

**DR. N. C. SAXENA, COMMISSIONER AND
HARSH MANDER, SPECIAL COMMISSIONER OF THE SUPREME COURT
IN THE CASE: PUCL v. UOI & Ors. WRIT PETITION (Civil) No. 196 of 2001**

March 9th, 2009.

Ration cards/621/Delhi.

Shri. Rakesh Mehta
Chief Secretary
Government of NCT of Delhi
Secretariat
New Delhi 110 001

Subject: Regarding the issuance of ration cards.

Dear Shri. Rakesh Mehta,

As you are aware we have been monitoring the food and employment schemes of the Government on behalf of the Supreme Court in the Writ PUCL v. UoI and Others (CWP 196/ 2001).

We are writing to you with reference to the proposed issuing of the ration cards by the Department of Food and Civil Supplies of the NCT of the Government of Delhi based on the advertisement released in the newspapers a few days.

Over the past few years, we have been repeatedly pointing out in our correspondence with the Delhi Government, that past notifications of the Government not only deny ration cards to the poorest and most vulnerable on the basis of the contestation of their residential tenure, are illegal and violate the letter and spirit of the Supreme Court interim orders. After a series of discussions with the Department of Food and Civil Supplies, the notification of 1998 which specifically denied BPL cards was overturned and appropriate provisions were made to ensure that coverage of residents of JJ Clusters is undertaken.

The subsequent cabinet notifications, last year, on the new set of criteria for the identification of the urban poor were a landmark step and indeed the very first instance of a State Government taking into account a comprehensive set of factors including location and social vulnerabilities. We recommended to other governments that they also follow a similar process on the model of the Delhi government. The identification of the entitlement holders based on the new criteria was therefore the next logical step in this process. We are therefore unable to comprehend the logic for the Department of Food and Civil Supplies issuing a fresh form for the identification exercise.

We would like to bring to your notice the order of the Supreme Court (April 20th, 2004) which states, inter alia, that ...“...*The Government of India shall issue, within two months, guidelines so that the existing condition of possession of a BPL card for inclusion in AAY category is dispensed with...*”. The resolve therefore of the Department of Food and Civil Supplies to issue BPL / Antodaya cards to only those residents of JJ Clusters who have an existing APL cards, is violative of the spirit of this order.

The entire process of the survey conducted for over six hundred thousand households and the identification of vulnerable and most vulnerable households in Delhi would receive a set back if the Department of Food and Civil Supplies does go ahead with issuing ration cards based on the older format.

In order to resolve this impasse, we would suggest the following steps:

1. The forms collected by the Department should be divided into two lots.
 - a. Forms from those areas where the SSS survey has already been undertaken
 - b. Forms from those areas where SSS has still not conducted the survey.
2. For the areas that the survey has been conducted, the forms should be matched with the entitlement holders identified by SSS survey and ration cards (BPL/ Antodaya) should be immediately issued to them.
3. For those areas where the SSS has not yet conducted the survey, the forms should be put on hold till such time that the survey is concluded and those that match the survey data should be included.
4. Since there is a possibility that a large number of entitlement holders who have been identified in the SSS survey would not have applied to the Department, they should also be issued the appropriate cards based on the survey results.

This would ensure continuity of processes and there would be adequate pressure on the Mission Convergence to conclude the second phase of the survey at the earliest possible.

So far as the Department of Food and Civil Supplies of the Government of NCT of Delhi is concerned, the utmost priority should be on ensuring that a fresh estimate is drawn up for the food grain requirements in Delhi under the TPDS in view of the likely increase in number of the card holders. Most State Governments are supplementing the allocation of food grains from the Government of India through the State budgetary support. Notable amongst them are Tamil Nadu (Rs.2, 300 crores),

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Andhra Pradesh (Rs. 2,000 crores) and Karnataka (Rs. 700 crores). Even a small state like Chhattisgarh provides a budgetary support of Rs. 1500 crores per year for the TPDS. There is therefore a need for the Delhi Government to similarly consider providing additional resources for the PDS.

The State budgetary allocation is also likely to be a temporary measure since the matter of enhancing the Central allocation is pending in the Supreme Court. We are also part of a committee appointed by the Ministry of Rural Development, GoI, at the behest of the Supreme Court to create a new set of criteria for the identification of the BPL in rural areas.

We would also like to request you seek your personal intervention in ensuring that the nearly twenty thousand homeless families in Delhi, identified through an earlier survey commissioned by the Food and Civil Supplies Department of the Government of Delhi, are issued the ration cards without any further delay. There is a gap of several months, and in some cases a year, since the survey. Barely 10% of the identified people have got the ration cards and not a single person from amongst those issued these cards has yet been able to get food grains, since the new allocations have not been notified in the respective ration shop by the circle offices of the Department of Food and Civil Supplies.

We hope that this issue can be settled at the earliest. In case there are any further clarifications that are required in this regard, we would be happy to meet with you and clarify them.

Warm Regards,

Dr. N.C. Saxena

Harsh Mander

cc:

1. Mrs. Jayashree Raghuraman, Secretary to the Government of Delhi, Department of Food and Civil Supplies.
2. Smt. Rashmi Singh, Mission Director, Mission Convergence, Government of NCT of Delhi.