

**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**

February 8th, 2008.
NMBS/539/Rajasthan.

Shri. D.C. Samant
Chief Secretary
Government of Rajasthan
Government Secretariat
Jaipur
Rajasthan.

Sub: Status of Implementation of NMBS/JSY in Rajasthan.

Dear Shri. Samant,

As you know we have been appointed by the Supreme Court to monitor food and employment schemes under PUCL vs. Union of India, CWP 196/2001. We have recently submitted the seventh report on the implementation of these schemes all across the country to the Supreme Court. We would like to bring to your notice some issues of concern in relation to the National Maternity Benefit Scheme (NMBS) in Rajasthan.

We would also like to bring to your notice the latest order of the Supreme Court (dated 20.11.2007) which states that, "The Union of India and all the State Governments and the Union Territories shall (i) continue with the NMBS and (ii) ensure that all BPL pregnant women get cash assistance 8-12 weeks prior to the delivery." The above order also states that, "The amount shall be Rs.500/- per birth irrespective of number of children and the age of the women".

1. The number of beneficiaries of NMBS/JSY in the state in 2006-07 shows acceptable coverage, however, there have been reports of undercoverage of beneficiaries who had home deliveries. Also with regard to utilisation of funds, it is seen that the state spent only **74.8%** of the funds allocated under JSY by the Government of India. Therefore, we request that steps must be made to increase the reach of the scheme to all those who deserve and to spent the funds completely. Along with these the state needs to take care that all the pregnant

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women from BPL households receives RS.500 six to eight weeks before their delivery, irrespective of place of delivery.

2. Of the JSY beneficiaries, it has been reported that more than **13.5%** were those who had home deliveries. However, the NFHS-3 has shown that there is **68%** of home delivery in the state. Even though the scheme was modified in consonance with the Supreme Court's mandate that no existing eligibilities for food rights can be abridged without the consent of the court (court order dated 27th April 2004), it appears still that the revised guideline has not been communicated adequately to or been sufficiently internalized by the state government. We would be grateful if you could please also examine and let us know the reasons why such a large gap persists. As the state has the highest percentage of home delivery in the country, serious efforts must be made to increase the reach of the scheme to all those who deserve.

We request the Government of Rajasthan to look into the above listed matters and send us an action taken report on the same within two weeks time.

With regards,

Dr. N.C. Saxena

Harsh Mander