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DIGITAL AUTHENTICATION FAILURE AND THE RIGHT TO FOOD IN INDIA

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Abstract

An individual entitled to subsidized food grains may walk out of a Fair Price Shop without any grain due to fingerprint matching error, failure in communication networks or database discrepancy. While Indian law offers an alternative to Aadhaar authentication in some cases, the mere existence of the alternative does not indicate much about whether a family gets their ration on time. This paper analyses the National Food Security Act 2013, Aadhaar Act 2016 and the orders of the Supreme Court on Aadhaar and digital inclusion in combination with empirical data from Jharkhand. It contends that the administration has to differentiate between a failure in the process of verification and a determination of the right to the benefit and that it has to check the compliance through the stage of distribution. It outlines an enforceable process that includes immediate alternative verification, documentation of rejected claims, fast-track review and redressal of denial of service.

Keywords — right to food, Aadhaar, digital exclusion, public distribution system, substantive equality, India

I Introduction

Imagine a ration card holder whose fingerprints will not read at the fair price shop where there is food available and the household is present in the list of beneficiaries. The trader asks the card holder to come again when the machine reads his fingerprint or bring somebody else who will have readable fingerprints. The interaction could result in an error in the machine or no transaction at all. It results in no ration for the household and yet another trip. In the eyes of the administration reviewing only those transactions that were successfully completed, the above scenario looks exactly like any other decision to collect the ration later on.

The NFSA, 2013 provides an entitlement to foodgrains to eligible persons under TPDS. The Aadhaar Act allows use of biometrics for verifying the eligibility of the individual to receive a

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publicly funded benefit and provides for alternative means in certain cases. Both the laws pertain to different matters. Welfare law determines the qualification of the claimant. The purpose of identification is to tie the person standing before the administration to his/her entitlement record. In case the identification process fails to establish the identity of the person through digital means, then it will be for the administration to determine what documents it will accept and how it will provide the benefit within the required time frame.[1]

The question posed in the article is one of what a State ought to do when a digital check bars a household from claiming its right to foodgrains. The discussion is based on doctrinal study of the laws and the judgments, and empirical research findings. The emphasis is on the rationing transaction at the fair price shop, and the process involved in it. The cases of individuals are only illustrative and the processes outlined are merely suggestive. The point made is that compliance is about timely availability of an effective way of getting the ration.

II The Statutory Duty to Deliver Foodgrains

The NFSA Section 3 provides for the foodgrain entitlement of the individual belonging to the eligible household in respect of TPDS. An individual from the priority household is entitled to 5 kg in a month whereas the Antyodaya Anna Yojana household is entitled to 35 kg in a month. NFSA Section 10 makes it incumbent upon the States to identify eligible households as far as the respective coverage is concerned. The concept of entitlement is tied to the time period because the failure to distribute will lead the household to borrow food or cut down their food intake until such time that their problem is sorted out. NFSA Section 8 deals with the situation where there is no supply by providing for food security allowance from the respective State Government.[2]

Aadhaar Act provides distinct options for diverse challenges. The proviso to section 7 mandates that in case of lack of Aadhaar number, a person must be provided with alternate and viable option of identification for availing the benefit. The proviso to section 8(2) mandates that in case of failure of authentication due to sickness, injury, infirmity due to old age or any other reason, the requesting entity shall provide alternate and viable means of identification as may be specified under the regulations. Regulation 14(1)(i) of the Aadhaar (Authentication and Offline Verification) Regulations, 2021 mandates that the requesting entities must have provision for handling the exceptions as well as backup system for authentication. The

[1] National Food Security Act, 2013, s. 3; Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, ss. 7 and 8.

[2] National Food Security Act, 2013, ss. 3(1), 8 and 10.

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Department of Food and Public Distribution suggests the states and union territories not to deny the genuine beneficiaries due to biometric failure, absence of Aadhaar, absence of seeding, or device and connectivity issues. It also specifies the documents that could serve as an alternate form of identity in case of failure of EPOS machine.[3]

These protections take into account scenarios which demand different actions. The claimant who does not have an Aadhaar number should be allowed to follow a process that works without it. The claimant who has illegible fingerprints may be able to confirm his/her identity through other methods of identity validation that are allowed. The shop with poor network connectivity requires a process that works without any connectivity issues. The household whose ration entitlements have been deactivated requires that the agency responsible for maintaining their ration entitlements explain why it was suspended. It will mean putting all four claimants through an equivalent process for varied issues. The State should provide the dealer with a process that is workable and also identify the concerned officer.

Sections 14 to 16 of NFSA contain the basis for enforcement. Section 14 states that there shall be an internal grievance redressal system. Section 15 deals with the District Grievance Redressal Officer (DGRO) for grievances regarding the supply of entitled food grains or meals and enforcement of entitlements. An appeal can be made to the State Food Commission, which also evaluates implementation and investigates any violation of entitlements. Sections 27 and 28 deal with public disclosures of TPDS records and social audit. These processes will help in detecting repeated exclusions if they take into account failures along with successful deliveries. A record that keeps account of grains delivered will help with stock keeping but mask a major access issue.[4]

III Constitutional Equality and Digital Access

In relation to the 2018 decision in the Aadhaar case, the majority of the Supreme Court upheld section 7. The legitimacy of the objective of directing publicly funded benefits to those who qualify was acknowledged. The possibility of exclusion due to an unsuccessful authentication was taken into consideration. The majority of the Supreme Court gave significance to the need for protection measures as well as the stance of the Government in which qualified people will be able to get the benefit even if there is a failure in authentication. The handling of the issue

[3] Aadhaar Act, 2016, ss. 7 and 8(2), provisos; Aadhaar (Authentication and Offline Verification) Regulations, 2021, reg. 14(1)(i); Department of Food and Public Distribution, Notification S.O. 371(E), Gazette of India, Extraordinary, 8 February 2017, as corrected; Department of Food and Public Distribution, 'FAQs', answer on authentication mechanisms and biometric failure.

[4] National Food Security Act, 2013, ss. 14–16, 27 and 28.

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of exclusion will be relevant to the application of the decision.[5]

The case of Pragya Prasun v Union of India involved procedures for digital know-your-customer processes that presented special obstacles for survivors of acid attacks whose faces and eyes were affected and visually impaired individuals. It is a case of digital identification processes in regulated services. The court mentioned accessibility and reasonable accommodation and recognized access to digital services as an integral part of life and liberty under Article 21 of the Constitution. The reasoning in the case links technical design to substantive equality. A process may be designed in a way where all participants are supposed to meet the same demands but allow them to do very different things.[6]

Using that rationale in relation to ration distribution necessitates a focus on the statutory framework. The Pragya Prasun judgment does not lay down the norms for the conduct of business by the fair price shops. What it does is highlight the way in which courts and administrative authorities could assess the accessibility of the process of claiming the benefit provided by law. Under Article 14, it is necessary to consider the consequence of the common standard of verification where certain groups of people face higher cost of complying with the standard. Under Article 21, it becomes more important where the direct aim of the transaction is food. The Rights of Persons with Disabilities Act, 2016 provides another ground for reasonable accommodation and accessibility of information and communication technology.[7]

This solution can work even if the dealers do not have to make a determination of whether or not the individual is eligible according to his/her constitutional rights while performing a transaction. The State could develop a limited list of proofs that the dealer may consider, offer appropriate supervision where there is a need for discretion, and have the departmental authority examine the disputes. In case of allegations of fraud or doubts of eligibility by the departmental authority, the individual must receive an easily comprehensible notice of the dispute and the available solution to the problem, taking into consideration any lawful limits on the disclosures of information. A malfunction of routine equipment requires another approach.

[5] Justice K.S. Puttaswamy (Retd.) v Union of India (Aadhaar), (2019) 1 SCC 1, paras. 314–320 (majority opinion).

[6] Pragya Prasun v Union of India, 2025 INSC 599, pp. 56–61.

[7] Constitution of India, arts. 14 and 21; Rights of Persons with Disabilities Act, 2016, ss. 2(y), 3(5), 40 and 42; Pragya Prasun v Union of India, 2025 INSC 599, pp. 56–61.

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IV How Verification Problems Become Exclusion

Examples from Jharkhand highlight how crucial the transition's structure can be. Muralidharan et al conducted research on reforms that introduced stricter biometric identity checks in the distribution of subsidised food. This study makes a clear distinction between the introduction of the biometric checks and further reforms that were based on authenticated transaction data for the determination of the allocation of programmes. This paper demonstrates that the transition of reforms had adverse effects despite a reduction in the level of corruption. This paper looks at particular reforms in a specific context. This research does not provide a national estimate of failure.[8]

The cost distribution determines how ineffective a formally available back-up will be. A household forced to go to the shop or the remote office will incur the cost of transportation and might also lose working hours. A claimant who tries to get his grain at a location far from home may find it hard to get into touch with the office which has the source document. A telephonic back-up can be useful in case there is a registered telephone number and the telephone network functions well. It would offer little help in case the telephone is out of reach or the number has been changed.

In this case, the appropriate unit of analysis would be the claim of a household for the period of distribution. For example, a single claimant could experience multiple attempts from the device, with the subsequent success coming through a different transaction. Another claimant could walk away after being informed verbally that the shop will not be able to help, but without creating a device attempt. In both cases, the first could lead to an overstatement of the number of failures, if analyzed as separate unresolved claims, while the latter could simply be ignored. An informative analysis of the situation should differentiate unsuccessful attempts, later receiving, late and unresolved non-delivery.

The notion of portability adds emphasis to the matter. In One Nation One Ration Card arrangements, a beneficiary whose case meets the criteria will be able to collect rations from shops other than where the card was issued. This arrangement has been made under the directions of the Supreme Court in the course of handling migrant laborers. In case of any problems arising with the process of portability, both the shop where the beneficiary tried to collect the rations and the state issuing the card may possess information that the other

[8] Karthik Muralidharan, Paul Niehaus and Sandip Sukhtankar, 'Identity Verification Standards in Welfare Programs: Experimental Evidence from India' (2025) 107(2) The Review of Economics and Statistics 372–392.

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requires.[9]

V A Procedure for Continuity of Foodgrain Delivery

A Provide alternative verification at the first visit

The State food department must give binding instructions about which procedural errors will necessitate alternate verification and who can authorize such verification. If the person's biometric identity cannot be matched, then the dealer must suggest an acceptable way that the person is able to verify himself by. In case the device and network are not available, then the State food department must provide for a supervisory contingency mechanism involving authorized ways of verifying entitlements using identification of the person. This procedure should ensure delivery on the very first visit where possible if entitlement and the entitlement's balance can be verified through authorized means. In case the dealer does not have access to the data that will help him verify the person's claim, then an authorized officer will be available to guide him on the spot.

It is also significant to distinguish between identification and allocation. Determining the identity of the individual in the shop is not going to reveal the amount of entitlement that still needs to be issued to the household. This could happen because a household could have collected some portion of its allocation from another location through portability. The offline method must, therefore, have a system of capping provisional issue and reconciling it once connectivity is restored. A transaction ID date, the amount that was issued, and reconciliation with the authorised stock and allocation records will provide an audit trail. If it is not practical to check on the residual entitlement, the official needs to identify the appropriate contingency measure according to published guidelines and provide an explanation. The same system needs to safeguard dealers from any negative impact due to authorised exceptions.

B Record the claim before its outcome is known

The department should have a short register that shows unresolved claims and completed exception transactions. It should show the date, the name of the shop, the general reason why the person filed a claim, the action taken in relation to the claim, and whether the claimant received the grain. This can be done using paper or other accessible means of communication that the claimant prefers. The response should also contain a reference and a point of contact

[9] In Re Problems and Miseries of Migrant Labourers, Suo Motu Writ Petition (Civil) No. 6 of 2020, Supreme Court of India, judgment of 29 June 2021, operative direction (iv).

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of the official who will conduct the review. An acknowledgement should be available in the shop even in case of a network problem. In case a dealer refuses to acknowledge the claim, the claimant can start the process using a telephone line or other office. The claimant can use the date and location of the shop to follow up the claim.

The records must be adequate to link repeat visits with the same claim and track any abuse. Access to identifiable information about cases must be restricted to authorized persons only. The registry must maintain a reference to the case and collect just the details that are required for the intended purpose, subject to review and audit purposes. Public reports must present an aggregate view and refrain from revealing entire Aadhaar number, biometric or other such details that may reveal the household. This way, it enables the administrators to determine if there is some problem with a shop or a machine, without revealing the details of the person reporting the issue.[10]

C Connect rapid review to delivery and statutory remedies

The internal review mechanism must ensure that the case is allocated to the officer who can solve it. The case of a device failure will need operational intervention. Seeding or household record problem will require coordination with the record office. Issues such as entitlements or non-supply should be able to go through the NFSA complaint mechanism. The state directives must provide for an accelerated time frame according to the distribution schedule, along with notification of the decision and appeal process. Anyone instructed to rectify the record must also get a decision on how the present month's claim is to be disposed of. Considering the case of a record correction as a basis for closing the delivery complaint case will mean that the complainant gets only administrative action and nothing else.

Outcome should be able to differentiate between actual supply and other kinds of resolution. In case the grain is supplied through any other means, it must be noted down with date and amount. In case the entitled individual faces a situation of non-supply, then the respective authority must make a decision regarding the payment of food security allowance according to section 8 and the regulations. This decision must be recorded along with any amount paid. In case there is denial after verification, then the reasons why it was denied must be noted down. There will be different impacts on the family based on these decisions.[11]

[10] Justice K.S. Puttaswamy (Retd.) v Union of India (Privacy), (2017) 10 SCC 1; Aadhaar Act, 2016, ss. 8(2)(b) and 29.

[11] National Food Security Act, 2013, ss. 8, 14 and 15; Food Security Allowance Rules, 2015.

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D Audit access and safeguard programme integrity

The proportion of claims initially denied during verification but delivered in the same distribution cycle needs to be monitored. The second parameter will be tracking of unprocessed claims and the median time to solve them. Social audit at the shop level can be a way to test whether the data provided are comprehensive by interviewing people who have visited the shop without success and whose visit is not registered. In case there is a dramatic rise in one category of failures after an upgrade of the software, the social audit team can explore whether the problem lies with a particular device, an update, or type of claimant. The provisions of disclosure and social audit in the NFSA can be useful for this purpose.[12]

One frequent argument for less stringent verification is that it will cause duplication or even fraud. This is why there must be regulation in authorization and reconciliation. The system must allow for the comparison of the exceptions to the stock movement, and for the identification of any double billing of the allocation. Any irregularity must raise red flags and lead to further scrutiny by the department. An isolated shop in a remote area with inconsistent internet connection can reasonably make many exceptions, and therefore their extensive use alone must lead to investigation of the circumstances under which the programme is run.

The procedure may start by demarcating a distribution zone utilizing the grievance officers and shop registers already in existence. The department may test whether acknowledgment is provided during blackouts; whether official response is provided within shop timings and whether the other issues tally with the inventory register. It may investigate repeat calls and delivery time in addition to the alleged duplicate issues. Before implementing the process, it should rectify any bottlenecks found at the local level such as availability of officers and transfer of inter-State claims. Any extra software used should simplify the process and audit. The ration shop should still be able to provide assistance even without the software.

VI Conclusion

Entitlement to foodgrains is the core of the food security system of India, and the Aadhaar Act already offers other means of identifying citizens in case there are no problems with the official one. The problem is that the official procedure terminates just at the point where it stops functioning. The approach of the Supreme Court towards exclusion in the Aadhaar case and its further explanation of digital access make it necessary to analyze how the verification process affects individuals unable to pass through the normal procedure.

[12] National Food Security Act, 2013, ss. 16(6), 27 and 28.

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State food departments could make such measures operational through viable alternatives offered in the shop, documentation of the case, speedy assessment of the claim and determination of the appropriate remedy in case of a shortage. Regular reconciliations would ensure no duplications and social audits would enable identification of eligible households not recorded in the transactions. What would be important to evaluate such a system is if the eligible household was able to access their foodgrains during the distribution process even in case of failure of the regular verification mechanism.

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