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HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

IN RE:

In the matter of saving the minor children, women and citizens from malnutrition or obesity– which is affecting their physical and mental health.

JUSTICE ANOOP KUMAR DHAND
ORDER

01.07.2025

Reportable

By the Court:

“Without food it is difficult to remember God and hunger eats into the ethos of culture.”

-Mahatma Gandhi

1. **Atharva Veda** emphasizes the vital role of food in sustaining life energies, health and overall well-being. It highlights that proper nourishment is essential for strength, longevity and prosperity, stressing upon the connection between food and divine grace, suggesting that proper nourishment and food is not for just sustenance but is a blessing.
2. The right to food and right to health are interconnected human rights, both are essential for a life of dignity. The right to food, as recognized in International Law, and many National Constitutions, encompasses access to safe, nutritious and sufficient food. Similarly, the right to health, which is also a fundamental human right, includes access to timely and adequate health care, sanitation and other facilities necessary for physical and mental well-being.



3. The right to food is recognized by Article 25 of the Universal Declaration of Human Rights, 1948 as part of the right to an adequate standard of living. It says "Everyone has the right to a standard living adequate for health and well-being of himself and of his family, including food..."

4. The International Covenant on Economic, Social and Cultural Rights, which is part of the International Bill of Human Rights, recognizes and affirms the Right to Adequate Food as an integral aspect of the right to an adequate standard of living. It also explicitly recognizes "the fundamental right of everyone to be free from hunger".

5. Article 21 of the Constitution of India provides for the fundamental right to the protection of life and personal liberty. This Article mandates the State to ensure the right to life of citizens, which includes the right to life with dignity with decent food.

6. Life without liberty would result in some or other form of slavery. Liberty cannot be there to a person having an empty stomach. The individual's right to life will have no meaning if the State fails to provide adequate food or food articles.

7. Not getting adequate and balanced nutritious food affects both physical and mental health leading to malnutrition. It seriously and significantly impacts the mental health and well being of children and women.

8. The Constitution of India with the object of securing to all its citizens, social and economic justice, contains various Articles which empower to make special law in favour of women and children. Article 47 of the Constitution which forms the part of

Directive Principles of State Policy provides that the State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties. The Government of India with the above objective launched a welfare scheme, namely, Integrated Child Development Services Scheme in the year 1975. The Scheme was designed as an early childhood development programme aimed to address health, nutrition and development needs of young children who are the future of India along-with pregnant and nursing mothers. The Scheme was designed to promote holistic development of children under 6 years of age. The Hon'ble Apex Court in a Public Interest Litigation in Writ Petition No.196 of 2001, People's Union for Civil Liberties vs. Union of India and others, had issued various directions for protection of right to food of the poor and the underprivileged sections including children and women. The Hon'ble Apex Court has pro-actively directed the Central Government and the State Governments to effectively implement the Integrated Child Development Services Scheme. Additionally, various directions were issued by the Court from time to time.

9. The Parliament enacted the National Food Security Act, 2013 (hereinafter referred to as the "Act, 2013") 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 life with dignity and for matters connected therewith. The Statement of Objects and Reasons of the Act apart from containing various other objects, proposed to provide following also in paragraph 7(c), (d) and (e):

"7. It is now proposed to replace the National Food Security Ordinance, 2013 with the National Food Security Bill, 2013, to–

(a) & (b) XX XX XX

(c) entitle every pregnant woman and lactating mother to meal, free of charge, during pregnancy and six months after child birth, through the local *anganwadi*, so as to meet the nutritional standards specified in Schedule II; and to provide to such women maternity benefit of not less than rupees six thousand in such instalments as may be prescribed by the Central Government.

(d) entitle every child up to the age of fourteen years-(i) age appropriate meal, free of charge, through the local *anganwadi* so as to meet the nutritional standards specified in Schedule II in the case of children in the age group of six months to six years; and (ii) one mid day meal, free of charge, everyday, except on school holidays, in all schools run by local bodies. Government and Government aided schools, to children up to class VIII or within the age group of six to fourteen years, whichever is applicable, so as to meet the nutritional standards specified in Schedule II;

(e) require the State Government to identify and provide meals through the local *anganwadi*, free of charge, to children who suffer from malnutrition, so as to meet the nutritional standards specified in Schedule II: and implement schemes covering entitlements of women and children in accordance with the guidelines, including cost sharing, between the Central Government and the State Governments in such manner as may be prescribed by the Central Government."

10. The Act, 2013 by Section 4 creates a statutory right of every pregnant woman and lactating mother to be provided with free meals, during pregnancy and six months after the child birth. Section 5 provides for nutritional support to children, in the case of children in the age group between six months to six years, to be provided with age appropriate meals, free of charge, through

the local *Anganwadi* so as to meet the nutritional standards. Similarly, Section 6 provides for the management of child malnutrition. Sections 4, 5 and 6 are as follows:

"4. Nutritional support to pregnant women and lactating mothers.-Subject to such schemes as may be framed by the Central Government, every pregnant woman and lactating mother shall be entitled to—

(a) meal, free of charge, during pregnancy and six months after the child birth, through the local *anganwadi*, so as to meet the nutritional standards specified in Schedule II; and

(b) maternity benefit of not less than rupees six thousand, in such instalments as may be prescribed by the Central Government:

Provided that all pregnant women and lactating mothers in regular employment with the Central Government or State Governments or Public Sector Undertakings or those who are in receipt of similar benefits under any law for the time being in force shall not be entitled to benefits specified in clause (b).

5. Nutritional support to children.- (1) Subject to the provisions contained in clause (b), every child up to the age of fourteen years shall have the following entitlements for his nutritional needs, namely:—

(a) in the case of children in the age group of six months to six years, age appropriate meal, free of charge, through the local *anganwadi* so as to meet the nutritional standards specified in Schedule II:

Provided that for children below the age of six months, exclusive breast feeding shall be promoted;

(b) in the case of children, up to class VIII or within the age group of six to fourteen years, whichever is applicable, one mid-day meal, free of charge, everyday, except on school holidays, in all schools run by local bodies, Government and Government

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aided schools, so as to meet the nutritional standards specified in Schedule II.

(2) Every school, referred to in clause (b) of sub-section (1), and *anganwadi* shall have facilities for cooking meals, drinking water and sanitation: Provided that in urban areas facilities of centralised kitchens for cooking meals may be used, wherever required, as per the guidelines issued by the Central Government.

6. Prevention and management of child malnutrition.- The State Government shall, through the local *anganwadi*, identify and provide meals, free of charge, to children who suffer from malnutrition, so as to meet the nutritional standards specified in Schedule II.”

11. Under Section 7 of the Act, 2013 it is the obligation of the State Governments to implement schemes covering entitlements under Sections 4, 5 and 6 of the Act, 2013 in accordance with the guidelines, including cost sharing, between the Central Government and the State Governments in such manner as may be prescribed by the Central Government. The Schedule II of the Act, 2013 provides for nutritional standards. Schedule II of the Act, 2013 is as follows:

“SCHEDULE II

[See Sections 4(a), 5(1) and 6]

Nutritional Standards

Nutritional standards.-The nutritional standards for children in the age group of 6 months to 3 years, age group of 3 to 6 years and pregnant women and lactating mothers required to be met by providing ‘take home rations’ or nutritious hot cooked meal in accordance with the Integrated Child Development Services

Scheme and nutritional standards for children in lower and upper primary classes under the Mid-Day Meal Scheme are as follows:

Serial number	Category	Type of meal	Calories (Kcal)	Protein (g)
1.	Children (6 months to 3 years)	Take Home Ration	500	12-15
2.	Children (3 to 6 years)	Morning Snack and Hot Cooked Meal	500	12-15
3.	Children (6 months to 6 years) who are malnourished	Take Home Ration	800	20-25
4.	Lower primary classes	Hot Cooked Meal	450	12
5.	Upper primary classes	Hot Cooked Meal	700	20
6.	Pregnant women and Lactating mothers	Take Home Ration	600	18-20"

12. Children represent the next generation and, therefore, unless and until they and women receive the adequate nutritious food, it will have a detrimental impact on the future generation and ultimately, the country as a whole. There is no doubt that children are the future of our country and if there is some stinginess in providing them with adequate nutrition, the country as a whole will be deprived in future from taking the benefit of their potential.

13. It is the statutory obligation of both the Central and the State Government to provide nutritional support to pregnant women, lactating mothers so also the children and to take steps to identify food deficiencies and ensure balanced meals for children suffering from malnutrition. The Government has a constitutional obligation to preserve human life and providing good health to its citizens is its primary duty. International covenants also aim at the right to the highest attainable standards of physical and mental health, which is in the interest of social justice. Inadequate/

insufficient supply of nutritious food to the citizens, especially the children and the women, adversely affects their health and the same constitutes a violation of their fundamental right to health and right to live with dignity, as guaranteed under Article 21 of the Constitution of India.

14. The Centre as well as the States are statutorily obliged to implement statutory obligation as imposed under Sections 4,5 and 6 of the Act, 2013. The nutritional support is required to be of the nutritional standards which have already been laid down under Schedule II of the Act, 2013 and all States/UTs are obliged to implement such Scheme and have to comply with Schedule II. The main emphasis in the writ petition being the issue of opening of *Anganwadi* Centres throughout the country, we need to first consider the above issue. Providing foodgrains as per the provisions of the National Food Security Act, 2013 is a statutory obligation on the State. Article 47 of the Constitution provides that one of the primary duties of the State is to raise the level of nutrition and the standard of living of the people.

15. It is the obligation of the State to ensure that pregnant women, lactating mothers and children between the age of 3 to 6 years and children who suffer from malnutrition are provided their dues. The State has to provide an appropriate mechanism for supervision and check, additionally, child development officers and other district level officers who are entrusted to monitor the functioning of *Anganwadi* Centres have to be extra vigilant and take steps so that no beneficiary is denied its dues.

16. The other issue is the consumption of "Junk Food" and "Carbonated Drinks" causing harmful effects upon both the physical and the mental health of children.

17. It has been noticed by this Court that the statutory authorities have turned a deaf ear and a blind eye to this issue and they have failed to discharge their duties in safeguarding the interest of the children, who are the future of the nation.

18. The Parliament has enacted the Food Safety and Standards Act, 2006 (for short, "the FSS Act, 2006") which consolidates various food related Regulations and led to the establishment of the Food Safety and Standard Authority of India (FSSAI), with the object to ensure the availability of safe and wholesome food for human consumption by regulating its manufacturing, storage, distribution, sale and import etc.

It is the responsibility and duty of the State and the FSSAI to monitor and ensure that the relevant requirements of law and food standards are complied with by the food business operators at all stages of food business/food items and such authorities are required to collect samples of food and take action on the findings of the test reports, based on safety parameters, prescribed by the FSSAI, i.e., decision to ban the sale of such junk food in the canteens of the schools and educational institutions.

19. The FSSAI has framed certain guidelines titled as "Guidelines for Making Available Wholesome, Nutritious, Safe and Hygiene Food to School Children in India." The objective of these guidelines are to:-

- (i) state the background in which they have been drawn as well as the objective thereof and

comprise of Part-I titled "Guidelines for Making Available Wholesome and Nutritious Food to School Children" and Part-II titled "Guidelines on Food Safety, Hygiene and Sanitation for Food Available in School Canteens";

(ii) define a healthy lifestyle and the World Health Organization (WHO) global strategy on diet, physical activity and health;

(iii) identify foods, high in fat, salt and sugar (termed as HFSS Foods) as harmful to children and the harmful effects thereof and the diseases likely to result from high consumption thereof;

(iv) restrict / limit the availability of most common HFSS foods in Schools and area within 50 meters;

(v) list chips, fried foods, sugar sweetened carbonated beverages, sugar sweetened non-carbonated beverages, ready-to-eat noodles, pizzas, burgers, potato fries and confectionery items as most common HFSS foods;

(vi) list samosa, chana bhatura etc. as non-standardised deep fried foods also required to be regulated, though data on nutrient composition of such food is not yet available;

(vii) require formulation / development of a Canteen Policy, to provide nutritious, wholesome and healthy food in schools;

(viii) require setting up of a School Health Team;

(ix) require the schools to promote nutrition education and awareness through various tools such as posters;

(x) provide for introduction of colour coding of foods;

(xi) list sandwiches, fruit salad, fruits, paneer / vegetable cutlets, khandvi, poha, uthapam,

upma, idlis and kathi rolls etc. as healthier menu options and low fat milk shakes with seasonal fruits, no added sugar, fresh fruit juice and smoothies with fruits, fresh lime soda, badam milk, lassi, jaljeera etc. as healthy beverage options;

(xii) provide for regulation of promotion of HFSS food among school children by Advertising Standards Council of India (ASCI) and other relevant bodies;

(xiii) suggest review of labeling regulation to enable disclosure of all relevant information;

(xiv) suggest controlling of intake of Trans Fatty Acids (TFAs) used extensively in bakery, confectionery and deep fried cooking;

(xv) provide for encouraging physical activity by school children;

(xvi) suggest cut-off values for calories and nutrients in food items available to school children;

(xvii) provide for regulation of and lay out for school canteens;

(xviii) emphasize the requirement of hygiene and lay down the standards of hygiene to be maintained in the canteens and by the staffs employed therein.

20. Section 16 of the FSS Act deals with the duties and functions of the FSSAI. Sub-section (1) of the Act, entrusts FSSAI with the duty to regulate and monitor the manufacturing, processing, distribution, sale and import of food so as to ensure safe and wholesome food. Sub-section (2) of Section 16 empowers the FSSAI to, by regulations, inter alia specify, (i) the standards and guidelines in relation to articles of food; (ii) the limits for use of

food additives etc.; (iii) the mechanisms and guidelines for accreditation of certification bodies engaged in certification of food safety management systems; (iv) the procedure and the enforcement of quality control in relation to food imported into India; (v) the method of sampling and analysis of food items; and, (vi) to conduct survey of enforcement and administration of the Act etc. Sub-section (5) of Section 16 also empowers the FSSAI to give such directions from time to time, on matters relating to food safety and standards, to the Commissioner of Food Safety, who shall be bound by such directions while exercising his powers under this Act. Section 48 of the said Act provides for offences under the FSS Act.

21. Junk food and carbonated drinks are unhealthy and cause obesity in children and their consumption negatively affecting both the physical as well as the mental health.

22. The Government of Rajasthan is empowered, under various Education Acts and Rules, to issue directions ensuring effective implementation of these laws. This power is specifically outlined, in various Sections of the Act and the associated Rules, enabling the Government to issue both general and special instructions/directions to the schools and other concerned authorities for carrying out the purposes & objectives of the Act. It has the power to issue directions and evaluate the procedure for elementary and secondary education.

23. In essence, the Government holds wide ranging powers, under the Education Act, to issue directions ensuring the effective and efficient functioning of the education system and delivery of quality education, as envisaged by the Act and related Rules.

24. The excessive use of mobile phones is also seriously affecting the physical and mental health of the children across all the age groups — be he or she may a toddler, adolescent, teenager or young adult. Continuous exposure to mobile phones, by the children of every age group (1 to 21 years) is seriously hindering their physical and mental development. Instead of engaging in physical exercise or intellectually stimulating activities like reading books, etc., the children highly relying on the mobile phones to find quick solutions to every problem or situation, which limits their thinking and mental growth.

It is the right time and high time for the Government, Department of Education and parents to wake up and take serious & effective measures to restrict the routine and casual use of mobile phones by the minor children.

25. The Central as well as the State Government may issue necessary directions in mandatory form to all Secondary Education Boards to prepare/develop such curriculum, which provides a system of adopting healthy eating habits, discourages consumption of junk food and carbonated drinks and addresses the excessive use of mobile phones by recommending time restrictions on their usage. By issuing necessary guidelines on the signboards within the school premises and including the relevant chapters in the textbooks/study material in the syllabus of the students about the harmful effects of the above habits on the health of the children, we can protect the physical and mental well being of the future generations.

26. By encouraging the children and youth to consume old traditional & seasonal foods as well as fruits and vegetables, the

nation can help in building good health of everyone. The children must also be made aware of the benefits of the "Dadi-Nani" Kitchen and home-cooked food.

27. Homemade food, especially recipes passed down from grandmothers ("Dadi & Nani"), is highly valued and cherished for its nutritional benefits, cultural importance and its ability to connect us to our roots/heritage. These recipes typically use fresh, seasonal ingredients and traditional cooking techniques, offering a healthy and more sustainable way of eating. Dadi-Nani recipes are often deeply connected to family traditions and cultural identity, playing a vital role in preserving culinary heritage.

28. This Court feels pain to observe that in spite of having the National Food Security Act, 2013 and the Food Safety and Standards Act, 2006 and the statutory provisions made therein, for the safety and security of the citizens, children and women for getting nutritious and healthy food, they have not been implemented in their true spirit. The statutory authorities have failed to discharge their duties in a proper manner and that is the precise reason and cause of malnutrition and obesity caused by unhealthy food, which is severely affecting the mental health and proper growth & development of the children. This Court cannot shut its eyes when the health and well being of the future generation is at stake.

29. Taking serious note of these facts and situation, a suo moto cognizance is taken to find out the solution of malnutrition and obesity which is affecting the physical as well as the mental health of the children, women and health of everyone. Let this petition be registered as:-

Suo Moto: In Re: "Saving the Minor Children, Women and Citizens from Malnutrition or obesity which is affecting their physical and mental health."

Vs.

- (1) Union of India through Ministry of Home Affairs, New Delhi.
 - (2) Ministry of Food and Public Distribution, Government of India, New Delhi through Secretary.
 - (3) Ministry of Women and Child Development, Government of India, New Delhi through Secretary.
 - (4) Food Safety and Standard Authority of India, New Delhi.
 - (5) Ministry of Education, Government of India, New Delhi through Secretary.
 - (6) State of Rajasthan, Chief Secretary, Government Secretariat, Jaipur.
 - (7) Additional Chief Secretary, Department of Women and Child Welfare, Government of Rajasthan.
 - (8) Additional Chief Secretary, Department of Food and Civil Supplies, Government of Rajasthan.
 - (9) Additional Chief Secretary, Department of Education, Government of Rajasthan, Jaipur.
30. Issue notice to the respondents. Rule is made returnable by four weeks.
31. The Chief Secretary, State of Rajasthan, Jaipur; the Secretary, Ministry/Department of Woman and Child Development, Union of India, New Delhi; the Principal Secretary, Ministry/Department of Woman and Child Development, State of Rajasthan, Jaipur; the Secretary, Ministry/Department of Consumer Affairs, Food and Public Distribution, Union of India,

New Delhi; and the Principal Secretary, Ministry/Department of Consumer Affairs, Food and Public Distribution and Education, State of Rajasthan, Jaipur are directed to submit a report before this Court about the steps taken by them on the issue involved in this petition on the next date of hearing.

32. Let this matter be listed on 30.07.2025 before the Bench having roster of 'Public Interest Litigation'.

33. Office is directed to send a copy of this order to all the respondents for submitting their reports about the steps taken by them on the issue involved in this petition.

(ANOOP KUMAR DHAND),J