

**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**

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February 13<sup>th</sup>, 2008.  
NMBS/542/Meghalaya.

Shri. Ranjan Chatterjee  
Chief Secretary  
Government of Meghalaya.  
Meghalaya.

**Sub: Status of Implementation of NMBS/JSY in Meghalaya.**

Dear Shri. Chatterjee,

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 Meghalaya.

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". We are attaching a copy of this order with this letter. This is in consonance with the earlier order of the Supreme Court that no existing eligibilities for food rights can be abridged without the consent of the Court (court order dated 27th April 2004).

1. As per the NFH3 data there is 70% of home deliveries in the state, while only 41.4% of the beneficiaries have reported of being received benefits under JSY. As the state figures in the highest percentage of home deliveries in the country, 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.
2. Based on projected population, birth rates and poverty rates, we estimate that

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around 22,768 women in Meghalaya would be eligible for benefit under the NMBS each year. 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 not been seriously and sufficiently internalised by the state government. According to the 7<sup>th</sup> report it is alarming to see that the number of beneficiaries of NMBS/JSY in the state in 2006-07 is only 9% of the eligible women. We would urge you to treat this with a sense of utmost priority for state intervention so as to increase the awareness and coverage of the scheme.

3. We appreciate the state efforts for the full utilization of the funds under the Scheme, but the government should take appropriate action to put the requisition to the Government of India for the necessary funds so as to ensure the complete coverage of the beneficiaries under this scheme.

We request the Government of Meghalaya to look into the above listed matters on a priority basis and send us an action taken report on the same at the earliest.

With regards,

Dr. N.C. Saxena

Harsh Mander

CC: Shri. Tarun Bhartiya, Advisor to the Commissioners to the Supreme Court, Meghalaya.