

**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 14th,2008.
NMBS/544/ Chhattisgarh.

Shri. Shivraj Singh
Chief Secretary
Government of Chattisgarh
Dau Kalyan Singh Bhawan,
Mantralaya
Raipur 492001.

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

Dear Shri. S Singh,

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 Chhattisgarh .

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. Although there has been relatively satisfactory performance by the state government, it appears still that this revised guideline has not been communicated adequately to or been sufficiently internalised by the state government. As per the NFH3 data there is 84% of home delivery in the sate, while only 59.2% of the beneficiaries had reported of being received JSY. 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. Along with these the

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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 around 1.48 lakh women in Chhattisgarh would be eligible for benefit under the NMBS each year. The number of beneficiaries of NMBS/JSY in the state in 2006-07 was only 74,778 which is only about 50.2% of eligible beneficiaries. 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 been sufficiently internalised by the state government. According the 7th report only half (50.6%) of the actual beneficiaries of NMBS/JSY in the state were covered during the 2006-07 period. 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. We appreciate the state efforts for the full utilisation 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.

3. The Office of Commissioners along with the Poorest Areas Civil Society (PACS) programme conducted a survey in six states on the status of food and employment schemes. This survey covered Sarguja and Rajnandgaon districts in Chhattisgarh. The following are some of the findings, which are relatively encouraging in relation to Chhattisgarh. However, you would agree that there is always scope for further improvement:
 - 93% of the respondents said they had received Rs.500 which is furnished in guidelines.
 - Regarding the timing of the payment Chhattisgarh has performed well as far as per cent of beneficiaries (77.8%) in distributing the scheme at the time of pregnancy compared to the other states under the study.

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

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With regards,

Dr. N.C. Saxena

Harsh Mander

CC: Shri. Sameer Garg, Advisor to the Commissioners to the Supreme Court,
Chhattisgarh.