

**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

6th October, 2009

JSY/710/Chhattisgarh

Shri. P. Joy Oomen,
Chief Secretary,
Government of Chattisgarh,
Dau Kalyan Singh Bhawan, Mantralaya,
Raipur – 492001.

Sub: Violation of Supreme Court orders in the implementation of Janani Suraksha Yojana (JSY)/National Maternity Benefit Scheme (NMBS) in the state.

Dear Shri. Oomen,

As you are aware, in our capacity as Commissioners of the Supreme Court in CWP 196/2001, PUCL v. UOI and others, we monitor the implementation of the food and employment related schemes in the country which fall under the purview of the case including the ICDS, MDMS, NREGA, NOAPS, TPDS, NMBS/JSY and NFBS.

According to a recent report we have prepared, only 67.4% of eligible beneficiaries received benefits under JSY in the year 2007-08. Furthermore, only 17.9% of the women who had home deliveries in Chhattisgarh have received benefits. Please look into the matter on a priority basis and send us an Action Taken Report. We would like to remind you that the Supreme Court order dated 20th November, 2007 reiterated that the benefit of Rs. 500 must be paid to all BPL pregnant women irrespective of place of delivery, number of children and age of woman. Not providing monetary benefit to women who had home deliveries is a violation of this order and the earlier order of the Supreme Court; dated 28 November 2001. We request you to kindly issues orders to the implementing officials to provide benefit in the scheme to all BPL women.

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Furthermore, it has come to our notice through correspondence with our Advisor to the Supreme Court Commissioners Office in Chhattisgarh, Mr. Samir Garg, that there have arisen a large number of complaints from Wadroffnagar block of Sarguja district regarding non-payment of maternity benefits for the year 2008-09. Seven hundred and eighty five women who delivered in government health institutions during 2008-09 have not received their maternity benefits under the Janani Suraksha Yojana. Out of these 467 births have taken place in Community Health Centre, Wadroffnagar, 121 births in PHC– Raghunathnagar, 173 births in PHC-Bartikala and 55 births in various health sub-centres of the block. In addition to these, for deliveries taking place at home, the maternity benefit has not been paid to a large number women despite satisfying the conditions of being BPL, number of children and age. The benefit has been denied to these BPL women on the pretext that these deliveries were not conducted in presence of an ANM. This is a violation of the orders of the honourable Supreme Court as presence of ANM is not a necessary condition for payment of maternity benefits for births taking place at home for BPL women. We urge you to look into this matter on a priority basis.

We request you to also send us a copy of the state guidelines for the Janani Suraksha Yojana/National Maternity Benefit Scheme. Further, we request you to kindly provide us the following information.

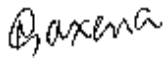
1. Are there separate schemes for NMBS and JSY in the state?
2. What is the amount distributed in the case of a home delivery?
3. What is the amount distributed in the case of an institutional delivery (total payment, including any payment made before delivery)?
4. Who is the functionary responsible for payment of the amount and selection of beneficiaries?
5. What are the documents required to be eligible for benefits under JSY/NMBS?

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6. What conditionalities are to be fulfilled in order to receive benefits under NMBS/JSY in case of an institutional delivery (eg. BPL, number of children, place of delivery, age of mother, etc)?
7. What conditionalities are to be fulfilled in order to receive benefits under NMBS/JSY in case of a home delivery (eg. BPL, number of children, place of delivery, age of mother, etc)?
8. Where is the payment made?
9. When is the payment made?

Kindly send us the required information either by fax, post or email within the next two weeks.

With regards,



Dr. N.C. Saxena



Harsh Mander