

# दिल्ली रोज़ी रोटी अधिकार अभियान

Delhi Rozi Roti Adhikar Abhiyan

Press Release

February 5, 2018

## **Aadhaar being mandatory causing exclusion of lakhs of people from their right to food.**

### **Testimonies show shopkeepers indulging in Aadhaar enabled pilferage of grains**

The Delhi Rozi Roti Adhikar Abhiyan (DRRAA) and Satark Nagrik Sangathan, in collaboration with various groups in Delhi organised a public hearing on the exclusions caused due to Aadhaar being made mandatory to access rations under the National Food Security Act (NFSA) in Delhi. Hundreds of people from different districts and marginalised communities in Delhi participated in the public hearing and testified about their inability to access their legal entitlements of rations since the introduction of Aadhaar.

### **Aadhaar enabled pilferage of grain**

At the public hearing testimonies of people revealed that there was wide-spread pilferage of grain from the ration shop despite Aadhaar enabled authentication being made mandatory.

**Mohini Devi**, a 77 year old resident of Kusumpur Pahari testified that she didn't receive ration for the month of January 2018 as her finger prints could not be authenticated using the Aadhaar enabled Point of Sale (POS) device. She is only one whose name is listed on ration card. However, despite this, the online POS data shows that she has received 5kgs of ration on 20/1/2018 after Aadhaar authentication. She and her neighbours confirmed that she has not received ration for the month of January 2018. This implies that her grain for January has been pilfered. Either the fingerprint did authenticate but the shopkeeper misinformed her and pilfered the grain or the shopkeeper has figured out a mechanism to clone her fingerprints. She again went to the ration shop on 03/02/2018 to access her ration for the month of February 2018 and her finger prints again could not be authenticated and therefore, she could not receive ration for February as well.

**Uma Shankar son** of Nirmla, resident of Kusumpur Pahari testified that 7 members of the family are listed on the ration card which entitles them to 35 kgs of grain every month under the NFSA. In January, 3 members of his family visited the shop across several days, but they could not access their rations, as the fingerprints of the members could not be authenticated. The other 4 four members had gone to the village for some work and weren't available in Delhi. However, the online POS data is showing that the family received 35 kgs of ration on January 24<sup>th</sup> after one person's fingerprints got authenticated. However, the family and neighbours have confirmed that they have not received ration for the month of January 2018. This implies that the grain for January has been pilfered.

**Phoolmati**, a resident of a slum in South Delhi testified that her ration card lists 5 members of her family and she is supposed to get 25 kgs of grains. The first time she went to the ration shop to access her rations for January 2018, the POS server was not working and there was no network. The second time when she went the same thing happened and therefore, returned without her grain. The third time, the ration shop keeper took her fingerprint and said that there is a network issue and the finger print is not getting authenticated. After that when she went again for the 4th time to get her ration, the ration shopkeeper told her that the POS device is showing that she has already received her ration and therefore, her balance against her ration card is zero. He refused to give her the ration. **However, she confirmed that she has not actually received any ration for the month of January 2018.** She went to circle office to complain about the pilferage of her ration entitlements

but the department officials stated that they could not help her as the online system was showing that she had received her full entitlement of grain.

### **Exclusions due to Aadhaar enabled biometric authentication being made mandatory**

Aadhaar based biometric authentication has been made mandatory in Delhi in order to access rations under the National Food Security Act. Every ration shop has been equipped with a Point of Sale (POS) device and ration is provided only after authentication of fingerprint of a ration cardholder. Introduction of POS has led to large scale exclusions of the poorest from their monthly legal entitlement to food. Scores of people have been unable to access their ration as the fingerprints of family members, who are listed on the ration card, are not being authenticated through POS. Therefore, despite possessing a valid ration card and having it linked to the Aadhaar number of family members, they are unable to access rations. The worst off are single member households like those of widows or disabled persons, where if the biometric authentication of one person fails, there is no alternative. Households consisting of only elderly people are also finding it extremely difficult to authenticate themselves.

**Deviki Bai**, a 75 year old resident of Moti Lal Nehru Camp, Munirka is the only one listed on her ration card. She went to the ration shop in January but couldn't receive her ration as her fingerprints could not be authenticated using POS. There is no one else listed on her ration card who can try and authenticate. The online POS data is showing that she made multiple attempts to authenticate herself, but all the attempts failed, thereby leaving her bereft of ration.

**Muliya and Kisna**, an elderly couple from Moti Lal Nehru Camp, Munirka have a priority ration card on which they used to receive 10 kgs of grain per month. She went to the ration shop in January 2018 but couldn't receive her ration as her fingerprints could not be authenticated using POS. Her husband's fingerprints could also not be authenticated. For January 2018, the online POS data is showing that they tried to authenticate 14 times across different days, but their biometrics did not match.

Suman recounted the experience of **Kaushlya** from Kusumpur Pahari. On her ration card 3 members are listed. They used to receive 15 kgs of grain per month. She went to the ration shop in January 2018 but due to authentication failure, she could not access her rations. Other members of the family also visited the ration shop, but authentication of their fingerprints failed as well. For January 2018, the online POS data is showing that they tried to authenticate 27 times across different days, but their biometrics did not match.

**Shanti** is 64 years old and resides in Jagdamba Camp. She is the only one listed on her ration card. She has not been able to access her ration entitlements for the month of January 2018 as her fingerprints could not be authenticated using POS. There is no one else listed on her ration card who can try and authenticate. For January 2018, the online POS data is showing her as a authentication failure.

The online data base shows that for the month of January 2018, for 31,199 ration cards, the biometric authentication through POS failed. This would mean that more than 1,20,000 people could not authenticate themselves and have potentially been denied ration for the month of January 2018.

### Success & Failure Abstract For January ' 2018

Sl.No	District	Bio-Auth Failures (Non-Avail Cards)
1	Central	2691
2	East	3065
3	New Delhi	2262
4	North	2516
5	North East	5346
6	North West	3282
7	South	3445
8	South West	4981
9	West	3611
Total		31199

#### Fingerprint not recognised as human fingerprint, authentication not initiated

Testimonies at the public hearing revealed that there are scores of people whose fingerprints do not even get recognised as human fingerprints and therefore, the process of authentication is not initiated.

**Samo**, a 60 year old resident of a slum in South Delhi **testified that** she is the only one listed on her ration card. She went to the ration shop in January 2018 but couldn't receive her ration as her fingerprints could not be authenticated using POS. However, for January 2018, the online POS data is not even showing her as a authentication failure. This means that her fingerprint was perhaps not even recognized as a fingerprint and therefore, authentication could not be initiated.

Similarly Badam, on whose ration card 2 people are listed, entitling her to 10 kgs of grain per month, went to the ration shop in January but could not authenticate her finger print and therefore, did not receive her ration. However, for January 2018, the online POS data is not even showing her as a authentication failure. This means that her fingerprint was perhaps not even recognized as a fingerprint and therefore, authentication could not be initiated.

#### Increase in transaction time due to POS

Even for families which manage to successfully authenticate, the transaction time and the problems have exacerbated. Often 4-5 members of a household have had to present themselves at the ration shop before any fingerprints matched. In many cases, young children are forced to miss school in order to go to the ration shop, as theirs are the only fingerprints being authenticated by the POS machine.

**Meena**, a resident of Motilal Camp, testified that there are four names listed on her ration card entitling her to receive 20 kgs of grain per month. She went to collect her ration for January 2018

and her fingerprints did not match, after which her son who is studying in class VI had to take leave from school to try and access rations. However, even his fingerprints did not match. Finally her daughter also a student had to take leave and they received ration only after her fingerprints were authenticated.

**Rama**, a resident of a slum settlement recounted that 3 members of her family are listed on her ration card. When the fingerprints of 2 of them could not be authenticated, her handicapped son had to go to the ration shop and it is only after his fingerprints matched that got their ration.

**Basanti**, a resident of Lal Gumbad camp testified that her and her husband's fingerprints could not be authenticated using POS. So she finally took her daughter, who had to take leave from work to access their ration entitlements.

Many of these problems were also highlighted in the pilot undertaken by the Delhi government, however without addressing the problems, the government has pushed ahead with universalising POS for all shops in Delhi. Information accessed under the RTI Act by DRRAA showed that no proper evaluation of the pilot was done and a deliberate attempt was made to suppress problems like network issues, biometric failures etc. which occurred during the pilot.

### **Exclusions due to Aadhaar being made mandatory for applying for ration card**

The exclusions due to POS are in addition to the already existing exclusions due to Aadhaar being made mandatory for applying for a ration card. Since 2013, when NFSA was rolled out in Delhi, the guidelines require each member of the household to possess an Aadhaar number. This is despite repeated orders of the Supreme Court that Aadhaar cannot be made mandatory for accessing entitlements/services.

In February 2017, DRRAA had filed a case in the Delhi HC challenging Aadhaar being made mandatory. Even as the case is on-going, the exclusions have been multiplying. In fact, the HC had ordered specific relief for certain families after a report by the court appointed commissioner had confirmed their exclusion due to Aadhaar being made mandatory. Despite this, in contempt of the court orders, 50% of the families have not been provided the requisite relief.

Several people testified how children had been left out of the purview of food security as their name could not be added to the ration card because they did not possess Aadhaar at the time of applying for a ration card. On a priority ration card, foodgrain is a per person entitlement i.e. 5 kgs of grain is provided to each person listed on the ration card. Therefore, not having names of family members of the ration cards results in denial of food grains for family members.

**Preeti** from Jagdamba Camp, stated that names of 3 of her children are not listed on the ration card because they didn't have Aadhaar at the time of applying for ration card. While she had enclosed other proof, the department refused to add their name to the ration card.

**Rukhshana** also from Jagdamba camp, stated that names of 5 members of her family- her husband and four sons are not on the ration card as they did not possess Aadhaar at the time of applying for a ration card. Despite a court-appointed commissioner confirming the exclusion suffered by her and recommending that the names of all members be added to the ration card in July last year, till date the government has not taken any action.

Anwar who works with the homeless in Delhi explained that there are about 2 to 2.5 lakh homeless people in Delhi and barely 5% of them possess an Aadhaar. They are unable to secure Aadhaar as they don't have any proof of identity or address. Therefore, they are excluded from all benefits. Govind, who is HIV+ and lives in Geeta Ghat Shelter testified that the hospital discontinued his treatment as he didn't have Aadhaar. With great difficulty, he managed to secure an Aadhaar card and was able to restart his treatment. However, many other homeless persons testified that they have been unable to apply for ration cards as they don't possess Aadhaar.

### **No rules for transparency, grievance redress and accountability**

Members of DRRAA highlighted how the Delhi government has failed to put in place the requisite framework for transparency, grievance redress and accountability as mandated by the NFSA despite passage of more than 4 years since the enactment of the law in Delhi.

The law requires the state government to set up a State Food Commission and appoint District Grievance Redressal Officers to ensure time-bound redress of complaints. Despite the Delhi HC and the SC specifically stating that there should be independent and full time positions, the government has failed to put in place the requisite framework. Till date there is no functional State Food Commission in Delhi. The government designated the Public Grievance Commission as the State Food Commission, but there are no commissioners in the PGC and in any case such designation falls foul of the order of the Supreme Court.

The law requires the state government to set up a mechanism for periodic social audit in the functioning of ration shops and other programs under the NFSA. Till date, the Delhi government has not undertaken a single social audit. The absence of the statutory oversight framework means that there is wide-spread violation of the provisions of the NFSA. In fact, the Delhi government has not promulgated rules to operationalise the accountability measures of the NFSA despite passage of more than 4 years since the enactment of the NFSA. The Delhi HC had expressed its shock at the fact that the government has not put in place rules and is allowing the PDS to function in a legal vacuum.

An audit of 74 randomly chosen ration shops by the DRRAA and SNS showed that more than 80% were closed at the time they should have been open as per their licensing requirements. None of the shops displayed the details of the statutory grievance redress framework in terms of the DGROs and State Food Commission.

Anjali Bhardwaj of Delhi Rozi Roti Adhikar Abhiyan said that if the government was serious about addressing corruption in the system, it would have put in place the requisite statutory framework of social audits, grievance redress and transparency. Claims that Aadhaar can fix corruption are not borne out by evidence. Further, the exclusions caused due to Aadhaar are wide-spread and even in the face of mounting evidence, the government is still pushing and forcing Aadhaar as mandatory for receiving entitlements.

Usha Ramanathan who heard peoples' testimonies stated that it was unfortunate that people don't understand how much the poor are suffering. They are already living at the margins and Aadhaar being made mandatory has pushed them over the edge. She encouraged people to speak out so that their voice also reaches the Supreme Court, otherwise the SC keeps thinking that it is helping the poor in accessing their rations and entitlements.