

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRA ORDINARY CIVIL WRIT JURISDICTION)
WRIT PETITION (CIVIL) NO. _____ OF 2017**

IN THE MATTER OF:

Delhi Rozi-Roti Adhikar Abhiyan

(Through one of its members)

...Petitioner

Versus

Union of India & Ors.

...Respondents

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Prasanna S. Apar Gupta

Prasanna S. Apar Gupta
Advocates for the Petitioner
B-22 (Basement), Defence Colony,

Place: New Delhi

COURT. FEE

1

2

**IN THE HIGH COURT OF DELHI AT NEW DELHI
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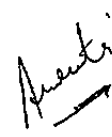
URGENT APPLICATION

To

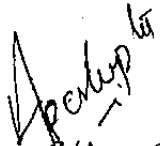
The Registrar
High Court of Delhi
New Delhi

Sir,

Kindly treat this accompanying Writ Petition on urgent basis as per the High Court Rules. The ground of urgency is that the petition is a public interest litigation to enforce fundamental rights which are being impaired by the actions of the Respondents and the same requires immediate indulgence of this Hon'ble Court.


Petitioner/Applicant

Through


Prasanna S/Apar Gupta
Advocates for the Petitioner
B-22 (Basement), Defence Colony,
New Delhi - 110024

Place: New Delhi

Date: 28/2/2017

IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRA ORDINARY CIVIL WRIT JURISDICTION)
WRIT PETITION (CIVIL) NO. _____ OF 2017

IN THE MATTER OF:

Delhi Rozi-Roti Adhikar Abhiyan
(Through one of its members)

...Petitioner

Versus

Union of India & Ors.

...Respondents

NOTICE OF MOTION

Sir,

Kindly take notice that the accompanying Writ Petition in the
aforesaid matter is being filed on behalf of the Petitioner before Delhi
High Court and the same is likely to be listed on 8/3/2017 or any
date thereafter. A copy of the Writ Petition with all the Annexures is
being supplied alongwith this letter.

Service Accepted for U.O.I.
Registration No. 11045
On 28/2/2017
at Union of India
449, Litigation (HC) Section

Apur

Petitioner/Applicant

Apur Gupta

Through

Prasanna S/Apar Gupta

Advocates for the Petitioner

B-22 (Basement), Defence Colony,

New Delhi - 110024

Place: New Delhi

Date: 28/2/2017

Received on *28/2/17*
Sl. No. *11045*
Office of the Standing Counsel
Govt. of NCT of Delhi

REMOTE LETTER
SP DELHI HIGH COURT <110003>
ED252335243 IN
Counter No:2,JP-Code:PA1
To:UNIQUE IDENTIFICATION, CONNIRCUS India P
NEW DELHI, PIN:110001
From:APAR GUPTA, ND
Wt:936grams,
Amt:46.00, 28/02/2017, 12:54
Taxes:Rs.6.00<<Track on www.indiapost.gov



So far as R3 is concerned
Union of India. Refund to take further
R3 serve through speed post Recdnt enclosure

4

IN THE HIGH COURT OF DELHI AT NEW DELHI
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WRIT PETITION (CIVIL) NO. _____ OF 2017

IN THE MATTER OF:

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(Through one of its members)

...Petitioner

Versus

Union of India & Ors.

...Respondents

MEMO OF PARTIES

1. Delhi Rozi-Roti Adhikar Abhiyan

Through one of its Members

Ms. Amrita Johri,

Having office at

B-76, Garage, SFS Flats,

Sheikh Sarai Phase-1,

New Delhi- 110017

...Petitioner

Versus

1. Union of India

Through the Secretary,

Department of Food & Public Distribution

Ministry of Consumer Affairs, Food & Public Distribution

Krishi Bhawan, New Delhi - 110001.

...Respondent No. 1

5

2. The Government of National Capital Territory, Delhi

Through Secretary-cum-Commissioner

Department of Food and Civil Supplies

K-Block, Vikas Bhavan, I.P. Estate,

New Delhi-110002

...Respondent No. 2

3. Unique Identification Authority of India,

Government of India

Through its Chief Executive Officer

3rd Floor, Tower II, Jeevan Bharati Building,

Connaught Circus,

New Delhi - 110001

...Respondent No. 3

Ashish

Petitioner

Through

Apar Gupta

Prasanna S/Apar Gupta

Advocates for the Petitioner

B-22 (Basement), Defence Colony,

New Delhi - 110024

Place: New Delhi

Date: 28/2/2017

SYNOPSIS

That the instant Petition is being filed by the Petitioner organization, which is an unregistered voluntary association of individuals engaged in a campaign advocating the universal right to food and also in social work relating to the implementation of the National Food Security Act in Delhi. The instant petition is being filed through one of the members of the Petitioner organization and its other volunteer members namely Anjali Bhardwaj, Deepa Sinha and Koninika Ray have been involved with the work done in regards to this petition.

The instant petition seeks to enforce the fundamental right to food of the residents of Delhi, particularly the poor and vulnerable groups that are dependent on the services and subsidised food grain distributed by the Respondent No. 2 via the Public Distribution System for their food security, which is being severely impaired by the notification (hereinafter referred to as "impugned notification") issued by the Respondent No. 1 on 08.02.2017. The said notification directs the adoption of mandatory Aadhaar-based authentication, for the purposes of food-grain distribution by all States including the Respondent No. 2, in violation of multiple orders of the Hon'ble Supreme Court including a batch of writ petitions led by W.P. (Civil) No. 494 of 2012 challenging the constitutional vires of the Aadhaar/UID project.

The instant Petition seeks to quash the impugned notification dated 08.02.2017 as being unconstitutional and seeks further direction from this Hon'ble Court that no person shall be denied benefits that are otherwise entitled to him or her under law such as subsidised food grain on the ground that he or she is not enrolled for Aadhaar or that he or she has not successfully undergone Aadhaar-based authentication.

LIST OF DATES

September 23, 2013 In W.P. (Civil) No. 494/2012 and clubbed matters, where the validity of the Unique ID (UID) scheme called "Aadhaar" Scheme has been challenged in numerous petitions, the Hon'ble Supreme Court directed as follows:

"In the meanwhile, no person should suffer for not getting Aadhaar Card in spite of the fact that some authority had issued a circular making it mandatory and when any person applies voluntarily, it may be checked whether that person is entitled for it under law and it should not be given any illegal immigrant"

March 24, 2014 The Hon'ble Supreme Court passed an order in SLP (Crl) No. 2524 of 2014, wherein it was

directed as follows:

"In the meanwhile, the present petition is restrained from transferring any biometric information of any person who has been allotted the Aadhaar Number to any other agency without his consent in writing. 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 to as to not compulsorily require the Aadhaar Number in order to meet the requirement of the interim order passed by this Court forthwith".

March 16, 2015

In W.P. (Civil) No. 494/2012 and clubbed matters, the Hon'ble Supreme Court in its order directed as follows:

"In the meanwhile, it is brought to our notice that in certain quarters, Aadhar identification is being insisted upon by the various authorities, we do not propose to go into the specific instances.

Since Union of India is represented by learend

Solicitor General and all the States are represented through their respective counsel, we expect that both the Union of India and States and all their functionaries should adhere to the Order passed by this Court on 23rd September, 2013."

August 11, 2015

The Hon'ble Supreme Court passed the following Interim Order in W.P. (Civil) No. 494/2012 and clubbed matters:

"Having considered the matter, we are of the view that the balance of interest would be best served, till the matter is finally decided by a larger Bench if the Union of India or the UIDA proceed in the following manner:-

The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;

The production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen;

The Unique Identification Number or

the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of foodgrains, etc. and cooking fuel, such as kerosene. The Aadhaar card may also be used for the purpose of the LPG Distribution Scheme;

The information about an individual obtained by the Unique Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation."

October 15, 2015

The Order dated 11.08.2015 of the Hon'ble Supreme Court in W.P. (Civil) No. 494/2012 and clubbed matters was partially modified by the Constitution Bench wherein it was directed as follows:

"3. After hearing the learned Attorney General for India and other learned senior counsels, we are of the view that in paragraph 3 of the Order dated 11.08.2015, if we add, apart from

the other two Schemes, namely, P.D.S. Scheme and the L.P.G. Distribution Scheme, the Schemes like The Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), National Social Assistance Programme (Old Age Pensions, Widow Pensions, Disability Pensions) Prime Minister's Jan Dhan Yojana (PMJDY) and Employees' Provident Fund Organisation (EPFO) for the present, it would not dilute earlier order passed by this Court. Therefore, we now include the aforesaid Schemes apart from the other two Schemes that this Court has permitted in its earlier order dated 11.08.2015.

We impress upon the Union of India that it shall strictly follow all the earlier orders passed by this Court commencing from 23.09.2013.

We will also make it clear that the Aadhaar card Scheme is purely voluntary and it cannot be made mandatory till the matter is finally decided by this Court one way or the other."

September 14, 2016 In W.P. (Civil) No. 686/2016 before the Hon'ble Supreme Court certain letters dated 14.07.2016 which made Aadhaar mandatory for various education schemes was challenged, wherein it was directed as follows:

"Having regard to the facts and circumstances of the case, the material evidence available on record and the submissions made by learned senior counsel we stay the operation and implementation of letters dated 14.07.2006 (i.e. Annexure P-5, P-6 and P-7) for Pre-Matric Scholarship Scheme, Post-Matric Scholarship Scheme and Merit-cum-Means Scholarship Scheme to the extent they have made submission of Aadhaar mandatory and direct the Ministry of Electronics and Information Technology, Government of India i.e. Respondent No. 2 to remove Aadhaar number as a mandatory condition for student Registration form at the National Scholarship Portal of Ministry of Electronics and Information Technology, Government of India at the website <http://scholarships.gov.in/newStudentRegFr>

m and stay the implementation of clause (c) of the 'Important Instructions' of the advertisement dated 20.08.2016 for the Pre-Matric Scholarship Scheme, Post-Matric Scholarship Scheme and Merit-cum-Means Scholarship Scheme, during the pendency of this writ petition."

- September 15, 2016 The Aadhaar (Targeted Delivery of Subsidies, Benefits and Services) Act, 2016 which was passed as a money bill and received President's assent in March 2016, was brought into force.
- October 28, 2016 A W.P. (Civil) No. 797/2016 challenging the constitutional vires of the Aadhaar Act was admitted by the Hon'ble Supreme Court and *Rule Nisi* was issued.
- February 08, 2017 A notification was issued and published in the official gazette by the Respondent No. 1 which mandates the production of Aadhaar card and authentication through the Aadhaar system for beneficiaries under the National Food Security Act as a precondition to receive subsidised

foodgrain.

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February 10, 2017

The Hon'ble High Court of Karnataka stayed a Karnataka Govt. circular mandating the production of Aadhaar card for receiving entitlements under the PDS scheme.

Hence, the present petition.

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IN THE MATTER OF:

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(Through one of its members)

...Petitioner

Versus

Union of India & Ors.

...Respondents

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF
INDIA INTER ALIA PRAYING FOR AN APPROPRIATE WRIT, ORDER
OR DIRECTION AGAINST THE RESPONDENTS FOR QUASHING THE
NOTIFICATION DATED 08.02.2017 ISSUED BY RESPONDENT NO. 1

To,

The Hon'ble Chief Justice of the High Court of Delhi and

Her other Companion Justices of the Hon'ble High Court of Delhi

The Humble Petition of the Petitioner above-named:

MOST RESPECTFULLY SHOWETH:

1. That the instant petition is being filed by the Petitioner under Article 226 of the Constitution of India seeking an appropriate writ to quash the notification (hereinafter referred to as "impugned notification") issued by the Respondent No. 1 on 08.02.2017 in accordance with Section 7 of the Aadhaar Act, 2016.

2. That the impugned notification mandates the production of Aadhaar card and authentication through the Aadhaar system for beneficiaries under the National Food Security Act 2013 (hereinafter referred to as "NFSA") as a precondition to receive subsidised foodgrain. And it also directs the adoption of mandatory Aadhaar-based authentication, for the purposes of food-grain distribution, by all States including Respondent No. 2. A copy of the notification dated 08.02.2017 issued by Respondent No. 1 has been annexed herewith and marked as **ANNEXURE P1**.

Description of Parties

3. That the Petitioner organization is an unregistered voluntary association of individuals. The abhiyaan organizes campaigns, workshops, audits, public meetings and hearings to create awareness about the rights and entitlements of people under the NFSA and to highlight the problems faced by people in accessing their right to food. The campaign monitors the implementation of the NFSA and engages with the Delhi Government to address the gaps in implementation of the NFSA.
4. That Respondent No. 1 is the Department of Food and Public Distribution, Ministry of Consumer Affairs, Food and Public Distribution of the Union Government. Respondent No. 1 issued a

notification on 08.02.2017 (hereinafter referred to as "impugned notification") mandating the adoption of Aadhaar-based authentication, for the purposes of food-grain distribution by all States including Respondent No. 2.

5. That Respondent No. 2 is the Department of Food and Civil Supplies, Government of NCT of Delhi, tasked with the implementation of the NFSA in Delhi and thereby also tasked with the implementation of the impugned notification.

6. That Respondent No. 3 is a statutory authority established under the provisions of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (hereinafter referred to as "Aadhaar Act") on 12.07.2016 by the Government of India, under the Ministry of Electronics and Information Technology.

Brief Facts

7. That the NFSA was passed in 2013 after a long struggle by the people and a perseverant campaign by associations and organizations such as the petitioner for enacting and enforcing the food entitlement as a statutory right, although the Supreme Court had held that the right to food is part of the larger right to life under Article 21.

8. That prior to the coming into force of the said Act, the food security of the people of the country and of Delhi was dependent on being able to buy subsidised food grain at the fair-price shops operating under the public distribution system scheme (hereinafter referred to as "PDS Scheme") by the Government of Delhi. However, after the coming into force of the said Act, and after Respondent No. 2 decided to implement the said Act in Delhi in its entirety, the implementation of the public distribution scheme has been subject to the orders, rules, and notifications issued by Respondent No. 1.

9. That the Aadhaar/UID project (hereinafter referred to as "Project") has been carried about by Respondent No. 3 which started out as an executive body constituted by Union Government *vide* gazette notification dated 23.01.2009, tasked, *inter alia*, with uniquely identifying every resident in the country. This project has been given a statutory status after the passing and coming into force of the Aadhaar Act.

10. It is pertinent to note that the constitutional vires of the project has been challenged by a batch of Writ Petitions led by W.P. (Civil) No. 494 of 2012 before the Hon'ble Supreme Court and the Hon'ble Court has issued a number of interim orders

directing the possession of or production of Aadhaar number, or any other usage of Aadhaar shall not be made mandatory until the final determination on the constitutional vires of the project has been arrived at by the Hon'ble Supreme Court and that till such time, Aadhaar enrolment shall be purely voluntary. Further, the said orders even limited the voluntary usage of Aadhaar to only six schemes with, admittedly, PDS Scheme being one. The relevant orders are extracted below.

- i) In W.P. (Civil) No. 494 of 2012 and clubbed matters, the Hon'ble Supreme Court in its order dated 23.09.2013, directed as follows:

"In the meanwhile, no person should suffer for not getting Aadhaar Card in spite of the fact that some authority had issued a circular making it mandatory and when any person applies voluntarily, it may be checked whether that person is entitled for it under law and it should not be given any illegal immigrant."

A copy of the order dated 23.09.2013 passed in W.P. (Civil) No. 494 of 2012 has been annexed herewith and marked as **ANNEXURE P2.**

- ii) Further, the Hon'ble Supreme Court passed an order dated 24.03.2014 in SLP (CrI) No. 2524 of 2014, wherein it was directed as follows:

"In the meanwhile, the present petition is restrained from transferring any biometric information of any person who has been allotted the Aadhaar Number to any other agency without his consent in writing. 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 to as to not compulsorily require the Aadhaar Number in order to meet the requirement of the interim order passed by this Court forthwith".

The SLP (CrI) No. 2524 of 2014 then came to be clubbed with W.P. (Civil) No. 494 of 2012.

A copy of the order dated 24.03.2014 passed in SLP (CrI) No. 2524 of 2014 has been annexed herewith and marked as **ANNEXURE P3**.

iii) In W.P. (Civil) No. 494 of 2012 and clubbed matters, the Hon'ble Supreme Court in its order dated 16.03.2015 directed as follows:

"In the meanwhile, it is brought to our notice that in certain quarters, Aadhar identification is being insisted upon by the various authorities, we do not propose to go into the specific instances.

Since Union of India is represented by learned Solicitor General and all the States are represented through their respective counsel, we expect that both the Union of India and States and all their functionaries should adhere to the Order passed by this Court on 23rd September, 2013."

A copy of the order dated 16.03.2015 passed in W.P. (Civil) No. 494 of 2012 has been annexed herewith and marked as **ANNEXURE P4.**

iv) In W.P. (Civil) No. 494 of 2012 and clubbed matters, the Hon'ble Supreme Court in its order dated 11.08.2015, while referring the matter to a Constitution Bench, directed as follows:

"Having considered the matter, we are of the view that the balance of interest would be best served, till the matter is finally decided by a larger Bench if the Union of India or the UIDA proceed in the following manner:-

- 1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;*
- 2. The production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen;*

3. *The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of foodgrains, etc. and cooking fuel, such as kerosene. The Aadhaar card may also be used for the purpose of the LPG Distribution Scheme;*

4. *The information about an individual obtained by the Unique Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation."*

A copy of the order dated 11.08.2015 passed in W.P. (Civil) No. 494 of 2012 has been annexed herewith and marked as **ANNEXURE P5.**

v) The order dated 11.08.2015 passed in W.P. (Civil) No. 494 of 2012 was partially modified by the Constitution Bench *vide* order dated 15.10.2015, wherein it was directed as follows:

"3. After hearing the learned Attorney General for India and other learned senior counsels, we are of the view that in paragraph 3 of the Order dated 11.08.2015, if we add, apart from the other two Schemes, namely,

P.D.S. Scheme and the L.P.G. Distribution Scheme, the Schemes like The Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), National Social Assistance Programme (Old Age Pensions, Widow Pensions, Disability Pensions) Prime Minister's Jan Dhan Yojana (PMJDY) and Employees' Provident Fund Organisation (EPFO) for the present, it would not dilute earlier order passed by this Court. Therefore, we now include the aforesaid Schemes apart from the other two Schemes that this Court has permitted in its earlier order dated 11.08.2015.

4. We impress upon the Union of India that it shall strictly follow all the earlier orders passed by this Court commencing from 23.09.2013.

5. We will also make it clear that the Aadhaar card Scheme is purely voluntary and it cannot be made mandatory till the matter is finally decided by this Court one way or the other."

A copy of the order dated 15.10.2015 passed in W.P. (Civil) No. 494 of 2012 has been annexed herewith and marked as **ANNEXURE P6.**

11. It is submitted that the batch of Writ Petitions led by W.P. (Civil) No. 494 of 2012 are still pending before the Hon'ble

Supreme Court and the question of final determination on the constitutionality of the project has been referred to a Constitution Bench.

12. Further, it is abundantly clear that the use of Aadhaar has been permitted in PDS Scheme subject to the condition that it would remain voluntary and that no person shall be denied their entitlements for the sole reason of not possessing or obtaining an Aadhaar card.
13. It is submitted that even after the clear directions of the Hon'ble Supreme Court that possession of an Aadhaar card is voluntary and cannot be the basis for denial of entitlements, various Governments, departments, agencies, etc. are flouting the same.
14. That one such instance, where Aadhaar was made mandatory for various education schemes, is challenged in W.P. (Civil) No. 686 of 2016 wherein the Hon'ble Supreme Court granted an ex-parte stay was *vide* order dated 14.09.2016 and directed as follows:

"Having regard to the facts and circumstances of the case, the material evidence available on record and the submissions made by learned senior counsel we stay the operation and

implementation of letters dated 14.07.2016 (i.e. Annexure P-5, P-6 and P-7) for Pre-Matric Scholarship Scheme, Post-Matric Scholarship Scheme and Merit-cum-Means Scholarship Scheme to the extent they have made submission of Aadhaar mandatory and direct the Ministry of Electronics and Information Technology, Government of India i.e. Respondent No. 2 to remove Aadhaar number as a mandatory condition for student Registration form at the National Scholarship Portal of Ministry of Electronics and Information Technology, Government of India at the website <http://scholarships.gov.in/newStudentRegFrm> and stay the implementation of clause (c) of the 'Important Instructions' of the advertisement dated 20.08.2016 for the Pre-Matric Scholarship Scheme, Post-Matric Scholarship Scheme and Merit-cum-Means Scholarship Scheme, during the pendency of this writ petition."

A copy of the order dated 14.09.2016 passed in W.P. (Civil) No. 686 of 2016 has been annexed herewith and marked as ANNEXURE P7.

15. It is submitted that after the coming into force of the Aadhaar Act, to the best knowledge of the petitioner, there has been a fresh Writ Petition led by W.P. (Civil) No. 797 of 2016 which has challenged the constitutional vires of the Act under grounds similar to those that were invoked in the batch of Writ

Petitions led by W.P. (Civil) No. 494 of 2012 to challenge the project and in addition on the ground that the Act was incorrectly certified as a money bill and that the entirety of the Act is therefore void *ab initio*.

16. It is submitted that the Hon'ble Supreme Court has admitted, issued *Rule Nisi* and tagged the Writ Petition led by W.P. (Civil) No. 797 of 2016 along with the earlier batch of Writ Petitions led by W.P. (Civil) No. 494 of 2012 currently referred to a Constitution Bench. A copy of the order passed in W.P. (Civil) No. 797 of 2016 issuing *rule nisi* has been annexed herewith and marked as **ANNEXURE P8**.

17. Further, the Hon'ble High Court of Karnataka on 10.02.2017, while granting *ex-parte ad interim* relief to the petitioner Ms. Sukanya G.S. in W.P. No. 61098 of 2016, ordered that the petitioner be disbursed ration to which she is entitled without requiring the production of Aadhaar card in addition to staying the operation of a Karnataka Govt. circular that mandated the production of Aadhaar card as a precondition to avail foodgrain under PDS Scheme. A copy of the order dated 10.02.2017 passed in W.P. No. 61098 of 2016 has been annexed herewith and marked as **ANNEXURE P9 (Colly)**.

18. That the Petitioner, during its work over the last few years, even as Aadhaar authentication has been piloted in several fair price shops across Delhi, has noted several instances of the Aadhaar authentication system failing the poor and the widespread exclusion that has resulted from what has been a coercive adoption of Aadhaar authentication.
19. That the Petitioner has communicated with Respondent No. 2 highlighting the various problems faced by people in relation to Aadhaar card production and Aadhaar authentication. A copy of the correspondence between the Petitioner and Respondent No. 2 has been attached herewith and marked as **ANNEXURE P10 (Colly)**.
20. That the members working with the Petitioner organization have shot certain videos that showcase the problems faced at the ground level in order to adopt the Aadhaar-based authentication in the PDS Scheme in various areas of Delhi. A Pendrive containing videos shot in Delhi's fair price shops has been attached herewith and marked as **ANNEXURE P11**.
21. A brief summary of the content borne in the videos are as follows:

- i. The videos in the files named 1.mp4 and 2.mp4, pertain to ration shop M/S OM PRAKASH No. 3429 located in circle DELHI CANTT (38). At this ration shop in East Mehram Nagar, there is no network coverage. The department officials insisted that the shopkeeper finds a way to make the machine work. Therefore, the machine was initially hung on top of a tree and now the machine works at a spot more than 200 meters from the shop. Therefore, the POS authentication transactions happen there and then the following day, the rations are distributed.
- ii. The video named 3.mp4 shows that a 75 year old widow, Hamida Khatoon of Chandni Chowk has been unable to get her monthly rations since her fingerprints are not recognized by the biometric machine. This is a common problem faced by old people and daily labourers. This is from circle CHANDNI CHOWK (20), Shop No. 8535 M/S MUSHARAT JAHAN.
- iii. The video named 4.mp4 shows a ration shop in DELHI CANTT which has no network coverage. Further, there are daily power cuts of upto 6 hours. This leads to people not being able to get their rations.
- iv. The videos named 5.mp4 and 6.mp4 show people talking about various problems with Aadhaar POS authentication including electricity supply problems; network coverage

problems; authentication failures such as incorrect mismatches of fingerprints and very high turn-around-time of authentication transactions leading to long queues.

GROUNDS

- A. Because the impugned notification is violative of Article 21 of the Constitution inasmuch as it impinges on the Right to Food of the rightful beneficiaries of the PDS Scheme which has been held to be part of the Right to Life under Article 21 of the Constitution.
- B. Because the impugned notification is wholly unconstitutional and illegal inasmuch as it is inconsistent with the directions of the Hon'ble Supreme Court in a batch of petitions led by W.P. (Civil) No. 494 of 2012, and particularly the order dated 15.10.2015.
- C. Because the enforcement of the impugned notification and depriving people of their rightful entitlement under the National Food Security Act is not only an unlawful denial of statutory rights but also a violation of the basic principle of rule of law enshrined in Article 14 and 21.
- D. Because the impugned notification is in violation of Article 14 as it is arbitrary and wholly irrational inasmuch as it has been issued without taking note of the ground-level working of the project and its

near fatal impact on the fundamental right to food and the statutory rights under the National Food Security Act of the beneficiaries, who are for the most part poor and vulnerable and often dependent on the smooth working of the PDS Scheme for their food security, for it does not take into consideration relevant factors that ought to have been taken into consideration.

- E. Because the impugned notification violates the order of the Hon'ble Supreme Court dated 23.09.2013 passed in W.P. (Civil) No. 494 of 2012 and clubbed matters, wherein it was held that no person should suffer for not getting Aadhaar Card in spite of the fact that some authority had issued a circular making it mandatory.
- F. Because the impugned notification violates the order of the Hon'ble Supreme Court dated 24.03.2014 passed in SLP (Crl) No. 2524 of 2014, wherein it was held that no person shall be deprived of any service for want of Aadhaar Number in case he/she is otherwise eligible/entitled and all the authorities were directed to modify their forms/ circulars/ likes to as to not compulsorily require the Aadhaar Number in order to meet the requirement of the interim order passed by this Court forthwith.
- G. Because the impugned notification violates the order of the Hon'ble Supreme Court dated 16.03.2015 passed in W.P. (Civil) No. 494 of

2012 and clubbed matters, wherein the Union of India and States and all their functionaries were directed to adhere to the order passed by the Hon'ble Court on 23.09.2013.

- H. Because the impugned notification violates the order of the Hon'ble Supreme Court dated 11.08.2015 passed in W.P. (Civil) No. 494 of 2012 and clubbed matters, wherein the matter was referred to a Constitution Bench and it was held that the production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen and the UID No./Aadhaar card will not be used by the Respondents for any purpose other than LPG Distribution Scheme and the PDS Scheme and in particular for the purpose of distribution of foodgrains etc.
- I. Because the impugned notification violates the order of the Constitutional Bench of the Hon'ble Supreme Court dated 15.10.2015 which partially modified the order dated 11.08.2015 passed in W.P. (Civil) No. 494 of 2012 by adding four (4) schemes apart from the two (2) schemes that the Hon'ble Court had permitted in its earlier order dated 11.08.2015 and reiterated that the Aadhaar card Scheme is purely voluntary and it cannot be made mandatory till the matter is finally decided by the Hon'ble Court one way or the other.

- J. Because the impugned notification violates the order of the Hon'ble High Court of Karnataka dated 10.02.2017 passed in W.P. No. 61098 of 2016, wherein while granting ex-parte ad interim relief to the petitioner Ms. Sukanya G.S., the Hon'ble Court held that the petitioner be disbursed ration to which she is entitled without requiring the production of Aadhaar card and ordered a stay on the the operation of a Karnataka Govt. circular which mandated the production of Aadhaar card as a precondition to avail foodgrain under PDS Scheme.
- K. Because there have been various problems faced by people in relation to Aadhaar card production and Aadhaar authentication. There have been several instances of the Aadhaar authentication system failing the poor and the widespread exclusion that has resulted from what has been a coercive adoption of Aadhaar authentication.
- L. Because problems have been faced at the ground level in order to adopt the Aadhaar-based authentication in the PDS Scheme fair price shops in various areas of Delhi.
22. That the Petitioner has not filed any other Petition/Petitions with similar or same reliefs before any Court, including this Hon'ble Court or any other Court.

23. The Respondents of the present petition are amenable to the jurisdiction of this Hon'ble Court as they fall within the definition of "Government" under Article 226 and constitute state under Article 12.
24. That this Hon'ble Court has adequate territorial jurisdiction to issue directions, orders and writs given the cause of action in whole and in part arises within the territories in which it exercises jurisdiction.
25. That the Petitioner has no other equally efficacious alternative remedy and therefore, the Petitioner is approaching this Hon'ble Court by filing the present petition. The facts warrant interference of this Hon'ble Court under Article 226 and 227 of the Constitution of India.

PRAYER:

In view of the above facts and in the circumstances, this Hon'ble court may be pleased to issue:

- i. Any writ, order or direction in the nature of certiorari and/or any other writ, order or direction quashing the notification issued by Respondent No. 1 dated 08.02.2017.

- ii. Any writ, order or direction in the nature of mandamus and/or any other writ, order or direction directing the Respondents to adhere to the orders dated 23.09.2013; 11.08.2015; 15.10.2015 passed by the Hon'ble Supreme Court in batch of writ petitions led by W.P. (Civil) No. 494 of 2012, order dated 24.03.2014 passed by the Hon'ble Supreme Court in SLP (CrI) No. 2524 of 2014 and order dated 28.10.2016 passed by the Hon'ble Supreme Court in batch of writ petitions led by W.P. (Civil) No. 797 of 2016.
- iii. Any writ, order or direction in the nature of mandamus and/or any other writ, order or direction directing the Respondent No. 2 to disburse subsidised food grains to beneficiaries under the National Food Security Act, 2013 without requiring the production of Aadhaar card or undergoing the Aadhaar authentication as a precondition to avail food grain under Public Distribution System Scheme.
- iv. Pass such order(s) as the Court may deem fit in the interest of justice, equity and good conscience.



Petitioner

Through



Prasanna S/Apar Gupta

Advocates for the Petitioner

B-22 (Basement), Defence Colony,

New Delhi - 110024

Place: New Delhi

Date: 28/2/2017

IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRA ORDINARY CIVIL WRIT JURISDICTION)
WRIT PETITION (CIVIL) NO. _____ OF 2017

IN THE MATTER OF:

Delhi Rozi-Roti Adhikar Abhiyan
(Through one of its members)

...Petitioner

Versus

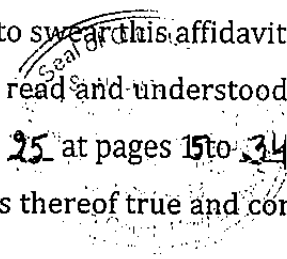
Union of India & Ors.

...Respondents

AFFIDAVIT

I, Amrita Johri, aged about 31 years, having office at B-76, Garage, SFS Flats, Sheikh Sarai Phase-1, New Delhi - 110017 do hereby solemnly affirm and state as under:

1. That I am the Petitioner in the above matter and am conversant with the facts and circumstances of the case. As such I am competent to swear this affidavit.
2. That I have read and understood the contents of the Writ Petition in para 1 to 25 at pages 15 to 34 now shown to me and I say that the contents thereof true and correct to the best of my knowledge and belief.
3. That the annexures filed with the Writ Petition are true copies of their respective originals and formed part of the record of the courts below.



Amrita Johri

DEPONENT

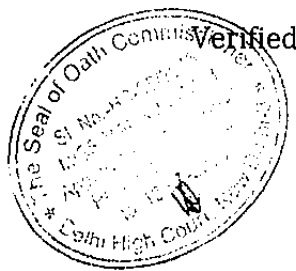
28 FEB 2017

VERIFICATION:

I, the deponent do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge. It conceals nothing and no part thereof is false.

12/500/2007
Amrita Johri
I Identify the Deponent who has Signed in my Presence

Verified at New Delhi on this the _____ day of February, 2017.



CERTIFIED THAT THE DEPONENT
 Sh./Smt./Km. Amrita Johri
 S/o W/o _____
 R/o _____
 28 FEB 2017
 I have verified that the contents of the affidavit are true and correct to the best of my knowledge.

Apar Anurita Adle
 Oath Commissioner, Delhi

Amrita Johri

DEPONENT

IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRA ORDINARY CIVIL WRIT JURISDICTION)

CM APPLICATION NO. _____ OF 2017
WRIT PETITION (CIVIL) NO. _____ OF 2017

IN THE MATTER OF:

Delhi Rozi-Roti Adhikar Abhiyan

(Through one of its members)

...Petitioner

Versus

Union of India & Ors.

...Respondents

APPLICATION FOR STAY OF THE NOTIFICATION DATED

08.02.2017 ISSUED BY RESPONDENT NO. 1

1. It is submitted that the instant writ petition has been filed by the Petitioner organization impugning the notification dated 08.02.2017 issued by Respondent No. 1, making mandatory the production of Aadhaar as a precondition to receive subsidised foodgrain under the PDS scheme of the Delhi Govt and the National Food Security Act, 2013.
2. It is submitted that all the pleadings and grounds taken in the instant writ petition may be read as part and parcel of this application and are not repeated herein for the sake of brevity.
3. It is submitted that the application for stay is maintainable inasmuch as both, the Petitioner has been able to establish a

prima facie case of illegality of the notification in view of the Hon'ble Supreme Court orders and that the balance of convenience as borne out in the pleadings is in favour of the Petitioner inasmuch as it only asks for the arrangement prior to 08.02.2017 to continue until this petition is finally decided.

4. Further, it is submitted that a non-grant of stay would adversely affect the right to food and thereby the right to life under Article 21 which is a basic human right and it would be grave injustice to have denied the same to citizens of this country and the NCT of Delhi by a notification that may eventually be quashed as illegal.

PRAYER

In view of the above facts and in the circumstances, this Hon'ble court may be pleased to:

- i. Grant an *ex parte ad interim* stay on the operation of the impugned notification dated 08.02.2017 issued by Respondent No. 1;
- ii. Direct Respondent No. 2 that it shall disburse food grain to people without insisting on Aadhaar production or authentication as a precondition to avail benefits under the National Food Security Act during the pendency of this writ petition;
- iii. Pass such order(s) as the Court may deem fit in the interest of justice, equity and good conscience.

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Amber

Petitioner/Applicant

Through

Prasanna S/Apar Gupta

Prasanna S/Apar Gupta

Advocates for the Petitioner

B-22 (Basement), Defence Colony,

New Delhi - 110024

Place: New Delhi

Date: 28/2/2017

IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRA ORDINARY CIVIL WRIT JURISDICTION)
CM APPLICATION NO. _____ OF 2017
WRIT PETITION (CIVIL) NO. _____ OF 2017

IN THE MATTER OF:

Delhi Rozi-Roti Adhikar Abhiyan ...Petitioner

Versus

Union of India & Ors. ...Respondents

AFFIDAVIT

I, Amrita Johri, aged about 31 years, having office at B-76, Garage, SFS Flats, Sheikh Sarai Phase-1, New Delhi - 110017 do hereby solemnly affirm and state as under:

1. That I am the Petitioner in the above matter and am conversant with the facts and circumstances of the case. As such I am competent to swear this affidavit.

2. That I have read and understood the contents of the *Application* in para 1 to *A* at pages *36 to 38* now shown to me and I say that the contents thereof true and correct to the best of my knowledge and belief.

That the annexures filed with the Writ Petition are true copies of their respective originals and formed part of the record of the courts below.

Amrita Johri

DEPONENT

28 FEB 2017

D/1500/2007
Amrita Johri
I identify the Dependent who has signed in my presence

VERIFICATION:

I, the deponent do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge. It conceals nothing and no part thereof is false.

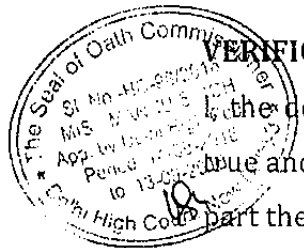
Verified at New Delhi on this the _____ day of February, 2017.

CERTIFIED THAT THE DEPONENT
Amrita Johri
S/o W/o _____
R/o _____
Identified to _____
has sworn on _____
that the contents of the affidavit
been read to him/her
& correct to his/her knowledge.

28 FEB 2017

Amrita Johri

DEPONENT



IN THE HIGH COURT OF DELHI AT NEW DELHI
(EXTRA ORDINARY CIVIL WRIT JURISDICTION)
WRIT PETITION (CIVIL) NO. _____ OF 2017

IN THE MATTER OF:

Delhi Rozi-Roti Adhikar Abhiyan
(Through one of its members).

...Petitioner

Versus

Union of India & Ors.

...Respondents

AFFIDAVIT OF AMRITA JOHRI D/O LALIT MOHAN JOHRI, AGED
ABOUT 31 YEARS, HAVING OFFICE AT B-76, GARAGE, SFS FLATS,
SHEIKH SARAI PHASE-1, NEW DELHI - 110017

I, the above named deponent, do hereby solemnly affirm and declare as
under:

1. That I am the Authorized Signatory of the Petitioner. I am competent and authorized to file the present affidavit.
2. I state that I have made copies of the videos as filed at Page No. 154 of the accompanying Writ Petition from the computer which is within my power and possession.
3. I state that the contents of Section 63 and 65B of the Indian Evidence Act, 1872 are complied in respect of the vidoes as filed on Page No. 154.
4. In particular, I confirm:



a) That my computer system where the above mentioned videos were stored and copied into a compact disk (CD) is regularly used to store and produce copies of pictures and videos shot from various devices and showcased during campaigns, workshops, audits, public meetings and hearings organized to create awareness. The abovementioned videos were produced by me in the normal course of activity. I have a lawful control over the said computer system by virtue of my capacity in the organization.

b) That the computer system used by me has been operating properly and media files and their contents have not been altered and tampered with in any manner whatsoever.

c) That the videos contained in the compact disk is an exact replica and therefore, reproduces the content contained in computer system therein.

D/500/2007
 Apurva
 I identify the Deponent who has signed in my presence

5. The contents of the present affidavit may be read as part and parcel of my affidavit as if the same were specifically dealt with and sworn herein, and are not repeated for the sake of brevity.



[Handwritten Signature]

DEPONENT

*Disro 12/07/17
Apoer Gupta*

VERIFICATION:

I, the deponent do hereby verify that the contents of this affidavit are true and correct to the best of my knowledge. It conceals nothing and no part thereof is false.

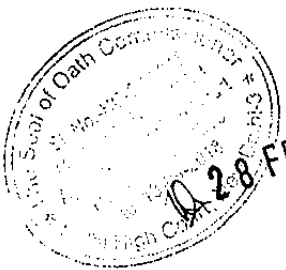
28 FEB 2017
day of February, 2017.

Verified at New Delhi on this the



DEPONENT

I hereby certify that the deponent who has signed in my presence



CERTIFIED THAT THE DEPONENT
Sh./Smt./Km. *Arora, J. Chit*
S/o W/o *Apoer Gupta Adm*
has
on
that
I have read
& correct to the best of my knowledge.
Oath Commissioner Delhi
(101)



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 336] नई दिल्ली, बुधवार, फरवरी 8, 2017/माघ 19, 1938
No. 336] NEW DELHI, WEDNESDAY, FEBRUARY 8, 2017/MAGHA 19, 1938

उपभोक्ता, खाद्य और सार्वजनिक वितरण मंत्रालय

(खाद्य और सार्वजनिक वितरण विभाग)

अधिसूचना

नई दिल्ली, 8 फरवरी, 2017

का.आ.371(अ).— सेवाओं या फायदों या सहायकियों के परिदान के लिए एक पहचान दस्तावेज के रूप में आधार का उपयोग सरकारी परिदान प्रक्रियाओं का सरलीकरण करता है, पारदर्शिता और दक्षता लाता है और फायदाग्राहियों को सुविधापूर्वक और निर्बाध रीति में उनकी हकदारियों को सीधे प्राप्त करने में समर्थ बनाता है और आधार किसी व्यक्ति की पहचान को साबित करने के लिए बहुत दस्तावेज प्रस्तुत करने की आवश्यकता को समाप्त करता है;

और लक्षित सार्वजनिक वितरण प्रणाली (जिसे इसमें इसके पश्चात् टीपीडीएस कहा गया है) के माध्यम से राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 (जिसे इसमें इसके पश्चात् एनएफएसए कहा गया है) के सुसंगत उपबंधों को लागू करने तथा उक्त राष्ट्रीय खाद्य सुरक्षा अधिनियम, 2013 के अधीन जारी खाद्य राजसहायता का नकद अंतरण नियम, 2015 के नकद अंतरण करने से अंतर्वर्तित व्यय भारत की संघित निधि से प्रोद्भूत होंगे;

अतः अथ, केंद्रीय सरकार आधार (वित्तीय और अन्य सहायकियों, प्रसुविधाओं और सेवाओं का लक्षित परिदान) अधिनियम, 2016 (2016 का 18) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 के उपबंधों के अनुसरण में निम्नलिखित अधिसूचित करती है, अर्थात् :-

(1) एनएफएसए के अधीन राजसहायता प्राप्त अनाज या खाद्य राजसहायता के नकद अंतरण को प्राप्त करने के पात्र और राज्य सरकार या संघ राज्यक्षेत्र प्रशासनों द्वारा जारी वैध राशन कार्ड रखने वाली सभी व्यक्तियों से यह अपेक्षित है कि वह आधार संख्यांक रखने का सबूत प्रस्तुत करें या आधार के अधिप्रमाणन की प्रक्रिया पूरी करें। कोई नए पात्र हितग्राही जो एनएफएसए के अधीन राजसहायता प्राप्त अनाज या खाद्य के नकद अंतरण राजसहायता को प्राप्त करने के लिए राज्य सरकार या संघ राज्यक्षेत्र द्वारा चुना गया है से भी यह अपेक्षित है कि वह अनुवर्ती खंड में यथा वर्णित आधार संख्यांक को रखने का सबूत प्रस्तुत करें या आधार अधिप्रमाणन की प्रक्रिया पूरी करें।

(2) एनएफएसए के अधीन राजसहायता प्राप्त अनाज या खाद्य राजसहायता के नकद अंतरण को प्राप्त करने के हकदार सभी ऐसे पात्र हितग्राही जिनके पास आधार संख्यांक नहीं है या आधार के लिए अभी तक नामांकित नहीं है, लेकिन राजसहायता प्राप्त अनाज या एनएफएसए के अधीन राजसहायता के नकद अंतरण प्राप्त करने के इच्छुक हैं से अपेक्षित है कि वह 30 जून, 2017 तक आधार नामांकन के लिए आवेदन कर दे, परंतु उक्त अधिनियम धारा 5 के अनुसार आधार प्राप्त करने के लिए हकदार है और ऐसे व्यक्ति किसी आधार नामांकन केन्द्र (www.uidai.gov.in) पर उपलब्ध सूची पर उपलब्ध है पर जाकर आधार के लिए नामांकन करा सकते हैं।

678 GI/2017

(1)

True Copy

(3) आधार (नामांकन और अद्यतन) विनियम, 2016 के विनियम 12 के अनुसार, राज्य सरकारों या संघ राज्यक्षेत्र प्रशासनों के अधीन खाद्य विभाग जिसे किसी व्यक्ति को आधार देने की अपेक्षा है, प्रसुविधा देने वाले के लिए नामांकन सुविधाओं के प्रस्ताव का आधार देने की अपेक्षा, जो अभी तक आधार के लिए नामांकित नहीं है और आधार नामांकन केन्द्र क्रमशः ब्लॉक, ताल्लुक, तहसील में ऊवस्थित नहीं है की दशा में, राज्य या संघ राज्यक्षेत्र प्रशासन खाद्य विभाग द्वारा यूआईडीएआई या यूआईडीएआई के विद्यमान रजिस्ट्रारों या उनके द्वारा यूआईडीएआई के रजिस्ट्रार बनने के सहयोग से सुविधाजनक स्थानों पर नामांकन सुविधाएं उपलब्ध करवाना अपेक्षित है।

परंतु यह कि एनएफएसए के अधीन जब तक किसी व्यक्ति को आधार समुनेदित किया जाता है तब तक ऐसे व्यक्ति को निम्नलिखित दस्तावेज उपलब्ध कराने के अद्यधीन राजसहायता प्राप्त अनाज या खाद्य राजसहायता के नकद अंतरण की सुविधाएं उपलब्ध करवानी होगी; अर्थात्:—

(क) राज्य या संघ राज्य क्षेत्र प्रशासन के खाद्य विभाग द्वारा जारी राशन कार्ड

(ख) (i) जबकि वह नामांकित है, उनके आधार नामांकन पहचान स्तिप या

(ii) पैरा 2 में उपपेरा (2) में यथाविनिर्दिष्ट आधार नामांकन के लिए उसके द्वारा किए गए अनुरोध की प्रति; और

(ग) (i) भारत निर्वाचन आयोग जारी मतदाता पहचान पत्र; या (ii) राशन कार्ड; या (iii) फोटोयुक्त बैंक पासबुक; या (iv) अर्थ-कर विभाग द्वारा जारी स्थायी खाता संख्या (पैन) कार्ड; या (v) पासपोर्ट; या (vi) मोटर वान अधिनियम, 1988 (1988 का 59) के अधीन अनुज्ञप्ति प्राधिकारी द्वारा जारी चलन अनुज्ञप्ति; या (vii) किसी राजपत्रित अधिकारी या किसी तहसीलदार द्वारा उसके शासकीय पत्र पर जारी उसके फोटो सहित कोई पहचान प्रमाणपत्र; या (viii) किसान फोटो पासबुक; या (ix) म्हात्मा गांधी राष्ट्रीय ग्रामीण रोजगार गारंटी अधिनियम कार्ड; या (x) किसी राज्य सरकार या संघ राज्यक्षेत्र प्रशासन द्वारा विनिर्दिष्ट कोई अन्य दस्तावेज; परंतु यह और कि उपर्युक्त दस्तावेजों की उक्त प्रयोजन के लिए राज्य सरकार या संघ राज्यक्षेत्र के अभिहित प्राधिकारी द्वारा जांच की जाएगी।

2. फायदाग्राहियों को एनएफएसए के अधीन सुविधाजनक और निर्बाध राजसहायता प्राप्त अनाज देना या खाद्य राजसहायता का नकद अंतरण उपलब्ध कराने के लिए या राज्य सरकार या संघ राज्यक्षेत्र प्रशासन के अधीन सभी अपेक्षित व्यवस्थाएं, जिसके अंतर्गत निम्नलिखित भी हैं, करेंगे, अर्थात्:—

(1) जिला खाद्य आपूर्ति कार्यालय या सस्ते गल्ले की दुकान आदि के माध्यम से फायदाग्राहियों को स्कीम के अधीन आधार की अनेका के लिए जागरूकता पैदा करने के लिए, मीडिया से विस्तृत प्रचार और जिला खाद्य आपूर्ति कार्यालय या सस्ते गल्ले की दुकान आदि के माध्यम से व्यक्तियों को सूचना देनी होगी और उन्हें यह सलाह भी देनी होगी कि यदि वे पूर्व में नामांकित नहीं हैं तो वे अपने क्षेत्र में उपलब्ध निकटतम नामांकन केन्द्रों पर अपने आधार के लिए नामांकन कराएं। स्थानीय उपलब्ध नामांकन केन्द्रों की सूची उन्हें उपलब्ध करानी होगी।

(2) ब्लॉक या तहसील या ताल्लुक में नामांकन केन्द्रों के उपलब्ध न होने के कारण, फायदाग्राहियों के सहायकी खाद्य अनाज या एनएफएसए अधीन खाद्य सहायकी के नकद अंतरण के लिए नामांकन में असमर्थ होने की दशा में, खाद्य विभाग या राज्य सरकार या संघ राज्यक्षेत्र प्रशासन से यह अपेक्षित होगा कि वे सुविधाजनक अवस्थानों पर यूआईडीएआई या विद्यमान यूआईडीएआई के रजिस्ट्रारों के सहयोग में या उनके द्वारा यूआईडीएआई के रजिस्ट्रार बनने पर नामांकन सुविधाओं का सृजन करें तथा पैरा 1 के उपपेरा

(3) के परंतुक में यथाविनिर्दिष्ट अन्य ब्यौरे, उपलब्ध कराए गए वेब पोर्टल के माध्यम से या अपनी सभी गल्ले की दुकानों से अपने पते, मोबाइल संख्या के साथ अपने नामों को देकर सहायकी खाद्य अनाज या एनएफएसए अधीन खाद्य सहायकी के नकद अंतरण के लिए नामांकन हेतु अपने अनुरोध को रजिस्टर कर सकेंगे।

3. यह अधिसूचना उसके प्रकाशन की तारीख से, असम, मेघालय और जम्मू-कश्मीर राज्य को छोड़कर, सभी राज्यों और संघ राज्यक्षेत्रों में प्रभावी होगी।

4. राज्य सरकार या संघ राज्यक्षेत्र प्रशासन पात्र परिवार के व्यक्तिगत हितग्राही द्वारा दिए आधार संख्यांक को रखने के सचूत की रसीद से तीस दिन में ऐसे परिवार को जारी राशन कार्ड या खाद्य राजसहायता के नकद अंतरण के लिए बैंक के खाते से आधार संख्यांक लिंक करेगी।

5. ऊपर पैरा में किसी बात के होते हुए भी परिवार में ऐसे सभी सदस्यों को आधार संख्यांक अनुदेशित न होने की दशा में पात्र राशनकार्ड में सूचीबद्ध पात्र परिवार हकदार राजसहायता प्राप्त अनाज की समस्त मात्रा या एनएफएसए को स्वीप खाद्य राजसहायता के नकद अंतरण को प्राप्त करने का हकदार होगा, यदि परिवार का कोई संदाय राशन कार्ड के मध्यम की ऊपर खंडों में निर्दिष्ट दशकों में पूरा करता है।

[फा. सं. 9(2)/2016-पीडी I]

ईपक कुमार, संयुक्त सचिव

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MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Food And Public Distribution)

NOTIFICATION

New Delhi, the 8th February, 2017

S.O. 371(E).— Whereas, the use of Aadhaar as identity document for delivery of services or benefits or subsidies simplifies the Government delivery processes, brings in transparency and efficiency, and enables beneficiaries to get their entitlements directly in a convenient and seamless manner and Aadhaar obviates the need for producing multiple documents to prove one's identity;

And whereas, implementation of relevant provisions of the National Food Security Act, 2013 (hereinafter referred to as NFSA), through Targeted Public Distribution System (hereinafter referred to as TPDS) and Cash Transfer of Food Subsidy Rules, 2015 issued under the said National Food Security Act, 2013, involves recurring expenditure from the Consolidated Fund of India;

Now, therefore in pursuance of the provisions of the Section 7 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 (18 of 2016) (hereinafter referred to as the said Act), the Central Government hereby notifies the following, namely:—

1. (1) An individual eligible to receive the subsidised food grains or Cash Transfer of Food Subsidy under NFSA and having valid Ration Cards issued by State Governments or Union Territory Administrations is hereby required to furnish proof of possession of Aadhaar number or undergo Aadhaar authentication. Any new eligible beneficiary who is selected by State Governments or Union Territory Administrations for receiving subsidised food grains or Cash Transfer of Food Subsidy under NFSA is also required to furnish proof of possession of Aadhaar number or undergo Aadhaar authentication as stated in ensuing clauses.
- (2) All such eligible beneficiaries entitled to receive subsidised food grains or Cash Transfer of Food Subsidy under NFSA, who do not possess the Aadhaar Number or, are not yet enrolled for Aadhaar, but are desirous of availing subsidised food grains or Cash Transfer of Food Subsidy under NFSA are hereby required to make application for Aadhaar enrolment by 30th June, 2017, provided he or she is entitled to obtain Aadhaar as per Section 3 of the said Act. All such individuals may visit any Aadhaar enrolment centre (list available at www.uidai.gov.in) to get enrolled for Aadhaar.
- (3) As per regulation 12 of Aadhaar (Enrolment and Update) Regulations, 2016, the State or Union Territory Administration Food Department which requires an individual to furnish Aadhaar is required to offer enrolment facilities for the beneficiaries who are not yet enrolled for Aadhaar and in case there is no Aadhaar enrolment centre located in the respective Block or Taluka or Tehsil, the State or Union Territory Food Department is required to provide enrolment facilities at convenient locations in coordination with the UIDAI or the existing Registrars of UIDAI or by becoming UIDAI registrar themselves :

Provided that, till the Aadhaar is assigned to the beneficiaries of subsidised food grains or Cash Transfer of Food Subsidy under NFSA, subsidy or benefits under NFSA shall be given to such individual, subject to the production of the following identification documents, namely :-

- (a) Ration Card issued by the State or Union Territory Administration Food Department; and
- (b) (i) If he or she has enrolled, his or her Aadhaar Enrolment ID slip; or
(ii) a copy of his or her request made for Aadhaar enrolment, as specified in sub-paragraph (2) of Paragraph 2; and
- (c) (i) Voter ID card issued by the Election Commission of India; or (ii) Permanent Account Number Card issued by Income Tax Department; or (iii) Passport; or (iv) Driving License issued by Licensing authority under Motor Vehicles Act, 1988 (59 of 1988); or (v) Certificate of Identity having photo issued by the Gazetted officer or Tehsildar on an official letter head; or (vi) Address card having Name and Photo issued by Department of Posts; or (vii) Kisan Photo Passbook; or (viii) any other document as specified by the State Government or Union Territory Administration :

Provided further that the above documents shall be checked by an officer designated by the State/UT Food Department for that purpose.

2. In order to provide convenient and hassle free subsidised food grains or Cash Transfer of Food Subsidy under NFSA to beneficiaries, the State or Union Territory Administration Food Department shall make all the required arrangements including following, namely :-

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- (1) Wide publicity through media and individual notices through the district food supply office or fair price shops, etc., shall be given to beneficiaries of subsidised food grains or Cash Transfer of Food Subsidy under NFSA to make them aware of the requirement of Aadhaar under the scheme and they may be advised to get themselves enrolled at the nearest enrolment centres available in their areas by 30th June, 2017 in case they are not already enrolled. The list of locally available enrolment centres shall be made available to them.
- (2) In case, beneficiaries of subsidised food grains or Cash Transfer of Food Subsidy under NFSA are not able to enrol due to non-availability of enrolment centres in the near vicinity such as in the Block or Tehsil or Taluka, the State or Union Territory Food Department are required to provide enrolment facilities at convenient locations in coordination with the UIDAI or the existing Registrars of UIDAI or by becoming UIDAI registrar themselves and the beneficiaries of subsidised food grains or Cash Transfer of Food Subsidy under NFSA may register their request for enrolment by giving their name, address, mobile number with Ration Card number and other details specified in the proviso to sub-paragraph (3) of paragraph 1 with their fair price shop owners or through the web portal provided for the purpose.
3. This notification shall come into effect from the date of its publication in the Official Gazette in all States and Union Territories except the States of Assam, Meghalaya and Jammu and Kashmir.
4. The State Government or Union Territory Administration shall, within a period of thirty days from the receipt of proof of possession of Aadhaar number furnished by individual beneficiaries of the eligible household, link the Aadhaar number with the Ration Card issued to such household or with Bank Account for Cash Transfer of Food Subsidy.
5. Notwithstanding anything in above paragraphs, any member of eligible household listed in the Ration Card shall be entitled to receive the entire quantity of entitled subsidised food grains or Cash Transfer of Food Subsidy under NFSA, if any one member of the household in the Ration Card fulfils the identification conditions mentioned in above clauses, in case Aadhaar number is not yet assigned to all such members of the household.

[F.No. 9(2)/2016-PD II]

DEEPAK KUMAR, Jt. Secy.

ALOK
KUMAR

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24/02/2017

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ITEM NO.5+56

Court No.5

SECTION PIL

S U P R E M E C O U R T O F I N D I A
 RECORD OF PROCEEDINGS
 WRIT PETITION (CIVIL) NO(s). 494 OF 2012

JUSTICE K.S.PUTTASWAMY(RETD)& ANR Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With appln(s) for stay)

WITH T.P.(C) NO. 47-48 of 2013
 (With appln(s) for stay and office report)
 (Appln. for deletion of the name of petitioner no. 1)

T.P.(C) NO. 476 of 2013
 (With appln(s) for stay and office report)

W.P.(C) No. 829 of 2013
 (With appln(s) for interim relief and office report)

Date: 23/09/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
 HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Mr. Anil B. Divan, Sr. Adv.
 Mr. Ankit Goel, Adv.
 Mr. Ranvir Singh, Adv.
 Mr. Sanjay Yadav, Adv.
 Mr. Anish Kumar Gupta, Adv.
 Ms. Deepshikha Bharati, Adv.
 Mr. S.S. Shamsbery, Adv.
 Mr. Rajeev Kr. Singh, Adv.
 Mr. Nachiketa Joshi, Adv.

Mr. P.R. Kovilan Poongkuntran, Adv.
 Mrs. Geetha Kovilan, Adv.

Mr. Shyam Divan, Sr. Adv.
 Mr. Pratap Venugopal, Adv.
 Ms. Meenakshi Chauhan, Adv.
 Mr. Varun Singh, Adv.
 Mr. Gauray Nair, Adv.
 for M/s. K.J. John & Co.

For Respondent(s) Mr. Mohan Parasaran, SG
 Mr. L. Nageshwar Rao, ASG
 Mr. Farrukh Rasheed, Adv.
 Mr. Alok Mishra, Adv.

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Mr. D.S. Mahra ,Adv

-2-

UPON hearing counsel the Court made the following
O R D E R

Issue notice in W.P.(C) No. 829/2013.

Application for deletion of the name of petitioner no. 1 in
T.P.(C) Nos. 47 of 2013 is allowed.

T.P.(C)nos. 47-48 of 2013 and T.P.(C) No. 476 of 2013 are
allowed in terms of the signed order.

All the matters require to be heard finally. List all
matters for final hearing after the Constitution Bench is over.

In the meanwhile, no person should suffer for not getting
the Adhaar card inspite of the fact that some authority had issued
a circular making it mandatory and when any person applies to get
the Adhaar Card voluntarily, it may be checked whether that person
is entitled for it under the law and it should not be given to any
illegal immigrant.

	(DEEPAK MANSUKHANI)		(M.S. NEGI)	
	Court Master		Court Master	

(Signed order is placed on the file)

Appellate
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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO(s). 47-48 OF 2013

THE GOVT. OF INDIA & ORS. ETC.Petitioner(s)

VERSUS

S. RAJU & ANR. ETC.Respondent(s)

WITH

TRANSFER PETITION(CIVIL) NO(s). 476 OF 2013

O R D E R

Heard learned counsel for the parties.

Having regard to the facts and circumstances of the case, we are satisfied that this is a fit case where the prayer for transfer is to be allowed.

On the facts of the case, we allow these Transfer Petitions and direct that W.P(C) No. 439 of 2012 titled S. Raju Vs. Govt. of India and Others pending before the D.B. of the High Court of Judicature at Madras and PIL No. 10 of 2012 titled Vickram Crishna and Others Vs. UIDAI and Others pending before the High Court of Judicature at Bombay be transferred to this Court. The Registry of the High Court of Madras and Registry of the High Court of Bombay are requested to transmit the original records to this Court expeditiously.

These Transfer Petitions are accordingly allowed.

.....J.
(Dr. B.S. CHAUHAN)

.....J.
(S.A. BOBDE)

NEW DELHI;
SEPTEMBER 23, 2013.

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ANNEXURE - P-3

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ITEM NO.57 COURT NO.4 SECTION IIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1) No(s).2524/2014

(From the judgement and order dated 26/02/2014 in CRLWP No.10/2014, of The HIGH COURT OF BOMBAY AT PANAJI)

UNIQUE IDENTIFICATION AUTH.OF INDIA &ANR Petitioner(s)
VERSUS
CENTRAL BUREAU OF INVESTIGATION Respondent(s)

(With appln. for exemption from filing c/c of the impugned Judgment and office report)

Date: 24/03/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr.Mohan Parasaran, SG
Mr.Rakesh Khanna, ASG
Mr. Zohen Hossain, Adv.
Mr. Alok Mishra, Adv.
Mr. D.S. Mahra, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Issue notice.

In addition to normal mode of service, dasti service, is permitted.

Operation of the impugned order shall remain stayed.

In the meanwhile, the present petitioner is restrained from transferring any biometric information of any person who has been allotted the Aadhaar number to any other agency without his consent in writing.

..2/-

:2:
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.

Tag and list the matter with main matter i.e. WP(C) No.494/2012.

[Usha Bhardwaj]
A.R.-cum-P.S.

[M.S. Negi]
Assistant Registrar

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ITEM NO.301

COURT NO.6

SECTION PIL

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 494/2012

JUSTICE K.S.PUTTASWAMY (RETD) & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for stay, impleadment, clarification/modification of Court's order, intervention, directions, permission to file additional documents, permission to file additional additional affidavit and office report)
(For Final Disposal)

WITH

T.C.(C) No. 151/2013

(With appln.(s) for impleadment as party respondent and appln.(s) for modification of court's order)

T.C.(C) No. 152/2013

W.P.(C) No. 829/2013

(With appln.(s) for impleadment and impleadment/directions and interim relief and office report)

W.P.(C) No. 833/2013

(With appln.(s) for directions and appln.(s) for impleadment and appln.(s) for impleadment and appln.(s) for permission to file additional documents and Office Report)

W.P.(C) No. 932/2013

(With appln.(s) for directions and appln.(s) for interim directions and Office Report)

T.P.(C) No. 312/2014

(With Office Report)

T.P.(C) No. 313/2014

(With Office Report)

W.P.(C) No. 37/2015

(With appln.(s) for amendment of memo of parties and interim stay and permission to file additional documents and office report)

Date : 16/03/2015 These matters were called on for hearing today.

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CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
 HON'BLE MR. JUSTICE S.A. BOBDE
 HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s)

Mr. Gopal Subramaniam, Sr. Adv.
 Ms. Aishwarya Bhati, Adv.
 Mr. Talha Abdul Rehman, Adv.
 Ms. Neha Meena, Adv.
 Ms. Anusha Ramesh, Adv.
 Ms. Sadhana Saxena, Adv.

Mr. Shyam Divan, Sr. Adv.
 Mr. Pratap Venugopal, Adv.
 Ms. Surekha Raman, Adv.
 Ms. Supriya Jain, Adv.
 Mr. Gaurav Nair, Adv.
 Ms. Niharika, Adv.

For M/s. K.J. John & Co.

Ms. Meenakshi Arora, Sr. Adv.
 Mr. Rahul Narayan, Adv.
 Mr. Mohit Singh, Adv.

Mr. Abhishek Atrey, Adv.

Ms. V. Mohana, Adv.
 Mr. B. Raghunath, Adv.
 Mr. Vijay Kumar, Adv.

Ms. Geeta Kovilam, Adv.
 Mr. P.V. Kovilam, Adv.

Mr. Ankit Goel, Adv.
 Mr. Sanjay Yadav, Adv.
 for Mr. Anish Kumar Gupta, Adv.

Mr. Amit Meharia, Adv.
 Mr. Tannishtha Singh, Adv.
 For M/s. Meharia & Company

For Respondent(s)
 UOI

Mr. Ranjit Kumar, SG
 Mr. Maninder Singh, ASG
 Mr. Ajay Sharma, Adv.
 Ms. Binu Tamta, Adv.
 Ms. Meenakshi Grover, Adv.
 Mr. Zoheb Hossain, Adv.
 Mr. Abhinav Mukerji, Adv.

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Mr. B.K. Prasad, Adv.
Mr. D.S. Mahra, Adv.

Mr. Prasanna S., Adv.

Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.
Ms. Rashmi Srivastava, Adv.
Ms. Shubra Rai, Adv.

Mr. Jayant Bhushan, Sr. Adv.
Mr. Kuldeep S. Parihar, Adv.
Mr. H.S. Parihar, Adv.

State of Uttarakhand Mr. Pankaj Bhatia, Adv.
Mr. Dushyant Kumar, Adv.
Mr. Vivek Choudhary, Adv.
Mr. Jatinder Kumar Bhatia, Adv.

Mr. Sumit Atrey, Adv.
Ms. Priyadarshi Banerjee, Adv.
Mr. Ankur Saigal, Adv.
Mr. E.C. Agrawala, Adv.

State of Telangana Mr. S. Udaya Kumar Sagar, Adv.
Mr. Krishna Kumar Singh, Adv.

State of Gujarat Ms. Hemantika Wahi, Adv.
Ms. Jesal Wahi, Adv.
Ms. Puja Singh, Adv.

State of Jharkhand Mr. Tapesh Kumar Singh, Adv.
Mr. Kumar Anurag Singh, Adv.
Mr. Mohd. Waquas, Adv.

Govt. of Puducherry Mr. V.G. Pragasaam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Ramasubramanian, Adv.

ELI Mr. Mohit Ram, Adv.
Ms. Monisha Handa, Adv.
Mr. Neeraj Kumar, Adv.

State of Assam Mr. Riku Sarma, Adv.
Mr. Navnit Kumar, Adv.
M/s. Corporate Law Group

State of WB Mr. Soumitra G. Chaudhuri, Adv.
Mr. Anip Sachthey, Adv.

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State of Nagaland Ms. K. Enatoli Sema, Adv.
Mr. Amit Kumar Singh, Adv.
Mr. Balaji Srinivasan, Adv.

State of HP Mr. J.S. Attri, Sr. Adv.
Mr. Varinder Kumar Sharma, Adv.
Mr. Sumeet Prakash, Adv.

State of Maharashtra Ms. Asha Gopalan Nair, Adv.
Mr. A.P. Mayee, Adv.
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Mr. Karan Mathur, Adv.
Mr. Jayant Mohan, Adv.

State of Manipur Mr. Sapam Biswajit Meitei, Adv.
Mr. Z.H. Issac Haiding, Adv.
Mr. Ashok Kumar Singh, Adv.

State of Rajasthan Mr. Shiv Mangal Sharma, Adv.
Mr. Shrey Kapoor, Adv.
Ms. Ruchi Kohli, Adv.

State of HP Mr. Suryanarayana Singh, AAG
Ms. Pragati Neekhra, Adv.

State of Punjab Mr. Sanchar Anand, Adv.
Mr. Apoorv Singhal, Adv.

State of Kerala Mr. Jogy Scaria, Adv.
Mr. R.S. Bed, Adv.

State of Mizoram Mr. K.N. Madhusoodhanam, Adv.
Mr. T.G.N. Nair, Adv.

NCT of Delhi Mr. J.M. Kalia, Adv.

State of Haryana Mr. B.K. Satija, AAG

IA 5of 2014 in Mr. Sumit Attri, Adv.
CWP 833/13 Mr. E.C. Agrawala, Adv.

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Mr. Gopal Sankaranarayanan, Adv.
 Ms. Savita Singh, Ad.
 Mr. Prashant, Adv.

State of TN Mr. B. Balaji, Adv.
 Mr. R. Rakesh Sharma, Adv.
 Ms. R. Shase, Adv.

State of Bihar Mr. Abhinav Mukerji, Adv.

UT Chandigarh Ms. Vimla Sinha, Adv.
 Mr. Gopal Singh, Adv.

Mr. Amit Sharma, Adv.
 Mr. Dipesh Sinha, Adv.

Beghar Foundation Mr. Saikrishna Rajagopal, Adv.
 Mr. Juhon George, Adv.
 Mr. Arjun Ranganathan, Adv.

Mr. Nikhil Nayyar, Adv.

Mr. Kamal Mohan Gupta, Adv.

Ms. C. K. Sucharita, Adv.

Mr. Mishra Saurabh, Adv.

Mr. Garvesh Kabra, Adv.

Mr. T. G. Narayanan Nair, Adv.

Ms. Anitha Shenoy, Adv.

UPON hearing the counsel the Court made the following
 O R D E R

The matters require considerable time for hearing. Therefore, we direct the matters to be listed for hearing in the second week of July, 2015 after obtaining appropriate orders from Hon'ble the Chief Justice of India.

In the meanwhile, it is brought to our notice that in certain quarters, Aadhar identification is being insisted upon by the various authorities, we do not propose to go into the specific instances.

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Since Union of India is represented by learned Solicitor General and all the States are represented through their respective counsel, we expect that both the Union of India and States and all their functionaries should adhere to the Order passed by this Court on 23rd September, 2013.

Pleadings be completed before the end of April, 2015.

All the parties are at liberty to file any further affidavit or documents, if they so wish.

(DEEPAK MANSUKHANI)
COURT MASTER

(TAPAN KR. CHAKRABORTY)
COURT MASTER

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REPORTABLE
IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.494 OF 2012

Justice K.S. Puttaswamy (Retd.) & Another ... Petitioners

Versus

Union of India & Others ... Respondents

WITH

TRANSFERRED CASE (CIVIL) NO.151 OF 2013

TRANSFERRED CASE (CIVIL) NO.152 OF 2013

WRIT PETITION (CIVIL) NO.829 OF 2013

WRIT PETITION (CIVIL) NO.833 OF 2013

WRIT PETITION (CIVIL) NO.932 OF 2013

TRANSFER PETITION (CIVIL) NO.312 OF 2014

TRANSFER PETITION (CIVIL) NO.313 OF 2014

WRIT PETITION (CIVIL) NO.37 OF 2015

WRIT PETITION (CIVIL) NO.220 OF 2015

TRANSFER PETITION (CIVIL) NO.921 OF 2015

CONTEMPT PETITION (CIVIL) NO.144 OF 2014 IN WP(C) 494/2012

CONTEMPT PETITION (CIVIL) NO.470 OF 2015 IN WP(C) 494/2012

ORDER

1. In this batch of matters, a scheme propounded by the Government of India popularly known as "Aadhaar Card Scheme" is under attack on various counts. For the purpose of this order, it is

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Dipak Kumar
Date: 2015.11.11
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Reason:

not necessary for us to go into the details of the nature of the scheme

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and the various counts on which the scheme is attacked. Suffice it to say that under the said scheme the Government of India is collecting and compiling both the demographic and biometric data of the residents of this country to be used for various purposes, the details of which are not relevant at present.

2. One of the grounds of attack on the scheme is that the very collection of such biometric data is violative of the "right to privacy". Some of the petitioners assert that the right to privacy is implied under Article 21 of the Constitution of India while other petitioners assert that such a right emanates not only from Article 21 but also from various other articles embodying the fundamental rights guaranteed under Part-III of the Constitution of India.

3. When the matter was taken up for hearing, Shri Mukul Rohatgi, learned Attorney General made a submission that in view of the judgments of this Court in *M.P. Sharma & Others v. Satish Chandra & Others*, AIR 1954 SC 300 and *Kharak Singh v. State of U.P. & Others*, AIR 1963 SC 1295, (decided by *Eight* and *Six* Judges respectively) the legal position regarding the existence of the fundamental right to privacy is doubtful. Further, the learned Attorney General also submitted that in a catena of decisions of this Court rendered subsequently, this Court referred to "right to privacy", contrary to the judgments in the abovementioned cases which resulted

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in a jurisprudentially impermissible divergence of judicial opinions.

"A power of search and seizure is in any system of jurisprudence an overriding power of the State for the protection of social security and that power is necessarily regulated by law. When the Constitution makers have thought fit not to subject such regulation to constitutional limitations **by recognition of a fundamental right to privacy**, analogous to the American Fourth Amendment, **we have no justification to import it, into a totally different fundamental right, by some process of strained construction.** [See: M.P. Singh & Others v. Satish Chandra & Others, AIR 1954 SC 300, page 306 para 18]

"... Nor do we consider that Art. 21 has any relevance in the context as was sought to be suggested by learned counsel for the petitioner. As already pointed out, **the right of privacy is not a guaranteed right under our Constitution** and therefore the attempt to ascertain the movement of an individual which is merely a manner in which privacy is invaded is not an infringement of a fundamental right guaranteed by Part III." [See: Kharak Singh v. State of U.P. & Others, AIR 1963 SC 1295, page 1303 para 20]

[Emphasis supplied]

4. Learned Attorney General submitted that such impermissible divergence of opinion commenced with the judgment of this Court in **Gobind v. State of M.P. & Another**, (1975) 2 SCC 148, which formed the basis for the subsequent decision of this Court wherein the "right to privacy" is asserted or at least referred to. The most important of such cases are **R. Rajagopal & Another v. State of Tamil Nadu & Others**, (1994) 6 SCC 632 (popularly known as *Auto Shanker's* case) and **People's Union for Civil Liberties (PUCL) v. Union of India & Another**, (1997) 1 SCC 301.
5. All the judgments referred to above were rendered by smaller Benches of two or three Judges.
6. Shri K.K. Venugopal, learned senior counsel appearing for one of

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the respondents submitted that the decision of this Court in **Gobind** (*supra*) is not consistent with the decisions of this Court in **M.P. Sharma** and **Kharak Singh**. He submitted that such divergence is also noticed by the academicians, Shri F.S. Nariman, Senior Advocate of this Court and Shri A.M. Bhattacharjee¹, Former Chief Justice, High Court at Calcutta and High Court at Bombay.

7. Therefore, it is submitted by the learned Attorney General and Shri Venugopal that to settle the legal position, this batch of matters is required to be heard by a larger Bench of this Court as these matters throw up for debate important questions – (i) whether there is any “right to privacy” guaranteed under our Constitution. (ii) If such a right exists, what is the source and what are the contours of such a right as there is no express provision in the Constitution adumbrating the right to privacy. It is therefore submitted that these batch of matters are required to be heard and decided by a larger bench of at least five Judges in view of the mandate contained under Article 145(3)² of the Constitution of India.

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A.M. Bhattacharjee, *Equality, Liberty & Property under the Constitution of India*, (Eastern Law House, New Delhi, 1997)

² Article 145(3). The minimum number of Judges who are to sit for the purpose of deciding any case involving a substantial question of law as to the interpretation of this Constitution or for the purpose of hearing any reference under Article 143 shall be five:
Provided that, where the Court hearing an appeal under any of the provisions of this chapter other than Article 132 consists of less than five Judges and in the course of the hearing of the appeal the Court is satisfied that the appeal involves a substantial question of law as to the interpretation of this Constitution the determination of which is

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8. On behalf of the petitioners Shri Gopal Subramaniam and Shri Shyam Divan, learned senior counsel very vehemently opposed the suggestion that this batch of matters is required to be heard by a larger bench. According to them:

(i) The conclusions recorded by this Court in *R. Rajagopal* and *PUCL* are legally tenable for the reason that the observations made in *M.P. Sharma* regarding the absence of right to privacy under our Constitution are not part of ratio decidendi of that case and, therefore, do not bind the subsequent smaller Benches.

(ii) Coming to the case of *Kharak Singh*, majority in *Kharak Singh* did hold that the right of a person not to be disturbed at his residence by the State and its officers is recognized to be a part of a fundamental right guaranteed under Article 21 which is nothing but an aspect of privacy. The observation in para 20 of the majority judgment at best can be construed only to mean that there is no fundamental right of privacy against the State's authority to keep surveillance on the activities of a person. Even such a conclusion cannot be good law any more in view of the express declaration made by a seven-Judge bench decision of this Court in *Maneka Gandhi v. Union of India & Another*, (1978) 1 SCC 248³.

necessary for the disposal of the appeal, such Court shall refer the question for opinion to a Court constituted as required by this clause for the purpose of deciding any case involving such a question and shall on receipt of the opinion dispose of the appeal in conformity with such opinion

³ Para 5. ... It was in *Kharak Singh v. State of U.P.*, AIR 1963 SC 1295 that the question as to the proper scope and meaning of the expression 'personal liberty' came up pointedly for consideration for the first time before this Court. The

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(iii) They further argued that both *M.P. Sharma (supra)* and *Kharak Singh (supra)* came to be decided on an interpretation of the Constitution based on the principles expounded in *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27. Such principles propounded by *A.K. Gopalan* themselves came to be declared wrong by a larger Bench of this Court in *Rustom Cavasjee Cooper v. Union of India*, (1970) 1 SCC 248. Therefore, there is no need for the instant batch of matters to be heard by a larger Bench.

9. It is true that *Gobind (supra)* did not make a clear declaration that there is a right to privacy flowing from any of the fundamental rights guaranteed under Part-III of the Constitution of India, but observed that "Therefore, even assuming that the right to personal liberty, the right to move freely throughout the territory of India and the freedom of speech create an independent right of privacy as an emanation from them which one can characterize as a fundamental right, we do not think that the right is absolute".

This Court proceeded to decide the case on such basis.

10. However, the subsequent decisions in *R. Rajagopal (supra)* and

majority of the Judges took the view "that 'personal liberty' is used in the article as a compendious term to include within itself all the varieties of rights which go to make up the 'personal liberties' of man other than those- dealt with in the several clauses of Article 19(1). In other words, while Article 19(1) deals with particular species or attributes, of that freedom, 'personal liberty' in Article 21 takes in and comprises the residue". The minority judges, however, disagreed with this view taken by the majority and explained their position in the following words: "No doubt the expression 'personal liberty' is a comprehensive one and the right to move freely is an attribute of personal liberty. It is said that the freedom to move freely is carved out of personal liberty and, therefore, the expression 'personal liberty' in Article 21 excludes that attribute. In our view, this is not a correct approach. Both are independent fundamental rights, though there is overlapping. There is no question of one being carved out of another. The fundamental right of life and personal liberty has many attributes and some of them are found in Article 19. If a person's fundamental right under Article 21 is infringed, the State can rely upon a law to sustain the action, but that cannot be a complete answer: unless the said law satisfies the test laid down in Article 19(2) so far as the attributes covered by Article 19(1) are concerned". There can be no doubt that in view of the decision of this Court in *R. C. Cooper v. Union of India*, (1970) 2 SCC 298 the minority view must be regarded as correct and the majority view must be held to have been overruled.

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PUCL (supra), the Benches were more categoric in asserting the existence of "right to privacy". While *R. Rajagopal's case*⁴ held that the "right to privacy" is implicit under Article 21 of the Constitution, *PUCL's case* held that the "right to privacy" insofar as it pertains to speech is part of fundamental rights under Articles 19(1)(a) and 21 of the Constitution⁵.

11. Elaborate submissions are made at the bar by the learned counsel for the petitioners to demonstrate that world over in all the countries where Anglo-Saxon jurisprudence is followed, 'privacy' is recognised as an important aspect of the liberty of human beings. It is further submitted that it is too late in the day for the Union of India to argue that the Constitution of India does not recognise privacy as an aspect of the liberty under Article 21 of the Constitution of India. At least to the extent that the right of a person to be secure in his house and not to be disturbed unreasonably by the State or its officers is

⁴ Para 9. "Right to privacy is not enumerated as a fundamental right in our Constitution but has been inferred from Article 21."

⁵ Para 18. "The right to privacy — by itself — has not been identified under the Constitution. As a concept it may be too broad and moralistic to define it judicially. Whether right to privacy can be claimed or has been infringed in a given case would depend on the facts of the said case. But the right to hold a telephone conversation in the privacy of one's home or office without interference can certainly be claimed as "right to privacy". Conversations on the telephone are often of an intimate and confidential character. Telephone conversation is a part of modern man's life. It is considered so important that more and more people are carrying mobile telephone instruments in their pockets. Telephone conversation is an important facet of a man's private life. Right to privacy would certainly include telephone conversation in the privacy of one's home or office. Telephone-tapping would, thus, infract Article 21 of the Constitution of India unless it is permitted under the procedure established by law.

19. Right to freedom of speech and expression is guaranteed under Article 19(1)(a) of the Constitution. This freedom means the right to express one's convictions and opinions freely by word of mouth, writing, printing, picture, or in any other manner. When a person is talking on telephone, he is exercising his right to freedom of speech and expression. Telephone-tapping unless it comes within the grounds of restrictions under Article 19(2) would infract Article 19(1)(a) of the Constitution."

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expressly recognized and protected in **Kharak Singh** (*supra*) though the majority did not describe that aspect of the liberty as a right of privacy, it is nothing but the right of privacy.

12. We are of the opinion that the cases on hand raise far reaching questions of importance involving interpretation of the Constitution. What is at stake is the amplitude of the fundamental rights including that precious and inalienable right under Article 21. If the observations made in **M.P. Sharma** (*supra*) and **Kharak Singh** (*supra*) are to be read literally and accepted as the law of this country, the fundamental rights guaranteed under the Constitution of India and more particularly right to liberty under Article 21 would be denuded of vigour and vitality. At the same time, we are also of the opinion that the institutional integrity and judicial discipline require that pronouncement made by larger Benches of this Court cannot be ignored by the smaller Benches without appropriately explaining the reasons for not following the pronouncements made by such larger Benches. With due respect to all the learned Judges who rendered the subsequent judgments - where right to privacy is asserted or referred to their Lordships concern for the liberty of human beings, we are of the humble opinion that there appears to be certain amount of apparent unresolved contradiction in the law declared by this Court.

13. Therefore, in our opinion to give a quietus to the kind of

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controversy raised in this batch of cases once for all, it is better that the ratio decidendi of *M.P. Sharma (supra)* and *Kharak Singh (supra)* is scrutinized and the jurisprudential correctness of the subsequent decisions of this Court where the right to privacy is either asserted or referred be examined and authoritatively decided by a Bench of appropriate strength.

14. We, therefore, direct the Registry to place these matters before the Hon'ble the Chief Justice of India for appropriate orders.

.....J.
(J. Chelameswar)

.....J.
(S.A. Bobde)

.....J.
(C. Nagappan)

New Delhi
August 11, 2015

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ORDER

Having regard to importance of the matter, it is desirable that the matter be heard at the earliest.

.....J.
(J. Chelameswar)

.....J.
(S.A. Bobde)

.....J.
(C. Nagappan)

New Delhi
August 11, 2015

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REPORTABLE
IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO.494 OF 2012

Justice K.S. Puttaswamy (Retd.) & Another ... Petitioners

Versus

Union of India & Others ... Respondents

WITH

TRANSFERRED CASE (CIVIL) NO.151 OF 2013

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WRIT PETITION (CIVIL) NO.829 OF 2013

WRIT PETITION (CIVIL) NO.833 OF 2013

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CONTEMPT PETITION (CIVIL) NO.144 OF 2014 IN WP(C) 494/2012

CONTEMPT PETITION (CIVIL) NO.470 OF 2015 IN WP(C) 494/2012

INTERIM ORDER

After the matter was referred for decision by a larger Bench, the learned counsel for the petitioners prayed for further interim orders. The last interim order in force is the order of this Court dated 23.9.2013 which reads as follows:-

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All the matters require to be heard finally. List all matters for final hearing after the Constitution Bench is over.

In the meanwhile, no person should suffer for not getting the Aadhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Aadhaar card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant."

It was submitted by Shri Shyam Divan, learned counsel for the petitioners that the petitioners having pointed out a serious breach of privacy in their submissions, preceding the reference, this Court may grant an injunction restraining the authorities from proceeding further in the matter of obtaining biometrics etc. for an Aadhaar card. Shri Shyam Divan submitted that the biometric information of an individual can be circulated to other authorities or corporate bodies which, in turn can be used by them for commercial exploitation and, therefore, must be stopped.

The learned Attorney General pointed out, on the other hand, that this Court has at no point of time, even while making the interim order dated 23.9.2013 granted an injunction restraining the Unique Identification Authority of India from going ahead and obtaining biometric or other information from a citizen for the purpose of a Unique Identification Number, better known as "Aadhaar card". It was further submitted that the respondents have gone ahead with the project and have issued Aadhaar cards to

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about 90% of the population. Also that a large amount of money has been spent by the Union Government on this project for issuing Aadhaar cards and that in the circumstances, none of the well-known considerations for grant of injunction are in favour of the petitioners.

The learned Attorney General stated that the respondents do not share any personal information of an Aadhaar card holder through biometrics or otherwise with any other person or authority. This statement allays the apprehension for now, that there is a widespread breach of privacy of those to whom an Aadhaar card has been issued. It was further contended on behalf of the petitioners that there still is breach of privacy. This is a matter which need not be gone into further at this stage.

The learned Attorney General has further submitted that the Aadhaar card is of great benefit since it ensures an effective implementation of several social benefit schemes of the Government like MGNREGA, the distribution of food, ration and kerosene through PDS system and grant of subsidies in the distribution of LPG. It was, therefore, submitted that restraining the respondents from issuing further Aadhaar cards or fully utilising the existing Aadhaar cards for the social schemes of the Government should be allowed.

The learned Attorney General further stated that the

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respondent Union of India would ensure that Aadhaar cards would only be issued on a consensual basis after informing the public at large about the fact that the preparation of Aadhaar card involving the parting of biometric information of the individual, which shall however not be used for any purpose other than a social benefit schemes.

Having considered the matter, we are of the view that the balance of interest would be best served, till the matter is finally decided by a larger Bench if the Union of India or the UIDA proceed in the following manner:-

1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;
2. The production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen;
3. The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of foodgrains, etc. and cooking fuel, such as kerosene. The Aadhaar card may also be used for the purpose of the LPG Distribution Scheme;
4. The information about an individual obtained by the Unique

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Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation.

Ordered accordingly.

.....J.
(J. Chelameswar)

.....J.
(S.A. Bobde)

.....J.
(C. Nagappan)

New Delhi
August 11, 2015

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T.P. (C) No. 921/2015
(Office report)

Contempt Petition (C) No. 144/2014 in W.P. (C) No. 494/2012
(Directions)

Contempt Petition (C) No. 470/2015 in W.P. (C) No. 494/2012
(With appln(s) for exemption from filing O.T.)

Date : 11/08/2015 These petitions were called on for
pronouncement of orders today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s)

WP (C) No. 829/2013 Mr. Shyam Divan, Sr. Adv.
Mr. Aayush Agarwal, Adv.
Ms. Prasanna S., Adv.
Ms. Niharika, Adv.
Mr. Pratap Venugopal, Adv.
Mr. Gaurav Nair, Adv.
For M/s. K.J. John & Co.

WP (C) no. 37/2015 Mr. Gopal Subramaniam, Sr. Adv.
Ms. Aishwarya Bhati, Adv.
Mr. Talha Abdul Rahman, Adv.
Mr. Prateek Chaddha, Adv.
Mr. Ankur Kashyap, Adv.
Mr. Kushagra Pandey, Adv.
Ms. Anusha Ramesh, Adv.
Mr. Rudra Pratap, Adv.
Mr. Saransh Kumar, Adv.
Mr. Anirban Sen, Adv.
Ms. Neha Meena, Adv.
Ms. Madhurima Ghosh, Adv.
Mr. T. Gopal, Adv.

WP (C) no. 494/2012 Mr. Soli Sorabjee, Sr. Adv.
Mr. Anil B. Diwan, Sr. Adv.
Mr. Ankit Goel, Adv.
Mr. Sanjay Kumar Yadav, Adv.
Mr. Anish Kumar Gupta, Adv.

TP (C) No. 151/2013 Mrs. Geetha Kovilan, Adv.
Mr. P.R. Kovilan, Adv.

18

Sp. Adv. S. S. S.
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TP(C) No. 921/2015 Ms. Pinky Anand, ASG
 Mr. A.K. Sanghi, Sr. Adv.
 Mr. S.S. Rawat, Adv.
 Mr. D.S. Mahra, Adv.

TC(C) No. 152/2013 Ms. Meenakshi Arora, Sr. Adv.
 Mr. Rahul Narayan, Adv.
 Mr. Mohit Singh, Adv.

Mr. Vijay Kumar, Adv.

Mr. Amit Meharia, Adv.
 Mr. Dhritiman Das, Adv.
 for M/s. Meharia & Company, Adv.

WP(C) no. 932/2013 Dr. Abhishek Atrey, Adv.
 CC(C) no. 470/2015 Mr. Sella Kumar, Adv.
 Mr. Sumit Rajora, Adv.

For Respondent(s)

UOI
 Mr. Mukul Rohatgi, AG
 Ms. Pinky Anand, ASG
 Mr. R. Balasubramanian, Adv.
 Mr. Ajay Sharma, Adv.
 Mr. S.S. Rawat, Adv.
 Ms. Devanshi Singh, Adv.
 Ms. Binu Tamta, Adv.
 Mr. Zoheb Hossain, Adv.
 Ms. Kritika Sachdeva, Adv.
 Ms. Ranjeeta Rohatgi, Adv.
 Mr. Vakul Sharma, Adv.
 Ms. Meenakshi Grover, Adv.
 Mr. Karan Seth, Adv.
 Mr. D.S. Mahra, Adv.

IA no. 11/2014
 Mr. K.K. Venugopal, Sr. Adv.
 Mr. Gopal Sankaranarayanan, Adv.
 Ms. Prerna Priyadarshini, Adv.
 Mr. Ankur Talwar, Adv.
 Ms. Nidhi, Adv.
 Ms. Savita Singh, Adv.

State of Telangana
 Mr. S. Udaya Kumar Sagar, Adv.
 Mr. Krishna Kumar Singh, Adv.

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RBI Mr. Jayant Bhushan, Sr. Adv.
Mr. Kuldeep S. Parihar, Adv.
Mr. H.S. Parihar, Adv.

NCT of Delhi Mr. J.M. Kalia, Adv.

State of Goa Mr. Ninad Laud, Adv.
Mr. Karan Mathur, Adv.
Mr. Jayant Mohan, Adv.

A&N Administration Mr. K.V. Jagdishvaran, Adv.
Ms. G. Indira, Adv.

State of Assam M/s. Corporate Law Group

State of HP Mr. J.S. Attri, Sr. Adv.
Mr. Suryanarayana Singh, Sr. AAG
Mr. Varinder Kumar Sharma, Adv.
Ms. Pragati Neekhara, Adv.

State of Maharashtra Mr. Nachiketa Joshi, Adv.
Mr. Nishant Katneshwarkar, Adv.

Mr. E.C. Agrawala, Adv.

State of Bihar Mr. Abhinav Mukerji, Adv.
Ms. Bihu Sharma, Adv.

State of AP Mr. Guntur Prabhakar, Adv.
Ms. Prerna Singh, Adv.

State of Uttarakhand Mr. Jatinder K. Bhatia, Adv.

State of TN Mr. B. Balaji, Adv.
Mr. R. Rakesh Sharma, Adv.

Mr. Mishra Saurabh, Adv.

State of Manipur Mr. Sapam Biswajit Meitei, Adv.
Mr. Z.H. Isaac Haiding, Adv.
Mr. S. Vijayanand Sharma, Adv.
Mr. Ashok Kumar Singh, Adv.

State of Mizoram Mr. K.N. Madhusoodhanan, Adv.
Mr. T.G.N. Nair, Adv.

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State of Sikkim Mr. A. Mariarputham, AG
Ms. Aruna Mathur, Adv.
Mr. Yusuf Khan, Adv.
Mr. K. Vijay Kumar, Adv.
M/s.Arputham Aruna & Co.

State of Nagaland Ms. K. Enatoli Sema, Adv.
Mr. Edward Belho, Adv.
Mr. Amit Kumar Singh, Adv.

ECI Mr. Ashok Desai, Sr. Adv.
Mr. S.K. Mendiratta, Adv.
Ms. Monisha Nanda, Adv.
Mr. Mohit D. Ram, Adv.

Mr. Sajjan Poovayya, Sr. Adv.
Mr. Praveen Sehrawat, Adv.
Mr. Priyadarshi Banerjee, Adv.
Mr. Sarans Jain, Adv.

State of Assam Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.
Ms. Rashmi Srivastava, Adv.

State of Arunachal Pradesh Mr. Anil Shrivastav, Adv.
Mr. Rituraj Biswas, Adv.

UT Chandigarh Ms. Vimla Sinha, Adv.
Mr. Gopal Singh, Adv.

State of Kerala Mr. Jogy Scaria, Adv.
Mr. Reegan S. Bel, Adv.

State of Punjab Mr. Sanchar Anand, AAG
Mr. Apoorv Singhal, Adv.
Mr. Jagjit Singh Chhabra, Adv.

State of Jharkhand Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Tapesh Kumar Singh, Adv.
Mr. Mohd. Waquas, Adv.

State of Chhatisgarh Mr. C.D. Singh, Adv.
Ms. Sylona Mohapatara, Adv.

Govt. of Puducherry Mr. V.G. Pragasam, Adv.
Mr. Prabu Ramasubramanian, Adv.

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IA No. 5/2014 in
WP(C) no. 833/2013

Mr. Praveen Sehrawat, Adv.
Mr. Priyadarshi Banerjee, Adv.

Mr. Nikhil Nayyar, Adv.

Ms. Anitha Shenoy, Adv.

State of WB

Mr. Soumitra G. Chaudhuri, Adv.
Mr. Anip Sachthey, Adv.

State of Rajasthan

Mr. Shiv Mangal Sharma, AAG
Ms. Abhinandini Sharma, Adv.
Mr. Nishit Agrawal, Adv.
Ms. Anjali Chauhan, Adv.
Mr. Shrey Kapoor, Adv.
Mr. Saurabh Rajpal, Adv.
Mr. Milind Kumar, Adv.
Ms. Ruchi Kohli, Adv.

Mr. Aniruddha P. Mayee, Adv.

Mr. Garvesh Kabra, Adv.

State of Gujarat

Ms. Hemantika Wahi, Adv.
Ms. Jesal Wahi, Adv.
Ms. Vinakshi Kadan, Adv.

Mr. Saikrishna Rajagopal, Adv.
Mr. Arjun Ranganathan, Adv.
Ms. Julien George, Adv.

Ms. C. K. Sucharita, Adv.

Mr. Kamal Mohan Gupta, Adv.

Mr. Dinkar Kalra, Adv.

Mr. Amit Sharma, Adv.

Mr. T.G. Narayan Nair, Adv.

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UPON HEARING the Counsel The Court made the following

O R D E R

10.30 a.m.

By a reasoned order, the matters are referred to a Bench of appropriate strength.

Having regard to importance of the matter, it is desirable that the matter be heard at the earliest.

2.00 p.m.

After the matter was referred for decision by a larger Bench, the learned counsel for the petitioners prayed for further interim orders. The last interim order in force is the order of this Court dated 23.9.2013 which reads as follows:-

"....

All the matters require to be heard finally. List all matters for final hearing after the Constitution Bench is over.

In the meanwhile, no person should suffer for not getting the Aadhaar card inspite of the fact that some authority had issued a circular making it mandatory and when any person applies to get the Aadhaar card voluntarily, it may be checked whether that person is entitled for it under the law and it should not be given to any illegal immigrant."

It was submitted by Shri Shyam Divan, learned counsel for the petitioners that the petitioners having pointed out a serious breach of privacy in their submissions, preceding the reference, this Court may grant an injunction restraining the authorities from proceeding further in the matter of obtaining biometrics etc. for an Aadhaar card. Shri Shyam Divan submitted that the biometric information of an individual can be circulated to other authorities or corporate bodies which, in turn can be used by them for commercial exploitation and, therefore, must be stopped.

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The learned Attorney General pointed out, on the other hand, that this Court has at no point of time, even while making the interim order dated 23.9.2013 granted an injunction restraining the Unique Identification Authority of India from going ahead and obtaining biometric or other information from a citizen for the purpose of a Unique Identification Number, better known as "Aadhaar card". It was further submitted that the respondents have gone ahead with the project and have issued Aadhaar cards to about 90% of the population. Also that a large amount of money has been spent by the Union Government on this project for issuing Aadhaar cards and that in the circumstances, none of the well-known considerations for grant of injunction are in favour of the petitioners.

The learned Attorney General stated that the respondents do not share any personal information of an Aadhaar card holder through biometrics or otherwise with any other person or authority. This statement allays the apprehension for now, that there is a widespread breach of privacy of those to whom an Aadhaar card has been issued. It was further contended on behalf of the petitioners that there still is breach of privacy. This is a matter which need not be gone into further at this stage.

The learned Attorney General has further submitted that the Aadhaar card is of great benefit since it ensures an effective implementation of several social benefit schemes of the Government like MGNREGA, the distribution of food, ration and kerosene through PDS system and grant of subsidies in the distribution of LPG. It was, therefore, submitted that restraining the respondents from issuing further Aadhaar cards or fully utilising the existing Aadhaar cards for the social schemes of the Government should be allowed.

The learned Attorney General further stated that the respondent Union of India would ensure that Aadhaar cards would only be issued on a consensual basis after informing the public at large about the fact that the preparation of Aadhaar card involving the parting of biometric information of the individual, which shall however not be used for any purpose other than a social benefit schemes.

Having considered the matter, we are of the view that the balance of interest would be best served, till the matter is finally decided by a larger Bench if the Union of India or the UIDAI proceed in the following manner:-

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1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;
2. The production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen;
3. The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of foodgrains, etc. and cooking fuel, such as kerosene. The Aadhaar card may also be used for the purpose of the LPG Distribution Scheme;
4. The information about an individual obtained by the Unique Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation.

Ordered accordingly.

(DEEPAK MANSUKHANI)
COURT MASTER

(INDU BALA KAPUR)
COURT MASTER

(Three signed reportable Orders are placed on the file)

Indu Bala Kapur
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ITEM NO.501

COURT NO.1

SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 494/2012

JUSTICE K.S.PUTTASWAMY (RETD) & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for interim relief and appln.(s) for impleadment/directions and appln.(s) for impleadment and appln.(s) for impleadment and appln.(s) for impleadment and appln.(s) for impleadment, permission to file addl.documents and permission to file addl.affidavit and Office Report)

WITH T.C. (C) No. 151/2013

(With appln.(s) for modification of court's order and appln.(s) for impleadment as party respondent)

T.C. (C) No. 152/2013

With W.P. (C) No. 829/2013

(With appln.(s) for interim relief and appln.(s) for impleadment/directions and appln.(s) for impleadment and appln.(s) for impleadment and appln.(s) for impleadment and appln.(s) for impleadment and Office Report)

W.P. (C) No. 833/2013

(With appln.(s) for permission to file additional documents and appln.(s) for impleadment and appln.(s) for directions and appln.(s) for impleadment and appln.(s) for impleadment and Office Report)

W.P. (C) No. 932/2013

(With appln.(s) for clarification of court's order and appln.(s) for directions and appln.(s) for interim directions and Office Report)

T.P. (C) No. 312/2014

(With Office Report)

T.P. (C) No. 313/2014

(With Office Report)

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W.P.(C) No. 37/2015
 (With appln.(s) for permission to file additional documents and
 appln.(s) for interim stay and appln.(s) for permission to file
 additional documents and appln.(s) for directions and appln.(s) for
 impleadment and Office Report)

W.P.(C) No. 220/2015
 (With appln.(s) for directions and Office Report)

T.P.(C) No. 921/2015
 (With Office Report)

CONMT.PET.(C) No. 144/2014 In W.P.(C) No. 494/2012
 (With appln.(s) for directions and appln.(s) for directions and
 Office Report)

CONMT.PET.(C) No. 470/2015 In W.P.(C) No. 494/2012
 (With appln.(s) for exemption from filing O.T. and Office Report)

SLP(Crl) No. 2524/2014
 (With Office Report)

CONMT.PET.(C) No. 674/2015 In W.P.(C) No. 829/2013
 (With Office Report)

Date : 15/10/2015 These petitions/cases were called on for hearing
 today.

CORAM :

HON'BLE THE CHIEF JUSTICE
 HON'BLE MR. JUSTICE M.Y. EQBAL
 HON'BLE MR. JUSTICE C. NAGAPPAN
 HON'BLE MR. JUSTICE ARUN MISHRA
 HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) in

WP(C) No. 829/2013 Mr. Shyam Divan, Sr. Adv.
 Mr. Pratap Venugopal, Adv.
 Ms. Surekha Raman, Adv.
 Mr. Anuj Sarma, Adv.
 Ms. Niharika, Adv.
 Ms. Titisha Mukherjee, Adv.
 For M/s. K.J. John & Co., Adv.

WP(C) No. 37/2015 Mr. Gopal Subramaniam, Sr. Adv.
 Ms. Aishwarya Bhati, Adv.
 Mr. Talha Abdul Rahman, Adv.
 Ms. Anusha Ramesh, Adv.
 Mr. Prateek Joshi, Adv.
 Ms. Neha Meena, Adv.

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Mr. Anirban Sen, Adv.
Mr. Adarsh tiwari, Adv.
Mr. T. Gopal, Adv.
Mr. Dinesh, Adv.

WP(C) no. 494/2012 Mr. Soli Sorabjee, Sr. Adv.
Mr. Sanjay Kumar Yadav, Adv.
Mr. Anish Kumar Gupta, Adv.
Mr. Aditya Kumar Dubey, Adv.
Mr. Gaurav Kumar, Adv.

TP(C) No. 151/2013 Mrs. Geetha Kovilan, Adv.
Mr. P. R. Kovilan, Adv.
Mr. V. Vasudevan, Adv.

TP(C) No. 921/2015 Ms. Pinky Anand, ASG
Mr. S. S. Rawat, Adv.
Mr. D. S. Mahra, Adv.

TC(C) No. 152/2013 Ms. Meenakshi Arora, Sr. Adv.
Mr. Rahul Narayan, Adv.
Mr. Mohit Singh, Adv.

Mr. Vijay Kumar, Adv.

Mr. Amit Meharia, Adv.
Mr. Dhritiman Das, Adv.
M/s. Meharia & Company, Adv.

for

WP(C) no. 932/2013 Dr. Abhishek Atrey, Adv.
CC(C) no. 470/2015 Mr. Sella Kumar, Adv.

Ms. Nitya Ramakrishnan, Adv.
Mr. Shadan Farasat, Adv.
Ms. Guneet Kaur, Adv.
Ms. Rita Singh, Adv.
Mr. Vaibhav Tiwari, Adv.

For Respondent(s)
UOI

Mr. Mukul Rohatgi, AG
Ms. Pinky Anand, ASG
Mr. Ajay Sharma, Adv.
Mr. Zoheb Hossain, Adv.
Mr. Pravesh Thakur, Adv.
Mr. Manish Vashistha, Adv.
Ms. Diksha Rai Adv.
Ms. Sadhana Sandhu, Adv.
Mr. Harpreet S. Sandu, Adv.
Mr. Kaushal Yadav, Adv.
Mr. A. Sen Gupta, Adv.

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Devanshi Singh, Adv.
 Ms. Binu Tamta Adv.
 Mr. Meenesh Kr. Dubey, Adv.
 Mrs. Anil Katiyar, Adv.
 Mr. D. S. Mahra, Adv.
 Mr. Vakul Sharma, Adv.

Mr. J. M. Kalia, Adv.
 Mr. Balendu Shekhar, Adv.
 Ms. Somya Rathore, Adv.
 Ms. Kritika Sachdeva, Adv.
 Ms. Saudamini Sharma, Adv.
 Ms. Snibha Mehra, Adv.
 Mr. Karan Seth, Adv.
 Mr. Rishabh Jain, Adv.
 Mr. D. S. Mahra, Adv.

SEBI Mr. Tushar Mehta, ASG
 Mr. Avinash Tripathi, Adv.
 Mr. Harish Pandey, Adv.

I.A.No.31/2015 in Dr. Lalit Bhasin, Adv.
 W.P. (C)NO.494/12 Mr. Nina Gupta, Adv.
 Mr. Mudit Sharma, Adv.
 Mr. Parvez Khan, Adv.
 Ms. Palak Chadha, Adv.

IA no. 11/2014 Mr. Gopal Sankaranarayanan, Adv.
 Ms. Savita Singh, Adv.
 Ms. Nidhi Bhalla, Adv.

State of Telangana Mr. S. Udaya Kumar Sagar, Adv.
 Mr. Krishna Kumar Singh, Adv.

RBI Mr. Jayant Bhushan, Sr. Adv.
 Mr. Kuldeep S. Parihar, Adv.
 Mr. H.S. Parihar, Adv.

State of Goa Mr. Ninad Laud, Adv.
 Mr. Karan Mathur, Adv.
 Mr. Jayant Mohan, Adv.

State of Nagaland Ms. K. Enatoli Sema, Adv.
 Mr. Edward Belho, Adv.
 Mr. Amit Kumar Singh, Adv.

A&N Administration Mr. K.V. Jagdishvaran, Adv.
 Ms. G. Indira, Adv.

State of Assam Mr. Navnit Kumar, Adv.
 Ms. Deepika Ghatowor, Adv.
 For M/s. Corporate Law Group, Advs.

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State of HP Mr. J.S. Attri, Sr. Adv.
Mr. Suryanarayana Singh, Sr. AAG
Mr. Varinder Kumar Sharma, Adv.
Mr. Sumeet Prakash, Adv.
Ms. Pragati Neekhra, Adv.

State of Maharashtra Mr. Nachiketa Joshi, Adv.
Mr. Nishant Katneshwarkar, Adv.

I.A.NO.5/2014 in Mr.Gopal Subramanium, Sr.Adv.
W.P.(C)NO.833/2013 Mr.Priyadarshi Banerjee, Adv.
Mr.Praveen Sehrawat, Adv.
Mr.Saransh Jain, Adv.
Mr.E.C.Agrawala, Adv.

State of Bihar Mr. Abhinav Mukerji, Adv.
Ms. Bihu Sharma, Adv.

State of AP Mr. Guntur Prabhakar, Adv.
Ms. Prerna Singh, Adv.

State of Uttarakhand Mr. Mukesh Verma, Adv.
Mr. Jatinder K. Bhatia, Adv.

State of TN Mr. B. Balaji, Adv.
Mr. R. Rakesh Sharma, Adv.
Ms.R.Shase, Adv.

State of W:B. Mr.Soumitra G.Chaudhuri, Adv.
Mr.Parijat Sinha, Adv.

State of Manipur Mr. Sapam Biswajit Meitei, Adv.
Mr. Z.H. Isaac Haiding, Adv.
Mr. S. Vijayanand Sharma, Adv.
Mr.B.Khusbanshi, Adv.
Mr. Ashok Kumar Singh, Adv.

State of Mizoram Mr. K.N. Madhusoodhanan, Adv.
Mr. T.G.N. Nair, Adv.

State of Sikkim Ms. Aruna Mathur, Adv.
Mr.Avnessh Arputham, Adv.
Ms.Anuradha Arputham, Adv.
For M/s.Arputham Aruna & Co.,Adv.

ECI Mr. Ashok Desai, Sr. Adv.
Mr. S.K. Mendiratta, Adv.
Ms. Anu Bindra, Adv.
Mr. Mohit D. Ram, Adv.

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State of Tripura Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.
Ms. Varsha Poddar, Adv.

State of Arunachal Pradesh Mr. Anil Shrivastav, Adv.
Mr. Rituraj Biswas, Adv.

UT Chandigarh Ms. Vimla Sinha, Adv.
Mr. Gopal Singh, Adv.

State of Kerala Mr. Jogy Scaria, Adv.
Ms. Beena Victor, Adv.

State of Punjab Mr. Sanchar Anand, AAG
Mr. Nishant Bishnoi, Adv.
Mr. Apoorv Singhal, Adv.
Mr. J.S. Chhabra, Adv.
Mr. Kuldip Singh, Adv.

State of Jharkhand Mr. Ajit Kr. Sinha, Sr. Adv.
Mr. Tapesh Kumar Singh, Adv.
Mr. Mohd. Waquas, Adv.

State of Chhatisgarh Mr. C.D. Singh, Adv.
Ms. Sylona Mohapatara, Adv.

Govt. of Puducherry Mr. V.G. Pragasam, Adv.
Mr. Prabu Ramasubramanian, Adv.

IA No. 5/2014 in
WP(C) no. 833/2013 Mr. Praveen Sehrawat, Adv.
Mr. Priyadarshi Banerjee, Adv.
Mr. Nikhil Nayyar, Adv.

State of Karnataka Ms. Anitha Shenoy, Adv.
Ms. Maitreyee Mishra, Adv.

State of WB Mr. Soumitra G. Chaudhuri, Adv.
Mr. Anip Sachthey, Adv.

State of Rajasthan Mr. Nitish Bagri, Adv.
Mr. Divyesh Maheshwari, Adv.
Mr. Ajay Choudhary, Adv.
Mr. Gaurav Chaudhary, Adv.
Ms. Mumtaz Bhalla, Adv.
Mr. Abhay Kumar, Adv.
Mr. Aniruddha P. Mayee, Adv.

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I.A.Nos.9 & 10/2013 Mr. Garvesh Kabra, Adv.
In WP(C)NO.494/12 Ms. Pooja Kabra, Adv.

State of Gujarat Ms. Hemantika Wahi, Adv.
Ms. Jesal Wahi, Adv.
Ms. Puja Singh, Adv.

Ms. C. K. Sucharita, Adv.

Mr. Kamal Mohan Gupta, Adv.

Mr. Dinkar Kalra, Adv.

Mr. Amit Sharma, Adv.

State of Haryana Mr. Anil Grover, AAG
Mr. Satish Kapoor, Adv.
Mr. Sanjay Kr. Visen, Adv.
Mr. Samar Vijay Singh, Adv.

State of U.P. Mr. Gaurav Bhatia, AAG
Mr. Adarsh Upadhyay, Adv.
Mr. Gaurav Srivastava, Adv.

State of M.P. Mr. Naveen Sharma, adv.
Ms. Swati Bhushan Sharma, Adv.
Mr. Mishra Saurabh, Adv.

I.A.No.24 & 25/15 Mr. K. Ramamoorthy, Sr. Adv.
In WP(C)No.494/12 Mr. Dipak K. Nag, Adv.
Mr. Parmanand Gaur, Adv.
Ms. Apurva Upamanyu, Adv.

I.A.Nos.22-23/15
In W.P. (C)NO.494/2012 Mr. Sanjay Kapur, Adv.
Mr. Anmol Chandan, Adv.

Mr. Anoop J. Bhambani, Sr. Adv.
Dr. Abhishek Attrey, Adv.
Mr. Ravindra Lakhande, Adv.
Mr. Sumit Rajora, Adv.

State of H.P. Mr. J.S. Attri, Sr. adv.
Mr. Suryanarayana Singh, Sr. AAG
Mr. Varinder Kr. Sharma, Adv.
Mr. Chandra Nand Jha, Adv.

Intervenor Mr. Saikrishna Rajagopal, Adv.
Mr. Juhen George, Adv.
Mr. Arjun Rananathan, Adv.

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Pen. Fun. Reg. & D.A. Mr.R.Sudhinder, Adv.
Ms.Ekta Bhasin, Adv.
Mr.Ashok Mathur, Adv.

I.A.NO.26/15 Mr.Shiv Mangal Sharma, Adv.
Mr.Ankit Shah, Adv.
Mr.Puneet Parihar, Adv.
Mr.Shrey Kapoor, Adv.
Mr.Nishit Agrawal, Adv.
Ms.Anjali Chauhan, Adv.
Mr.Sitesh Narayan Singh, Adv.
Mr.Saurabh Rajpal, Adv.
Mr.Avanish Rathi, Adv.
Mr.Vivek Ranjan Mohanty, Adv.
Mr.Adhiraj Singh Rajawat, Adv.

Mr.Shanti Mukharjee, Adv.
Mr.Manoj K.Mishra, Adv.
Ms.Shreya Mukharjee, Adv.
Mr.Sandeep Kr.Dwivedi, Adv.
Mr.Shivam Verma Adv.

Mr.Nikhil Nayyar, Adv.

Mr.Ranjan Mukherjee, Adv.

Ms.Anitha Shenoy, Adv.

Ms.Ruchi Kohli, Adv.

Mr.Dinkar Kalra, Adv.

Mr.Mohit D.Ram, Adv.

UPON hearing the counsel the Court made the following
O R D E R

All the applications for intervention and
impleadment be heard along with the respective main
matters.

Application(s) filed by the Union of India/UIDAI
is/are disposed of.

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Since there is some urgency in the matter, we request the learned Chief Justice of India to constitute a Bench for final hearing of these matters at the earliest.

Ordered accordingly.

(G.V.Ramana)
AR-cum-PS

(Vinod Kulvi)
Asstt.Registrar

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 494 OF 2012

JUSTICE K.S. PUTTASWAMY .. PETITIONER(S)
(RETD) & ANR.

VERSUS

UNION OF INDIA & ORS. .. RESPONDENT(S)

T.C. (C) No. 151/2013

T.C. (C) No. 152/2013

WRIT PETITION (C) No. 829/2013

WRIT PETITION (C) No. 833/2013

WRIT PETITION (C) No. 932/2013

TRANSFER PETITION (C) No. 312/2014

TRANSFER PETITION (C) No. 313/2014

WRIT PETITION (C) No. 37/2015

WRIT PETITION (C) No. 220/2015

TRANSFER PETITION (C) No. 921/2015

CONMT. PET. (C) No. 144/2014

In

WRIT PETITION (C) No. 494/2012

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CONMT.PET.(C) No. 470/2015

In

WRIT PETITION(C) No. 494/2012

SPECIAL LEAVE PETITION (CRL.) No. 2524/2014

CONMT.PET.(C) No. 674/2015

In

WRIT PETITION(C) No. 829/2013

O R D E R

1. This Bench is constituted only for the purpose of deciding the applications filed by the Union of India seeking certain clarification/modification in the orders passed by a Bench of three learned Judges of this Court dated 11.08.2015.

2. We have heard Shri Mukul Rohtagi, learned Attorney General for India, Shri Shyam Divan, Shri Soli Sorabjee and Shri Gopal Subramaniam, learned senior counsels *in extenso*.

3. After hearing the learned Attorney General for India and other learned senior counsels, we are of the view that in paragraph 3 of the Order dated 11.08.2015, if we add, apart from the other two Schemes, namely, P.D.S. Scheme and the L.P.G. Distribution Scheme, the Schemes like The Mahatma Gandhi National Rural Employment Guarantee Scheme

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(MGNREGS), National Social Assistance Programme (Old Age Pensions, Widow Pensions, Disability Pensions) Prime Minister's Jan Dhan Yojana (PMJDY) and Employees' Provident Fund Organisation (EPFO) for the present, it would not dilute earlier order passed by this Court. Therefore, we now include the aforesaid Schemes apart from the other two Schemes that this Court has permitted in its earlier order dated 11.08.2015.

4. We impress upon the Union of India that it shall strictly follow all the earlier orders passed by this Court commencing from 23.09.2013.

5. We will also make it clear that the Aadhaar card Scheme is purely voluntary and it cannot be made mandatory till the matter is finally decided by this Court one way or the other.

6. All the applications for intervention and impleadment be heard along with the respective main matters.

7. Application(s) for modification/ clarification filed by Union of India/UIDAI is/are disposed of.

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8. Since there is some urgency in the matter, we request the learned Chief Justice of India to constitute a Bench for final hearing of these matters at the earliest.

Ordered accordingly.

-CJI
[H.L. DATTU]
-J.
[M.Y. EQBAL]
-J.
[C. NAGAPPAN]
-J.
[ARUN MISHRA]
-J.
[AMITAVA ROY]

NEW DELHI,
OCTOBER 15, 2015.

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ITEM NO.53

COURT NO.8

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 686/2016

ALL BENGAL MINORITY STUDENTS COUNCIL AND ANR. Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. Respondent(s)

(with appln. (s) for interim relief and office report)

Date : 14/09/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s) Mr. Gopal Jain, Sr. Adv.
Mr. Suhaan Mukerji, Adv.
Mr. Vishal Prasad, Adv.
Ms. C. Chaudhry, Adv.
Ms. Ritika Sethi, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R.

Heard learned senior counsel for the
petitioners.

Our attention was invited to Para 5 of the
order dated 15.10.2015 passed by this Court, which
reads thus:

"5. We will also make it clear that
the Aadhaar card Scheme is purely
voluntary and it cannot be made
mandatory till the matter is finally
decided by this Court one way or the

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Apur Gupta
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other."

Learned senior counsel for the petitioners has also invited our attention to the relevant portion of Para 3 of the letter dated 14.07.2016, written to the Chief Secretary/Administrator of all State Governments/UT Administration, by the Under Secretary to the Government of India by which the following directions are given to the students, which reads thus:

"3.....Only Online application under the Scheme will be accepted and no request for Offline applications will be entertained. It may be noted that submission of Aadhaar is mandatory."

Learned senior counsel submits that the aforesaid directions are contrary to the interim order passed by the Constitution Bench and therefore, to that extent they are not tenable in law.

Having regard to the facts and circumstances of the case, the material evidence available on record and the submissions made by learned senior counsel we stay the operation and implementation of letters dated 14.07.2006 (i.e. Annexure P-5, P-6 and P-7) for Pre-Matric Scholarship Scheme, Post-Matric Scholarship Scheme and Merit-cum-Means Scholarship Scheme to the extent they have made submission of Aadhaar mandatory and direct the Ministry of Electronics and Information

Aparna Gupta
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Technology, Government of India i.e. Respondent No.2 to remove Aadhaar number as a mandatory condition for student Registration form at the National Scholarship Portal of Ministry of Electronics and Information Technology, Government of India at the website <http://scholarships.gov.in/newStudentRegFrm> and stay the implementation of clause (c) of the 'Important Instructions' of the advertisement dated 20.08.2016 for the Pre-Matric Scholarship Scheme, Post-Matric Scholarship Scheme and Merit-cum-Means Scholarship Scheme, during the pendency of this writ petition.

Issue notice.

(VINOD KUMAR JHA)
AR-CUM-PS

(MALA KUMARI SHARMA)
COURT MASTER

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ITEM NO.60

COURT NO.5

SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 797/2016

S.G. VOMBATKERE AND ANR.

Petitioner(s)

VERSUS

UNION OF INDIA AND ANR.

Respondent(s)

(with appln. (s) for interim relief and permission to file additional documents)

Date : 28/10/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Shyam Divan, Sr. Adv.
Mr. Pratap Venugopal, Adv.
Mr. Anuj Sarma, Adv.
Ms. Niharika, Adv.
Mr. Udayditya Banerjee, Adv.
Mr. Prasana S, Adv.
Ms. Samiksha, Adv.
For M/s. K. J. John & Co., Adv.

For Respondent(s) Mr. Mukul Rohatgi, A.G.
Mr. Ajay Sharma, Adv.
Mr. Zoheb Hossain, Adv.
Mr. D.S. Mahra, Adv.
Ms. Anil Katiyar, Adv.
Mr. B.K. Prasad, Adv.
Ms. Ranjeeta Rohatgi, Adv.
Mr. Vikramjit Banerjee, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Issue Rule Nisi.

Tag with W.P. (C) No. 494/2012 and connected matters.

Signature Not Verified

Digitally signed by O.P. SHARMA
Date: 2016.10.28
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[O.P. SHARMA]

AR-CUM-PS

[RAJINDER KAUR]
COURT MASTER

Apur Gupta
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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THE 10TH DAY OF FEBRUARY 2017

BEFORE

THE HON'BLE MR. JUSTICE A.S. BOPANNA

WRIT PETITION NO 61098 / 2016 (GM-PDS)

Petitioner

1. SMT. SUKANYA G S W/O SHRI RAJESH
RESIDING AT THAGACHAGARE VILLAGE AND POST
CHANNAPATNA TALUK, RAMANAGARA DISTRICT-562112

BY SRI CLIFTON D. ROZARIO

Respondents

1. STATE OF KARNATAKA
BY ITS SECRETARY, DEPARTMENT OF FOOD AND CIVIL SUPPLIES
AND CONSUMER AFFAIRS
VIKASA SOUDHA, BENGALURU-560 001
2. THE COMMISSIONER
OFFICE OF THE COMMISSIONER, DEPARTMENT OF FOOD,
CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
3, CUNNINGHAM ROAD, BENGALURU-560 052
3. THE DEPUTY DIRECTOR
KANDAYA BHAVANA
RAMANAGARA-562159
4. TAHSILDAR
CHANNAPATNA TALUK, CHANNAPATNA
RAMANAGARA DISTRICT-562 159

Whereas, a Writ Petition filed by the above named petitioner under Article 226 of the Constitution of India, has been registered by this court,

After hearing, the Court made the following:-

ORDER

Learned Govt. Advocate to accept notice for respondents No.1 to 4.

Copies be served.



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- 2 -

In the meanwhile, interim stay and it is further directed that the respondents shall disburse ration to which she is entitled even without production of Aadhaar Card.

Sd/-
JUDGE.

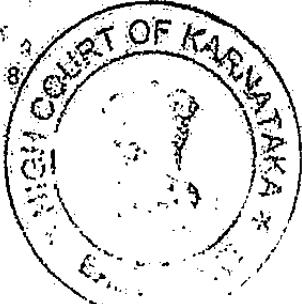
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M.V. Susheela 10/8/17
M.V. SUSHEELA
ASSISTANT REGISTRAR
(Signature)

Note:- As an interim relief, it is prayed to stay the operation of Endorsement bearing No. CSD.C.R./35/2015-17 dated 23/09/2016 (placed as Annexure-B) Issued by R-4.

M.V. Susheela 10/8/17
M.V. SUSHEELA
Assistant Registrar
(Signature)
(Signature)

RA-10217.8



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Typed Copy - Annexure-P-9 101

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THE 10TH DAY OF FEBRUARY 2017

BEFORE

THE HON'BLE MR. JUSTICE A.S. BOPANNA

WRIT PETITION NO 61098/2016 (GM-PDS)

Petitioner

1. SMT. SUKANYA GS W/O SHRI RAJESH
RESIDING AT THAGACHAGARE VILLAGE AND POST
CHANNAPATNA TALUK, RAMANAGARA DISTRICT - 562112

By Sri CLIFTON D ROZARIO

Vs

Respondents

1. STATE OF KARNATAKA
BY ITS SECRETARY, DEPARTMENT OF FOOD AND CIVIL SUPPLIES AND
CONSUMER AFFAIRS
VIKASA SOUDHA, BENGALURU - 560 001
2. THE COMMISSIONER
OFFICE OF THE COMMISSIONER, DEPARTMENT OF FOOD,
CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
3, CUNNINGHAM ROAD, BENGLAURU - 560 052
3. THE DEPUTY DIRECTOR
KANDAYA BHAVANA
RAMANAGARA - 562159
4. TAHSILDAR
CHANNAPATNA TALUK, CHANNAPATNA
RAMANAGARA DISTRICT - 562 159

Whereas a Writ Petition filed by the above named petitioner under Article 226 of the Constitution of India, has been registered by this Court.

After hearing, the Court made the following:-

ORDER

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Copies be served

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In the meanwhile, interim stay and it is further directed that the respondents shall disburse ration to which she is entitled even without production of Aadhaar Card.

Sd/-

JUDGE

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[M.V. SUSHEELA]

ASSISTANT REGISTRAR

Note:- As an interim relief, it is prayed to stay the operation of Endorsement bearing No. CSD: C.R./35/2016-17 dated 23/09/2016 (placed as Annexure-B) issued by R-4.

[M.V. SUSHEELA]

Assistant Registrar

RA-10217.8

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ANNEXURE - P-10 (COLLY)

APPLICATION UNDER THE RIGHT TO INFORMATION ACT, 2005

Public Information Officer

Name of Department: Department of Food & Civil Supplies,
New Delhi

Name of Applicant: Amrita Johri

Address: B-76 (Garage), SFS Flats
Shiekh Sarai-1
New Delhi - 110017
Ph. 9810273984

1. Kindly provide a copy of the rules prescribed for the implementation of the National Food Security Act (NFSA) in Delhi.
2. What is the grievance redress mechanism that is being set up under NFSA in Delhi under chapter VII of the NFSA? Kindly provide details of structure of the internal grievance redress mechanism, and the names, designation and the contact details of the State Food Commission and Commissioners, therein and the District Grievance Redress Officers.
3. Has the government decided any criteria for deciding beneficiaries under the NFSA in Delhi? If yes, kindly provide a copy of the same.
4. Has the government laid down any procedure for identifying beneficiaries who will be provided food grains under the NFSA in Delhi? If yes, kindly provide a copy of the same.
5. What food grains will be provided under the NFSA in Delhi? Please provide a copy of the relevant order/rules etc.
6. Will sugar be provided under the NFSA in Delhi? Please provide a copy of the relevant order/rules etc.
7. Will millets be provided under the NFSA in Delhi? Please provide a copy of the relevant order/rules etc.
8. Will the government continue to provide rations to APL families whose annual income is below Rs. 1 lakh and whose ration cards have been stamped by the government? Please provide a copy of the relevant order/rules etc.
9. Will the beneficiaries recognized under the Annashree scheme be entitled to food grains under the food ordinance? Please provide a copy of the relevant order/rules etc.
10. Will the government continue to provide cash transfers to beneficiaries recognized under the Annashree scheme? Please provide a copy of the relevant order/rules etc.

Date

Signature of Applicant

Amrita Johri
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NDL/OCFS/CON/AFF

GOVT. OF NCT OF DELHI
OFFICE OF THE COMMISSIONER FOOD, SUPPLIES & CONSUMER
AFFAIRS, K-BLOCK, VIKAS BHAWAN, I.P. ESTATE, NEW DELHI.
(RTI BRANCH)

F.No./F&S/RTI/2014/ 2d-2624/ 782

Dated: 30/7/14

Sh./Ms. Amrita Johri
B-76(Garage) SFS Plots
Shreeh. Sarai-1, N.D-17

Please refer to your application dated _____ received in this office on 1/7/14
seeking Information under Right to information Act, 2005

The information sought by you is enclosed herewith 32 pages only

Or

The information sought is being given partly enclosed. The remaining information
about the other aspects cannot be supplied due to the following reasons: -

Nil

As per section of 19 of Right to information Act, 2005 you may file an appeal to the
First Appellate Authority within 30 days of the issue of this order whose particulars
are given below:

Name and address of the First Appellate Authority:
Jt. Commissioner (HQ), K-Block, Vikas Bhawan, I.P. Estate, Delhi

Note:- Kindly deposit 64/- Rupees
against 32 pages reply.

Yours Faithfully

[Signature]
20/7/14
Asstt. Public Information Officer (HQ)
Ph:-011-23370775

Received
[Signature]
5th Aug 2014

[Signature]
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GOVERNMENT OF NCT OF DELHI
OFFICE OF THE COMMISSIONER: FOOD SUPPLIES & CONSUMER AFFAIRS
K-BLOCK, VIKAS BHAWAN, NEW DELHI
(POLICY BRANCH)

Sub: Information sought under RTI Act by Amrita Johri (I.D No 2624).

Sir,

With reference to your U.O. No RTI/F&S/ID 2624/14/675 dated 01-07-2014 on the above cited subject; the information sought by applicant is as under:-

- 1) The copy of NFS Act, 2013 enclosed.
- 2) A call centre with helpline no. 1967 has been set up. Additional Commissioner Incharge (NFSA) is designated Nodal Officer for Redressal of grievances. Public Grievance Commission designated as State Food Commission and Additional District Magistrate of the district designated as District Grievance Redressal Officer in NCT of Delhi. Relevant Orders are enclosed for reference.
- 3) & 4) Guidelines for identification of beneficiaries enclosed.
- 5) Quantity is as under.
AAY households- 25 Kg Wheat & 10 Kg Rice; *Per Card / per month*
Priority Households- 04 Kg Wheat per person per month & 01 Kg Rice per person per month.
- 6) The foodgrains provided at present is enclosed.
- 7) No
- 8) As per point no.3 above
- 9) Yes. The beneficiaries of the Dilli Annashree Yojna be covered under NFSA (Copy enclosed).
- 10) No.

PIO (HQ), F&S.

[Signature]
FSO (P&C)

U.O No. F. 3(10)/F&S/P&C/RTI/2014/669

dt: 08/07/2014

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रजिस्ट्री सं. डी.एन. (एन) 04/0007/2003-13 REGISTERED NO. DL-(N)04/0007/2003-13



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II - खण्ड 1
PART II - Section 1

राष्ट्रिय प्रकाशित

PUBLISHED BY AUTHORITY

सं. 29] नई दिल्ली, मंगलवार, सितम्बर 10, 2013/ भाद्र 19, 1935 (शक)
No. 29] NEW DELHI, TUESDAY, SEPTEMBER 10, 2013/ BHADRA 19, 1935 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 10th September, 2013/Bhadra 19, 1935 (Saka)

The following Act of Parliament received the assent of the President on the 10th September, 2013, and is hereby published for general information:—

THE NATIONAL FOOD SECURITY ACT, 2013 No. 20 of 2013

[10th September, 2013.]

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.

As it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the National Food Security Act, 2013.
- (2) It extends to the whole of India.
- (3) Save as otherwise provided, it shall be deemed to have come into force on the 5th day of July, 2013.

Short title,
extent and
commencement.

2. In this Act, unless the context otherwise requires,—
(1) "anganwadi" means a child care and development centre set up under the Integrated Child Development Services Scheme of the Central Government to render services covered under section 4, clause (a) of sub-section (1) of section 5 and section 6;

Definitions.

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- (2) "central pool" means the stock of foodgrains which is,
 - (i) procured by the Central Government and the State Governments through minimum support price operations;
 - (ii) maintained for allocations under the Targeted Public Distribution System, other welfare schemes, including calamity relief and such other schemes;
 - (iii) kept as reserves for schemes referred to in sub-clause (ii);
- (3) "eligible households" means households covered under the priority households and the Antyodaya Anna Yojana referred to in sub-section (1) of section 3;
- (4) "fair price shop" means a shop which has been licensed to distribute essential commodities by an order issued under section 3 of the Essential Commodities Act, 1955, to the ration card holders under the Targeted Public Distribution System;
- (5) "foodgrains" means rice, wheat or coarse grains or any combination thereof conforming to such quality norms as may be determined, by order, by the Central Government from time to time;
- (6) "food security" means the supply of the entitled quantity of foodgrains and meal specified under Chapter II;
- (7) "food security allowance" means the amount of money to be paid by the concerned State Government to the entitled persons under section 8;
- (8) "local authority" includes Panchayat, municipality, district board, cantonment board, town planning authority and in the States of Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura where Panchayats do not exist, the village council or committee or any other body, by whatever name called, which is authorised under the Constitution or any law for the time being in force for self-governance or any other authority or body vested with the control and management of civic services, within a specified local area;
- (9) "meal" means hot cooked or pre-cooked and heated before its service meal or take home ration, as may be prescribed by the Central Government;
- (10) "minimum support price" means the assured price announced by the Central Government at which foodgrains are procured from farmers by the Central Government and the State Governments and their agencies, for the central pool;
- (11) "notification" means a notification issued under this Act and published in the Official Gazette;
- (12) "other welfare schemes" means such Government schemes, in addition to the Targeted Public Distribution System, under which foodgrains or meals are supplied as part of the schemes;
- (13) "person with disability" means a person defined as such in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;
- (14) "priority households" means households identified as such under section 10;
- (15) "prescribed" means prescribed by rules made under this Act;
- (16) "ration card" means a document issued under an order or authority of the State Government for the purchase of essential commodities from the fair price shops under the Targeted Public Distribution System;
- (17) "rural area" means any area in a State except those areas covered by any urban local body or a cantonment board established or constituted under any law for the time being in force;

10 of 1955.

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- (18) "Schedule" means a Schedule appended to this Act;
- (19) "senior citizen" means a person defined as such under clause (h) of section 2 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007;
- (20) "social audit" means the process in which people collectively monitor and evaluate the planning and implementation of a programme or scheme;
- (21) "State Commission" means the State Food Commission constituted under section 16;
- (22) "State Government", in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution;
- (23) "Targeted Public Distribution System" means the system for distribution of essential commodities to the ration card holders through fair price shops;
- (24) "Vigilance Committee" means a committee constituted under section 29 to supervise the implementation of all schemes under this Act;
- (25) the words and expressions not defined here but defined in the Essential Commodities Act, 1955, or any other relevant Act shall have the meaning respectively assigned to them in those Acts.

CHAPTER II

PROVISIONS FOR FOOD SECURITY

3. (1) Every person belonging to priority households, identified under sub-section (1) of section 10, shall be entitled to receive five kilograms of foodgrains per person per month at subsidised prices specified in Schedule I from the State Government under the Targeted Public Distribution System:

Provided that the households covered under Antyodaya Anna Yojana shall, to such extent as may be specified by the Central Government for each State in the said scheme, be entitled to thirty-five kilograms of foodgrains per household per month at the prices specified in Schedule I:

Provided further that if annual allocation of foodgrains to any State under the Act is less than the average annual offtake of foodgrains for last three years under normal Targeted Public Distribution System, the same shall be protected at prices as may be determined by the Central Government and the State shall be allocated foodgrains as specified in Schedule IV.

Explanation.—For the purpose of this section, the "Antyodaya Anna Yojana" means, the scheme by the said name launched by the Central Government on the 25th day of December, 2000; and as modified from time to time.

(2) The entitlements of the persons belonging to the eligible households referred to in sub-section (1) at subsidised prices shall extend up to seventy-five per cent. of the rural population and up to fifty per cent. of the urban population.

(3) Subject to sub-section (1), the State Government may provide to the persons belonging to eligible households, wheat flour in lieu of the entitled quantity of foodgrains in accordance with such guidelines as may be specified by the Central Government.

4. 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).

Right to receive foodgrains at subsidised prices by persons belonging to eligible households under Targeted Public Distribution System.

Nutritional support to pregnant women and lactating mothers.

Apur Gupta
Secretary

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Nutritional support to children.

5. (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 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.

Prevention and management of child malnutrition.

6. 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.

Implementation of schemes for realisation of entitlements.

7. The State Governments shall implement schemes covering entitlements under sections 4, 5 and section 6 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.

CHAPTER III

FOOD SECURITY ALLOWANCE

Right to receive food security allowance in certain cases.

8. In case of non-supply of the entitled quantities of foodgrains or meals to entitled persons under Chapter II, such persons shall be entitled to receive such food security allowance from the concerned State Government to be paid to each person, within such time and manner as may be prescribed by the Central Government.

CHAPTER IV

IDENTIFICATION OF ELIGIBLE HOUSEHOLDS

Coverage of population under Targeted Public Distribution System.

9. The percentage coverage under the Targeted Public Distribution System in rural and urban areas for each State shall, subject to sub-section (2) of section 3, be determined by the Central Government and the total number of persons to be covered in such rural and urban areas of the State shall be calculated on the basis of the population estimates as per the census of which the relevant figures have been published.

State Government to prepare guidelines and to identify priority households.

10. (1) The State Government shall, within the number of persons determined under section 9 for the rural and urban areas, identify:—

(a) the households to be covered under the Antyodaya Anna Yojana to the extent specified under sub-section (1) of section 3, in accordance with the guidelines applicable to the said scheme;

(b) the remaining households as priority households to be covered under the Targeted Public Distribution System, in accordance with such guidelines as the State Government may specify;

Provided that the State Government may, as soon as possible, but within such period not exceeding three hundred and sixty-five days, after the commencement of

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the Act, identify the eligible households in accordance with the guidelines framed under this sub-section;

Provided further that the State Government shall continue to receive the allocation of foodgrains from the Central Government under the existing Targeted Public Distribution System, till the identification of such households is complete.

(2) The State Government shall update the list of eligible households, within the number of persons determined under section 9 for the rural and urban areas, in accordance with the guidelines framed under sub-section (1).

11. The State Government shall place the list of the identified eligible households in the public domain and display it prominently.

Publication and display of list of eligible households.

CHAPTER V

REFORMS IN TARGETED PUBLIC DISTRIBUTION SYSTEM

12. (1) The Central and State Governments shall endeavour to progressively undertake necessary reforms in the Targeted Public Distribution System in consonance with the role envisaged for them in this Act.

Reforms in Targeted Public Distribution System.

(2) The reforms shall, *inter alia*, include—

(a) doorstep delivery of foodgrains to the Targeted Public Distribution System outlets;

(b) application of information and communication technology tools including end-to-end computerisation in order to ensure transparent recording of transactions at all levels, and to prevent diversion;

(c) leveraging "aadhaar" for unique identification, with biometric information of entitled beneficiaries for proper targeting of benefits under this Act;

(d) full transparency of records;

(e) preference to public institutions or public bodies such as Panchayats, self-help groups, co-operatives, in licensing of fair price shops and management of fair price shops by women or their collectives;

(f) diversification of commodities distributed under the Public Distribution System over a period of time;

(g) support to local public distribution models and grains banks;

(h) introducing schemes, such as, cash transfer, food coupons, or other schemes, to the targeted beneficiaries in order to ensure their foodgrain entitlements specified in Chapter II, in such area and manner as may be prescribed by the Central Government.

CHAPTER VI

WOMEN EMPOWERMENT

13. (1) The eldest woman who is not less than eighteen years of age, in every eligible household, shall be head of the household for the purpose of issue of ration cards.

Women of eighteen years of age or above to be head of household for purpose of issue of ration cards.

(2) Where a household at any time does not have a woman or a woman of eighteen years of age or above, but has a female member below the age of eighteen years, then, the eldest male member of the household shall be the head of the household for the purpose of issue of ration card and the female member, on attaining the age of eighteen years, shall become the head of the household for such ration cards in place of such male member.

CHAPTER VII

GRIEVANCE REDRESSAL MECHANISM

14. Every State Government shall put in place an internal grievance redressal mechanism which may include call centres, help lines, designation of nodal officers, or such other mechanism as may be prescribed.

Internal grievance redressal mechanism.

Apar Gupta
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District
Grievance
Redressal
Officer.

15. (1) The State Government shall appoint or designate, for each district, an officer to be the District Grievance Redressal Officer for expeditious and effective redressal of grievances of the aggrieved persons in matters relating to distribution of entitled foodgrains or meals under Chapter II, and to enforce the entitlements under this Act.

(2) The qualifications for appointment as District Grievance Redressal Officer and his powers shall be such as may be prescribed by the State Government.

(3) The method and terms and conditions of appointment of the District Grievance Redressal Officer shall be such as may be prescribed by the State Government.

(4) The State Government shall provide for the salary and allowances of the District Grievance Redressal Officer and other staff and such other expenditure as may be considered necessary for their proper functioning.

(5) The officer referred to in sub-section (1) shall hear complaints regarding non-distribution of entitled foodgrains or meals, and matters relating thereto, and take necessary action for their redressal in such manner and within such time as may be prescribed by the State Government.

(6) Any complainant or the officer or authority against whom any order has been passed by officer referred to in sub-section (1), who is not satisfied with the redressal of grievance may file an appeal against such order before the State Commission.

(7) Every appeal under sub-section (6) shall be filed in such manner and within such time as may be prescribed by the State Government.

State Food
Commission.

16. (1) Every State Government shall, by notification, constitute a State Food Commission for the purpose of monitoring and review of implementation of this Act.

(2) The State Commission shall consist of—

(a) a Chairperson;

(b) five other Members; and

(c) a Member-Secretary, who shall be an officer of the State Government not below the rank of Joint Secretary to that Government.

Provided that there shall be at least two women, whether Chairperson, Member or Member-Secretary:

Provided further that there shall be one person belonging to the Scheduled Castes and one person belonging to the Scheduled Tribes, whether Chairperson, Member or Member-Secretary.

(3) The Chairperson and other Members shall be appointed from amongst persons—

(a) who are or have been member of the All India Services or any other civil services of the Union or State or holding a civil post under the Union or State having knowledge and experience in matters relating to food security, policy making and administration in the field of agriculture, civil supplies, nutrition, health or any allied field; or

(b) of eminence in public life with wide knowledge and experience in agriculture, law, human rights, social service, management, nutrition, health, food policy or public administration; or

(c) who have a proven record of work relating to the improvement of the food and nutrition rights of the poor.

(4) The Chairperson and every other Member shall hold office for a term not exceeding five years from the date on which he enters upon his office and shall be eligible for reappointment:

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Provided that no person shall hold office as the Chairperson or other Member after he has attained the age of sixty-five years.

(5) The method of appointment and other terms and conditions subject to which the Chairperson, other Members and Member-Secretary of the State Commission may be appointed, and time, place and procedure of meetings of the State Commission (including the quorum at such meetings) and its powers, shall be such as may be prescribed by the State Government.

(6) The State Commission shall undertake the following functions, namely:—

(a) monitor and evaluate the implementation of this Act, in relation to the State;

(b) either *suo motu* or on receipt of complaint inquire into violations of entitlements provided under Chapter II;

(c) give advice to the State Government on effective implementation of this Act;

(d) give advice to the State Government, their agencies, autonomous bodies as well as non-governmental organisations involved in delivery of relevant services, for the effective implementation of food and nutrition related schemes, to enable individuals to fully access their entitlements specified in this Act;

(e) hear appeals against orders of the District Grievance Redressal Officer;

(f) prepare annual reports which shall be laid before the State Legislature by the State Government.

(7) The State Government shall make available to the State Commission, such administrative and technical staff, as it may consider necessary for proper functioning of the State Commission.

(8) The method of appointment of the staff under sub-section (7), their salaries, allowances and conditions of service shall be such, as may be prescribed by the State Government.

(9) The State Government may remove from office the Chairperson or any Member who—

(a) is, or at any time has been, adjudged as an insolvent; or

(b) has become physically or mentally incapable of acting as a member; or

(c) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(e) has so abused his position as to render his continuation in office detrimental to the public interest.

(10) No such Chairperson or Member shall be removed under clause (d) or clause (e) of sub-section (9) unless he has been given a reasonable opportunity of being heard in the matter.

17. The State Government shall provide for salary and allowances of Chairperson, other Members, Member-Secretary, support staff, and other administrative expenses required for proper functioning of the State Commission.

Salary and allowances of Chairperson, Member, Member-Secretary and other staff of State Commission.

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Designation of any Commission or body to function as State Commission.

18. The State Government may, if considers it necessary, by notification, designate any statutory commission or a body to exercise the powers and perform the functions of the State Commission referred to in section 16.

Joint State Food Commission.

19. Notwithstanding anything contained in sub-section (1) of section 16, two or more States may have a Joint State Food Commission for the purposes of this Act with the approval of the Central Government.

Powers relating to inquiries.

20. (1) The State Commission shall, while inquiring into any matter referred to in clauses (b) and (c) of sub-section (6) of section 16, have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, and, in particular, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office; and
- (e) issuing commissions for the examination of witnesses or documents.

(2) The State Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.

Vacancies, etc., not to invalidate proceedings of State Commission.

21. No act or proceeding of the State Commission shall be invalid, merely by reason of—

- (a) any vacancy in, or any defect in the constitution of, the State Commission; or
- (b) any defect in the appointment of a person as the Chairperson or a Member of the State Commission; or
- (c) any irregularity in the procedure of the State Commission not affecting the merits of the case.

CHAPTER VIII

OBIGATIONS OF CENTRAL GOVERNMENT FOR FOOD SECURITY.

Central Government to allocate required quantity of foodgrains from central pool to State Governments.

22. (1) The Central Government shall, for ensuring the regular supply of foodgrains to persons belonging to eligible households, allocate from the central pool the required quantity of foodgrains to the State Governments under the Targeted Public Distribution System, as per the entitlements under section 3 and at prices specified in Schedule I.

(2) The Central Government shall allocate foodgrains in accordance with the number of persons belonging to the eligible households identified in each State under section 10.

(3) The Central Government shall provide foodgrains in respect of entitlements under sections 4, 5 and section 6, to the State Governments, at prices specified for the persons belonging to eligible households in Schedule I.

(4) Without prejudice to sub-section (1), the Central Government shall,—

- (a) procure foodgrains for the central pool through its own agencies and the State Governments and their agencies;
- (b) allocate foodgrains to the States;

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- (c) provide for transportation of foodgrains, as per allocation, to the depots designated by the Central Government in each State;
- (d) provide assistance to the State Government in meeting the expenditure incurred by it towards intra-State movement, handling of foodgrains and margins paid to fair price shop dealers, in accordance with such norms and manner as may be prescribed by the Central Government; and
- (e) create and maintain required modern and scientific storage facilities at various levels.

23. In case of short supply of foodgrains from the central pool to a State, the Central Government shall provide funds to the extent of short supply to the State Government for meeting obligations under Chapter II in such manner as may be prescribed by the Central Government.

Provisions for funds by Central Government to State Government in certain cases.

CHAPTER IX

OBLIGATIONS OF STATE GOVERNMENT FOR FOOD SECURITY

24. (1) The State Government shall be responsible for implementation and monitoring of the schemes of various Ministries and Departments of the Central Government in accordance with guidelines issued by the Central Government for each scheme, and their own schemes, for ensuring food security to the targeted beneficiaries in their State.

Implementation and monitoring of schemes for ensuring food security.

(2) Under the Targeted Public Distribution System, it shall be the duty of the State Government to—

- (a) take delivery of foodgrains from the designated depots of the Central Government in the State, at the prices specified in Schedule I, organise intra-State allocations for delivery of the allocated foodgrains through their authorised agencies at the door-step of each fair price shop; and
- (b) ensure actual delivery or supply of the foodgrains to the entitled persons at the prices specified in Schedule I.

(3) For foodgrain requirements in respect of entitlements under sections 4, 5 and section 6, it shall be the responsibility of the State Government to take delivery of foodgrains from the designated depots of the Central Government in the State, at the prices specified in Schedule I for persons belonging to eligible households and ensure actual delivery of entitled benefits, as specified in the aforesaid sections.

(4) In case of non-supply of the entitled quantities of foodgrains or meals to entitled persons under Chapter II, the State Government shall be responsible for payment of food security allowance specified in section 8.

(5) For efficient operations of the Targeted Public Distribution System, every State Government shall,—

- (a) create and maintain scientific storage facilities at the State, District and Block levels, being sufficient to accommodate foodgrains required under the Targeted Public Distribution System and other food based welfare schemes;
- (b) suitably strengthen capacities of their Food and Civil Supplies Corporations and other designated agencies;
- (c) establish institutionalised licensing arrangements for fair price shops in accordance with the relevant provisions of the Public Distribution System (Control) Order, 2001 made under the Essential Commodities Act, 1955, as amended from time to time.

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CHAPTER X

OBLIGATIONS OF LOCAL AUTHORITIES

Implementation of Targeted Public Distribution System by local authority in their areas.

25. (1) The local authorities shall be responsible for the proper implementation of this Act in their respective areas.

(2) Without prejudice to sub-section (1), the State Government may assign, by notification, additional responsibilities for implementation of the Targeted Public Distribution System to the local authority.

Obligations of local authority.

26. In implementing different schemes of the Ministries and Departments of the Central Government and the State Governments, prepared to implement provisions of this Act, the local authorities shall be responsible for discharging such duties and responsibilities as may be assigned to them, by notification, by the respective State Governments.

CHAPTER XI

TRANSPARENCY AND ACCOUNTABILITY

Disclosure of records of Targeted Public Distribution System.

27. All Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to the public, in such manner as may be prescribed by the State Government.

Conduct of social audit.

28. (1) Every local authority, or any other authority or body, as may be authorised by the State Government, shall conduct or cause to be conducted, periodic social audits on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes, and cause to publicise its findings and take necessary action, in such manner as may be prescribed by the State Government.

(2) The Central Government may, if it considers necessary, conduct or cause to be conducted social audit through independent agencies having experience in conduct of such audits.

Setting up of Vigilance Committees.

29. (1) For ensuring transparency and proper functioning of the Targeted Public Distribution System and accountability of the functionaries in such system, every State Government shall set up Vigilance Committees as specified in the Public Distribution System (Control) Order, 2001, made under the Essential Commodities Act, 1955, as amended from time to time, at the State, District, Block and fair price shop levels consisting of such persons, as may be prescribed by the State Government giving due representation to the local authorities, the Scheduled Castes, the Scheduled Tribes, women and destitute persons or persons with disability.

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(2) The Vigilance Committees shall perform the following functions, namely:—

(a) regularly supervise the implementation of all schemes under this Act;

(b) inform the District Grievance Redressal Officer, in writing, of any violation of the provisions of this Act; and

(c) inform the District Grievance Redressal Officer, in writing, of any malpractice or misappropriation of funds found by it.

CHAPTER XII

PROVISIONS FOR ADVANCING FOOD SECURITY

Food security for people living in remote, hilly and tribal areas.

30. The Central Government and the State Governments shall, while implementing the provisions of this Act and the schemes for meeting specified entitlements, give special focus to the needs of the vulnerable groups especially in remote areas and other areas which are difficult to access, hilly and tribal areas for ensuring their food security.

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31. The Central Government, the State Governments and local authorities shall, for the purpose of advancing food and nutritional security, strive to progressively realise the objectives specified in Schedule III.

Steps to further advance food and nutritional security.

CHAPTER XIII
MISCELLANEOUS

32. (1) The provisions of this Act shall not preclude the Central Government or the State Government from continuing or formulating other food based welfare schemes.

Other welfare schemes.

(2) Notwithstanding anything contained in this Act, the State Government may, continue with or formulate food or nutrition based plans or schemes providing for benefits higher than the benefits provided under this Act, from its own resources.

33. Any public servant or authority found guilty, by the State Commission at the time of deciding any complaint or appeal, of failing to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or wilfully ignoring such recommendation, shall be liable to penalty not exceeding five thousand rupees:

Penalties.

Provided that the public servant or the public authority, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed.

34. (1) For the purpose of adjudging penalty under section 33, the State Commission shall authorise any of its member to be an adjudicating officer for holding an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty.

Power to adjudicate.

(2) While holding an inquiry the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, he is satisfied that the person has failed to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or wilfully ignored such recommendation, he may impose such penalty as he thinks fit in accordance with the provisions of section 33.

35. (1) The Central Government may, by notification, direct that the powers exercisable by it (except the power to make rules), in such circumstances and subject to such conditions and limitations, be exercisable also by the State Government or an officer subordinate to the Central Government or the State Government as it may specify in the notification.

Power to delegate by Central Government and State Government.

(2) The State Government may, by notification, direct that the powers exercisable by it (except the power to make rules), in such circumstances and subject to such conditions and limitations, be exercisable also by an officer subordinate to it as it may specify in the notification.

36. The provisions of this Act or the schemes made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law.

Act to have overriding effect.

37. (1) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend Schedule I or Schedule II or Schedule III or Schedule IV and thereupon Schedule I or Schedule II or Schedule III or Schedule IV, as the case may be, shall be deemed to have been amended accordingly.

Power to amend Schedules.

(2) A copy of every notification issued under sub-section (1), shall be laid before each House of Parliament as soon as may be after it is issued.

38. The Central Government may, from time to time, give such directions, as it may consider necessary, to the State Governments for the effective implementation of the provisions of this Act and the State Governments shall comply with such directions.

Power of Central Government to give directions.

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Power of Central Government to make rules.

39. (1) The Central Government may, in consultation with the State Governments and by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) scheme including cost sharing for providing maternity benefit to pregnant women and lactating mothers under clause (b) of section 4;

(b) schemes covering entitlements under sections 4, 5 and section 6 including cost sharing under section 7;

(c) amount, time and manner of payment of food security allowance to entitled individuals under section 8;

(d) introducing schemes of cash transfer, food coupons or other schemes to the targeted beneficiaries in order to ensure their foodgrains entitlements in such areas and manner under clause (h) of sub-section (2) of section 12;

(e) the norms and manner of providing assistance to the State Governments in meeting expenditure under clause (d) of sub-section (4) of section 22;

(f) manner in which funds shall be provided by the Central Government to the State Governments in case of short supply of foodgrains, under section 23;

(g) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the Central Government by rules.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of State Government to make rules.

40. (1) The State Government may, by notification, and subject to the condition of previous publication, and consistent with this Act and the rules made by the Central Government, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) guidelines for identification of priority households under sub-section (1) of section 10;

(b) internal grievance redressal mechanism under section 14;

(c) qualifications for appointment as District Grievance Redressal Officer and its powers under sub-section (2) of section 15;

(d) method and terms and conditions of appointment of the District Grievance Redressal Officer under sub-section (3) of section 15;

(e) manner and time limit for hearing complaints by the District Grievance Redressal Officer and the filing of appeals under sub-sections (5) and (7) of section 15;

(f) method of appointment and the terms and conditions of appointment of Chairperson, other Members and Member-Secretary of the State Commission, procedure for meetings of the Commission and its powers, under sub-section (5) of section 16;

(g) method of appointment of staff of the State Commission, their salaries, allowances and conditions of service under sub-section (8) of section 16;

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(h) manner in which the Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to public under section 27;

(i) manner in which the social audit on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes shall be conducted under section 28;

(j) composition of Vigilance Committees under sub-section (1) of section 29;

(k) schemes or programmes of the Central Government or the State Governments for utilisation of institutional mechanism under section 43;

(l) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the State Government by rules.

(3) Every rule, notification and guidelines made or issued by the State Government under this Act shall, as soon as may be after it is made or issued, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

41. The schemes, guidelines, orders and food standard, grievance redressal mechanism, vigilance committees, existing on the date of commencement of this Act, shall continue to be in force and operate till such schemes, guidelines, orders and food standard, grievance redressal mechanism, vigilance committees are specified or notified under this Act or the rules made thereunder.

Transitory provisions for schemes, guidelines, etc.

Provided that anything done or any action taken under the said schemes, guidelines, orders and food standard, grievance redressal mechanism, or by vigilance committees shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or by any action taken under this Act.

42. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

43. The services of authorities to be appointed or constituted under sections 15 and 16 may be utilised in the implementation of other schemes or programmes of the Central Government or the State Governments, as may be prescribed by the State Government.

Utilisation of institutional mechanism for other purposes.

44. The Central Government, or as the case may be, the State Government, shall be liable for a claim by any person entitled under this Act, except in the case of war, flood, drought, fire, cyclone or earthquake affecting the regular supply of foodgrains or meals to such person under this Act.

Force Majeure.

Provided that the Central Government may, in consultation with the Planning Commission, declare whether or not any such situation affecting the regular supply of foodgrains or meals to such person has arisen or exists.

Oct. 7 of 2013.

45. (1) The National Food Security Ordinance, 2013 is hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal,—

(a) anything done, any action taken or any identification of eligible households made; or

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(b) any right, entitlement, privilege, obligation or liability acquired, accrued or incurred; or

(c) any guidelines framed or directions issued; or

(d) any investigation, inquiry or any other legal proceeding initiated, conducted or continued in respect of such right, entitlement, privilege, obligation or liability as aforesaid; or

(e) any penalty imposed in respect of any offence.

under the said Ordinance shall be deemed to have been done, taken, made, acquired, accrued, incurred, framed, issued, initiated, conducted, continued or imposed under the corresponding provisions of this Act.

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SCHEDULE I

[See sections 3(1), 22(1), (3) and 24(2), (3)]

SUBSIDISED PRICES UNDER TARGETED PUBLIC DISTRIBUTION SYSTEM

Eligible households shall be entitled to foodgrains under section 3 at the subsidised price not exceeding rupees 3 per kg for rice, rupees 2 per kg for wheat and rupee 1 per kg for coarse grains for a period of three years from the date of commencement of this Act; and thereafter, at such price, as may be fixed by the Central Government, from time to time, not exceeding,—

(i) the minimum support price for wheat and coarse grains; and

(ii) the derived minimum support price for rice,

as the case may be.

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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	2	3	4	5
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

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SCHEDULE III

(See section 31)

PROVISIONS FOR ADVANCING FOOD SECURITY

(1) Revitalisation of Agriculture—

- (a) agrarian reforms through measures for securing interests of small and marginal farmers;
- (b) increase in investments in agriculture, including research and development, extension services, micro and minor irrigation and power to increase productivity and production;
- (c) ensuring livelihood security to farmers by way of remunerative prices, access to inputs, credit, irrigation, power, crop insurance, etc.;
- (d) prohibiting unwarranted diversion of land and water from food production.

(2) Procurement, Storage and Movement related Interventions—

- (a) incentivising decentralised procurement including procurement of coarse grains;
- (b) geographical diversification of procurement operations;
- (c) augmentation of adequate decentralised modern and scientific storage;
- (d) giving top priority to movement of foodgrains and providing sufficient number of rakes for this purpose, including expanding the line capacity of railways to facilitate foodgrain movement from surplus to consuming regions.

(3) Others: Access to—

- (a) safe and adequate drinking water and sanitation;
- (b) health care;
- (c) nutritional, health and education support to adolescent girls;
- (d) adequate pensions for senior citizens, persons with disability and single women.

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SCHEDULE IV
[See section 3(f)]
STATE-WISE ALLOCATION OF FOODGRAINS

S.No.	Name of the State	Quantity (in lakh tons)
1	2	3
1.	Andhra Pradesh	32.10
2.	Assam	0.89
3.	Assam	16.95
4.	Bihar	55.27
5.	Chhattisgarh	12.91
6.	Delhi	5.73
7.	Goa	0.59
8.	Gujarat	23.95
9.	Haryana	7.95
10.	Himachal Pradesh	5.08
11.	Jammu and Kashmir	7.51
12.	Jharkhand	16.96
13.	Karnataka	25.56
14.	Kerala	14.25
15.	Madhya Pradesh	34.68
16.	Maharashtra	45.02
17.	Manipur	1.51
18.	Meghalaya	1.76
19.	Mizoram	0.66
20.	Nagaland	1.38
21.	Odisha	21.09
22.	Punjab	8.70
23.	Rajasthan	27.92
24.	Sikkim	0.44
25.	Tamil Nadu	36.78
26.	Tripura	2.71
27.	Uttar Pradesh	96.15
28.	Uttarakhand	5.03
29.	West Bengal	38.49
30.	Andaman and Nicobar Islands	0.16
31.	Chandigarh	0.31
32.	Dadra and Nagar Haveli	0.15
33.	Daman and Diu	0.07
34.	Lakshadweep	0.05
35.	Puducherry	0.50
	Total	549.26

DR. SANJAY SINGH,
Additional Secretary to the Govt. of India.

PRINTED BY DIRECTORATE OF PRINTING AT GOVERNMENT OF INDIA PRESS, MANTO ROAD,
NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI.

ONGIPM/RND-2740G(S4)-10-09-2013.

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GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF FOOD, SUPPLIES & CONSUMER AFFAIRS
K-BLOCK, VIKAS BHAWAN, LP, ESTATE, NEW DELHI-110002
(POLICY BRANCH)

No.F.3(40)/2013/F&S/P&C/NFSO/Part-File/ 1193-1204

Dated: 06/08/13

ORDER

In pursuance of the provision under Section 14 of the National Food Security Ordinance 2013, Additional Commissioner Incharge (National Food Security Ordinance) is hereby designated as Nodal Officer for redressal of grievances. He/she will perform the following functions:-

1. Oversee the disposal of grievances received from public through call centre, personal appearance, or in the dak.
2. Oversee the functioning of District Grievance Redressal Officers regarding disposal of grievances under NFSO.
3. Co-ordination with the State Food Commission.
4. Oversee proper maintenance of records related to Grievance Redressal under NFSO.
5. Ensuring timely redressal of grievances under NFSO.

COMMISSIONER, FOOD, SUPPLIES & CONSUMER AFFAIRS

(S.S. VADAV)

No.F.3(40)/2013/F&S/P&C/NFSO/Part-File/ 1193-1204

Dated: 06/08/2013

Copy for information and necessary action to the:-

1. Chairman, Public Grievances Commission, Govt. of NCT of Delhi.
2. Divisional Commissioner, Govt. of NCT of Delhi, 5-Sham Nath Marg, Delhi.
3. All ADMs/District Grievance Redressal Officers.
4. All Assistant Commissioners, F&S Deptt.
5. All FSOs through the concerned ACs.
6. PS to CFS.
7. PS to Special Commissioner, F&S Deptt.
8. PAs to Addl. Commissioners, F&S Deptt.
9. PA to Joint Commissioner, F&S Deptt.
10. All Branch Incharges/FSOs at Headquarter, F&S Deptt.
11. System Analyst, Computer Branch, F&S Deptt. For uploading on department web site.
12. Guard File.

ASSTT. COMMISSIONER (P&C)

(VIKRAM BISHT)

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दिल्ली राजपत्र Delhi Gazette

असाधारण

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प्राधिकृत के प्रकाशित

PUBLISHED BY AUTHORITY

सं. 133]

No. 133]

दिल्ली, शुक्रेवार, अगस्त 23, 2013/भाद्र 1, 1935

DELHI, FRIDAY, AUGUST 23, 2013/HADRA 1, 1935

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भाग-IV

PART-IV

राष्ट्रीय राजधानी राज्य क्षेत्र दिल्ली सरकार

GOVERNMENT OF THE NATIONAL CAPITAL TERRITORY OF DELHI

खाद्य, आपूर्ति एवं उपभोक्ता कार्यकलाप विभाग

अधिसूचनाएं

दिल्ली, 23 अगस्त, 2013

फा. सं. 3(40)/2013/खा. एवं आपु./पी एंड सी/1234-1245.—राष्ट्रीय खाद्य सुरक्षा अध्यादेश, 2013 की धारा 18 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राष्ट्रीय राजधानी क्षेत्र दिल्ली के उपराज्यपाल एतद्वारा जनशिकायत आयोग की उभय अध्यादेश की धारा 18 के अंतर्गत राष्ट्रीय राजधानी क्षेत्र दिल्ली के लिए राज्य खाद्य आयोग के रूप में नियुक्ति करते हैं।

DEPARTMENT OF FOOD, SUPPLIES AND CONSUMER AFFAIRS

NOTIFICATIONS

Delhi, the 23rd August, 2013

F.No.3(40)/2013/F&S/P&C/1234-1245.—In exercise of the powers conferred by Section 18 of the National Food Security Ordinance, 2013, the Lt. Governor of NCT of Delhi hereby designates Public Grievance Commission as State Food Commission for the NCT of Delhi under Section 16 of the said Ordinance.

फा. सं. 3(40)/2013/खा. एवं आपु./पी एंड सी/1246-1259.—राष्ट्रीय खाद्य सुरक्षा अध्यादेश, 2013 की धारा 15 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राष्ट्रीय राजधानी क्षेत्र दिल्ली के उपराज्यपाल एतद्वारा जिले के अतिरिक्त जिला मजिस्ट्रेट को राष्ट्रीय राजधानी क्षेत्र दिल्ली में जिला जनशिकायत निवारण अधिकारी के रूप में नियुक्ति करते हैं।

राष्ट्रीय राजधानी क्षेत्र दिल्ली के उपराज्यपाल के आदेश से तथा उनके नाम पर

एतद्वारा एतद्वारा अधिसूचनाएं एवं शक्ति

F. No. 3(40)/2013/F&S/P&C/1246-1259.—In exercise of the powers conferred by Section 15 of the National Food Security Ordinance, 2013, the Lt. Governor of NCT of Delhi hereby designates Additional District Magistrate of the district as District Grievance Redressal Officer in NCT of Delhi.

By Order and in the Name of the Lt. Governor of National Capital Territory of Delhi

S. S. YADAV, Commissioner-cum Secy

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GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF FOOD, SUPPLIES & CONSUMER AFFAIRS
K-BLOCK, VIKAS BHAWAN, LP. ESTATE, NEW DELHI-110002

F3 (40)/2013/F&S/P&C/Vol-III/96-105

Dated: 30-1-14.

ORDER

Under section 15 of National Food Security Act, 2013 Additional District Magistrate of the district has been designated District Grievance Redressal Officer (DGRO) for expeditious and effective redressal of grievances of the aggrieved persons in matter relating to distribution of entitled foodgrains or meals under chapter II of NFSA 2013 and to enforce the entitlements under the Act. The following procedure is laid down for Grievance Redressal by District Grievance Redressal Officer (DGRO) :-

1. Any member of public, aggrieved by the action of Fair Price Shop dealer for not providing the entitled foodgrains may file a written complaint /grievance with the District Grievance Redressal Officer (DGRO) of the district, on a simple sheet of paper with the name, address, telephone number of self and the name, license number and address of Fair Price Shop owner. The circle number in which the FPS is located may also be mentioned.
2. All complaints and appeals received by District Grievance Redressal Officer (DGRO) are to be diarized and registered with a unique ID No. which should contain the district code such as SW for South West, N for North etc. and shall be forwarded to concerned Zonal Assistant Commissioner, F&S for comments as well as action taken which shall be reported back to DGRO compulsorily within a period of seven working days from the date of receiving of reference from DGRO.
3. On receipt of complaint, and if satisfied that the matter needs to be enquired into, District Grievance Redressal Officer (DGRO) may summon the complainant, owner of FPS and concerned FSI/FSO/ Zonal Assistant Commissioner, F&S and may hear the parties for arriving at a decision as to whether there is any dereliction on the part of owner of FPS/Licensee concerned.
4. During course of hearing a grievance petition, the complainant or his authorized representative as well as owner of FPS or his authorized representative are to be present. An officer not below the rank of FSI needs to be present at the hearing from the side of F&S Department. Also during the hearing, the status of the action taken on the matter is to be reviewed, further submissions of the complainant are to

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be heard, and an interim order is to be given by the District Grievance Redressal Officer. The specific directions given by DGRO shall determine the action to be taken by all concerned prior to the next date of hearing. The hearings need to be concluded and final order needs to be given within 30 days of filing of complaint with DGRO. In exceptional cases where DGRO is unable to decide on a complaint within the stipulated time, his final order on the matter shall speak about the reasons for delay in disposing off the matter. In no case, the order may be delayed beyond 45 days of receiving the complaint by DGRO.

5. On conclusion of the hearing of the complaint, District Grievance Redressal Officer shall pass an appropriate "speaking order", and where it is held that the allegations made against owner of the FPS, are prima facie established, District Grievance Redressal Officer may recommend action to be taken against the defaulter/s. The recommendation made by District Grievance Redressal Officer shall be given due consideration by appropriate administrative authority for its speedy implementation.
6. Any complainant or the officer or authority against whom any order has been passed by District Grievance Redressal Officer, who is not satisfied with the redressal of grievance may file an appeal against such order before State Food Commission within 30 days of receipt of such order.

This is issued with the prior approval of Commissioner, F&S.


(B.R. SINGH)
SPL. COMMISSIONER (F&S)


Dated: 30-1-14.

F3 (40)/2013/F&S/P&C/Vol-III/76-105

Copy for information and necessary action to:-

- (1) All Additional District Magistrate of Districts/DGROs.
- (2) All zonal Asst. Commissioners.
- (3) All FSOs through Asstt. Commissioner, F & S.
- (4) P.S. to Commissioner-cum-Secretary, F & S.
- (5) P.S. to Spl. Commissioner.
- (6) P.A. to Addl. Commissioners.
- (7) P.A. to Jt. Commissioner.
- (8) All Branch Incharges of Headquarter, F & S.
- (9) S.A. (Computer), F & S Department for uploading on website.

Copy for information to:-
Chairperson, PGC, M-Block, Vikas Bhawan, Delhi.


(GOVIND RAM)
ASSISTANT COMMISSIONER (NFSA)

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GUIDELINES FOR IDENTIFICATION OF ELIGIBLE HOUSEHOLDS TO RECEIVE FOOD GRAINS AT SUBSIDIZED PRICES UNDER 'NATIONAL FOOD SECURITY ORDINANCE 2013'

1. In case of most vulnerable & vulnerable households who are presently having Antyodaya Anna Yojana (AAY), Below Poverty Line (BPL), Jhuggi Ration Card (JRC), Resettlement Colony Ration Card (RCRC) which are 6.27 lakh households having 32.39 lakh persons, the following procedure will be followed to identify eligible households:-
 - i. The details of these households will be published by displaying it on the notice board of the office of Circle Officer concerned, in the concerned Fair Price Shops (FPS) as well as on the website of the Department. A public notice will also be given in the newspapers regarding publication of the list on the website and in the offices of the concerned Food and Supplies Officer (FSO) and FPS.
 - ii. A public notice will be given that it is proposed to make these persons eligible as AAY or priority households as the case may be for receiving food grains under the provisions of National Food Security Ordinance 2013 as they meet the eligibility criteria enumerated in Para-6 and do not fall in any of the exclusion category mentioned in Para-8 of these guidelines.
 - iii. Objections, if any, will be invited against inclusion of their names in the Antodya Anna Yojana (AAY) or Priority Category, as the case may be. Time of atleast seven days will be given for filing objections, if any.
 - iv. Objections received will be considered by the FSO. Field verification will also be done, if required.

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- v. If any objection is found valid and the FSO proposes to remove any family from the list, the head of household will be given opportunity to present his/ her case and the final decision will be taken after hearing him/her.
- vi. After considering all the objections and taking a decision on them, the final list of eligible households category-wise (AAY or priority) will be prepared by the FSO. The category of card in the computer system of households found eligible will be changed appropriately to AAY or Priority category as the case may be.
- vii. List of such eligible households will be placed in the public domain.
- viii. The eligible households will be given the entitled quantity of food grains at the notified rates from the succeeding month. Allocation of foodgrains to the shops will be made accordingly and shop owners will be informed appropriately.
- ix. The ration cards of eligible households, so determined will be printed afresh in a phased manner. Till the fresh card is printed and given to the households, it will keep getting the entitled food grains on existing ration card.
- x. Eldest female will be made Head of household as prescribed in the ordinance and the new card will be titled as "National Food Security Card".
- xi. 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.

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- xii. 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.
- 2. Households presently getting ration will continue to get ration as per existing norms and rates till they are either included in priority households or their card is inactivated/cancelled on being found ineligible during the process of identification of eligible households
- 3. A public notice will be issued inviting people to apply for inclusion of their household in the list of eligible households for getting subsidized food grains under the provisions of National Food Security Ordinance, 2013.
- 4. People will also be contacted through NGOs and Public representatives.
- 5. Vulnerable households in existing survey data like socio economic and caste census, survey of homeless people of Delhi will also be contacted and encouraged to avail benefit. Wide publicity will be given thorough newspapers, outdoor media and other means of publicity.

6. ELIGIBILITY CRITERIA :

The households having annual income of less than Rs.1 lakh and fulfilling the following criteria will be considered as eligible households for inclusion in the "Priority/AAY category as the case may be:

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(a) Geographically, Socially and Occupationally Vulnerable Groups

- (i) Residents of slums
- (ii) Residents of resettlement colony of F,G & H categories.
- (iii) Residents of notified abadies in rural villages
- (iv) Shelterless,
- (v) Transgenders
- (vi) Households with disabled people (as defined in Persons with Disabilities Act 1995) subject to submission of prescribed medical certificate.
- (vii) Single women (including widows, unmarried and separated and deserted women), living in household as dependent or as head of household
- (viii) Children living without protection.
- (ix) Occupationally vulnerable groups like Rag-pickers, unskilled construction workers, porters, casual daily wage labour, casual domestic workers, cycle rickshaw drivers, unskilled workers in small household enterprises, unskilled workers in household industries.

(b) Other Households :

Other Households having annual income of less than Rs.1 lakh per annum.

7. Applicants belonging to nine categories in Para-6 A will not be required to submit income certificate. Self certification regarding their income and occupation will be enough subject to field verification. Similarly self certification as shelterless, being single women, children without protection or occupationally vulnerable group will be admissible. In case of residents of notified village abadies, certificate from revenue authorities will be necessary.

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8. EXCLUSION CRITERIA :

Notwithstanding their fulfilling the eligibility criteria, the following households will not be eligible:

- (i) If any member of a household owns a light (Four Wheeler) or heavy vehicle (except one commercial vehicle in households for earning livelihood)
- (ii) If any member of the household owns a building/land in any of the A to E category colonies of Delhi.
- (iii) If the household is receiving ration / food subsidy under any other scheme.
- (iv) If any member of the household is income tax payee
- (v) If any member of the household is an employee of Central/State Government, local bodies, corporation/autonomous bodies of Central / State / Local Government.
- (vi) If the household has electricity connection above 2KW.

9. MODE OF APPLICATION :

The eldest female will be treated as Head of household. Applicants will be assisted in filling up the forms by setting up "Help Desks" in each FSO office. Efforts will be made to provide facility for filling application online or through mobile phones. The application should be submitted in the prescribed format by the head of household enclosing the following documents:

- (i) Copy of Aadhar Card of all the family members
- (ii) Residence proof of the applicant, if her residence is not the same as mentioned in her Aadhar card. In case of shelter less persons, residence proof will not be required.
- (iii) Income Certificate issued by the Revenue Department, wherever applicable.
- (iv) Ration card (if the applicant or any member of the household has ration card of any type)
- (v) Any category specific certificate prescribed in Para- 6.

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- (vi) An undertaking in the prescribed format that the applicant doesn't fall under any of the exclusion categories enumerated in Para-8.

10. PLACE OF SUBMISSION :

Elaborate arrangements for receiving the application will be made. The application will be received in the office of concerned Food and Supplies Officer, 130 Gender Resource Centres etc.

11. PROCEDURE FOR APPROVAL :

- i. Applications received will be scrutinized. Photograph and demographic details of applicant from Aadhar Database will be used to avoid need for capture of fresh photograph and data of applicants and other members of households. This will also prevent duplication and bogus cards.
- ii. Field verification will be conducted.
- iii. Before declaring any household as eligible, the FSO will issue a public notice that he intends to include such household(s) in the category of eligible households and will publish it on notice board of his office for a minimum period of 7 days.
- iv. Any objection for inclusion of any household in the category of eligible household can be filed with the FSO within 7 days of publication of the list. The FSO will consider the objection. Opportunity of being heard will be given to the applicant before rejecting her application in response to any such objection.
- v. After disposing of the objections received, the FSO will include the applicant household in the list of eligible Household category.
- vi. A new Ration Card titled "National Food Security Card" will be issued to the applicant household.

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12. Cancellation of entitlement of existing APL (Stamped) ration card holders who do not apply or are found to be ineligible

If any of the existing APL (Stamped) ration card holders do not apply for issue of new ration card in the specified time period or is found to be ineligible as per these guidelines, his ration card will be inactivated/cancelled.

13. Help Desks:

Help desks will be established in the office of each FSO to guide the applicants and help them in filling up the application forms. The help desk will also do the preliminary scrutiny of the application forms and attached documents to facilitate submission of complete application along with the prescribed documents. This will expedite the sanction process and avoid inconvenience to the applicants.

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Public Distribution System

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Home

Login to EPDS Home Public Report

Commodity	Card Wise Commodity Entitlement							
	AAY		BPL		APL-1/R2/APL-BCKC		APL-S	
	Qty(In Kg) (Per Ration Card)	Rate (Rs.)	Qty(In Kg)	Rate (Rs.)	Qty(In Kg)	Rate (Rs.)	Qty(In Kg) (Per Ration Card)	Rate (Rs.)
Wheat	25.00	2.00	4.00/(Member)	3.00	4.00/(Member)	3.00	18.00	7.05
Rice	10.00	3.00	1.00/(Member)	3.00	1.00/(Member)	3.00	4.00	9.25
Sugar	5.00	13.50	6.00/(Ration Card)	13.50	0.00	0.00	0.00	0.00

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<http://epdsdelhi.nic.in/nic-scbpdsDEL/epds/?x=uga5grlgZbhhe1eunC9PA>

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GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF FOOD, SUPPLIES & CONSUMER AFFAIRS
K-BLOCK, VIKAS BHAWAN, I.P. ESTATE, NEW DELHI-110002
(POLICY BRANCH)

No. F. 1(9)/2012/P&C/F&S/Part-File/ 262-268

Dated: 25.2.2014

Sub: Instructions regarding inclusion of beneficiaries of 'Dilli Annashree Yojana' under the National Food Security Act, 2013.

1. 'Dilli Annashree Yojana' was implemented with effect from 15th December 2012 to provide food security through direct cash transfer to the most vulnerable and vulnerable households who were not getting ration under the Targeted Public Distribution System (TPDS)
2. Subsequently, the National Food Security Act, 2013 has come into force with effect from 5th July, 2013. The NFSA has been implemented in NCT of Delhi with effect from 1st September, 2013. Under the Act, the eligible households are provided SFAs (wheat and rice) at highly subsidized rates. The household income limit for eligible household both under Delhi Annashree Yojana and National Food Security is the same i.e. upto Rs. 1 lakh per annum.
3. Under the guidelines issued for identification of eligible household under NFSA, beneficiaries of 'Annashree Yojana' or any other food security scheme are not eligible. With the implementation of NFSA in Delhi, it has now been decided that the beneficiaries of Annashree Yojana be covered under NFSA, if they are eligible under NFSA guidelines and Delhi Annashree Yojana be discontinued.
4. It has been decided by the Government to take up a special drive to include the existing beneficiaries of Dilli Annashree Yojana under the NFSA 2013 including the beneficiaries who have already submitted their application forms under NFSA, to provide them subsidized foodgrains under the NFSA. Such beneficiaries would be issued 'priority household card' under NFSA 2013 on priority, provided they fulfill the eligibility criteria for issue of priority card under NFSA.
5. Therefore, all the Zonal Assistant Commissioners are hereby directed to get the NFSA forms filled from all the beneficiaries of Dilli Annashree Yojana, get the field verification done on priority and ensure inclusion of their names under NFSA on priority. For the above purpose, the FSOs of the concerned circle will visit the beneficiaries of 'Dilli Annashree Yojana', who have not already submitted their application forms under NFSA and get their application forms filled, collect the requisite documents and verify these forms. Those households who have already submitted applications under NFSA will also be verified on priority. The concerned FSO will get these application forms entered in the data of NFSA and if the household is found eligible, issue a 'priority household card'. The process shall be completed by 15th March, 2014 so that delivery of ration could be arranged to such households from the month of April, 2014.

This issues with the approval of the competent authority.

(PRAKASH CHANDRA)
JOINT COMMISSIONER (P&C)

All Zonal Asstt. Commissioners.
All FSOs through concerned ACs.

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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.

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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

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(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

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Mr. Arvind Kejriwal
Chief Minister of Delhi
Government of NCT of Delhi

October 15, 2015

Dear Mr. Kejriwal,

Subject- Problems in implementation of the National Food Security Act in Delhi

The Delhi Rozi Roti Adhikar Abhiyan had held a public hearing on the 22nd of September, 2015 on the challenges faced by people in accessing their entitlements under the National Food Security Act (NFSA) in Delhi. Mr. S.S Ghonkrokta, Special Commissioner, Food Supplies & Consumer Affairs Deptt. had attended the public hearing.

Based on the testimonies presented at the public hearing, we have compiled below the key problems which people are facing in accessing their food entitlements and possible strategies to address them. We request you to kindly take cognisance of these problems and address them at the earliest-

1. Many people belonging to 'geographically, socially and occupationally vulnerable groups' as defined in the guidelines issued by the Delhi government (homeless, transgender, handicapped), are not being able to secure ration cards due to procedural difficulties like requiring ID proof, address proof etc.
2. Despite repeated Supreme Court orders, Aadhaar is being illegally made mandatory by the Delhi government for getting entitlements under the NFSA, resulting in a very large number of poor across Delhi being denied their subsidised food grains and other benefits. Some members of the household, especially young children, are being left out in the list of members on the ration card resulting in lower monthly entitlements because of unavailability of Aadhaar.
3. Scores of poor and marginalised families are being left out of the NFSA due to the exclusion criteria defined by the Delhi government guidelines which state that households which have an electricity connection above 2 KW or those that own building/land in 'E' category colonies in Delhi, are not eligible for entitlements under NFSA.
4. Extremely poor quality of ration being supplied and irregularities in quantity of grains being provided in various circles under the NFSA.
5. Ineffective and lack of time-bound grievance redress mechanism for resolving complaints related to NFSA resulting in complaints regarding accessing ration entitlements lying unaddressed for several months.
6. Roll back of transparency measures in Delhi related to PDS in violation of the NFSA 2013 and the RTI Act 2005, including - stopping SMS service whereby people used to be informed about the date of delivery of ration to their FPS, non-implementation of weekly public audit of ration records, no mechanisms being put in place to operationalise social audits as mandated by NFSA, lack of proactive disclosure of relevant information outside the ration shops and circle offices and non-display of samples of grains outside Fair Price Shops.

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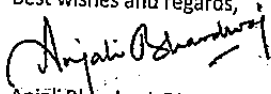
7. A large number of families are not getting ration as they have not received their new ration cards, even though the NFSA website shows that their card has been approved and that their ration supplies are being sent to the shop.
8. Distance from Ration shop- In many places, peoples' ration cards have been attached to FPSs which are located at a considerable distance from their place of residence thereby making it difficult and economically unviable for people to access their entitlements under NFSA.
9. There is no proper mechanism for ongoing monitoring and feedback related to implementation of NFSA in Delhi.

A detailed note discussing each of the problems mentioned above is enclosed as Annexure 1 with this letter. Case studies of some of the people who testified at the public hearing on the issues listed above, are enclosed as annexure 2.

We urgently request a meeting with you to discuss the issues highlighted in the letter and note.

Thank you,

Best wishes and regards,



Anjali Bhardwaj, Dipa Sinha, Annie Raja, Amrita Johri, Vimla, Snehlata, Abdul Shakeel, Rajender Kumar, Kailash, Sachin Awasthy, Koninika Ram, Shabina, Madan, Shashi Paul
9810273984, 9650434777

(On behalf of the Dilli Rozi Roti Adhikar Abhiyaan)

Aparna
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Annexure 1- problems in implementation of the National Food Security Act in Delhi

1. Many people belonging to 'geographically, socially and occupationally vulnerable groups' (homeless, transgender, handicapped) as defined in the guidelines issued by the Delhi government, are not being able to secure ration cards (food security cards) due to procedural difficulties like requiring ID proof, address proof etc.- As per the guidelines issued by the Delhi government, transgenders and homeless (shelterless) have been identified as geographically, socially and occupationally vulnerable groups. However, no proper procedure has been put in place to facilitate people belonging to these categories in applying for benefits under the NFSA. As a result, despite being recognised as the most vulnerable and in need for food security, they have been left outside the purview of the Act.

Transgenders live in community settlements called 'Deras'. They do not have residence proof and often do not even have proper proof of legal identity and name as they change their name and are known by their female name. One of the groups as part of the abhiyaan, assisted transgenders in filling up applications for food security cards, however, the department has refused to accept these applications, citing lack of proper address proof and documents related to legal identity. Further, as often 50-100 transgenders live together in a 'Dera', but do not identify themselves as a 'household', the department is refusing to issue multiple food security cards for the same address for each individual.

Similarly, the homeless (shelterless) are also facing problems even though the guidelines clarify in point 9 that no proof of residence shall be required of the homeless.

We request you to put in place a simplified procedure to ensure that these most vulnerable categories are not left out of the purview of the NFSA due to lack of documents like proof of residence and identity. Self-certification by vulnerable categories should be accepted as proof. Further, as there are no 'households' in the case of transgenders, each individual person must be issued their own food security card even if they have the same address.

2. Despite repeated Supreme Court orders, Aadhaar continues to be illegally made mandatory by the Delhi government for getting entitlements under the NFSA, resulting in a very large number of poor across Delhi being denied their subsidised food grains and other benefits- Aadhaar has been illegally made mandatory for applying for a food security card- The guidelines issued by the Delhi government titled, "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 has repeatedly held that Aadhaar cannot be a pre-condition for receiving entitlements/benefits. On August 11, 2015 in Writ Petition (Civil) No. 494 of 2012, the SC ordered that:
 1. The Union of India shall give wide publicity in the electronic and print media including radio and television networks that it is not mandatory for a citizen to obtain an Aadhaar card;
 2. The production of an Aadhaar card will not be condition for obtaining any benefits otherwise due to a citizen;
 3. The Unique Identification Number or the Aadhaar card will not be used by the respondents for any purpose other than the PDS Scheme and in particular for the purpose of distribution of

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Secretary*

foodgrains, etc. and cooking fuel, such as kerosene. The Aadhaar card may also be used for the purpose of the LPG Distribution Scheme;

4. The information about an individual obtained by the Unique Identification Authority of India while issuing an Aadhaar card shall not be used for any other purpose, save as above, except as may be directed by a Court for the purpose of criminal investigation."

The guidelines and application form issued by the Delhi government are clearly in violation of point 2 of the above mentioned orders of the Supreme Court. Denying people their food grain entitlement under NFSA because they have not enrolled for Aadhaar or making Aadhaar a pre-condition for applying for a food security card is patently illegal in light of the SC's directions. Clearly, the only concession made by the court is to allow the government to use the data, that has already been collected or where people are voluntarily, with informed consent, enrolling for Aadhaar, for food grain distribution under the PDS and for LPG distribution. The orders don't allow the government to make Aadhaar mandatory or a pre-condition for availing rights/entitlements from the government.

Similarly, on the 24th of March 2014, in Crl No(s).2524/2014, the SC 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."

As evidenced in the public hearing, people across the state are being denied their entitlements under the NFSA as they do not possess Aadhaar card or UID number. 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. The provisions of the guidelines and the application form are in fact, grounds for contempt of court as the department should have modified the guidelines in compliance with the directions of the Supreme Court.

We had written to Shri S. S. Yadav, Secretary-cum-Commissioner, Department of Food and Civil Supplies, Government of NCT of Delhi on the 16th of February 2015, highlighting this issue and requesting him to immediately modify the guidelines and also requesting for a meeting with him. However, it appears that the Secretary-cum-Commissioner has not taken any corrective measure, despite the fact that the guidelines are in violation of the Supreme Court orders. We request you to immediately modify the guidelines and the application form and ensure that in compliance with the Supreme Court orders, Aadhaar or UID number is not made mandatory for accessing rights and entitlements under the NFSA.

3. Scores of poor and marginalised families are being left out of the NFSA due to the exclusion criteria defined by the Delhi government guidelines which state that households which have an electricity connection above 2 KW or households owning building/land in 'E' category colonies in Delhi are not eligible for entitlements under NFSA- the guidelines issued by the Delhi government for identifying beneficiaries under the NFSA contain arbitrary exclusions which are resulting in scores of poor and marginalised being rendered ineligible for accessing food grains under the NFSA. The criteria defined by the government stating that households which have an electricity connection above 2 KW will be excluded from the NFSA is unnecessarily penalising families for matters over which they have no control and which are unrelated to ration. People living on rent in slums have no control over wattage of the electricity meter supplying electricity

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to their rooms, as that is decided by the owner of the dwelling. Further as demarcated floors are not recognised in slums, often a single large electricity connection may be serving several households and therefore is more than 2 KW. When electricity was privatised and the private companies installed meters in slums, people were not informed and nor was their informed consent sought for deciding the wattage of electricity connection. In several cases, it has also emerged that in spite of people approaching the electricity company to change the electricity connection, their requests have not been acted upon. The wattage of the electricity connection has no correlation with the health status or level of deprivation and hunger suffered by a family. Similarly, the exclusion of households owning building/land in 'E' category colonies in Delhi, is also leading to the poor and marginalised in need for food grains, especially widows, women headed households or families with handicapped members, being left out of the ambit of the NFSA. Many of these families earlier had BPL or AAY cards and were dependent on their monthly food entitlements and own/ live in small one room dwellings in 'E' category colonies.

We request you to kindly review and appropriately amend the guidelines to ensure that the poor and marginalised are not left outside the ambit of the NFSA due to arbitrarily defined exclusion criteria. The exclusion criteria of wattage of electricity connection must not be applicable for residents of slums. Eligibility of households living in 'E' colony must be decided on a case to case basis rather than a blanket exclusion.

- 4. Extremely poor quality of ration being supplied and irregularities in quantity of grains being provided in various circles under the NFSA- In the public hearing, it emerged that in many circles extremely poor quality ration is being provided, which cannot even be consumed by people. Several people had brought samples of the dirty and poor quality of grains (attached as annexure 3). People also testified about irregularities in quantity of grains being distributed under NFSA. Even where the problem of poor quality grains was brought to the attention of the Department, no action was taken on those complaints. In most FPS in Delhi, samples of food grains are not displayed in violation of the provisions of the PDS Control Order. We request you to review the mechanisms put in place to check the quality and quantity of grains supplied under PDS and ensure that they are appropriately amended to address the issue. Further, complaints related to these matters must be dealt with in an appropriate and time-bound manner and wherever FPS owners are found to be illegally selling inferior quality grain, stringent legal action must be initiated against them.

- 5. Ineffective and lack of time-bound grievance redress mechanism for resolving complaints related to NFSA resulting in complaints regarding accessing ration entitlements lying unaddressed for several months- As per order dated 30-1-2014 (ref F3 (40)/2013/F&S/P&C/Vol-III/96-105), Additional District Magistrates (ADMs) have been designated as District Grievance Redressal Officers (DGROs) under section 15 of the NFSA. At the public hearing various groups which are part of the campaign testified that despite having filed almost 1000 complaints with the concerned ADMs, more than 90% of the complaints continue to remain unaddressed and unacknowledged by the Department. There are several lacunae in the grievance redress mechanism set up by the Delhi government under the NFSA. Firstly, there is no publicity given to the fact that ADMs have been designated as DGRO's under the NFSA. There are no boards at the circle offices of the food department or at the ration shops indicating that complaints related to NFSA should be filed with the ADM. Further, even

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in the offices of ADMs there is no indication of the fact that the ADM is the DGRO and there is no explanation of the process of filing a complaint. Members of the abhiyaan have filed complaints with ADM North-West, North, South-West and South and none of the ADMs were in fact even aware that they were the designated DGROs under the NFSA and turned away people who had come with their complaints. It is only when the order referred above, which was accessed under the RTI Act, was shown to them that they even realised that they are DGROs under the law. Further, as there was no information available in the public domain about the areas under the jurisdiction of the designated DGROs, more than 50 people from resettlement colony in Bawana were shunted between ADM north-west and north as each said that Bawana was not under their jurisdiction. In fact, even though the complaints were drafted in April, they were finally accepted by the government only in July. Further, the order referred above states that the ADM must provide a unique identity number for each complaint. However, apart from some complaints filed with ADM South, none of the other ADMs provided unique identity numbers for complaints. ADM South West, did not provide any kind of acknowledgement for the complaints filed while the ADM of North West provided one common diary number for more than 40 complaints. Even more concerning, there has been no action on any complaints filed with the ADM. No hearings have been held for any of the complaints and no communication has been sent to the complainants. This shows that the grievance redress mechanism is a complete failure and needs to be urgently re-structured to ensure time-bound and effective redress of peoples' grievances. The DGRO has been given complete discretion in deciding whether or not to enquire into a complaint as point 3 of the above mentioned order states,

"3. On receipt of complaint, and if satisfied that the matter needs to be enquired into, the District Grievance Redressal Officer (DGRO) may summon the complainant, owner of FPS and concerned FSI/FSO/Zonal Assistant Commissioner, F&S and may hear the parties for arriving at a decision as to whether there is any dereliction on the part of owner of FPS/Licensee concerned" (emphasis added).

This implies that the ADM can using his/her own discretion to reject every single complaint that is received by them. Further, there is no clear procedure and time-frame defined in the order issued by the Department within which a complaint has to be disposed. While point 2 of the order mentioned above states that the DGRO will forward the complaint to the Zonal AC for comments and action taken and that the AC must furnish a reply to the DGRO within seven working days, however the order fails to mention the number of days within which the DGRO must forward the complaint to the AC. Further, the order does not mention that a copy of the comments received from the Zonal AC must be provided to the complainant. In fact, the order even fails to mention that if the DGRO decides to close the complaint, it must inform the complainant or give the complainant an opportunity to be heard. People have been unable to proceed with their complaints as the language used in point 6 of the above order suggests that an appeal can be filed only after the DGRO has passed its orders. Also, no time-frame has been prescribed within which the state food commission has to dispose the appeal. This order, which was issued under your previous government in Delhi, goes against every basic tenet of an effective grievance redress framework.

We also want to bring to your notice that the help-line started by the department '1967', is usually not answered by any person and a pre-recorded message is played repeatedly. Further, no unique complaint number is provided and the people answering the help line refuse to record grievances/complaints if they pertain to the previous month.

We believe that the grievance redress mechanism must provide a time-bound mechanism clearly defining the time-frame within which the DGRO has to dispose the complaint from the date of receipt of the complaint. A similar time-frame must also be laid down for disposal of appeals. Further, there must be a mandatory hearing in every case as most of the beneficiaries under the NFSA come from the poorest and most marginalised sections of society and may not be able to file

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detailed written representations regarding their grievances. Therefore, to ensure accessibility of the grievance redress mechanism, the DGRO must give an opportunity of hearing to the complainant. Further, under no circumstances should the DGRO be empowered to close a complaint without giving an opportunity of being heard to the complainant. The orders must also state that every complaint should be disposed by the DGRO by giving a written order, a copy of which must be provided to the complainant. The process of appeal must not be made contingent on receiving the order of the DGRO. If within the specified time-frame a complainant does not receive an order, the complainant should be free to prefer an appeal against the lack of redressal of their complaint. The grievance redress mechanism must also be widely publicized through mass media, boards at ration shops and offices, helplines etc. to ensure that people are aware of the process. Help-desks/ information and facilitation centres should be set up to ensure that people are assisted in the process of writing and filing their complaints. We request you to immediately put in place a time-bound and effective mechanism for redressing peoples' complaints. If required, the Abhiyaan could put together a detailed note on strengthening the grievance redress mechanism.

6. Roll back of transparency measures in Delhi related to PDS in violation of the NFSA 2013 and the RTI Act 2005 - including stopping SMS service whereby people used to be informed about the date of delivery of ration to their FPS, non implementation of weekly public audit of ration records, no mechanisms being put in place to operationalise social audits as mandated by NFS Act, lack of proactive disclosure of relevant information outside the ration shops and circle offices and non display of samples of grains outside Fair Price Shops- While it is commendable that the department has launched a website <http://nfs.delhi.gov.in/> which gives important information related to the NFSA, we are extremely concerned to note that the department has discontinued its initiative of sending out SMS alerts to cardholders informing them of the date of arrival of food grains at their ration shops. This initiative helped people monitor the delivery of their entitlement and challenge misinformation often propagated by the ration shopkeeper that the ration has not arrived at the shop in a bid to deny people their rightful entitlements. However, it appears that this SMS service has been discontinued as people have not received any SMSes since February 2015. This was an important element of transparency especially as most beneficiaries of NFSA do not have the necessary means to access websites on the internet to check the provision of ration entitlements in their FPS. We request you to kindly immediately order the re-instatement of this SMS service to ensure transparency in the functioning of the NFSA.

Further, the mechanism of public audit of records of ration shops is also not functioning across the state. Most circle officers are not aware of this mechanism and therefore, do not maintain the requisite record and provide them for inspection on the designated days. This is also a violation of Section 27 of the NFSA which states, "All Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to the public, in such manner as may be prescribed by the State Government." We request you to direct the department to ensure that this system is also implemented properly and that wide publicity is given to this provision of public audit of records. In addition, we request you to kindly evolve a mechanism by which all the records are put in the public domain from where people can freely access them, such as through the internet, or through information centres, which are outside the jurisdiction of the department. Further, as per Section 28 of the Act, periodic social audits on the functioning of fair price shops and the Targeted Public Distribution System must be organised. To our knowledge, the government has not put in place any mechanism to comply with this requirement of periodic social audits.

As the government has issued smart cards in lieu of the ration cards and the point of sale devices have not yet been provided in ration shops, beneficiaries purchasing grains under the NFSA are not provided any proof of sale. Earlier, the ration card had space where the shopkeeper was required

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to make an entry every month about the amount and price of commodities supplied to each person every month.

We also want to bring to your notice that in a lot of ration shops across Delhi, the ration shopkeepers are not recording the signatures of ration cardholders in the sale register. As you would know, one of the ways in which people have been able to combat corruption in PDS is to compare entries made in the sale register with those recorded in the ration cards and stock registers. Often, corruption has been proven as signatures were found to have been forged by the ration shop keeper in a bid to divert food grains.

In violation of the NFS Act, RTI Act, the PDS Control Order and various directions of the court, relevant information about the functioning of the PDS- like the list of beneficiaries, quantify and price of grains- is not being displayed outside the ration shops and circle offices. Photographs taken during an audit of ration shops showing this lack of transparency are enclosed as Annexure 4. Further, none of the more than 50 ration shops audited by various groups and people participating in the public hearing, displayed the samples of grains outside Fair Price Shops. Despite such gross violations, the FSOs and inspectors of circle offices fail to check these illegalities and allow the FPS dealers to function with impunity.

We request you to issue appropriate directions to ensure that a proper authenticated record indicating the quantity and price of commodities is provided to each person purchasing grains from the ration shops. We also request you to direct the department to ensure that signatures are recorded in the sale register for every sale made at the ration shop. The SMS service informing beneficiaries about the status of food grains and the weekly public audit of all the records of the FPS must be revived and widely publicised. The system of period social audits as per section 28 of the Act must also be immediately operationalised. Further, we request you to kindly set up a taskforce to undertake audits to enforce compliance with requirements of proactive disclosures at the circle offices and fair price shops.

- 7. A large number of families are not getting ration as they have not received their new ration cards, even though the NFSA website shows that their card has been approved and that their ration supplies are being sent to the shop- At the public hearing several families testified that despite the NFSA website showing that their card has been approved and that their ration supplies are being sent to the shop, they are being denied their monthly entitlements as their physical ration card has not reached them. In fact this problem is quite widespread and we believe is also leading to large scale diversion and pilferage of grains as despite the online system showing that people's grain has been sent to the shop, they are not receiving their entitlements. A fact-finding undertaken by the abhiyaan showed that in Bhalswa Dairy, hundreds of ration cards were discovered at the house of the post man who was hoarding them and extorting money from people in order to deliver them their card, thereby denying scores of families their food entitlements. Further, a visit to the circle office by the fact finding team unearthed hundreds of ration cards lying strewn on the floor in the ration office for more than 4 months as these had allegedly been returned by the post office stating the addresses of the cardholders could not be found. Shockingly, the department had not made any efforts to track down the cardholders and was simply storing them in the circle office. A press release issued by the fact-finding team in enclosed as annexure 5.

We request you to immediately put in place a mechanism to inform people that their ration cards have been approved and to ensure that their cards are delivered to them. Perhaps cardholders could be informed via sms or phone calls or field officers of the Department could

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be tasked with ensuring that cards that are returned by the post office are followed up on and not simply left unattended. In addition, the circle offices and FPS should display the list of ration cards approved and also a list of those returned by the post office to enable people to get proper information about the status of their ration cards and take action accordingly. Further, instructions must also be issued that wherever ration cards have been approved, people must not be denied ration entitlements simply because they do not have the physical card with them.

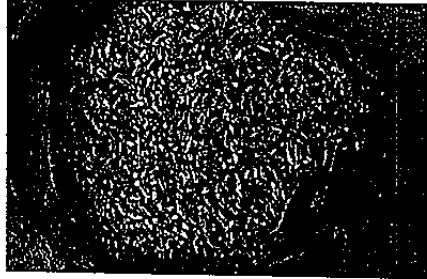
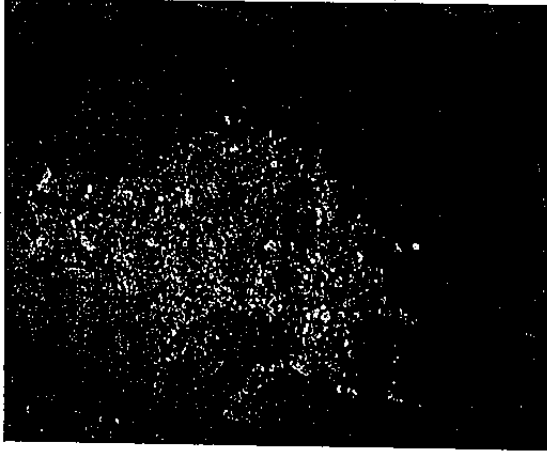
8. **Distance from Ration shop-** In the public hearing, it emerged that in many places, peoples' ration cards have been attached to FPSs which are located at a considerable distance, often up to 10 kms, from their place of residence. This makes it difficult and economically unviable for people to access their entitlements under NFSA.

We request you to look into this matter and ensure that ration cards are attached to FPS located close to peoples' place of residence.

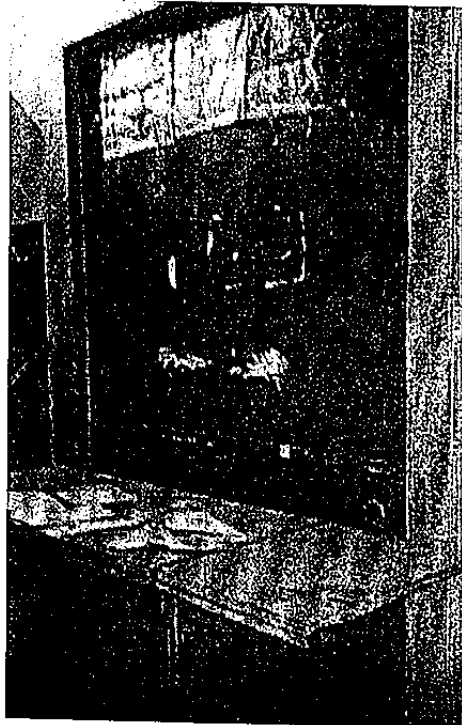
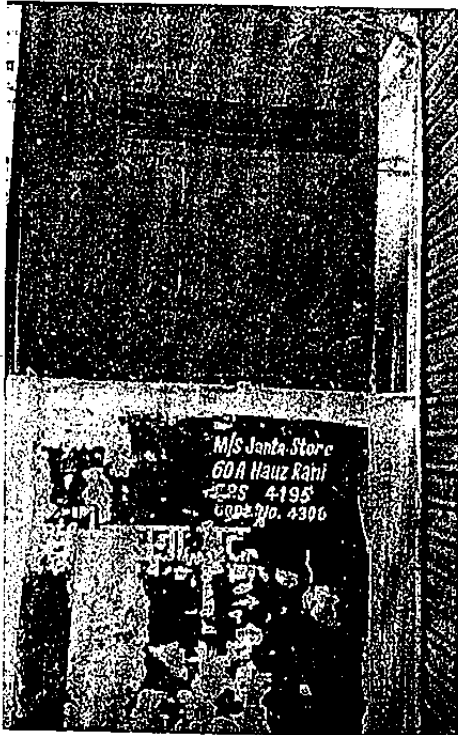
9. **Mechanism for ongoing monitoring of implementation of NFSA-** As the implementation of the NFSA requires coordination between different departments including the Food Department, Women and Child Welfare department etc., and as enumerated above that there are several problems in the implementation of the NFSA in Delhi, **we urge you to set up a system of ongoing monitoring of the NFSA.** The mechanism must also have provisions for interfacing with the public on a continuous basis to understand the problems being faced by people and then address those by bridging the gap between the government's policies and the situation on the ground.

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Annexure 3- Photographs of samples of dirty and poor quality of grains



Annexure 4- Photographs taken during an audit of ration shops showing lack of transparency at FPSs



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Annexure 5
Delhi Rozi Roti Adhikar Abhiyan
26th August 2015
Press Release

Today Delhi Rozi Roti Adhikar Abhiyan held a meeting at Bhalaswa JJ Colony in North West Delhi to understand the key issues faced by local residents in accessing their food grains under the National Food Security Act.

During the meeting the key issues that emerged were:

1. Widespread corruption in distribution of new ration cards- It emerged that in January-February 2015 sacks full of more than 500 new ration cards were recovered from the house of the postman who was supposed to deliver them. The postman was hoarding them and demanding bribes from people in exchange for delivering their ration cards to them.

When members of the Abhiyan visited the local Food Supply Office they found more than fifteen plastic packets (thelas) full of new ration cards, strewn on the floor, which the department officials claimed were cards that had been returned by the post office as the cardholders could not be found. Some of the envelopes containing new ration cards were dated as far back as March and April of 2015. Apart from storing the ration cards it appeared that the department had not made any efforts to track the ration cardholders and deliver the cards to them, despite the fact that the mobile numbers of the ration cardholders were mentioned in the letters. The Abhiyan could track down several beneficiaries and confirmed that the name and address mentioned on the envelope was correct by making on the spot phone calls to the numbers listed on the envelopes.

The list of beneficiaries of NFSA was not displayed at the Circle office in violation of the provisions of NFSA, PDS Control Order and Section 4 of the RTI Act. Further, it emerged that the local ration shop dealer has been collecting filled out ration card forms and demanding bribes claiming that he will get people's new ration cards made.

The corrupt practices of the postmen and the lackadaisical attitude of the department has resulted in thousands of people being denied their Right to Food.

2. New ration cards not being distributed as a result people denied basic rights- Scores of people stated that they had applied for ration cards and had the requisite acknowledgment slips, but had not, till date, received their new ration cards. As a result, the ration shop had stopped supplying them their food grains even though the official government website shows that the food grains meant for these people was in fact being sent every month to the ration shop. This points to possible corruption and pilferage of grains meant for the poorest of the poor as the grain is not reaching the intended beneficiary.

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In several cases, people had applied for the new ration cards in 2013 and 2014, and while the online system showed that their cards had been approved, for the last two years they had not received the cards and therefore the food grains.

3. Names of all family members not being added to new ration card- It emerged that in several cases where new ration cards had been issued, the names of all family members had not been added even though all the requisite documents had been submitted. The result has been that families are facing a shortage of food as under the National Food Security Act (NFSA) food grains are an individual entitlement.

4. Distance from ration shop- People reported that despite the availability of a neighbourhood ration shop, their cards had been linked to ration shops more than 5-7 km away. This forced people to spend almost hundred rupees per trip in order to access their rations.

The Abhiyan demands that the Delhi Government immediately put in place a transparent and accountable mechanism of delivering new ration cards to people so that the widespread corruption in delivery of cards can be addressed. Details of all beneficiaries and list of ration card applications that are approved must be displayed on the department's website and at all the Circle offices in compliance with the NFSA, PDS Control Order and RTI Act. The details of all ration cards that are returned because the addresses could allegedly not be found must be proactively made available on the department website and at all circle offices to enable people to check if their cards have been returned. Further, the practice of denying people their ration supplies because they do not have the new ration card must immediately be stopped. The government must give wide publicity through boards outside every shop stating that denial of ration supplies for want of a new card is illegal and will be penalised.

The Abhiyan had written to the Delhi Government in February and May 2015 regarding various issues plaguing the implementation of the NFSA including non-functioning of the grievance redress mechanism, aadhaar being made mandatory in violation of SC orders, rollback of transparency measures etc. There has been no response from the government on any of the issues highlighted in the representations made. The letters sent to the Delhi Government are enclosed.

To highlight the various problems faced by people in accessing food under the NFSA, a delhi-wide public hearing is being organised by the Abhiyan in September 2015. Details regarding the same will be circulated closer to the date.

Annie Raja, Dipa Sinha, Anjali Bhardwaj, Koninika Ray, Amrita Johri, Shabina and Praavita Kashyap

(On behalf of the Delhi Rozi Roti Adhikar Abhiyan)

For further information, please contact- 9650434777, 9810273984

Annie Raja
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दिल्ली रोज़ी रोटी अधिकार अभियान Delhi Rozi Roti Adhikar Abhiyan

The Delhi Rozi Roti Adhikar Abhiyan is extremely concerned about the poor state of implementation of the National Food Security Act, 2013, (NFSA) in Delhi. The NFSA came into force in Delhi on September 1, 2013 yet the Delhi government has till date not put in place the requisite resources and mechanisms to operationalize the law properly.

As per data available on the NFSA Delhi website, the government has identified and given out AAY ration cards to only 76,456 families, filling less than 50% of the 1,56,800 quota of AAY cards which residents of Delhi are entitled to. Large numbers of homeless, transgender and poor people have been left out of the purview of the food security Act due to the unnecessary conditionalities and documentation requirements prescribed by the Delhi government through guidelines for obtaining benefits under the Act. The multi-conditional inclusion and exclusion criteria set by the Delhi government, which include arbitrary exclusion criteria like wattage of electricity meter, have led to many deserving households being excluded from their NFSA entitlements.

The Maternity Entitlement due under the NFSA is still running as a pilot scheme even after almost three years of the enactment of the Act. In Delhi, it is operational in a pilot mode in only 2 districts. Evidence suggests that even in those districts, unnecessary conditionalities and documentation requirements are preventing pregnant and lactating women from benefitting from this much needed monetary and nutritional support.

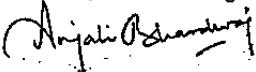
The Delhi government has not introduced any enhancements in the form of provision of eggs, fruits or milk through the mid-day-meal scheme or through anganwadis for young children.

The Aam Aadmi Party's manifesto for the Delhi Assembly Elections in 2015 states under the heading 'Economic Vision': "Statistics show that the income of Delhi and its citizens has risen, but in reality, due to the rise in costs of all basic necessities such as electricity, water, vegetables, food grains, petrol, diesel, education and health, the true economic situation of most families is worse than before. The complete solution to this problem requires a change in policies of the central government. However, the state government can independently take several steps to improve the situation." One of the measures to significantly reduce the burden of inflation on the common man outlined is to "end corruption in the public distribution system with the involvement of Mohalla Sabhas. We will ensure direct transfer of ration material to the families. We will also ensure dal and oil in the public distribution system."

However, the AAP government of Delhi has not delivered on the promises made in its election manifesto on issues of food security. It has not operationalized transparency and accountability provisions prescribed in the NFSA like social audits of ration shops, proactive disclosure of information etc. In fact there has been a roll back on transparency measures through discontinuation of Saturday public audit mechanism and stoppage of SMS alerts that informed people about the date of delivery of ration to their FPS. Despite its promise, the government has not made any provision for providing dal or oil under the PDS in Delhi.

There is widespread corruption and apathy within the system that refuses to acknowledge the conditions that the poor and vulnerable in the country are living in. Growing children, single women without support, the old and the infirm and the poor and vulnerable in all walks of life are inevitably the worst sufferers every time due to this insensitive attitude of the powers that be. We expect the Aam Aadmi Party to deliver on their promises on food security.

Enclosed is the Charter of Demands for the effective implementation of the NFSA, 2013 from the Delhi Right to Food Campaign. It is imperative to ensure that the demands listed are given due consideration and incorporated while allocating the Delhi budget.



Anjali Bhardwaj, Dipa Sinha, Annie Raja, Amrita Johri, Koninika Ray, Vimla, Shakeel, Amrita Johri, Rajender Kumar
(On behalf of the Dilli Rozi Roti Adhikar Abhiyaan)


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Charter of Demands for the Delhi Budget 2016-17 from the Delhi Rozi Roti Adhikar Abhiyan

We demand that the Delhi government ensure adequate budgetary provision and support for ensuring food security for all residents of Delhi. While NFSA is a centrally funded legislation, the Delhi Government is free to provide additional entitlements/benefits from its own resources to ensure food security for its residents, as promised in its election manifesto.

Specifically, we demand that the government ensure adequate budget for-

1. Providing pulses, oil and sugar to all food security cardholders, irrespective of category to which they belong- AAY or priority.
2. Immediately implementing maternity entitlements across all districts of Delhi.
3. Providing egg, fruits and milk for children everyday through the mid-day meal scheme and through anganwadis.
4. Enhancing food security coverage beyond the population norm stipulated in the NFSA as many poor and marginalised people, especially the homeless, transgender and migratory workers have been left outside the purview of the Act.
5. Implementing and operationalizing all the transparency and accountability provisions in the NFSA Act, including- carrying out of periodic social audits (S. 28), grievance redress including internal mechanism within the department, setting up of State Food Commission, training of GR officials, resources for awareness creation regarding GR provisions (Chapter VII), transparency of records (S. 12(2)(d)), proactive disclosure of records (S. 27), proper functioning of Vigilance Committees (s. 29).

Further we demand that in order to ensure food security for residents of Delhi, the government-

1. Immediately fill the remaining quota of 80,344 AAY cards allotted to Delhi by identifying eligible households.
2. Amend the guidelines issued by the Delhi government to identify eligible households under NFSA and remove the multi-layered inclusion/exclusion criteria which has resulted in many needy families being deprived, especially arbitrary exclusion criteria like wattage of electricity meter. Replace the multi layered inclusion/exclusion criteria with a simplified exclusion criteria.
3. Put in place simplified procedure to ensure that the most vulnerable categories, especially the homeless and transgenders, are not left out of the purview of the NFSA due to lack of documents like proof of residence and identity.
4. State its explicit commitment to not allowing PPP models or pre-packed food models to take root in Delhi to replace hot cooked meals and take home rations which are guaranteed under the NFSA.
5. Ensure adequate budgetary provision for universal pensions for the elderly, widows and single women in vulnerable sections, and the disabled as access to financial security is a pre-requisite to accessing even the most basic entitlements under PDS. Providing "adequate pensions for senior citizens, persons with disability and single women" is the statutory obligation of the state government under Section 31 of the NFSA read with Schedule III of the law.

*As per copy
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