

Shri S. S. Yadav, IAS
Secretary-cum-Commissioner
Department of Food and Civil Supplies
Government of NCT of Delhi

February 16, 2015

Dear Shri Yadav,

Subject- Violation of orders of the Supreme Court by the Department of Food & Civil Supplies by mandatorily requiring copy of Aadhaar card for people applying for entitlements under the Targeted Public Distribution System (TPDS) of the National Food Security Act (NFSA)

We are extremely concerned to note that the "Guidelines for identification of eligible households to receive food grains at subsidized prices under 'National Food Security Ordinance 2013'" and the application form issued by the department for applying for National Food Security Card (ration card), make it mandatory for applicants to provide copies of their Aadhaar card or UID number. This requirement is in violation of the directions of the Supreme Court, which on the 24th of March 2014, in Crl No(s).2524/2014 held that:

"More so, no person shall be deprived of any service for want of Aadhaar number in case he/she is otherwise eligible/entitled. All the authorities are directed to modify their forms/circulars/likes so as to not compulsorily require the Aadhaar number in order to meet the requirement of the interim order passed by this Court forthwith."

The following provisions in the guidelines are in violation of the order of the Supreme Court-

1. Point 1(xi) states-

*"Photograph of Head of Household will be taken or will be imported from UID data base. **Copies of Aadhar card of all the family members will also be obtained and fed into the database.** An undertaking will also be taken from the head of the household at the time of issue of new ration card that the household doesn't fall in any of the exclusion category enumerated in Para-8."*

2. Point 1(xii) states-

*"The new ration card will contain Aadhar number of all the family members and this will be used as a tool to avoid duplication. **Non submission of copy of Aadhar Card** and undertaking or failure to appear in the FSO office for photograph or submission of wrong information in undertaking **may lead to removal of the family from the list of AAY/Priority Category.**"*

3. Point 9 (i) requires "**Copy of Aadhar Card of all the family members**" to be enclosed along with the application

4. Further, serial number 10 of the application form issued by the department requires the Aadhaar card number or UID number for each member of the household whose name is to be included in the food security card.

Each of these provisions violates the directions of the Supreme Court and is, in fact, grounds for contempt of court as the department should have modified the guidelines in compliance with the directions of the Supreme Court. Further, due to this requirement young children are being left outside the purview of the NFSA as biometrics required for Aadhaar can only be captured for children above 5 years of age.

We request you to kindly immediately modify the guidelines to bring them in consonance with the Supreme Court order by removing the provisions which make it mandatory for applicants to provide copy of Aadhaar cards or UID numbers.

We also request a meeting with you to discuss this issue and other issues related to implementation of the National Food Security Act, 2013 in Delhi.

Thank you,

Best wishes and regards,

Anjali Bhardwaj, Dipa Sinha, Annie Raja, Biraj Patnaik, Ajay Kumar Chawariya, Amrita Johri
Ankita Aggarwal, Anup Kumar Srivastava, Krishna Bansal, Madhu Bala, Dr. Mira Shiva, Dunu Roy,
Mohan Rao, Radha Holla, Satya Sivaraman, Sarita Baloni, Suman Sahai, Swati Narayan, Willy

On behalf of *Delhi Rozi Roti Adhikar Abhiyan* (Delhi Right to Food Campaign)

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Also, endorsed by the members of the Steering Group, Right to Food Campaign:

Kavita Srivastava and Dipa Sinha, Convenors, Steering Committee of Right to Food Campaign

National Networks:

Jean Dreze, VB Rawat (Former Support Group), Annie Raja, (National Federation for Indian Women), Colin Gonsalves, (Human Right Law Network), Aruna Roy, Nikhil Dey and Anjali Bhardwaj, (National Campaign for People's Right to Information), Madhuresh, Arundhati Dhuru and Ulka Mahajan (National Alliance of People's Movements), Asha Mishra and Kashinath Chatterjee (Bharat Gyan Vigyan Samiti), Ashok Bharti (National Conference of Dalit Organizations), Anuradha Talwar, Gautam Modi and Madhuri Krishnaswamy (New Trade Union Initiative), Binayak Sen (People's Union for Civil Liberties), Subhash Bhatnagar (National Campaign Committee for Unorganized Sector workers), Paul Divakar and Asha Kowtal (National Campaign for Dalit Human Rights), Mira Shiva, Radha Holla and Vandana Prasad (Jan Swasthya Abhiyan), Ranjeet Kumar Verma, Prahlad Ray, Praveen Kumar, Anand Malakar (Rashtriya Viklang Manch), Lali Dhakar, Sarawasti Singh, Shilpa Dey and Radha Raghwal (National Forum for Single Women's Rights), G V Ramanjaneyulu, Kavita Kuruganthi (Alliance for Sustainable and Holistic Agriculture), Jashodhara (National Alliance for Maternal Health and Human Rights), Ilango (National Fishworkers Federation), Zasia, Sonam, and Noor Jehan (Bhartiya Muslim Mahila Andolan), Mayank Sinha, National Network on Nomadic and Denotified Nomadic Tribes,

State Representatives:

M Kodandram, Rama Melkape, Veena Shatrughana (Andhra Pradesh), Gangabhai and Samir Garg (Chhattisgarh), Abhay Kumar (Karnataka), Suresh Sawant, Mukta Srivastava (Maharashtra), Balram and James Herenj, Gurjeet Singh, Dheeraj (Jharkhand), Ashok Khandelwal, Shyam and Vijay Lakshmi

(Rajasthan), Sachin Jain (Madhya Pradesh), Sejal Dand, Neeta Hardikar and (Gujarat), Saito Basumaatary, Raju Narzari, Bondita Acharya and Sunil Kaul (Assam), Rupesh, (Bihar), V Suresh (Tamil Nadu), Bidyut Mohanty Raj Kishore Mishra, (Orissa), Bindu Singh, Sabina and Richa (Uttar Pradesh), Pushpa, Dharmendra, Ramendra, Yogesh, Vimla and Sarita (Delhi), Fr Jothi SJ and Mr. Saradindu (West Bengal)

Biraj Patnaik, Harsh Mander, Reetika Khera, Manas Ranjan, Vidya Bhushan Rawat, Jean Dreze, Ankita Aggarwal, Swati Narayan and Ritu Priya