

**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**

7th September, 2009

Shri. Atul Kumar Gupta,
Chief Secretary,
Government of Uttar Pradesh,
Govt. of UP, Lal Bahadur Shastri Bhavan, Sachivalay,
Lucknow - 226001.

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

Dear Shri. Gupta,

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 35% of eligible beneficiaries received benefits under JSY in the year 2007-08. Furthermore, only 4% of the women who had home deliveries in Uttar Pradesh 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.

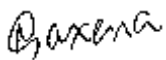
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We request you to also send us a copy of the state guidelines for the Janani Suraksha Yojana/National Maternity Benefit Scheme. Further, we request you to kindly provide us the following information.

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?
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