

**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/546/Jharkhand.

Shri. P.P.Sharma  
Chief Secretary  
Government of Jharkhand  
Vidhan Sabha Bhavan  
Ranchi  
Jharkhand.

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

Dear Shri. P.P.Sharma,

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 Jharkhand.

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 2.1 lakh women in Jharkhand would be eligible for benefit under the NMBS each year. The number of beneficiaries of NMBS/JSY in the state in 2006-07 **has not been reported** to the Centre till date by the State government. But it is evident from data that with 16.5 percentage of fund utilisation, amounting to Rs 64.67 lakhs, only a very small percentage of these women would have been covered.
2. With regard to utilisation of funds too, it is seen that the state spent only 16.5% of the funds allocated under JSY by the Government of India.
3. Since no data have been made available by the State, we don't have figures as to the percentage of JSY beneficiaries, who had home deliveries. We hope that there is no confusion regarding the scheme and that all BPL women are being given Rs. 500 during pregnancy, *irrespective* of 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 Palamu and Dumka districts in Jharkhand. The following are some of the findings:
  - Of all the eligible respondents about 72% received benefit under the NMBS.
  - 34% 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

**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**

---

women during pregnancy. However, almost 38% of the respondents reported getting the benefit *after* the delivery. This needs to be looked into and appropriate mechanisms are to be put in place to rectify it.

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

With regards,

Dr. N.C. Saxena

Harsh Mander

CC: Shri. Balram , Advisor to the Commissioners to the Supreme Court, Jharkhand.