

**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/545/Madhya Pradesh.

Shri. R.C. Sahni
Chief Secretary
Government of Madhya Pradesh
Mantralaya, Vallabh Bhavan
Bhopal
Madhya Pradesh.

Sub: Status of Implementation of NMBS/JSY in Madhya Pradesh.

Dear Shri. R.C. Sahni,

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 Madhya Pradesh.

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. Based on projected population, birth rates and poverty rates, we estimate that around 4.73 lakh women in Madhya Pradesh would be eligible for benefit under the NMBS each year. The number of beneficiaries of NMBS/JSY in the state in 2006-07 was 4 lakhs which is about 84.8% of eligible beneficiaries. Although the coverage is better than most of the other states, we are sure that you would agree with us that there is certainly room for further improvement.
2. With regard to utilisation of funds too, it is seen that the state spent only 58.2% of the funds allocated under JSY by the Government of India.
3. Of the JSY beneficiaries, it has been reported that a staggering 99% were those who had institutional deliveries. This indicates that in the state the scheme's focus continues to be only on institutional deliveries and not all deliveries. NFHS shows that in Madhya Pradesh, 70% of all women have home deliveries. We hope there is no confusion regarding the scheme that *all* BPL women should be given Rs. 500 during pregnancy, *irrespective of* place of delivery. We would like to request the state government to ensure that ALL BPL pregnant women are given assistance under the scheme of Rs. 500 and this should not be linked to the place of delivery.
4. 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 Balaghat, Betul, Chhatarpur, Mandla and Tikamgarh districts in Madhya Pradesh. The following are some of the findings:

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- Of all the eligible respondents about 81% received benefit under the NMBS.
- 9.4% of the women reported receiving less than Rs. 500 as benefit. We request you to look into the reasons for this.
- The Supreme Court order clearly states that the payment to women should be made 8 to 12 weeks *prior* to delivery so that it can contribute to nutrition for women during pregnancy. However, 98% of the respondents reported getting the benefit *after* the delivery. This needs to be looked into.

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

With regards,

Dr. N.C. Saxena

Harsh Mander

CC: Dr. Mihir Shah, Advisor to the Commissioners to the Supreme Court, Madhya Pradesh.