

**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 13th,2008.
NMBS/541/ Assam.

Shri. P.C. Sarma
Chief Secretary
Government of Assam
New secretariat
Guwahati
Assam.

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

Dear Shri. Sarma,

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 Assam.

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 show acceptable coverage and also the State has been able to spent appreciable amount of funds allocated under JSY from Central Government, however, there has been reports of undercoverage of beneficiaries under NMBS/JSY who had home deliveries. 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 that this revised guideline has not been communicated adequately to or

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been sufficiently internalized by the state government. We request you that steps must be made to increase the reach of the scheme to all those who deserve.

2. Of the JSY beneficiaries, it has been reported that about **4.4%** were those who had home deliveries. However, the NFHS-3 has shown that there is **77%** of home delivery in the state. We would be grateful if you could please examine this and let us know the reasons why such a large gap still persists and we urge serious efforts must be made to increase the reach of the scheme to all those who deserve. Along with these the state needs to take care that all the pregnant women from BPL households receives RS.500 six to eight weeks before their delivery.

We request the Government of Assam to look into the above matters and send us an action taken report on the same at the earliest.

With regards,

Dr. N.C. Saxena

Harsh Mander

CC: Dr. Sunil Kaul, Advisor to the Commissioners to the Supreme Court, Assam.