



# Right to Food Campaign (Secretariat)

24, Adchini, Sarvodaya Enclave New Delhi – 110017, India

Date: 27.07.17

The Right to Food Campaign is shocked and dismayed to hear the argument made by Mr. KK Venugopal (Attorney General) in Supreme Court in the ongoing case on whether the Right to privacy is a fundamental right.

Though the matter before the 9-Judge bench is not hearing any arguments on the Aadhaar project, Mr. Venugopal reportedly said that the Aadhaar project is necessary to ensure food security, and other welfare programmes which are essential in the realization of the Right to Life. The Right to Food Campaign welcomes the recognition of the National Food Security Act (which includes the Public Distribution System), the National Rural Employment Guarantee Act (NREGA), social security pensions in realizing the right to life. The Campaign, however, is dismayed to hear that contrary to all reports so far which point to the devastation and exclusion that Aadhaar-integration is causing in these programmes, the government is claiming before the 9-Judge Constitution bench that these programmes need Aadhaar.

According to data put out by state food departments, in Rajasthan 33 lakh families are unable to access their Public Distribution System (PDS) ration entitlement each month due to the linkage of the PDS with Aadhaar. Similarly in Jharkhand, 2.5 lakh families are deprived of their grain entitlements on a monthly basis. Even in areas (e.g., Ranchi District) where the integration has been in place for over a year, the rate of non-transacting households is high. In June 2017, in Ranchi District, on 67% were able to buy their grain through Aadhaar-Based Biometric Authentication.

There are ongoing cases in the Delhi HC, Karnataka HC and the Rajasthan HC challenging the linking of Aadhaar to ration cards and making it mandatory for PDS. The Rajasthan and Karnataka HCs have given an interim stay on the linking of Aadhaar and ration card. In the case in Delhi HC affidavits showing large scale exclusion of people due to Aadhaar have been submitted and the HC has appointed a local commissioner to look into the issue of exclusion.

The damage caused by Aadhaar is not limited to the PDS. NREGA workers and social security

pensioners are also suffering due to this application. People's pensions have been stopped because their Aadhaar numbers are not seeded, or cannot be seeded; in some cases, old people whose biometrics do not match are also denied their entitlements (rations, pensions, etc). In one village in Badauli block, Sarguja District, Chhattisgarh 124 old people are not able to access their old age pensions as the village does not have network connectivity. Such denials of entitlements are in fact in violation of the right to life and must be penalised.

The damage is likely to spread further, as the government plans to make it compulsory for mid-day meals, scholarships, etc. In the Mid-Day Meal programme, there is hardly any reliable evidence of identity fraud. There are other problems in the programme (e.g., the quality of food served, disruptions etc), which cannot be solved by Aadhaar integration. Recent anecdotal evidence from Jharkhand also suggests that the biometrics of children are not working – in some schools, the number of children physically present was greater than the number that were recorded by the Aadhaar-Based Biometric Attendance machines. If this is widespread, and if the government starts making allocations on the basis of Aadhaar attendance, genuine beneficiaries are likely to be knocked out.

The Right to Food Campaign feels that by putting all the focus on Aadhaar, the government is distracting attention from the real issues in the implementation of these programmes – e.g, the need to introduce pulses and oil in the PDS, eggs and other nutritious items in the MDM programme, timely payments in NREGA, raising its contribution to social security pensions from Rs. 200, and so on. The Campaign urges the Constitution bench to take note of the mounting evidence of the failure of Aadhaar in welfare programmes. The Right to Food Campaign demands that all the notifications linking Aadhaar with welfare programmes (NREGA, PDS, MDM, pensions etc) be immediately withdrawn.

-- Endorsed by Right to Food Steering Committee Members present at National Review Meeting on implementation of NFSA being held on 27.07.17 at Gandhi Peace Foundation, Delhi

Kavita Srivastava and Dipa Sinha (Conveners Right to Food Campaign), Annie Raja, (National Federation for Indian Women), Nikhil Dey and Anjali Bhardwaj, (National Campaign for People's Right to Information), Anuradha Talwar (New Trade Union Initiative), Binayak Sen (People's Union for Civil Liberties), Subhash Bhatnagar (National Campaign Committee for Unorganized Sector workers), Jashodhara (National Alliance for Maternal Health and Human Rights)

**State Representatives:** Gangabhai (Chhattisgarh), Ashok Khandelwal, Shyam and Vijay Lakshmi (Rajasthan), Joseph Patelia, Sejal Dand, Neeta Hardikar and (Gujarat), Rupesh, (Bihar), Bidyut Mohanty Raj Kishore Mishra, (Orissa), Ranjeet Kumar Varma, Bindu Singh, Sabina and

Richa (Uttar Pradesh), Amrita Johri, Abdul Shakeel, Vimla, Koninika Ray and Rajender Kumar (Delhi), Fr Jothi SJ and Mr. Saradindu (West Bengal)

**Individual Representatives:** Manas Ranjan, AnkitaAggarwal and Aditya Shrivastava