

Order of 1 February 2007

ITEM NO.1

COURT NO.4

SECTION PIL

S U P R E M E C O U R T O F I N D I A

R E C O R D O F P R O C E E D I N G S

W R I T P E T I T I O N (C) N O . 1 9 6 O F 2 0 0 1

PEOPLE'S UNION FOR CIVIL LIBERTIES

....Petitioner(s)

V E R S U S

UNION OF INDIA & ORS.

....Respondent(s)

(With appln. for interim direction and directions and permission and permission to place addl. documents on record and intervention and c/delay and exem. from O.T. and modification and extension of time)

Date: 01.02.2007 This Petition was called on for hearing today.

C O R A M :

HON'BLE Dr. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner(s)

Mr. Colin Gonsalves, Sr. Adv.

Ms. Pooja Sharma, Adv.

Mr. Anup Srivastava, Adv.

Ms. Jyoti Mendiratta, Adv.

Mr. Praveen Jain, Adv.

For Respondent(s)

Mr. Rajiv Dutta, Sr. Adv.

Mr. T.S. Doabia, Sr. Adv.

Mr. M.F. Humayunisa, Adv.

Mr. Hemant Sharma, Adv.

Ms. Sunita Sharma, Adv.

Ms. Sandhya Goswami, Adv.

Mr. V.K. Verma, Adv.

Ms. Sushma Suri, Adv.

Mr. D.S. Mahra, Adv.

Mr. Rakesh Dwivedi, Sr. Adv.

Dr. R.G. Padia, Sr. Adv.

Mr. Pradeep Misra, Adv.

Mr. T. Mahipal, Adv.

Mr. Ravindra K. Adsure, Adv.

Mr. Manjit Singh, AAG,

Mr. Harikesh Singh, Adv.
Mr. T.V. George, Adv.
Mr. Anil Shrivastav, Adv.
Ms. Hemantika Wahi, Adv.
Ms. Pinky Behera, Adv.
Mr. A.S. Rawat, Adv.
Mr. K.S. Rana, Adv.
Mr. Ashok Bhan, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. R.C. Kathia, Adv.
Mr. D.S. Mahra, Adv.
Ms. Sunita Sharma, Adv.
Mr. D.S. Mahra, Adv.
Mr. Gopal Singh, Adv.
Mr. Nishakant Pandey, Adv.
Mr. K.N. Balagopal, Sr. Adv.
Ms. Sumita Hazarika, Adv.
Ms. Pinky Anand, Adv.
Mr. Gopal Prasad, Adv.
Mr. Rajesh Pathak, Adv.
Mr. Sarup Singh, Adv.
Mr. R.K. Pandey, Adv.
Mr. Arun K. Sinha, Adv.
Ms. A. Subhashini, Adv.
Mr. Tara Chandra Sharma, Adv.
Ms. Neelam Sharma, Adv.
Mr. Gopal Singh, Adv.
Mr. Ritu Raj Biswas, Adv.
Mr. Anukul Raj, Adv.
Mr. Ng. J.R. Luwang, Adv.
Mr. Riku Sharma, Adv.
Mr. J.S. Attri, AAG
Mr. Vivek Singh, Adv.
Mr. Sonam P. Wangdi, A.G.
Mr. A. Mariarputham, Adv.
Mrs. Aruna Mathur, Adv.
for M/s. Arputham Aruna & Co.
Mr. K.N. Madhusoodhanan, Adv.
Mr. R. Sathish, Adv.
Mr. Uday B. Dube, Adv.
Mr. Kuldip Singh, Adv.
Ms. Rachana Srivastava, Adv.
Ms. Suparna Srivastava, Adv.
Ms. Pooja Mattani, Adv.
Mr. Rajesh Srivastava, Adv.
Ms. Kamini Jaiswal, Adv.
Ms. Shomila Bakshi, Adv.
Ms. Sumita Dwivedi, Adv.

Mr. Jaideep Gupta, Sr. Adv.
Mr. KH Nobin Singh, Adv.
Mr. V.G. Pragasam, Adv.
Mr. S.Vallinayagam, Adv.
Mr. Prabhu Ramasubramanian, Adv.
Mr. Jana Kalyan Das, Adv.
Mr. Aruneshwar Gupta, Adv.
Mr. Naveen Kumar Singh, Adv.
Mr. Mukul Sood, Adv.
Mr. Shashwat Gupta, Adv.
Mr. B.B. Singh, Adv.
Mr. Vivek Tankha, Sr. Adv.
Mr. B.S.Banthia, Adv.
Mr. G.Prakash, Adv.
Ms. Beena Prakash, Adv.
Mr. Anuvrat Sharma, Adv.
Mr. Sanjay Kumar Singh, Adv.
Mr. Sanjay R.Hegde, Adv.
Mr. Vikrant Yadav, Adv.
Mr. Shashidhar, Adv.
Mr. Ranjan Mukherjee, Adv.
Mr. S.C.Ghosh, Adv.
Ms. Indra Sawhney, Adv.
Mr. R.K. Maheshwari, Adv.
Mr. R. Sathish, Adv.
Mr. S.V. Deshpande, Adv.
Mr. K.V. Mohan, Adv.
Mrs. D. Bharathi Reddy, Adv.
Mr. Ramesh Babu M.R., Adv.
Mr. Prakash Shrivastava, Adv.
Mr. Prashant Kumar, Adv.
Mr. Vishwajit Singh, Adv.
Mr. Gopal Singh, Adv.
Mr. B.V .Balaram Das, Adv.
Mr. Jatinder Kr. Bhatia, Adv.
Mr. Ravi Prakash Mehrotra, Adv.
Mr. Anil Srivastava, Adv.
Mr. Anis Suhrawardy, Adv.
Mr. R.C.Kaushik, Adv.

UPON hearing counsel the Court made the following

ORDER

Heard Mr. Colin Gonsalves, learned senior counsel for the petitioner and learned counsel appearing for the Union of India and various states.

A detailed memorandum has been filed by Mr. Colin Gonsalves and certain directions have been prayed for. Essentially the National Maternity Benefit Scheme (in short the 'NMBC') and Janani Suraksha Yojana (JSY) are the schemes with which the present I.As. i.e. I.A.No. 37/2004 and I.A. No. 54/2005 are concerned. With reference to the report of the Commission appointed by this Court and certain statistical data, it has been highlighted that there is practically no step taken for implementation of the schemes in question.

Additionally, it is submitted that because of lack of monitoring the schemes have not taken up in the way they were intended to be put in place. Let the Union of India, which is providing the funds for the implementation of the schemes; file its response to the suggestions given by Mr. Colin Gonsalves. It has also been highlighted that there has been total non-implementation of the schemes in certain States including Delhi where it is stated the number of persons getting benefits i.e. targeted beneficiaries is nil.

Let the States of Uttar Pradesh, Uttaranchal, Bihar, Delhi, Jharkhand, Madhya Pradesh, Chhattisgarh, Assam, Rajasthan, Orissa and Jammu and Kashmir file their response as to why there has been such dismal inaction in implementation of the schemes. While filing the response, the Union of India shall indicate as to how the Union of India proposes to monitor the implementation of the schemes by the State Government and in what way there can be more coordinated effort for implementing the schemes. In the response to be filed, the Union of India shall also indicate as to whether it would be in the interest of the beneficiaries if the funds are directly placed at the disposal of the Gram Panchayats so that without unnecessary delay beneficiaries can get immediate benefit of the schemes. The intention of the schemes appear to be providing nutritional assistance to the expecting mothers. It is apparent from the report of the Commissioner that in the rural areas the non performance is more acute. It is brought to our notice that there have been some modification in the JSY scheme which do not appear to have been made known to the beneficiaries.

It would be appropriate if the Union of India and the State Governments take steps to make the beneficiaries aware of the benefits of the schemes and the entitlements flowing therefrom. Let the response be filed within three weeks by the Union of India and by the State Governments within four weeks. The State Governments shall also indicate their suggestions as to what effective steps can be taken for better implementation of the schemes and how there can be more coordinated effort between the Union of India and the State Governments.

Mr. Colin Gonsalves, learned senior counsel is also requested to compile the responses, if any filed, and give his suggestions as regards the modes to be adopted for better results.

Call this matter in the third week of March 2007.

The budget estimates required for the Commissioner by this Court is placed on record. A copy has also been handed over to the learned counsel for the Union of India, let him take the instructions so that necessary orders can be passed on the next date of hearing.

(Shashi Sareen)
Court Master

(Madhu Saxena)
Court Master