

**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**

29th March, 2008
NMBS/555/ Bihar

Shri. R J Mohan Pillai
Chief Secretary
Government of Bihar
Main Secretariat
Patna
Bihar.

Sub: Status of Implementation of NMBS/JSY in Bihar

Dear Shri. Pillai,

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 Bihar.

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 7.3 lakh women in Bihar 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 1,71,352 which is only about 23.4% of eligible beneficiaries. 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.
2. With regard to utilisation of funds too, it is seen that the state spent only 31.1% of the funds allocated under JSY by the Government of India.
3. Of the JSY beneficiaries, it has been reported that more than 75% were those who had home deliveries. We hope that this reflects the fact 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 Saharsa and Nawada districts in Bihar. The following are some of the findings:
 - Of all the eligible respondents only about 30% received benefit under the NMBS.
 - 63.2% of the women reported receiving less than Rs. 500 as benefit. We request you to look into the reasons for this.

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- 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, almost 48% of the respondents reported getting the benefit *after* the delivery. This needs to be looked into.

We request the Government of Bihar 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. Rupesh, Advisor to the Commissioners to the Supreme Court, Bihar.