



FEEDBACK MECHANISM

HUMAN RIGHTS ADVISORY ON RIGHT
TO FOOD SECURITY AND NUTRITION

GROUP 5

1

A BRIEF BACKGROUND

ON THE RIGHT TO FOOD AS A LEGAL
CONCEPT



A BRIEF BACKGROUND

The right to food has been recognized internationally as a human right in the **Universal Declaration of Human Rights (UDHR)** in the 1940s.

Later included in the **International Covenant on Economic, Social and Cultural Rights (ICESCR)** wherein it was enshrined as "**the fundamental right of everyone to be free from hunger**".



RIGHT TO FOOD IN INDIA





RIGHT TO FOOD IN INDIA

The Supreme Court of India, in the landmark **People's Union for Civil Liberties v. Union of India and Others**, recognized the right to food as part of the constitutionally protected **right to life**.

In response to orders from its Supreme Court, India passed national legislation, the **2013 National Food Security Act (the Act)**.



NATIONAL FOOD SECURITY ACT 2013

- **First**, the Act provides entitlements in law for a number of social protection schemes and programs.
- **Second**, the Act provides additional entitlements for particularly vulnerable populations, specifically women and children.(The Integrated Child Development Services and the midday meal schemes, and cash benefits for pregnant women and new mothers.)
- **Third**, the Act adopts a rights-based approach through institutionalizing a variety of redress mechanisms for when the State fails to meet its obligations.



POLICY FRAMEWORK



POLICY FRAMEWORK

- **PUBLIC DISTRIBUTION SYSTEM (PDS)**
- **INTEGRATED CHILD DEVELOPMENT SCHEME (ICDS)**
- **MID-DAY MEAL SCHEME (MDMS)**
- **PRADHAN MANTRI MATRU VANDANA YOJNA (PMMVY)**
- **ONE NATION ONE RATION CARD (ONORC)**
- **PRADHAN MANTRI GARIB KALYAN ANNA YOJANA (PMGKAY)**



NHRC ADVISORY



National Human Rights Commission, on 6th October, 2021 issued an "Advisory on Right to food Security and Nutrition".

The advisory is divided into various sub heads which are:

- **Recommendations related to NFS Act, 2013** wherein certain recommendations were given such as the central government may determine the total number of persons to be covered under the NFS Act, based on official population estimates for 2021, regular monitoring evaluation of the implementation of the NFS Act, filling up of all vacancies by states and further recommended for social Audits.
- **ICDS and Maternity Entitlements**
- **PM POSHAN (erstwhile Mid-day Meal Scheme)**
- **Health and Micronutrient Supplementation**



- **Children in need of care**
- **Drinking Water, Sanitation and Hygiene (WASH)** wherein States/UTs are advised to ensure access to potable water, sanitation and hygiene (WASH) at the household and community level to prevent mortality and improve nutritional levels.
- **Data Compilation and Management** wherein recommendation related to collection & compilation of comprehensive data on calorie consumption, food expenditure, ration card ownership, etc, particularly for migrants and other weaker sections of the society is given.
- **Best Practices** wherein concept of 'Tithi Bhojan' & 'Nutri Gardens' is given.

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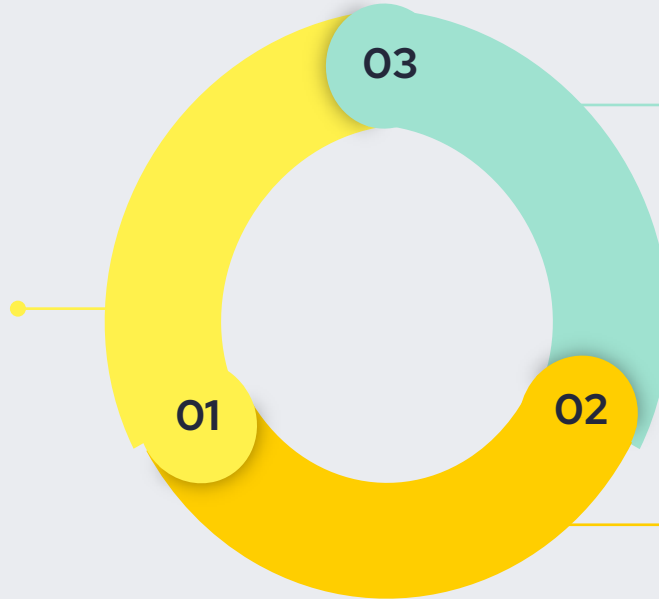
ISSUES RELATED TO EXISTING MECHANISM



ISSUES RELATED TO EXISTING MECHANISM

Timely response

Not able to get updated reports, the state governments never respond on time.



Adequate content

Not getting proper response in lieu of ATR.

Follow up

There is no proper follow up system. ATR is a one time thing but states are sending it quarterly or yearly



PARAMETERS

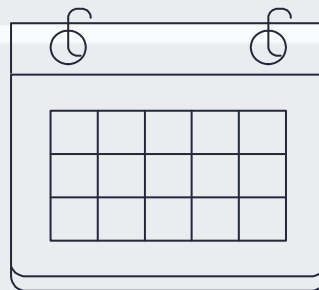


THE PUBLIC DISTRIBUTION SYSTEM (PDS) AND ONE NATION ONE RATION CARD (ONORC)

- Was nutritious food like pulses, edible oil, eggs, and sugar distributed?
- No. of people benefited with ONORC Scheme?
- Adherence to the allotment of ration to those without Aadhar linked ration cards?

INTEGRATED CHILD DEVELOPMENT SCHEME (ICDS) & MATERNITY ENTITLEMENT

- State basic healthcare facilities at schools and Anganwadi centres.
- Quantity of ration allocated for children for per day diet.
- Nutrition calculation of the food to check if a balanced diet is being provided



PM POSHAN (Mid-Day Meal Scheme - MDMS)

- Whether protein is included in diet?
- No. of food testing laboratories.
- No. of reviews conducted concerning the wages of the mid-day meal workers.

HEALTH AND MICRO NUTRITION SUPPLEMENTS

- Total immunization data collected from PHCs and Blocks
- Data of supply of iron tablets (area wise)
- Data of supply of nirodh, copper- T and sanitary napkins



CHILDREN IN NEED OF CARE

- No. of children rescued from extremely vulnerable situation
- No. of adequate rehabilitation centres for SAM children
- Quantity of ration allocated for SAM children for per day diet

DRINKING WATER, SANITATION & HYGIENE

- No. of households yet to get access to safe and piped drinking water .
- No. of neonatal deaths due to inadequate WASH facilities.
- Percentage of community wards having access to liquid/solid waste disposal for public toilets.

2

NEW RECOMMENDATIONS FOR THE FEEDBACK MECHANISMS



SHADOW REPORTS



SHADOW REPORTING

- Well-established feedback mechanism practised extensively by UN committees.
- Acts as a 'shadow' or alternate to official State reports during Universal Periodic Review (UPR).
- Quintessential advocacy tool for Non-Government Organizations (NGOs).
- Puts forth the correct picture of exhaustive violations and non-compliance along with mentioning the progress.
- Identify loopholes in implementation of human rights and offers recommendations.

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SHADOW REPORTING: **MONITORING MECHANISM**



MONITORING MECHANISM

- Specify issues to work upon, determine objective and list desirable outcomes.
- Outline particulars of the shadow reporting process.
- Decide tools of data collection, both doctrinal and non-doctrinal. Track authentic sources.
- Construct a resource plan, requirement viz-a-viz availability.
- Community engagement for procuring ground level data. Bringing together potential signatories.
- Prescribe a relevant timeline for periodic reviews.
- Fix and regulate division of labour.
- Employ follow-up initiatives.



STRENGTHS

- Improved consistency and productivity.
- Positive influence to submit ATRs with adequate responses.
- Backed by signatories, thereby, fostering legitimacy equivalent to ATRs.
- Offers a real time view of implementation. Easy for comparative study.
- Reduce cycle time. Enhance reliability of responses.
- Feasible and cost effective.
- Inclusive, updated and precise data based on parameters.

WEAKNESSES

- Subjective connotation with the word 'Report'.

How to combat: Explicitly instruct for data to be presented in numeral form with past year comparisons in each state.

- Resource consuming and Labour intensive.

How to combat: Prominent NGOs already working in the field of right to food security and nutrition.

3

**STATE LEVEL PANEL ON
FOOD SECURITY AND
NUTRITION**

(EIGHT MEMBER PANEL)

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COMPOSITION OF STATE LEVEL PANEL



1. CHAIRPERSON

Hon'ble Member of the SHRC of the State nominated by the SHRC (Ex-Officio Member)

1. MEMBERS

- One Chairperson/ Member of the State Food Commission (ex-officio member)
- Secretary or Registrar of the SHRC of the State (ex-officio member)
- Two Research Institutions working in the field of Right to Food Security and Nutrition or any such related field
- Two prominent Non-Governmental Organizations (NGOs) working on Right to Food Security & Nutrition in the state.
- One personnel with an academic background in social sciences / health / nutrition along with professional expertise in the field of food security and nutrition.

INDIA NGOs THAT CAN BE CONSULTED

feeding india
by **zomato**

India
FoodBanking
Network




PUEL





FUNCTIONS OF THE PANEL

- 
- To delegate the work of gathering the ground report of implementation of NHRC's advisory.
 - To identify the Universities/ Colleges and NGOs for this task.
 - Provide authenticity to the information/feedback collected on the implementation of Advisory of NHRC.
 - Examine and scrutinize the information/feedback received after employing collaborative expertise of the panel in consonance with "information/feedback collection guidelines" and parameters issued on NHRC advisory.
 - Compilation of Information/feedback collected on the basis of recommendations provided by NHRC.
 - Training the volunteers over virtual sessions (one or two, as deem fit by SLPFSN) in accordance with information/feedback collection guidelines issued by NHRC.



WORKING OF THE PANEL



1. COORDINATE WITH VOLUNTEERS

- University/College Students
- NGOs

1. DOCUMENTS SUPPLIED BY NHRC TO EVERY SLPFSN

- NHRC Advisory issued on the particular subject.
- Parameters drafted out of recommendations mentioned under NHRC Advisory (*stated hereinabove*)
- Booklet containing the brief of legislative and policy framework in force.
- Guidelines on Information/feedback Collection. (Universally applicable and generalised guidelines)

* Documents will be issued both in Hindi and English language. Translation in regional language, where required, will be done by SLPFSN



HOW INFORMATION/FEEDBACK WILL BE COLLECTED?



INFORMATION/FEEDBACK COLLECTION MECHANISM

- SLPFSN will identify and appoint the NGOs/Universities/Colleges to collect the information/feedback per district by dividing and allotting jurisdictions to respective volunteers. Information/feedback collected will be organised and complied. SLPFSN will further scrutinize the information/feedback received and compile them in numerical form.
- Subjective parameters will be listed district wise in tabular form under their scheme sub-heading as mentioned in the advisory.
- SLPFSN may send their respective information/feedback to NHRC which will upload them else, direct access may be given to SLPFSN to upload information/feedback on the dashboard or Food Security and Nutrition (FSN) database, however, it will not be displayed at once but will be reserved for examination and approval by NHRC.



STRENGTHS



- Quality information/feedback
- Precise responses
- Accurate and reliable process
- More feasible and cost-effective alternative to ATRs.
- Legitimate and authenticity panel
- Systematic mechanism for genuine data
- Easy to adapt, comprehensive, comparative and inclusive feedback mechanism.
- Working in coalition, it tends to deliver a bigger picture analysing existing trend and are suggestive of the way forward. Resonates dimensions of prompt actions to be taken.

WEAKNESSES

- Complex task of constituting a state level panel for all 36 States/UTs.

How to combat- voluntary work; SHRC collaborating may work on constituting panels in their respective States/UTs.

- States not having established SHRC.

How to combat- Neighbouring States/UTs will look after such states/UTs or panel may be constituted with remaining members present in that State/UTs.

4

DATA PRESENTATION



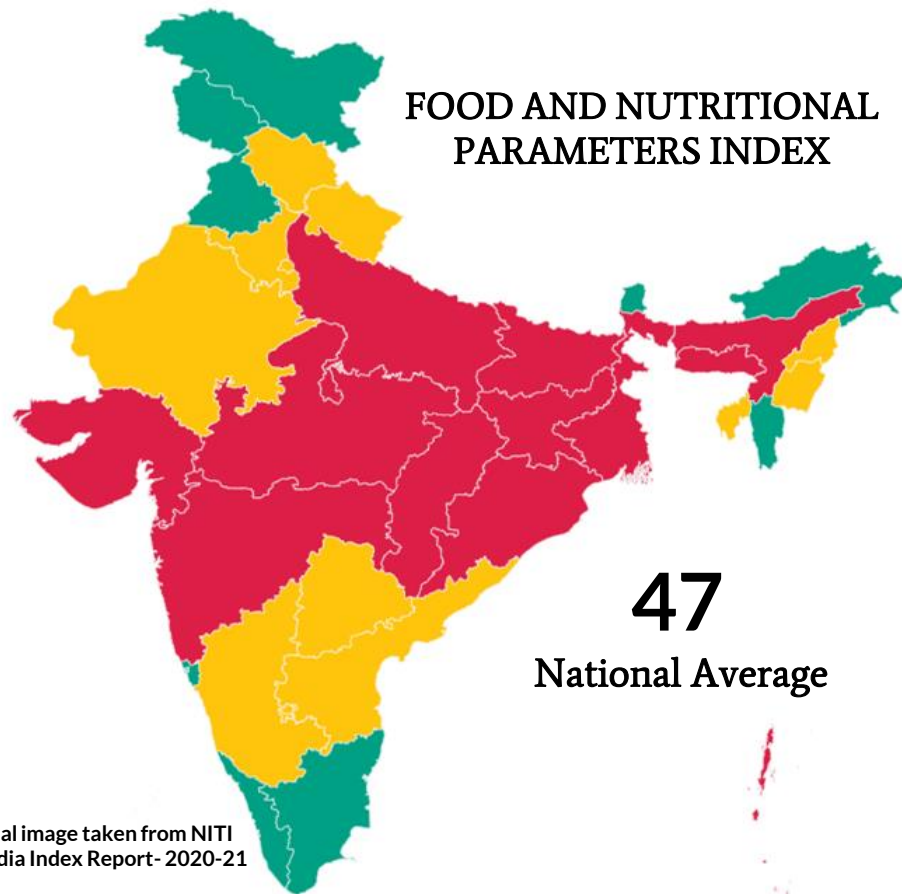
National Human
Rights Commission

FOOD SECURITY AND NUTRITION REPORT

STATE WISE

PARAMETER WISE

FOOD AND NUTRITIONAL PARAMETERS INDEX



Representational image taken from NITI
Aayog's SDG India Index Report- 2020-21

achiever [100] ● Front Runner [65 - 99] ● Performer [50 - 64] ● Aspirant [0 - 49]



National Human
Rights Commission

FOOD SECURITY AND NUTRITION REPORT

STATE WISE

PARAMETER WISE

FOOD AND NUTRITIONAL PARAMETERS INDEX

47

National Average

Representational image taken from NITI
Aayog's SDG India Index Report- 2020-21

achiever [100] ● Front Runner [65 - 99] ● Performer [50 - 64] ● Aspirant [0 - 49]

ODISHA

SELECT PARAMETER



**RECOMMENDATIONS RELATED TO
NATIONAL FOOD SECURITY ACT**

PDS & ONORC

PM POSHAN

CHILDREN IN NEED OF CARE

YEAR



2019

2020

2021

2022

Next >

ODISHA 

Select a state or UT

SELECT PARAMETER 

RECOMMENDATIONS RELATED TO
NATIONAL FOOD SECURITY ACT

PDS & ONORC

PM POSHAN ((Mid-Day Meal Scheme) 

CHILDREN IN NEED OF CARE

YEAR 

2019

2020 

2021

2022

Next >

ODISHA



PM POSHAN ((Mid-Day Meal Scheme)



2020



PM POSHAN INDEX

National Average- 40

State Average- 60

SHOW GRAPHS

NO. OF FOOD TESTING LABORATORIES

30

50

State Data

National Average

NO. OF SOCIAL AUDITS CONDUCTED.

40

70

National Average

State Data

(MORE PARAMETERS TO BE DISPLAYED)

ODISHA



PM POSHAN ((Mid-Day Meal Scheme)



2020



PM POSHAN INDEX

National Average- 40

State Average- 60

SHOW GRAPHS



NO. OF FOOD TESTING LABORATORIES

30

50

State Data

National Average

NO. OF SOCIAL AUDITS CONDUCTED.

40

70

National Average

State Data

(MORE PARAMETERS TO BE DISPLAYED)

ODISHA



PM POSHAN ((Mid-Day Meal Scheme)



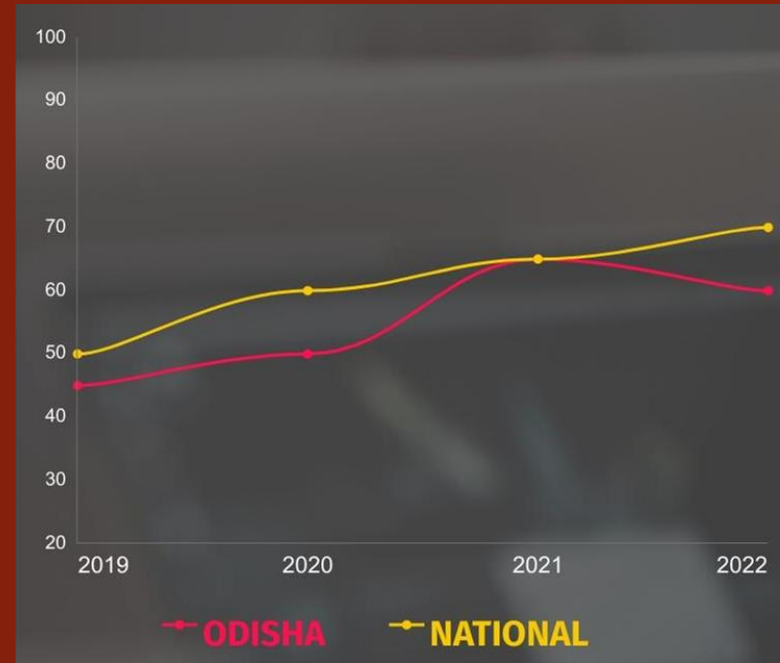
NO. OF SOCIAL AUDITS CONDUCTED IN SPECIFIED TIME PERIOD



YEAR ON YEAR



NO. OF FOOD TESTING LABORATORIES



ODISHA



PM POSHAN ((Mid-Day Meal Scheme)



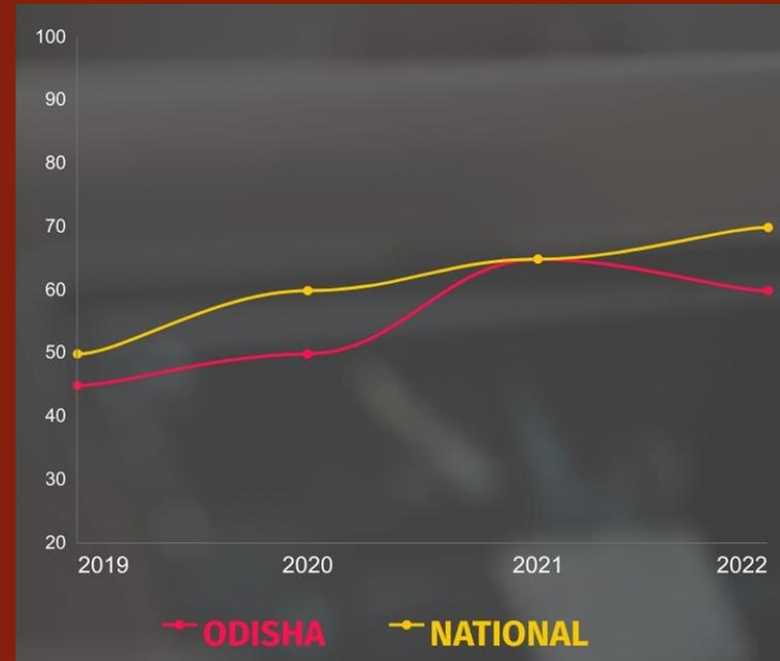
YEAR ON YEAR



NO. OF SOCIAL AUDITS CONDUCTED
IN SPECIFIED TIME PERIOD



NO. OF FOOD TESTING LABORATORIES



Next >

BIHAR



NATIONAL FOOD SECURITY ACT, 2013



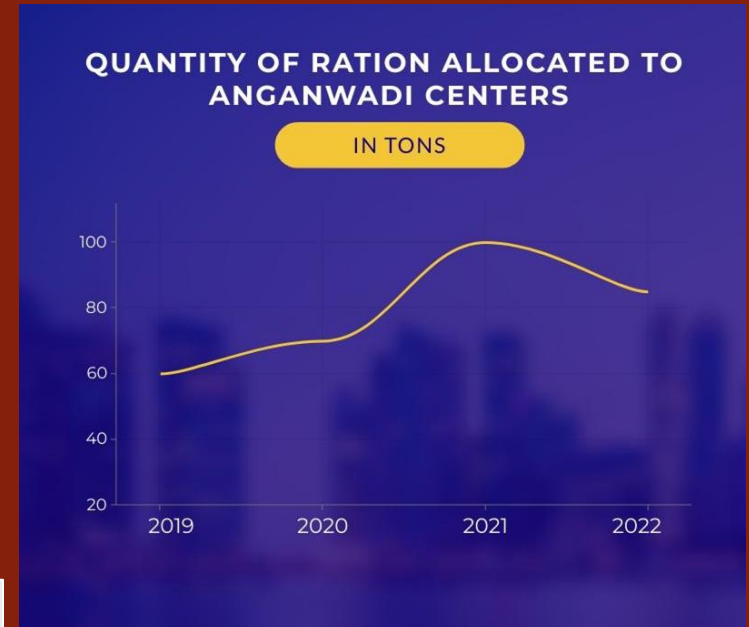
TOTAL NUMBER OF PEOPLE COVERED IN TPDS



YEAR ON YEAR



QUANTITY OF RATION ALLOCATED TO ANGANWADI CENTERS



Next >



National Human
Rights Commission

FOOD SECURITY AND NUTRITION REPORT

STATE WISE

PARAMETER WISE

FOOD AND NUTRITIONAL PARAMETERS INDEX

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National Average

Representational image taken from NITI
Aayog's SDG India Index Report 2020-21

Chieftain [100] ● Front Runner [65 - 99] ● Performer [50 - 64] ● Aspirant [0 - 49]

PARAMETERS

SELECT PARAMETER 

RECOMMENDATIONS RELATED TO
NATIONAL FOOD SECURITY ACT 

PDS & ONORC

PM POSHAN ((Mid-Day Meal Scheme)

CHILDREN IN NEED OF CARE

YEAR 

2019

2020 

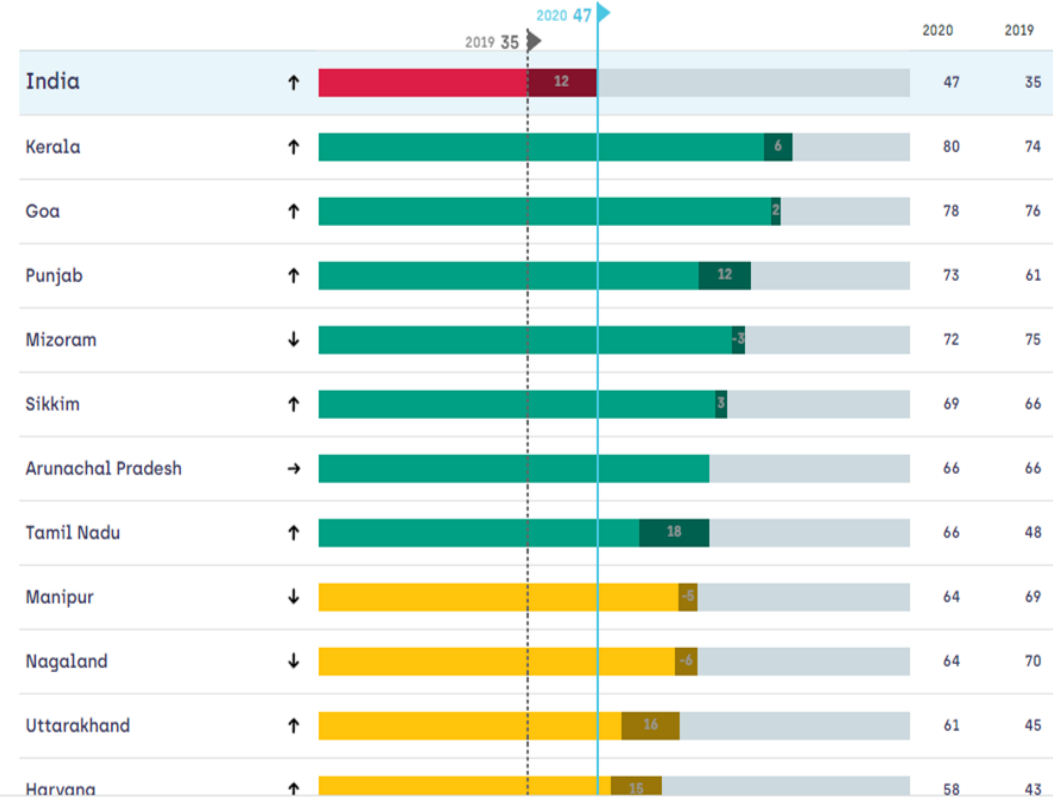
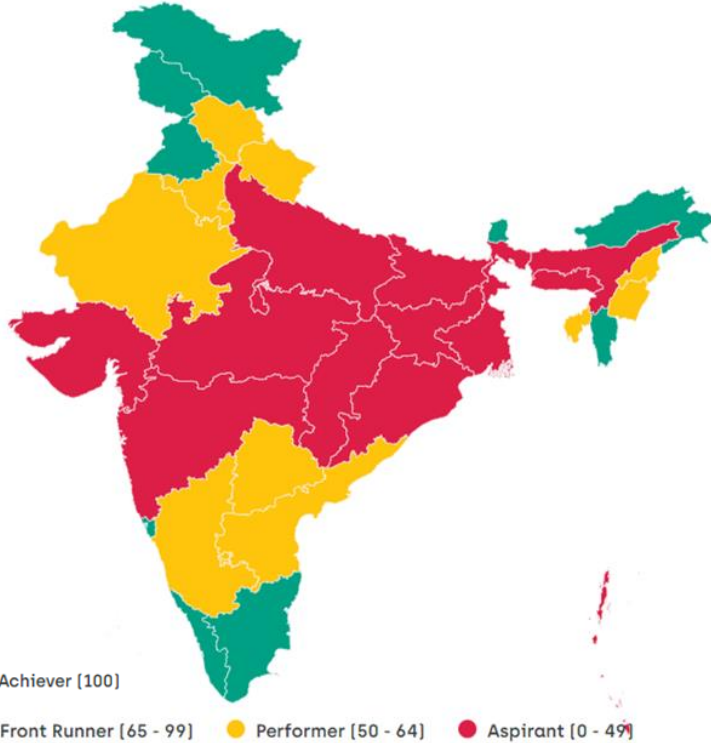
2021

2022

RECOMMENDATIONS RELATED TO NATIONAL FOOD SECURITY ACT INDEX



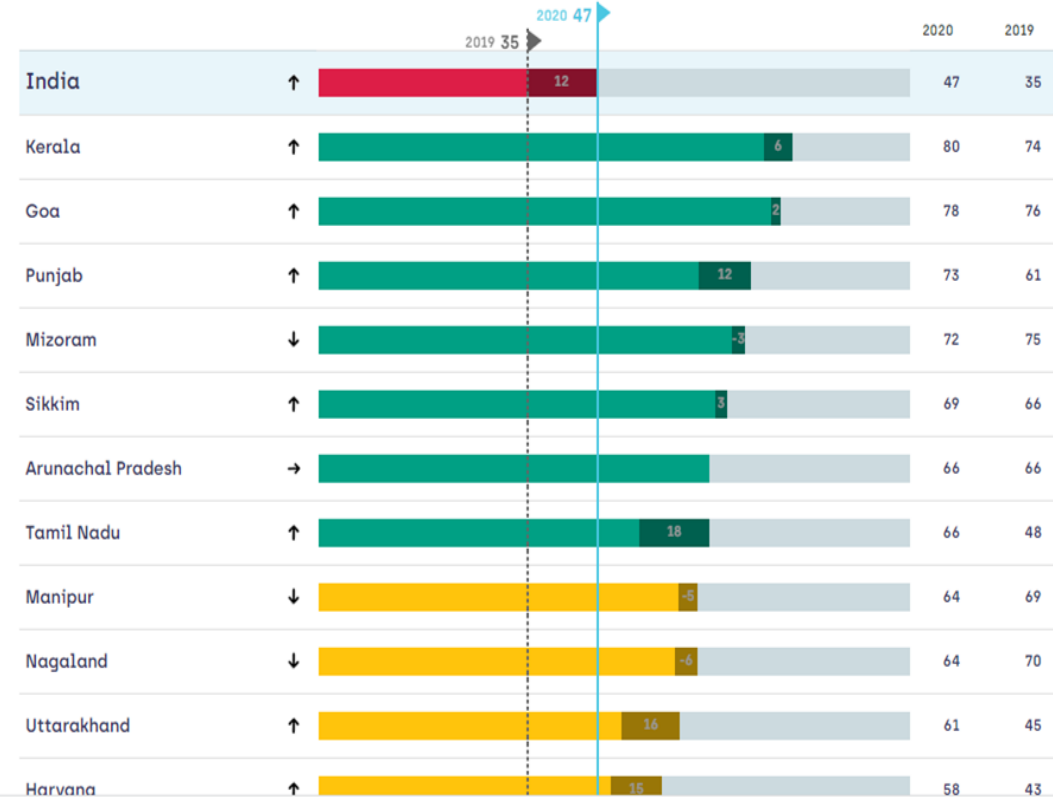
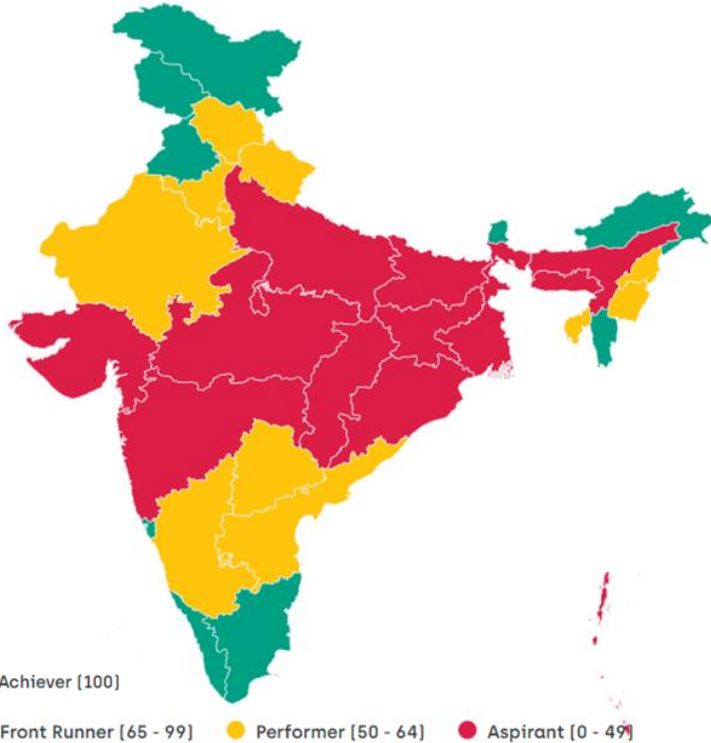
Individual
Parameters



RECOMMENDATIONS RELATED TO NATIONAL FOOD SECURITY ACT INDEX



Individual
Parameters



TOTAL NUMBER OF PEOPLE COVERED IN TARGET
PUBLIC DISTRIBUTION SYSTEM UNDER NATIONAL
FOOD SECURITY ACT, 2013



BIHAR



Percentage of population:

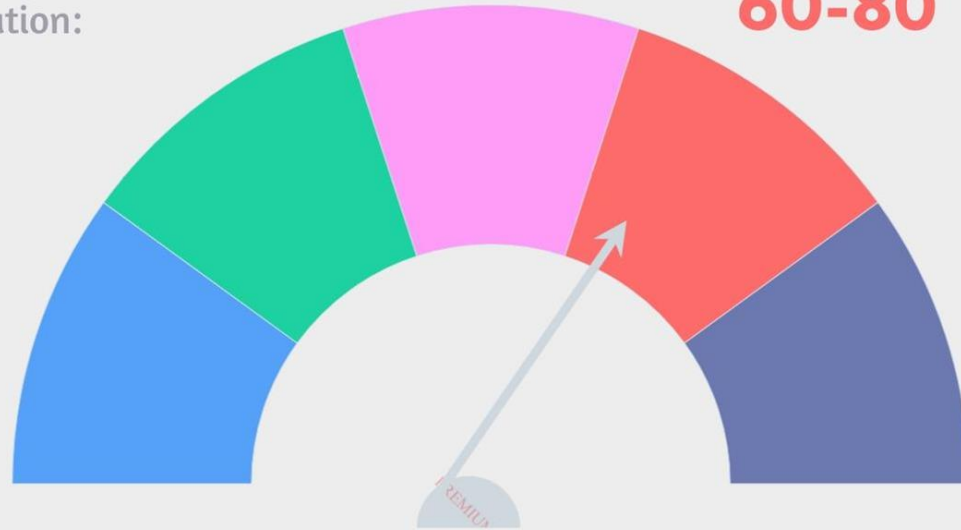
0-20

20-40

40-60

60-80

80-100



5

CONCLUSION



CONCLUSION

- The proposed research is intended to provide quality recommendations to overcome the limitations of the feedback mechanism.
- The key alternatives to the Action Taken Report are Shadow Reports and the State Level Panel on Food Security and Nutrition.
- After a careful research, we recommend the State Level Panel on Food Security and Nutrition as the most feasible and cost-effective alternative to overcome the limitations of the current feedback mechanism.
- For the data presentation, we recommend the portal dashboard and the Food Security Nutrition Database.
- The structural format for both recommendations for data presentation is similar, and adoption of these recommendations is at the sole discretion of the National Human Rights Commission as they may deem fit.



**THANK
YOU**



ONLINE SHORT-TERM INTERNSHIP UNDER NATIONAL HUMAN RIGHTS COMMISSION

RESEARCH PAPER SUBMISSION

Feedback Mechanism: Human Rights Advisory on Right to Food Security and
Nutrition

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TABLE OF CONTENTS

INTRODUCTION	4
A Brief Background on the Right to Food as a Legal Concept	5
Legal Protection of the obligation to fulfill the Right to Food in different countries	6
THE NATIONAL FOOD SECURITY ACT, 2013.	7
o Limitations and shortcomings.....	8
NHRC ADVISORY	9
POLICY FRAMEWORK	9
o Public Distribution System (PDS)	10
o Integrated Child Development Services (ICDS)	10
o Mid-Day Meal Scheme (MDMS).....	10
o Pradhan Mantri Matru Vandana Yojna (PMMVY).....	11
o One nation one ration card scheme (ONORC)	11
o Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY)	12
ISSUES RELATED TO EXISTING FEEDBACK MECHANISM.....	12
NEW RECOMMENDATIONS FOR THE FEEDBACK MECHANISMS	13
Shadow Reports	13
o Essentials for Drafting a Shadow Report.....	13
o Strengths	15
WHAT DATA SHOULD BE COLLECTED: PARAMETERS	16
o Recommendations related to National Food Security Act, 2013	16
o The Public Distribution System (PDS) and One Nation One Ration Card (ONORC).	16
o Integrated Child Development Scheme (ICDS) and Maternity Entitlement	17
o PM POSHAN (Mid-Day Meal Scheme - MDMS).....	17

o Health and Micro Nutrition Supplements	18
o Children in Need of Care	18
o Drinking water, Sanitation & Hygiene	18
o Data Compilation and Management	19
o Best Practices	20
State Level Panel on Food Security and Nutrition (SLPFSN)	20
o Who will collect the information/feedback: Composition of the Panel	20
o Functions of the Panel	20
o Time Frame.....	21
o What information/feedback to be collected: Parameters	21
o How information/feedback will be collected: working of the Panel	21
o Strengths	23
o Weaknesses.....	24
DATA PRESENTATION.....	24
Structural Format for the Data Presentation	25
o Initial window	25
o State's Folder	25
o Comparative Study Folder.....	26
CONCLUSION	27

INTRODUCTION

Being poor almost always means being deprived of full nutritional capabilities, i.e., the capabilities to avoid premature mortality, to live a life free of avoidable morbidity, and to have the energy for work and leisure. The study of poverty is, therefore, very much a study of the people's state of nutrition.

– Osmani, S.R. 1992 *Nutrition and Poverty*,

(New York, Oxford University Press of UNU-WIDER)

The genesis of the modern international human rights system is often traced to the post-World War II prosecution of Nazi war criminals in the Nuremberg trials and the international community's collective desire to "*prevent the recurrence of such crimes against humanity through development of new standards for the protection of human rights.*" ¹These standards were subsequently codified in four stages: *the articulation of human rights concerns in the U.N. Charter*; ² *the identification of specific rights in the Universal Declaration of Human Rights (UDHR)*; ³ *the elaboration of each of the rights in the International Covenant on Civil and Political Rights (ICCPR)* ⁴ *and the ICESCR*; ⁵ *and the adoption of additional conventions and declarations concerning various human rights issues, including gender and racial discrimination, children's rights, torture, and genocide.* ⁶The **right to food** has been part of the

¹ Louis B. Sohn, The New International Law: Protection of the Rights of Individuals Rather than States, 32 Am. U.L. Rev. 1, 10 (1982).

² U.N. Charter art. 1 (purpose of the United Nations is to achieve international cooperation to solve economic, social, cultural and humanitarian problems while promoting human rights for all without distinction); id. art. 13 (role of General Assembly is to study and make recommendations to promote international cooperation and the realization of human rights); id. art. 55 (U.N. shall promote respect for human rights).

³ The UDHR is considered to be an "authoritative interpretation of the Charter of the United Nations" and "the common standard to which the legislation of all the Member States of the United Nations should aspire." Sohn, supra note 49, at 15 (citing Professor Cassin, one of the principal authors of the Declaration).

⁴ The ICCPR principally embodies two sets of rights: those pertaining to the physical integrity of the person (such as the right not to be tortured, executed, or enslaved) and those pertaining to legal proceedings, legal status, and the right to hold and profess one's beliefs (such as the right to counsel, freedom of speech, and freedom of religion). International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171 [hereinafter ICCPR].

⁵ The ICESCR generally protects the rights to self-determination, work and good work conditions, social security, family, an adequate standard of living (including housing and food), health, education, and cultural life.

⁶ See, e.g., Convention on the Rights of the Child [CRC], G.A. Res. 44/25, annex, U.N. GAOR, 44th Sess., Supp. 49 at 167, U.N. Doc. A/44/49 (Nov. 20, 1989); Convention on the Elimination of All Forms of Discrimination Against Women [CEDAW], U.N. GAOR, 34th Sess., G.A. Res. 34/180, Supp. No. 46 at 193, U.N. Doc. A/34/46 (Dec. 18, 1979); International Convention on the Elimination of All Forms of Racial Discrimination, Mar. 7, 1966,

international human rights regime since its inception. The right first found expression in **Article 25 of the UDHR**, which states that "*everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food.*" ⁷ The right was subsequently codified in **Article 11 of the ICESCR**, which encompasses two separate, but related norms: *the right to adequate food and the right to be free from hunger.* ⁸

A Brief Background on the Right to Food as a Legal Concept

As a legal doctrine, the right to food is the human right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear. ⁹

The right to food has been recognized internationally as a human right since its inclusion in the **Universal Declaration of Human Rights (UDHR)** in the 1940s, where it formed part of the right to an adequate standard of living. ¹⁰ The right to food was later included in the International **Covenant on Economic, Social and Cultural Rights (ICESCR)** where it again formed part of the right to an adequate standard of living but was also enshrined as "*the fundamental right of everyone to be free from hunger,*" with a number of corresponding State obligations listed.¹¹ Since the 1960s, the right to food has been incorporated into a number of other international and regional instruments. ¹²

660 U.N.T.S. 195; Convention on the Prevention and Punishment of the Crime of Genocide, Dec. 9, 1948, 78 U.N.T.S. 277.

⁷ Universal Declaration of Human Rights [UDHR] art. 25(1), G.A. Res. 217A (III), U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 12, 1948). The right to food can also be found in Principle 4 of the United Nations Declaration on the Rights of the Child, G.A. Res. 1386 (XIV), P 4, U.N. Doc. A/4354 (Nov. 20, 1959) ("The child shall have the right to adequate nutrition...").

⁸ Universal Declaration of Human Rights [UDHR] art. 25(1), G.A. Res. 217A (III), U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 12, 1948). The right to food can also be found in Principle 4 of the United Nations Declaration on the Rights of the Child, G.A. Res. 1386 (XIV), P 4, U.N. Doc. A/4354 (Nov. 20, 1959) ("The child shall have the right to adequate nutrition...").

⁹ Jean Ziegler (Special Rapporteur on the Right to Food), Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development, at para. 17, U.N. Doc. A/HRC/7/5 (Jan. 10, 2008).

¹⁰ G.A. Res. 217 (III) A, Universal Declaration of Human Rights, at art. 25 (Dec. 10, 1948) [hereinafter U.D.H.R.].

¹¹ International Covenant on Economic, Social and Cultural Rights art. 11, at para. 2, Dec. 16, 1966, 993 U.N.T.S. 3 [hereinafter ICESCR]. The States Parties to the present Covenant, recognizing the fundamental right of everyone

Legal Protection of the obligation to fulfill the Right to Food in different countries

Over the past two decades, a considerable number of States have adopted constitutional amendments to protect the right to food. *South Africa* led the charge, providing constitutional protection to the right to food, as well as a number of other economic and social rights, in its 1994 post-apartheid constitution.¹³ Today, close to **30 States**, including *Kenya, Bolivia, Ecuador, Mexico, and Brazil* have adopted constitutional provisions guaranteeing the right to food.¹⁴ *Pakistan* protects only the obligation to fulfill in its constitution.¹⁵ Numerous other States protect the right to food indirectly, as a part of the right to an adequate standard of living (*Sri Lanka*) or as the right to the minimum conditions of life (*Switzerland*), or even as an aspirational goal (*Uganda*).¹⁶ The Supreme Court of India, in the landmark *People's Union for*

to be free from hunger, shall take, individually and through international cooperation, the measures, including specific programmes, which are needed: (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources; (b) Taking into account the problems of both food-importing and food exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

¹² See, e.g., Convention on the Rights of the Child art. 24, Nov. 20, 1989, 1577 U.N.T.S. 3 (requiring "adequate nutritious foods" to prevent disease and malnutrition in children); Convention on the Elimination of All Forms of Discrimination Against Women art. 12, Dec. 18, 1979, 1249 U.N.T.S. 13 (ensuring adequate nutrition during pregnancy); Convention on the Rights of Persons with Disabilities art. 28, Dec. 13, 2006, 2515 U.N.T.S. 3 (requiring adequate food for those with disabilities); European Social Charter art. 4, 12, 14, May 3, 1996, 2151 U.N.T.S. 277 (detailing the right to social security and a decent standard of living); African Charter on Human and Peoples' Rights art. 16, 22, 24, June 27, 1981, 1520 U.N.T.S. 217; African Charter on the Rights and Welfare of the Child art. 14, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force Nov. 29, 1999 (detailing State obligations to combat malnutrition); American Convention on Human Rights art. 26, Nov. 22, 1969, 1144 U.N.T.S. 144 (seeking to achieve the "full realization" of implicit human rights); The Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador" art. 11, Nov. 17, 1988, O.A.S.T.S. 69 (noting Article 12 of the San Salvador Additional Protocol).

¹³ S AFR. CONST., 1996, art. 27(1)(b) ("Everyone has the right to have access to ... sufficient food and water."). See Olivier De Schutter (Special Rapporteur on the Right to Food), Rep. of the Special Rapporteur on the Right to Food on his Mission to South Africa, at para. 11, U.N. Doc. A/HRC/19/59/Add.3 (Jan. 13, 2012) [hereinafter, De Schutter, Mission to South Africa].

¹⁴ MARGRET VIDAR ET AL., FAO, LEGAL DEVELOPMENTS IN THE PROGRESSIVE REALIZATION OF THE RIGHT TO ADEQUATE FOOD 2 (2014) [hereinafter VIDAR, LEGAL DEVELOPMENTS], <http://www.fao.org/3/a-i3892e.pdf>; LIDIJA KNUTH & MARGRET VIDAR, FAO, CONSTITUTIONAL AND LEGAL PROTECTION OF THE RIGHT TO FOOD AROUND THE WORLD 16, 31 (2011), <http://www.fao.org/docrep/016/ap554e/ap554e.pdf>; LAMBEK, 10 YEARS OF THE RIGHT TO ADEQUATE FOOD GUIDELINES; DE SCHUTTER, TACKLING HUNGER, (surveying progress in implementing the right to food at the national level in Africa, Latin America and South Asia).

¹⁵ PAKISTAN CONST. art. 38(d) ("The State shall ... provide basic necessities of life, such as food, clothing, housing, education and medical relief, for all such citizens, irrespective of sex, caste, creed or race, as are permanently or temporarily unable to earn their livelihood on account of infirmity, sickness or unemployment.").

¹⁶ VIDAR ET AL., LEGAL DEVELOPMENTS; FAO, Right to Food Around the World: Sri Lanka, <http://www.fao.org/right-to-food-around-the-globe/en/> (under "select country" select Sri Lanka) (last visited Feb. 7, 2016); see, e.g., LAMBEK, 10 YEARS OF THE RIGHT TO ADEQUATE FOOD GUIDELINES, *supra* note 5, at

Civil Liberties v. Union of India and Others, recognized the right to food as part of the constitutionally protected right to life.¹⁷ Through a series of interim decisions over the past ten years, the Court has ordered the government to take a variety of steps to meet its obligation to fulfill the right to food, including determining a basic nutritional floor, establishing accountability mechanisms to monitor noncompliance with Court orders, and providing directives in the creation of various programs, such as a national midday meal scheme in schools.¹⁸

THE NATIONAL FOOD SECURITY ACT, 2013.

India provides a good example of a State that has used legislation to enshrine the right to food but has only adopted some elements of the right to food, instead of taking a holistic approach to address the systemic causes of hunger. Recently, and in response to orders from its Supreme Court, India passed national legislation, the 2013 *National Food Security Act (the Act)*.¹⁹ The Act does not specifically mention the right to food or India's right to food obligations under the ICESCR.²⁰ However, it does adopt some rights-based elements.²¹

15 n.24 (citing Jennie Jonsén, Europe and the Right to Adequate Food and Nutrition: Assessing a Decade of Progress, Shortcomings, and Challenges Ahead, in 10TH ANNIVERSARY OF THE RTAF GUIDELINES (2014) (unpublished manuscript)) (using Jonsén's article to support the assertion that Switzerland's Constitution includes "the right to the minimum conditions of life, including the right to food"). To date, Judges in Switzerland have protected the right to the minimum conditions of life, and have explicitly singled out the right to food directly with respect to cases of undocumented people and rejected asylum seekers. CONST. OF THE REPUBLIC OF UGANDA, 1995, objective XIV ("The State shall endeavor to fulfill the fundamental rights of all Ugandans to social justice and economic development and shall, in particular, ensure that ... all Ugandans enjoy rights and opportunities and access to education, health services, clean and safe water, decent shelter, adequate clothing, food security and pension and retirement benefits.").

¹⁷ People's Union for Civil Liberties v. Union of India, Writ Petition (Civil) No. 196 of 2001 (India Nov. 28, 2001) (interim opinion); Lauren Birchfield & Jessica Corsi, Between Starvation and Globalization: Realizing the Right to Food in India, 31 MICH. J. INT'L L. 691, 693-94 (2010); Lauren Birchfield & Jessica Corsi, The Right to Life is the Right to Food: People's Union for Civil Liberties v. Union of India & Others, 17 HUM. RTS. BRIEF 15, 15 (2010) [hereinafter Birchfield & Corsi, The Right to Life].

¹⁸ Birchfield & Corsi, The Right to Life.

¹⁹ The National Food Security Act, No. 20 of 2013, GAZETTE OF INDIA, Sept. 10, 2013, <http://indiacode.nic.in/acts-inpdf/202013.pdf>.

²⁰ NAT'L HUMAN RIGHTS COMM'N, A HANDBOOK ON INTERNATIONAL HUMAN RIGHTS CONVENTIONS 22 (2012), http://nhrc.nic.in/Documents/Publications/A_Handbook_on_International_HR_Conventions.pdf. India ratified the ICESCR on April 10, 1979.

²¹ The preamble of the Act describes it as: "An Act to provide for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity and for matters connected therewith or incidental thereto." The National Food Security Act, at pmbl.

First, the Act provides entitlements in law for a number of social protection schemes and programs. The Act enshrines in law the right of roughly two-thirds of the state to a fixed amount of rice, wheat, and cereals per month, or a basic income to be able to purchase food. **Second**, the Act provides additional entitlements for particularly vulnerable populations, specifically women and children.²² Under the Act, pregnant women, lactating mothers, and children from 6 months to 14 years are entitled to special benefits, including meals under *the Integrated Child Development Services and the midday meal schemes, and cash benefits for pregnant women and new mothers*.²³ **Third**, the Act adopts a *rights-based approach* through institutionalizing a variety of redress mechanisms for when the State fails to meet its obligations.

- **Limitations and shortcomings**

However, the Act focuses almost exclusively on the obligation to fulfill, with a variety of schemes that ensure access to adequate food through entitlement and social protection benefits. Civil society has criticized the Act as at best a food entitlement law, without adopting a holistic approach to the right to food and without changing structural conditions that cause food insecurity.²⁴ Indeed, the Act fails to move beyond the obligation to fulfill and fails to address the ways in which the Indian government may--through its policies, programs, and laws--hinder people's ability to meet their own food needs or allow third parties to do the same. Critics have pointed out that the Act does not address production issues, has no relief for farmers, does not adequately address questions of nutrition, and has left out provisions in earlier drafts focused on urban poor and other marginalized communities.²⁵ By not addressing these elements, the Act's effectiveness is limited. In many ways, the Act has failed to achieve the systemic change that served as the impetus for its drafting. In the long term, it is unlikely to create a food system in India that will allow people to meet their own food needs in dignity, despite providing support for alleviating hunger.

²² Id. §§ 4-6. The rights-based approach to economic, social, and cultural rights requires ensuring the rights of the most vulnerable and marginalized in society.(speaking especially about the obligations of States in this respect).

²³ The National Food Security Act, §§ 4-6, Schedule II.

²⁴ Biraj Patnaik, India's National Food Security Bill: Hope or Hype?, in RIGHT TO FOOD AND NUTRITION WATCH 68, 69 (2013); LAMBEK, 10 YEARS OF THE RIGHT TO ADEQUATE FOOD GUIDELINES.

²⁵ Patnaik, 69-70.

NHRC ADVISORY

National Human Rights Commission, being concerned for the human rights of the people, on 6th October 2021 issued an *"Advisory on Right to Food Security and Nutrition"*. The objective of this committee was to provide recommendations and laid emphasis on sending an *'Action Taken Report'* (ATR) by concerned authorities of the Union/ State Government(s)/UTs on the same within three months for information of the Commission.

First, part of the advisory is *recommendations related to NFS Act, 2013* wherein certain recommendations were given such as the central government may determine the total number of persons to be covered under the NFS Act, based on official population estimates for 2021 as the 2021 census may take time, regular monitoring evaluation of the implementation of the NFS Act by the state food commission, filling up of all vacancies by states and further recommended for social Audits in accordance with the provisions of NFS Act.

Second, advisory is related to *Nutrition* that includes Implementation of Anganwadi Services, Management of Severe Undernutrition and Severe Acute Malnutrition, Mid-day Meal Scheme (MDMS), Essential Workers and their requirements, Building and Construction Workers Cess Fund and District Mineral Welfare Fund (DMWF), Health and Micronutrient Supplementation, Children without parental care, living in institutions, affected by a natural disaster, and children connected with streets.

On the basis of impact assessment done by the Committee of Experts and recommendations made by it, all the concerned authorities are requested to implement the recommendations made in the advisory and to submit the *action taken report for the information of the Commission*.

POLICY FRAMEWORK

The Government of India has introduced some food-based safety nets in the country through certain schemes which were expected to have universal coverage and after to the entire population in all regions and states. A brief analysis of the following schemes would give a comprehensive understanding of the food security measures in force :

- **Public Distribution System (PDS)**

- It is a system of management of scarcity through the distribution of food grains at affordable prices.
- It is established under the Ministry of Consumer Affairs, Food, and Public Distribution.
- It operates under the joint responsibility of the Central and State Governments.
- Provides commodities like rice, wheat, sugar, edible oils and kerosene to identified and registered beneficiaries through a network of dedicated retail outlets, known as fair price shops at fixed prices that are normally lower than open market prices.
- The scheme however is supplemental in nature and is not intended to provide the entire requirements of households.

- **Integrated Child Development Services (ICDS)**

- Launched in 1975, it is a welfare programme that provides food, preschool education, and primary healthcare to children under 6 years of age and for pregnant and nursing mothers.
- These services are made available through a wide network of childcare centres popularly known as “Anganwadis”. The Scheme has been renamed Anganwadi Services.
- It is a centrally sponsored scheme implemented by state governments and union territories and covers all the districts of the country.
- In 2016-17, the government restructured it into Umbrella ICDS with the inclusion of other sub-schemes within its ambit.
- Umbrella ICDS consists of: (1) Anganwadi Services, (2) Scheme for Adolescent Girls (earlier known as SABLA), (3) Child Protection Scheme, (4) National Creche Scheme, (5) POSHAN Abhiyaan, (6) Pradhan Mantri Matru Vandana Yojana.

- **Mid-Day Meal Scheme (MDMS)**

- Launched in 1995, this scheme guarantees one free meal to all children in government and government aided schools and madrasas supported under Samagra Shiksha Scheme.
- In September 2021, the Mid-Day Meal Scheme was renamed ‘PM POSHAN’. It will extend the hot cooked meals to students studying in pre-primary levels in addition to those already covered under the mid-day scheme.

- The Ministry of Education is the authorized body to implement the scheme.
 - It was launched in 1995 as the National Programme of Nutritional Support to Primary Education (NP–NSPE), a centrally sponsored scheme. In 2004, the scheme was relaunched as the Mid-Day Meal Scheme.
- **Pradhan Mantri Matru Vandana Yojna(PMMVY)**
- Launched on 1st January, 2017, it is a maternity benefit scheme rechristened from erstwhile *Indira Gandhi Matritva Sahyog Yojana (IGMSY)*.
 - The scheme is a conditional cash transfer scheme for pregnant and lactating women. They receive a *cash benefit of Rs. 5,000 in three installments* on fulfilling the conditionality. The eligible beneficiaries also receive *cash incentive under Janani Suraksha Yojana (JSY)*. ***Thus, on an average, a woman gets Rs. 6,000.***
 - It provides a partial wage compensation to women for wage-loss during childbirth and childcare and to provide conditions for safe delivery and good nutrition and feeding practices pursuant to the National Food Security Act, 2013.
 - It is implemented through a centrally deployed Web Based MIS Software application and the main point of implementation would be the Anganwadi Center (AWC) and ASHA/ ANM workers.
 - The scheme is a Centrally Sponsored Scheme under which cost sharing ratio between the Centre and the States & UTs with Legislature is 60:40 while for North-Eastern States & three Himalayan States; it is 90:10. It is 100% Central assistance for Union Territories without Legislature.
- **One nation one ration card scheme (ONORC)**
- It is aimed at enabling migrant workers and their family members to buy subsidized ration from any fair price shop anywhere in the country under the National Food Security Act, 2013.
 - Existing ration cards were to be turned into one nation one ration card and ensure a universal ration card allotted to each beneficiary registered under NFSA.
 - The system identifies a beneficiary through biometric authentication on e-Pos devices at fair price shops.

- The system runs with the support of two portals —**Integrated Management of Public Distribution System (IM-PDS) and Annavitran**, which host all the relevant data.
- **Pradhan Mantri Garib Kalyan Anna Yojana (PMGKAY)**
 - Pradhan Mantri Garib Kalyan Anna Yojana is a part of Pradhan Mantri Garib Kalyan Package (PMGKP) to help the poor fight the battle against Covid-19.
 - It is under the Ministry of Finance.
 - The scheme aimed at providing each person who is covered under the NFSA (National Food Security Act 2013) with an additional 5 kg grains (wheat or rice) for free, in addition to the 5 kg of subsidized foodgrain already provided through the Public Distribution System (PDS).
 - Phase-I and Phase-II of this scheme was operational from April to June, 2020 and July to November, 2020 respectively. Phase-III of the scheme was operational from May to June, 2021. Phase-IV of the scheme is currently operational for July-November, 2021 months.
 - The PMGKAY scheme for Phase V from December 2021 till March, 2022 would entail an estimated additional food subsidy of Rs. 53344.52 Crore.

ISSUES RELATED TO EXISTING FEEDBACK MECHANISM

○ **Timely response**

The main drawback is that we are not able to get updated reports, the state governments never respond on time. They may even take 2 years to respond. Due to which there is a time lap that causes problems in monitoring and effective implementation. Moreover, according to the POSHAN COVID-19 Monitoring report for India compiled in June 2020, 10 of the 14 most populous States did not conduct community management of acutely malnourished children and eight States were unable to measure growth parameters of children under six years. The report was compiled by UNICEF, IIT-Bombay, IFPRI, World Food Programme and the World Bank.²⁶

○ **Adequate information/ feedback**

²⁶*Human Rights Advisory on Right to Food Security and Nutrition in context of Covid-19*, NHRC, (Cited on 2nd March 2022), available at: <https://nhrc.nic.in/sites/default/files/NHRC%20Advisory%20on%20Food.pdf>

Secondly, we are not getting proper response in lieu of ATR rather states are giving essay based, vague responses that are at times totally irrelevant and not up to the mark.

- **Follow up**

Thirdly, there is no proper follow up system. ATR is a one-time thing but states are sending it quarterly or yearly that is why we are not getting a proper follow up which is causing an information gap. Instead, the mechanism should be real time based, quick, crisp and efficient.

NEW RECOMMENDATIONS FOR THE FEEDBACK MECHANISMS

Shadow Reports

Shadow reporting is a well-established feedback mechanism at international level practiced widely by UN committees and UN treaty bodies to monitor human rights among state parties. It acts as a ‘shadow’ or alternate to official State reports during Universal Periodic Review (UPR) adjudging proper implementation of human rights treaty obligations. These contextualized reports prove to be a quintessential advocacy tool for Non-Government Organizations (NGOs) working extensively in the field of human rights to showcase data, analysis and critique of government actions along with listing recommendations on their part. NGOs, through shadow reporting, counter the reports by State Parties which mainly highlights the fair part of state meeting the human rights obligation and the progress therein. In order to combat such misleading information, shadow reports put forth the correct picture, highlighting the downtrodden side of exhaustive violations and non-compliance. They provide a real time view on human rights implementation, thereby supervising a positively impacting compliance by the government.

- **Essentials for Drafting a Shadow Report**

First and the foremost task is to classify issues, specify expertise, list desirable outcomes, employ data collection methods, including surveys and questionnaires, and bring on board parties which would contribute in smooth preparation of these reports. Third parties among communities need to be engaged for procuring ground level information. Next part is to get

allies together, i.e., the collaborators who will sign the final shadow report. They may constitute a relevant network of experts in the specified field of Human Rights, renowned activists, advocates, research institutions, academicians, victims and other NGOs performing at ground level. This way the report would create a powerful and broader backing rather than addressing scattered submissions.

Further, the report must be scheduled to periodically review, say quarterly or half-yearly, in an efficient and time-bound manner. Format of the report will be in objective format, including just the statistics and one-word or one-liners in case of certain subjective parameters. They need to buttonhole the definite right in consonance with the working of the NGO. These reports must discuss the relevant mandates of laws, policies and schemes concerning such precise rights and their respective implementation. Such performance of each state, based on well-defined parameters, can be listed out in numeral form for easy comparison. This could provide the gist of the updated review process. Apart from conducting surveys at ground level, non-doctrinal methods of collecting data can also be taken into account, namely, outcome of last review reports, organized community responses, data from government organ actively functioning in this area, structured response by government concerning such rights (if any), reports by other NGOs, local laws, ordinance or precedents and other related documents reviewing human right mechanism.

Moreover, first-hand accounts of victims of violation and non-compliance by states can be gathered along with advocates and witnesses related to such victims. While gathering such information, credible and authentic sources must be tracked down. It is important to quantify data in objective form in these reports. The report may execute other specialized knowledge on protection and promotion of concerned human rights. Thereafter, review must include voices of signatories and question the working of government along with concrete recommendations on the issues addressed and monitoring human right status in the state.

In order to implement the work plan and raising awareness about legislative mandates for targeted public to claim their rights, efforts can be made through surveys, questionnaires from authorities, media monitoring, timely and responsive communication plan, inclusive outreach activities, additional advocacy, compiling reliable responses and other observations. After drafting the brief report, key stakeholders must conduct a preliminary review and comment on

the draft shadow report. Apart from data collection, these shadow reports may promote social justice in the long run through effective follow up actions and lobbying the government to judiciously monitor implementation of legislative mandates.

- **Strengths**

- Improved quality and productivity. Increased consistency on outputs. Robust shadow reports might create positive influence on states to timely deliver Action Taken Reports (ATRs) with proper responses.
- Effectively work both as an aid and alternative to ATRs. Cater to the needs of gathering ground level information from authentic sources as shadow reports are backed by signatories, thereby fostering legitimacy equivalent to ATRs.
- Unlike ATRs, it offers a real time view of implementation, including valuable reports on non-compliance and violation, rather than just commenting on progress, at the same time, addressing the loopholes with desired recommendations.
- Periodic reviews will reduce cycle time. Enhance reliability of responses. Data can be presented in objective form outlining the present status of human rights particularly reviewed, herein, food security.
- Feasible and cost effective. Reduced direct labor costs and related expenses. NGOs already working in this area, conducting surveys and monitoring implementation of the right to food security and nutrition will be engaged in submitting shadow reports.
- Updated and precise information collected on the basis of parameters stated hereinabove ensuring scaled up and adequate responses. Easy to adapt, comparative and inclusive feedback mechanism.
- Addresses targeted audience avoiding the creamy layer. Giving voice to victims, advocates and related witnesses to put forth first-hand accounts.
- Working in coalition, it tends to deliver a bigger picture analyzing existing trends and are suggestive of the way forward. Resonates dimensions of prompt actions to be taken.

- **WEAKNESSES**

- The word ‘Report’ might get a subjective connotation and information may be expressed as bulky, monotonous and time-consuming reports. However, in order to combat such

weakness, particulars of drafting a shadow report may explicitly instruct for data to be presented in numeral form with past year comparisons in each state.

- Comprehensive report requires resource building. Being labor intensive, it is difficult to coordinate among various stakeholders. However, such weakness may be addressed by prominent NGOs already working in the field of the right to food security and nutrition.

WHAT DATA SHOULD BE COLLECTED: PARAMETERS

- **Recommendations related to National Food Security Act, 2013**
 - Total number of people covered in Target Public Distribution System under National Food Security Act, 2013
 - Whether the state has a functioning State Food Commission?
 - Total number vacant posts in the State Food Commission
 - No. of vacant District Grievance Redressal Officers posts.
 - Proportion of the population that benefits from-
 - Target Public Distribution System
 - Integrated Child Development System
 - Mid-Day Meal Scheme
 - Total number of social audits performed during the specified time period.
 - Bodies and Authority responsible for conducting and evaluating social audits.
 - How continuously have Social Audit Reports been verified?
 - How frequently has the process of social audit been carried out by the concerned authorities?
- **The Public Distribution System (PDS) and One Nation One Ration Card (ONORC)**

The govt portal like Aanvitran, National food security Portal gives a real time data of the amount of food dispatched, distributed and people benefited out of it. It also showcases the implementation of the schemes under NFS act and other govt active schemes and the update and issues related with it. It's an easy way to monitor the state adherence to the advisories issued by

the NHRC like ‘Expansion of PDS Coverage to needy migrants in covid time’ so the NHRC can look into the data available on this portal as to amount of food dispatched and distributed in particular state to see if its more or same then the previous data available if there is increase in dispatch and distribution that means the state may have complied with the advisory and vice-versa. So, the obvious data is easily available but the system lags in some points like:

- No. of New Ration cards allotted in specified period.
- No. of New Beneficiaries registered with least documentation.
- Adherence to the allotment of ration to those without Aadhar linked ration cards?
- Was the ration timely distributed?
- Was nutritious food like pulses, edible oil, eggs, and sugar distributed?

- **Integrated Child Development Scheme (ICDS) and Maternity Entitlement**
 - No. of schools and Anganwadi centers.
 - No. of students enrolled in schools.
 - No. of beneficiaries (pregnant women & lactating mothers & children) per Anganwadi center. (on an average)
 - State basic healthcare facilities at schools and Anganwadi centers. (Subjective parameter)
 - Quantity of ration allocated to Anganwadi centers.
 - Quantity of ration allocated for children for per day diet.
 - Nutritional value calculation of the food to check if a balanced diet is being provided. (Subjective parameter)
 - Number of pregnant women and lactating mothers.
 - No. of persons listed per programme. (on an average)
 - No. of vacancies under ICDS.

- **PM POSHAN (Mid-Day Meal Scheme - MDMS)**
 - Whether protein is included in diet?
 - No. of food testing laboratories.
 - Whether the honorarium of cooks& helpers under MDMS revised of

- No. of social audits for MDMS conducted.
- **Health and Micro Nutrition Supplements**
 - Data of supply of iron tablets (area wise)
 - Data of supply of nirodh, copper- T and sanitary napkins
 - No. of reports released by various departments to monitor the uninterrupted delivery of such services on the ground.
 - Monitoring steps taken by SCPCR, SFCs, SMCs, VVCs, etc
- **Children in Need of Care**
 - No. of children rescued from extremely vulnerable situation
 - No. Of SAM children
 - Quantity of ration allocated for SAM children for per day diet
 - No.of schemes for SAM children
 - Names of schemes for SAM children
 - Quantum of money spent on daily diet of SAM children
 - No. of adequate rehabilitation centers for SAM children
 - Descriptive/ subjective parameters:
 - Best practices for SAM children (addressing nutritional requirements and ways to rehabilitate)
 - Constituents of balanced diet for SAM children.
- **Drinking water, Sanitation & Hygiene**
 - No. Of households yet to get access to safe and piped drinking water.
 - No. of households yet to get adequate sanitation facilities.
 - No. Of neonatal deaths due to inadequate WASH facilities.
 - Percentage of community wards having access to liquid/solid waste disposal for public toilets.
 - Frequency of cleaning public toilets and surrounding areas (per week).

- **Data Compilation and Management**
 - Average calorie consumption of a female
 - Average calorie consumption of a male
 - Average calorie consumption of a child
 - age group 06-14 years
 - age group 14-18 years
 - Total expenditure incurred by the state in providing food subsidy
 - How many people have ration cards (in %)
- Blue color Ration Card
 - % of migrant workers
 - % of Scheduled Castes
 - % of Scheduled Tribes
 - % of Other Backwards Classes
 - % of Person with Disability
 - % of Economically Weaker Section
 - % of persons from Transgender Community
- Pink color Ration Card
 - % of migrant workers
 - % of Scheduled Castes
 - % of Scheduled Tribes
 - % of Other Backwards Classes
 - % of Person with Disability
 - % of Economically Weaker Section
 - % of persons from Transgender Community
- Yellow color Ration Card
 - % of migrant workers
 - % of Scheduled Castes
 - % of Scheduled Tribes
 - % of Other Backwards Classes
 - % of Person with Disability

- % of Economically Weaker Section
- % of persons from Transgender Community
- **Best Practices**
 - No. of days “Tithibhojan” held/organized.
 - No. of beneficiaries impacted under “Tithibhojan” since its inception on an annual basis.
 - No. of “PoshanVatikas” that are completed or that’ll be ready to experience in next 1 year, 3 years and 5 years out of total planned vaticas.

State Level Panel on Food Security and Nutrition (SLPFSN)

○ **Who will collect the information/feedback: Composition of the Panel**

All the relevant data and feedback information shall be collected by a committee. The committee will consist of the chairperson and seven other members. The post of chairperson shall be taken over Hon’ble Member of the SHRC of the State nominated by the SHRC (Ex-officio Member). The body of the members shall consist of a Chairperson or Member of the State Food Commission. (Ex-officio member), a Secretary or Registrar of the State Human Rights Commission of the State (Ex-officio member), a member or chairperson of the State Human Rights Commission, and two prominent research institutions working in the field of Right to Food Security and Nutrition or any such related field. The body of the members must also include two prominent non-governmental organizations (NGOs) working on the Right to Food Security and Nutrition in the State and one personnel with an academic background in health/nutrition and/or social sciences along with professional expertise in the field of food security and nutrition.

○ **Functions of the Panel**

The following are the essentials performed by the panel:

1. Delegation of work: The first and foremost action plan of the panel is to delegate the work of gathering the ground report of implementation of NHRC's advisory and to identify the Universities/ Colleges and NGOs for this task.
2. Accountability: The most important function performed by the panel is to provide authenticity to the information or feedback collected on the implementation of the Advisory of the National Human Rights Commission.
2. Evaluation & Analysis: The panel examines and closely examines the data received after employing its collaborative expertise in consonance with the "Information/Feedback Collection Guidelines" and parameters issued in the Advisory of National Human Rights Commission.
3. Data Compilation: It is responsible for the compilation of data collected on the implementation of advisory provided by the Commission.
4. Assessment & Training: It provides training to the volunteers over virtual sessions, as it may be deemed fit by the State Level Panel on Food Security and Nutrition, in accordance with the feedback collection guidelines issued by the commission.

- **Time Frame**

The data and Statistics shall be collected on a half yearly basis or twice in a year. The panel meeting can be held in the initial months, preferably January and July, on a semi-yearly basis. The panel meetings must be held at least twice in a year.

- **What information/feedback to be collected: Parameters**

The information or feedback to be collected corresponds to the parameters derived from the recommendations issued by the National Human Rights Commission.

- **How information/feedback will be collected: working of the Panel**

Coordination with Volunteers

The information or feedback will be collected with the help of students studying at university or college level. Students pursuing bachelor's, master's, or doctorate degrees in any field, as well as

volunteers of the National Service Scheme Cadre in their respective colleges and universities, are eligible for the position of volunteers. It is totally at the discretion of universities to scrutinize and include those students who have a specific interest and moral motivation to volunteer for the program. While talking about the eligibility criteria for universities, all the universities established and functioning in the country, including state universities, central universities, private universities, and all the affiliated colleges, are eligible to volunteer.

All the non-governmental organizations recognised by the panel are eligible to volunteer in the said process. Certified and official members of such NGOs may take part in the programme and coordinate with the panel. NGOs established at district levels shall be preferred for widespread collection of information and feedback so as to ensure the effective functioning of the program.

Documents supplied by National Human Rights Commission to every State Level Panel on Food Security and Nutrition

This contains the list of documents that will be supplied by the National Human Rights Commission to every State Level Panel on Food Security and Nutrition. The said documents include the advisory issued by the Commission on the particular subject, parameters drafted out of the recommendations mentioned under the NHRC Advisory (*stated hereinabove*), and the booklet containing the brief of the legislative and policy framework in force.

The Commission will issue universally applicable and generalized guidelines on statistics collection. The data will be collected in real time every six months. It should be precise, definite, and concrete. Statistics and related information have to be collected on a crisp. It must be collected in an objective (numerical) format. In the case of any subjective parameters, one word or one liner is acceptable. names of schemes in force for SAM children. Statistics collection will be a continuous process, including follow-up. Documents will be issued in both Hindi and English. Any translation into regional languages, where required, will be carried out by the State Level Panel on Food Security and Nutrition.

Information/Feedback Collection Mechanism

The State Level Panel on Food Security and Nutrition will identify and appoint the non-governmental organizations, universities, and colleges to collect the information and feedback in each and every district. The panel will divide and allot the jurisdictions to respective volunteers along with providing a virtual training session elaborating guidelines on information/feedback collection. These volunteers will then engage their members for widespread ground-level information and feedback collection from every jurisdiction. The information or feedback collected will be organized according to the prescribed parameters and compliant by the concerned volunteers.

The expression "concerned volunteers" can be used by non-governmental organizations at district level and the National Service Scheme department of national and state universities and colleges. These volunteer groups will forward the collected feedback or information to the State Level Panel on Food Security and Nutrition. The next step would be to scrutinize the information/feedback received and compile it in numerical and percentage form. All the subjective parameters will be listed district-wise in tabular form under their scheme sub-headings as mentioned in the advisory.

Thereinafter, there will be dual options, i.e., either the State Level Panel on Food Security and Nutrition will send their respective information and feedback to the National Human Rights Commission, which in turn will upload them, or direct access will be given to the State Level Panel on Food Security and Nutrition to upload information and feedback on the dashboard or Food Security and Nutrition (FSN) database. However, it will not be displayed at once but will be reserved for examination and approval by the National Human Rights Commission.

- **Strengths**

- Quality information/Feedback collected in objective format. Precise and concise responses based on crisp and universally acceptable/generalized parameters are certainly guaranteed.

- Not a one-time process by a consistent and continuous process, including follow up. Therefore, timely, accurate, reliable and updated responses are assured with a real time view of implementation.
 - Most feasible and cost-effective alternative to ATRs. NGOs, Research Institutions and SHRC extensively deal with collection of information from ground level beneficiaries and monitoring implementation of right to food security and nutrition and other human rights employing their respective available resources.
 - Panel with persons of varied expertise, renowned research institutions and prominent NGOs having professional working experience along with SHRC and SFC members will provide desired legitimacy to the panel and authenticity of the information collected.
 - Widespread ground level information/feedback can be collected in a well-organized and systematic mechanism. No ‘report’ connotation.
 - Easy to adapt, comprehensive, comparative and inclusive feedback mechanism.
 - Working in coalition, it tends to deliver a bigger picture analyzing existing trends and are suggestive of the way forward. Resonates dimensions of prompt actions to be taken.
- **Weaknesses**
- Constitution of panels in every State/ UT might seem as a complex task, however, the task is delegated in such a way that one state has the responsibility of constituting only one panel.
 - The issue of creating a panel might arise with states not having established SHRC. However, SHRCs in neighboring States/UTs will look after such states/UTs or a panel may be constituted with remaining members present in that State/UTs.

DATA PRESENTATION

In consonance with the above mechanisms of Data Collection, the present report further submits its recommendations for efficient, updated and real-time data presentation, in every six months, which can be incorporated to disseminate loopholes of the existing feedback mechanism

namely, **Portal/Dashboard** and **Food Security and Nutrition (FSN) Database**. The aforementioned mechanisms for data presentation shall be multi-layered having uniform structural format displaying information/feedbacks in folders.

Structural Format for the Data Presentation

- **Initial window**

Initial window will display a map of India with different colors of states assigned according to their performance level. Every state will be the state's respective folder.

Red- very poor; Orange- Below average; Turquoise- Satisfactory; Lavender- Above average; Dark Green- very good (*change the colors as deem fit*).

Below on the South east direction of the map, 'National Average' will be shown.

Below the map will be the folder of 'Comparative Analysis'

- **State's Folder**

Left-hand side of the Screen

Every scheme (as given in NHRC advisory) will have one heading each with a squared tick-box icon attached with each.

Every scheme will have parameters designed out of recommendations of the NHRC advisory as subheadings with squared tick-box attached with each.

At the very bottom, Blue coloured box icon mentioning 'Go' will be displayed.

Center

As one selects the heading (or two) and then respective parameters as sub headings (or two) and clicks on 'Go', the data will be shown in numeral and percentage format (tabular form) for selected ones. Easy to compare with casual/quick look.

All graphical representation (bar graphs, pie chart, histogram, etc.) or any other representation (as selected), as NHRC may deem fit, will be displayed in the center.

Right-hand side of the Screen

Options of graphical representations (bar graphs, pie chart, histogram, etc.) or any other representation, as NHRC may deem fit, will be shown in hyperlinks.

- **Comparative Study Folder**

Left-hand side of the Screen

Every State/UT will have a heading each.

Every scheme (as given in NHRC advisory) will have a sub- heading with a squared tick-box icon attached with each.

Every scheme subheading will have parameters designed out of recommendations of the NHRC advisory as sub-sub-headings with squared tick-box attached with each.

At the very bottom, Blue coloured box icon mentioning ‘Go’ will be displayed.

Center

As one selects the state heading (or two), and then scheme subheading, and further respective parameters as sub-sub-headings (or two) and clicks on ‘Go’, the data will be shown in numeral and percentage format (tabular form) for selected ones. Easy to compare with casual/quick look.

Information will be shown for two/three different states on uniform parameters selected.

All graphical representation (bar graphs, pie chart, histogram, etc.) or any other representation (as selected), as NHRC may deem fit, will be displayed in the center.

Right-hand side of the Screen

Options of graphical representations (bar graphs, pie chart, histogram, etc.) or any other representation, as NHRC may deem fit, will be shown in hyperlinks.

It is hereby brought into the Commission's notice that all the headings, sub-headings and sub-sub-headings will be shown in hyperlinks. All subjective parameters will be shown at the bottom of the center part of the screen in tabular format mentioning two columns of ‘Parameters’ and

'Responses/Information' (for example, names of the schemes). No option of graphical representation will be given for subjective parameters.

CONCLUSION

The present paper is intended to provide quality recommendations to overcome the limitations of the feedback mechanism. The key alternatives to the Action Taken Report as discussed above are Shadow Reports and the State Level Panel on Food Security and Nutrition. However, after careful research, we recommend the State Level Panel on Food Security and Nutrition as the most feasible and cost-effective alternative to overcome the limitations of the current feedback mechanism. For the data presentation, we recommend the portal dashboard and the Food Security Nutrition Database. The structural format for both recommendations for data presentation is similar, and adoption of these recommendations is at the sole discretion of the National Human Rights Commission as they may deem fit.