Right to food activists and civil society groups have welcomed Supreme Court's order that Aadhaar is not mandatory for availing of government services and entitlements. They say the order comes as a huge relief to citizens who were being denied their rightful entitlements simply for not having an Aadhar card.

“Certainly, for people who were being denied their entitlements simply because they did not have an Aadhaar card, this is going to be a very positive step. Whatever one might say, getting an Aadhaar card was not so easy for people who are migrants, destitutes, the homeless. And very often these are the very people who need to be covered in a food security scheme,” said Anjali Bharadwaj, founder of the citizen's vigilance group Satark Nagarik Sangathan.

The Sheila Dikshit government, despite the many questions raised over the legal basis for Aadhaar and the authority issuing it, made Aadhaar compulsory in Delhi this year. “Aadhaar Card is compulsory from 1st January 2013 for access to every government service” warned a public notice by the Delhi Government published in leading newspapers in December last year. (Read full report here)
for beneficiaries to have an Aadhaar card to avail of food entitlements.

However, linking Aadhaar to food security was only adding to the difficulties of the beneficiaries, said Dipa Sinha, an activist with the Right to Food Campaign in Delhi.

Speaking about the Aadhaar-related problems that beneficiaries of the food security scheme were facing, Sinha said, “The SC order that Aadhaar is not necessary to get entitlements is a very positive development because it has already been creating a lot of confusion in Delhi. With the launch of the food security scheme, every member of the family is required to get an Aadhaar card because now the entitlement has become individual. Many families have had problems with getting their Aadhaar numbers, there've been problems with biometrics, in cases where there is a disabled member in the family, they haven't been able to go. So based on the experience so far, it is not right for it become a condition.”

Added Sinha, “Also, with Aadhaar there was also a concern that it would become an additional excuse to keep people out of the scheme. Earlier, it was BPL. As far as that goes, it is a good thing it is not compulsory.”

Describing how the Aadhaar linkage to the food security scheme was affecting rightful beneficiaries, Bharadwaj said, “A lot of families had members who didn't have Aadhaar cards. Since the food security scheme is an individual entitlement of 5 kg of grain per person, names of family members were not being accepted for the ration cards because they didn't have an Aadhaar card. For example, a family of five with two members without an Aadhaar card was getting only 15 kg instead of their rightful entitlement of 25 kg of grain. Now with the Supreme Court order, such people will be covered and will be able to get their entitlements.”

On the broader positive impact of the Supreme Court order on the scope of the food security scheme, Bharadwaj said, “The purpose of the food security legislation is to bring in the homeless, the destitute and the poorest of the poor. Now a lot of those people are having tremendous difficulty in getting Aadhaar cards because they don't have an identity proof, an address to share and so on. We now hope that they will be covered under scheme more easily even though they don't have Aadhaar card.”

But is there a danger that the Supreme Court order could halt the implementation of the scheme, leading to beneficiaries being denied entitlements? “To halt the scheme would imply a violation of the Supreme Court order because the order clearly states that benefits must flow to people. And Aadhaar can't be used be used an excuse for to giving them that entitlement,” said Bharadwaj.

Explaining why there shouldn't be any problems identifying beneficiaries in the absence of Aadhaar cards, Sinha said, “In Delhi, currently the food entitlements are being given to those who are existing ration-card holders. And so the government already has the database. With the Aadhaar-linkage what is happening is that those who have ration cards but don't have Aadhaar cards are worried that they might be removed from the list. Legally, there should be no reason to deny anyone their rightful entitlement.”

Taking on the government's often repeated claim that Aadhaar will check leakages and corruption in the PDS system, Bharadwaj said, “There are many ways to reduce pilferage and enhance transparency….If there is an effective and functioning grievance redress machinery and there is accountability mechanism that is in-built, which is entirely dependent on political will, you don't need Aadhaar.”