

PROTECTION OF THE RIGHT OF BREASTFEEDING IN THE LAW & GOVERNMENTAL POLICIES

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Abstract: Right to breastfeed is a universally recognised right but unfortunately it does not get the required amount of recognition in our country due to vast traditional dogma and orthodox customary beliefs. Though legislation has reflected its concern about the issue and formulated Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 but there is far more to attain. The related discrimination is no longer limited to remote rural areas but it has found its presence in the corporate world as well. In such a scenario, it is often coupled with other forms of discriminations in addition to our already male chauvinistic society which in turn, detrimental for overall development of both child and mother. This paper puts forth the roots of this right in India describing various facets of problems faced by both rural and corporate women. The paper further sheds light on various rights and benefits gifted by the legislature during a period of time and value of alternatives of breast feeding.

Keywords: Corporate Women, Human Right, India, Right to breastfeed.

Right Of Breastfeeding: A Human Right: It is a principle of International as well as Law of India, under the four corners of women & child centric sector, that breastfeeding is a right for every mother and child, and it is essential to fulfil every child's right to adequate food and the highest attainable standard of health and development. The **National Human Rights Commission** in its report of 2004-05 has advocated a need of formulation of special act to guard, encourage and support breastfeeding. Further it observed that the protection of this right is vigorous in order to prevent marginal loss incurred to lives of millions of infants who die every year due to lack of proper and adequate measures. *"States' obligations in the area of breastfeeding are defined in the "protect, promote and support" framework, adopted unanimously by the World Health Assembly."* Right to breastfeeding directly affects right to life, survival and development, right to health and adequate food & nutrition, right to decent work environment.

Protection of the Right of Breastfeeding in the Law & Governmental Policies: Protection of breastfeeding means putting in place the necessary legal framework and other measures which will create an enabling environment for breastfeeding and prevent human rights abuses.

A good and healthy inception of seed of human life i.e. child stage is of immense importance and should be secured by state at all costs. Recognising this imminent need for special legislation and with a view to the protect and promote the right of breastfeeding, the Government of India enacted the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 (The IMS Act). The Act came into force on August 1, 1993. As projected by the legislature, this Act was not, in any, in conflict or contravention of any

of the existing legislations. Moreover, it is a special act which is framed to protect and promote breastfeeding. Not only it will promote the limbs of this right but at the same it will also take care of the corrupt marketing practices and other foul plays which hinder the enjoyment of the right of breastfeeding, and thereby jeopardize the well-being of baby and mother.

Integrated Child Development Scheme (ICDS) is a unique early childhood development programme aimed at addressing health, nutrition and development needs of young children, pregnant and breastfeeding mothers. **Indira Gandhi Matritva Sahyog Yojana (IGMSY) Conditional Maternity Benefit Scheme** was introduced in 11th Five Year Plan and which were expanded in 12th Five Year Plan also. It was introduced for providing cash directly to women during pregnancy and lactation to improve the health and nutrition status of pregnant, lactating women and infants. Also, under Food Security Act, 2013 Support for exclusive breastfeeding of infants between 0-6 months is also a mandated entitlement. The Twelfth Plan accords high priority to promoting early and exclusive breastfeeding for the first six months of life and reaching these infants and mothers.

According to Conditional Maternity Entitlement proposed in the 11th Five Year Plan chapter on Food Security and Nutrition, the government aims at promoting counselling for breast feeding and complementary feeding. Every pregnant and nursing mother in the high burden districts of poorer states residing in rural areas will be entitled to a conditional transfer of Rs.4500 for the first two children and this cash transfer will be subject to the condition that such mother must have received breastfeeding counselling from the ICDS centre..

The 'Barriers' in The 'Right': Societal Attitude and

the Unfriendly working environment are two main problems enrooted in case of Breastfeeding, which is considered as a Human Right. The importance of Breastfeeding is generally ignored by considering it a private matter of a Woman. Besides, in working sector it is a factor, which pave the another way for discrimination. In the influence of *so-called* Patriarchal Society, Woman also sometimes considers Breastfeeding as an inferior job in comparison to the other works she has.

Does Artificial Feeding A Better Option? In the age of Globalization and Industrialization, as more and more Women are connecting in the Organized Professional Works, they are looking for an alternative to feed her infant up. So, the Market came with some Artificial Feeding Methods and Equipment. Artificial feeding is inferior to breastfeeding as it denies the child the positive effects of breastfeeding and it increases the risks of exposing the child to pathogenic organisms and substances, introduced through the process of reconstitution or contained in the food stuff itself because powdered infant formula that meets current standards is not a sterile product and may occasionally contain pathogens.

What Should Be Our Step Towards It? The said picture of the Story is that India got 3.5 out of 10 in 2015 on maternity protection based on World Breastfeeding Trends Initiative (WBTI), which means it has gone down from 5/10 in 2008. The industrial Sectors should not only be women friendly but

mother friendly also. We need to have a positive change in the attitude of the Society, wherein the mind-set of the Men should be changed; they have to understand that Breastfeeding is not only a matter of Dignity, but it is a Right of the Woman and the Child as well. More than half of the Mothers in our Country, mainly in Rural India, women do not feed their child due to the hesitation.

Due to the unfriendly working environment, women have to compromise with their work and their right to feed their Child. Then comes in the Market the Artificial Storage Methods of Breast-Milk, through which the Milk can be stored for hours and administered to the Child on time. But the reality should be looked into as to how many Women can have the access of this technique; it is difficult for the Mother, who works on Daily Wages Basis.

Another problem faced by the same quanta of Women is that as per the benefit of having two Breastfeeding Breaks in the Working hours is available only to Women employed in Organized Sector. Practical Scenario is that the private and unorganized sector remains highly exploitative of women's labour rights with low labour standards and lack of social security. As per Article 42 of the Indian Constitution, "The State shall make provision for securing just and humane conditions of work and for maternity relief." If the Law is enacted for the 'maternity Relief', then it should be Liberal towards a Mother; *you can change the Status of a Woman but the part of Mother is same for all Women*

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