fortified Food and/or Energy Dense Food.

- Food supplement in the form of Micronutrient Fortified Food should be given to pregnant and lactating mothers. In order to ensure that the food is consumed by the mother, the food supplement may be given in a form that the mother could eat alone.
- The Ministry of Women and Child Development also mentioned in its letter that in order to ensure the quality of the food supplements, the food quality should conform to the standards laid under the Prevention of Food Adulteration Act and the Integrated Food Law. Periodic checks will be done by the Food and Nutrition Board and the State Governments and UTs so that the quality standards are adhered to. The hot cooked meals should be prepared in kitchen sheds with adequate sanitation and safe drinking water.
- It is encouraging to note that the recent Supreme Court judgment pertaining to revised nutritional and feeding norms directs States and UTs to continue complying with the earlier orders dated 13 December 2006 and 7 April, 2004. These orders explicitly directed the States and UTs not to involve contractors for supply of nutrition in Anganwadis and that ICDS funds should be spent by making use of village communities, SHGs and Mahila Mandals.

Financial Allocation as per the Revised Norms

As per the letter issued by the Ministry of Women and Child Development, Government of India:

- The sharing pattern of supplementary nutrition will continue as per the existing pattern i.e. 50: 50 by the Centre and the States.
- Although, for North Eastern States the sharing pattern will change from 50:50 to 90:10 from the financial year 2009-10, for 2008-09, the releases shall continue as per 50:50 ratio.
- The States/UTs have been directed to provide adequate budget provision in their annual budget for the current and subsequent financial years per the revised financial norms, number and category of beneficiaries receiving services under the ICDS.
- The States and UTs have been directed to revise the norms at the earliest.