

# Strengthening legal measures to support access to nutritious foods and healthy food environments for adolescent girls in South Asia

Efforts to reduce nutritional inequity among adolescent girls in South Asia need to be reinforced by legal frameworks, argue **Zivai Murira and colleagues**

**G**ood nutrition is essential for health, education, and economic prosperity. However, adolescent girls across South Asia continue to experience poorer nutritional outcomes than their male peers,<sup>1</sup> Despite ongoing policy and programming efforts<sup>2</sup> stronger, more decisive action is urgently needed. Law represents a critical yet underused tool to address this issue.<sup>3</sup>

Law can support adolescent girls' nutrition by ensuring their rights to food, dismantling patriarchal and societal barriers that prevent their access to the social support systems needed for good nutrition, and by creating environments that empower them to make nutritious food choices for themselves and their families. In this article, part of a BMJ collection on adolescent girls' nutrition in South Asia, we describe how different forms of law, such as international treaties and agreements,

national constitutions, statutes and regulations, and case law, have been used to address adolescent girls' nutrition in the context of both undernutrition and overweight in the region. We highlight some of the challenges within existing legal frameworks and offer recommendations for strengthening them.

## Legal measures for undernutrition

One in five adolescent girls in South Asia are undernourished and more than half are anaemic.<sup>1</sup> Addressing undernutrition in South Asia will require legal frameworks that integrate social protection, girls' rights to food, and gender equality. International agreements such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which all South Asian countries have ratified, provide a legal basis for developing national laws that address gender inequities in nutrition. National laws may include legally mandated social protection systems, including food and cash transfers, which can provide a critical lifeline for adolescent girls experiencing food insecurity or malnutrition, particularly those who are pregnant or breastfeeding or those living in humanitarian crises conditions.<sup>1</sup>

Food and cash transfers can improve dietary diversity and the consumption of nutritious foods, particularly benefiting those experiencing economic or social vulnerability.<sup>1</sup> They have also been found to improve adolescent girls' education participation, delay marriage until after the age of 18 years, and increase their economic status and decision making power within households, leading to greater intake of nutritious food across the whole household.<sup>4</sup> Food and cash transfer programmes in South Asia are often implemented through programmatic approaches, limiting their sustainability. Embedding these programmes into statutory law through comprehensive social protection legislation, including national food security laws, can ensure greater

consistency, accountability, and resilience to political shifts.<sup>5</sup>

India provides a notable example of integrating food subsidies and cash transfers into a statutory legal framework through the 2013 National Food Security Act (NFSA). The act aims to ensure "food and nutritional security over the human life cycle" by granting a legal right to subsidised food grains and by defining a mechanism for cash transfers. The NFSA includes a cash maternity benefit (direct benefit transfer) for pregnant women and breastfeeding mothers from low income families, designed to support vulnerable groups, including adolescent girls who are pregnant or breastfeeding. Specific operational details, such as transfer amounts and distribution mechanisms, are defined in separate government regulations (eg, the Cash Transfer of Food Subsidy Rules, 2015).

However, it is not enough to simply embed programmatic interventions within a supporting legal framework—laws are only as effective as their design and implementation. For example, the rapid rise in food prices across South Asia in recent years has greatly reduced the real value of cash and food transfers when indexing is not accounted for. The price of rice increased 10-20% in the first quarter of 2020 in India, Pakistan, and Sri Lanka and the price of wheat increased by about 25% in Pakistan.<sup>6</sup> Sri Lanka has experienced substantial price increases, with prices soaring for items like chillies (75%), red onions (60%), potatoes (75%), samba rice (almost 30%), and nadu rice (64%) in 2020.<sup>6</sup> In response, several governments across South Asia introduced short term measures to increase the immediate value of cash and food transfers, particularly to pregnant women, during challenging economic times. However, these efforts have not been sufficient to counteract persistent high food prices.<sup>7</sup> A legal basis for food and cash transfers also does not prevent implementation issues such as

## KEY MESSAGES

- Good nutrition is foundational for health, education, and economic prosperity, yet adolescent girls in South Asia continue to face substantial nutrition inequities
- Governments can use legal instruments to ensure adolescent girls' rights to healthy and nutritious food, empower them to make healthy food choices, and dismantle patriarchal barriers to food access
- Strong legal frameworks will require careful design as well as transparency, accountability, and robust monitoring and enforcement
- Conflicts of interest need to be avoided to ensure that the nutrition policy making process prioritises health over corporate profits
- Adolescent girls should be mobilised to drive demand for government laws that address nutrition inequities

leakage, corruption, and inadequate reach, which can undermine their effectiveness.<sup>8</sup> It is therefore critical to incorporate strengthened monitoring, transparency, and accountability mechanisms within legal frameworks to ensure laws remain fit for purpose over time and that all adolescent girls in need to receive the benefits.

Free or subsidised school meals can also be supported through legal frameworks and have an important role in improving adolescent girls' nutrition. School meals programmes provide regular meals to students while they are at school and can be fortified with essential micronutrients and vitamins such as iron, folic acid, vitamin A, and iodine. These school meals are particularly important for adolescent girls from low income families to prevent iron deficiency anaemia and calorie deficiencies, and to create an incentive to keep girls in school.<sup>9</sup> For example, a study in Bangladesh has shown that free school meals can increase school attendance, particularly for adolescent girls,<sup>10</sup> contributing to a higher educational attainment, which is fundamental to nutritional empowerment.

All South Asian countries have a national policy to provide school meals<sup>11</sup> However, these are not implemented universally in Afghanistan, Bangladesh, and Pakistan. Monitoring and enforcement mechanisms of these legal enforcement frameworks remain weak across countries, which affects quality and coverage of these programmes.

India's mid-day meal scheme provides an example of integrating school meals within a legal framework. The scheme was first introduced in 1995, but in 2001 the Supreme Court of India ruled through case law that midday meals were a constitutional obligation, linking it to the right to education. Subsequently, the programme was legally mandated for government and government aided schools under the NFSA, bringing more structure and consistency to its implementation. Similarly, in Nepal, statutory law has been used to mandate the national school meals programme through the Right to Food and Food Sovereignty Act (2018), which enshrines the right to food as a fundamental human right.

Even when school meals programmes are mandated, their design and implementation can be challenged. For example, problems with India's mid-day meal scheme have emerged in some states with delays in meal delivery, low quality food, and unhygienic cooking and service practices.<sup>12</sup> Strengthened legal frameworks can address these challenges by ensuring dedicated funding and resources and by

setting standards for the quality of school meals.

### Laws for overweight and obesity

While the prevalence of overweight and obesity is relatively low for adolescent girls across South Asia, rates are rapidly increasing at 7.65% a year.<sup>13</sup> Legal frameworks to promote healthier food environments are seldom used across South Asia, partly because of the longstanding and necessary focus on undernutrition.<sup>13</sup> Legal measures recommended by Unicef and WHO for the prevention of overweight and obesity include nutrition literacy; restrictions on unhealthy food marketing, particularly in and around schools; taxes on sugary drinks and unhealthy foods; and front-of-pack nutritional food labelling schemes.<sup>13</sup> These measures would benefit adolescents of both sexes, particularly in urban areas, but are especially critical for adolescent girls, who face unique nutritional vulnerabilities and are at risk of being overlooked, as has been the case with undernutrition.<sup>1</sup>

Large food companies are shaping adolescent food preferences and consumption patterns through their aggressive marketing practices. A 2024 survey of more than 26 000 girls and boys aged 13-19 years across eight countries in South Asia region (Nepal, India, Sri Lanka, Bhutan, Maldives, Pakistan, Afghanistan, and Bangladesh) revealed that around half of all respondents reported noticing food brands and logos in their schools, and a similar proportion indicated that these food brands and logos likely influence their food choices.<sup>14</sup> Furthermore, 64% of respondents believed that food brands and logos should not be visible on school premises.<sup>14</sup>

Despite these concerns, only a few South Asian countries have enacted legal measures to restrict unhealthy food marketing.<sup>13</sup> In India, an executive order prohibits the marketing and sale of high fat, salt, and sugar foods in and around schools. However, implementation is weak because of a lack of a clear classification system to define these foods.<sup>15</sup> The executive order could be strengthened by passing a statutory law to establish a legal mandate for implementation, define a standardised food classification system, ensure consistent enforcement, introduce penalties for violations, and enhance overall accountability.

Policy makers in several smaller South Asian countries, such as Bhutan and Maldives, have cited a reliance on imported food products as a key barrier to the development of national laws to restrict

unhealthy food marketing.<sup>13</sup> With most foods and beverage sectors dominated by transnational corporations, these countries have limited national control over on-pack marketing and other food related policies, such as labelling and reformulation.<sup>13</sup> This underscores the need for a regional approach to the development of legal frameworks.

Taxes or import duties on sugary drinks or unhealthy foods are another powerful legal measure that governments can use to tackle the rapidly rising rates of overweight and obesity among adolescents. These measures, often established through statutory law, not only help to reduce the purchase and consumption of unhealthy foods and beverages<sup>16</sup> but also generate revenue that can be reinvested into public health or other nutrition related policies and programmes, specifically for adolescent girls.

Some countries in South Asia have fiscal food policies. For example, in Nepal, the Excise Duty Act of 2022 imposes a tax on specific goods and services, including sugary drinks and snacks high in trans fats.<sup>13</sup> In Bhutan, unhealthy foods and beverages are subject to goods and services tax. However, in both Nepal and Bhutan, these taxes are not aimed at childhood or adolescent overweight or obesity but are integrated as part of a broader tax reforms.<sup>17</sup> This means that the foods and beverages that are subject to the tax do not often align with national dietary guidelines, there is no public communication campaign to educate the public on the health benefits of the tax, and revenue is absorbed within general government revenue rather than being earmarked for public health initiatives.<sup>13</sup>

Sri Lanka is the only country in South Asia that has a specific statutory law that taxes sugary drinks.<sup>13</sup> Implemented in 2017 to demonstrate the commitment of the Sri Lankan government to overweight, obesity, and non-communicable diseases, the tax is applied to the content of sugar within a beverage. However, the tax rate has been reduced over time from 50 cents per gram of sugar in 2017 to 30 cents per gram in 2020, reportedly because of intense industry lobbying.<sup>18</sup> In the Maldives, the government imposes an import tariff on soft drinks through statutory law, yet paradoxically, it is one of the few countries that continues to subsidise sugar.<sup>19</sup>

### Recommendations for strengthening legal measures

To support the use of legal measures to improve adolescent girls' nutrition, the

following recommendations can inform stronger and more decisive legal measures for undernutrition and overweight and obesity. First, governments across South Asia should consider all available legal tools within their context and use the most appropriate ones to design a robust legal framework that prioritises gender equity in adolescent nutrition at every stage of law development. This includes the prioritisation, design, implementation, monitoring, and evaluation of legal measures.

After a law has been implemented, monitoring is particularly important to ensure the law is having its intended effects (and not resulting in unintended consequences) and to understand any barriers to implementation, specifically for adolescent girls. Governments can consider designing legal frameworks that include mandates and resourcing for gender specific monitoring and evaluation so that it is not considered an afterthought. While there are some examples of South Asian countries mandating gender specific monitoring for nutrition programmes, such as Bangladesh's national nutrition services and Afghanistan's women's nutrition programme, systematic monitoring by gender should be expanded to all laws related to nutrition.<sup>20</sup>

It is also important to mobilise adolescent girls to drive demand for legal action on nutrition through actively participating in and leading policy dialogues at all levels of decision making. Governments and organisations can empower adolescent girls, understand their needs to inform the development of legal frameworks, and support their advocacy efforts to build momentum for legal reforms that address nutrition challenges. For example, youth led advocacy campaigns such as Bangladesh's Bhalo Khabo Bhalo Thakbo (Eat Well, Live Well)<sup>21</sup> and India's Let's Fix Our Food consortium show how adolescents, if given a platform to discuss and engage with policy makers, can demand improvements in food environments through legal measures.<sup>22</sup>

The development of legal measures, particularly those addressing overweight and obesity, should be transparent to minimise conflicts of interest. This is particularly important for larger South Asian countries, where the food and beverage industry has shown to be a major barrier to optimal policy design, adoption, and implementation.<sup>13</sup> Conflicts of interest may be less of a problem in small South Asian countries, where large corporations are not yet so deeply entrenched and smaller corporations are insufficiently

organised to engage in activities that oppose legal measures for food and nutrition. Nevertheless, these countries have an opportunity to introduce conflict of interest policies early, to limit future commercial influence on policy development.

If the involvement of the food and beverage industry in policy development is reduced legal frameworks are more likely to support adolescent girls' nutrition across South Asia. The Unicef programme guidance on engaging with the food and beverage industry may be useful for governments and civil society organisations.<sup>23</sup> Lessons may also be drawn from countries such as Canada, where the government has introduced an openness and transparency policy that requires all communications related to the development of their food marketing law to be published on the government's public webpage.<sup>24</sup>

The development and strengthening of legal frameworks will be critical to advance adolescent girls' nutrition and reduce nutritional health inequities across South Asia. Governments should use all legal options to put the health and wellbeing of adolescent girls before the profits of the food industry.

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