

**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**

May 30th,2008
AAY/574/ Uttarakhand.

Shri. Surjit Kishore Das
Chief Secretary
Government of Uttarakhand
Uttaranchal Secretariat, 4,
Dehradun
Uttarakhand.

Sub: Regarding the issuance of AAY cards to Rickshaw pullers of Mussoorie.

Dear Shri. Das,

As you are aware, in our capacity as Commissioners of the Supreme Court in CWP 196/2001, PUCL v. UOI and others, we monitor the implementation of the food and employment related schemes in the country which fall under the purview of the case including the ICDS, MDMS, NREGA, NOAPS, TPDS, NMBS /JSY, NFBS.

Our attention has been drawn towards the vulnerable condition of rickshaw pullers of Mussoorie, in the vicinity of the National Academy of Administration. Most of them do not have their own homes and are living in crowded dehumanised night shelters and are, therefore, always vulnerable to shivering cold especially in the ensuing winter, but to illnesses like TB at all times of the year because of overcrowding. We have learnt that the last night shelters that were built were during British times, and these are in terrible shape. I spoke to the District Magistrate, and requested him to take advantage of the Government of India scheme for night shelters, in the same locations where the old dilapidated shelters stand. He responded positively.

We would like to bring to your kind notice the directions of the Supreme Court on 2nd May 2003, that all households belonging to six “priority groups” must be covered by Antyodaya cards. More precisely, the Government of India was directed “to place on AAY category the following groups of persons:

- 1) Aged, infirm, disabled, destitute men and women, pregnant and lactating women, destitute women;
- 2) Widows and other single women with no regular support;
- 3) Old persons (aged 60 or above) with no regular support and no assured means of subsistence;
- 4) households with a disabled adult and assured means of subsistence;
- 5) households where due to old age, lack of physical or mental fitness, social customs, need to care for a disabled, or other reasons, no adult member is available to engage in gainful employment outside the house;
- 6) primitive tribes.”

Therefore, all subsequent AAY allocations should be made only in strict compliance with this order. In the first phase, a special drive may please be undertaken to cover all the rickshaw pullers and urban homeless people of Mussoorie, and then in other urban areas in Uttarakhand.

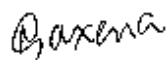
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We would be very grateful if you can kindly send us a proposed action plan within two weeks to ensure that all the rickshaw pullers and urban homeless people of Mussoorie will have an AAY card and send us an action taken report on the same within two months, and in other areas of Uttarakhand in a phased manner over the coming year. When we talked to them we were surprised to learn that most of them did not even have a BPL card, and some had no card at all!

We would also like to remind you that we have not received any kind of response to our last letters except to the letter dated 08.02.08.(NMBS/540/Uttaranchal.).We appreciate that instructions have been issued to the health department to ensure compliance with the latest order of the Supreme Court dated 20.11.2007 to ensure all the BPL pregnant women get cash assistance of Rs 500 per birth , 8-12 weeks prior to the delivery irrespective of number of children and the age of the women. Please send us a copy of the instructions that has been issued to the health department.

Therefore, we request you please refer to our letter dated March 29th, 2008 (letter no. Reminder/554/Uttaranchal) and send us the responses to the other three letters mentioned in the referred letter. The same letter is also annexed herewith for your perusal.

With regards



Dr. N.C. Saxena



Harsh Mander