

**IN THE HIGH COURT OF MANIPUR  
AT IMPHAL**

PIL NO. 25 OF 2015

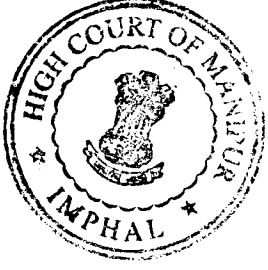
K. Pradipkumar

... Petitioner.

-Versus-

Union of India & 3 Ors.

... Respondents.



B E F O R E

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE KH. NOBIN SINGH

For the Petitioners : Mr. M. Rakesh, Advocate

For the Respondents : Mr. R.S. Reisang, Senior G.A.  
Mr. S. Rupachandra, ASG

Date of order : 27.02.2017

O R D E R

CJ

Heard Mr. M. Rakesh, learned counsel appearing for the petitioner and Mr. R.S. Reisang, learned senior G.A. appearing for the State as well as Mr. S. Rupachandra, learned ASG appearing for the Union of India.

Before we proceed further in the matter the order which was recorded on 02.12.2016 needs to be reproduced, which is hereunder.

*“Mr. M. Rakesh, learned counsel appearing for the petitioner submits that under Janani-Sishu Suraksha Karyakram (JJSK) both the pregnant women and also the women who deliver child as well as others covered under the scheme need not to bear expenses for diagnostics, medication, transportation etc. rather it is to be borne entirely by the State Government but the State Government has put cap over it by limiting the expenses to be borne by it which is as follows:*

<i>"-Drugs and consumable for normal deliveries</i>	<i>- Rs. 350/-</i>
<i>-Diagnostics</i>	<i>- Rs. 200/-</i>
<i>- Blood Transfusion (Optional)</i>	<i>- Rs.</i>
<i>- Diet (3 days for normal delivery)</i>	<i>- Rs. 100 per day</i>
<i>- Diet (7 days for C-Section)</i>	<i>- Rs. 100 Per day</i>
<i>- Referral Transport for mother and sick newborns</i>	<i>- Rs. 1000/-."</i>

According to Mr. M. Rakesh, learned counsel appearing for the petitioner putting the said ceiling over the expenses the Government has been breaching the guidelines issued by the Central Government on whose behalf affidavit-in-opposition has been filed wherein the practice adopted by the State Government has been deprecated. Statement has been made to the effect that all the pregnant women delivering in public health institution normal or caesarean are entitled free treatment. Not only that their entitlement includes free drugs consumables, free diagnostics, free blood wherever required, during stay at public health centre for normal delivery or caesarean section.

Upon it, when we called upon Mr. R.S. Reisang, learned senior G.A. to show about the authority/basis on account of which this ceiling has been fixed over the expense to be borne by the State Government, he referred to paragraph No.7 of the counter affidavit filed by the State wherein it has been stated that under the Record of Proceeding (RoP) of 2012-2013 the ceiling has been put in but the Record of the Proceeding has not been made part of the counter affidavit. In such situation, learned senior G.A. seeks time to produce the Record of the Proceeding.

*Prayer is allowed.*

*Let this matter be listed on 13.01.2017.*

*Let a copy of this order be handed over to*

*Mr. R.S. Reisang, learned senior G.A. appearing for the State for needful."*

Today, when we call upon Mr. R.S. Reisang, learned senior G.A. to show the authority on the basis of which this ceiling has been fixed over the expenses to be borne by the State Government nothing could be placed.

It be stated that the Central Government came with a scheme known as Janani-Sishu Suraksha Karyakram (JJSK) for reducing the maternal and infant mortality which was taken to be a goal of Reproductive and Child Health Programme under the



National Rural Health Mission (NHRM). Under the scheme known as Janani Suraksha Yojna (JRY) there was phenomenal growth of institutional deliveries with skilled attendance at birth so that women and new born can be saved from pregnancy related deaths. In spite of institutional delivery being increased significantly the families felt pinch of high cost required to be borne which deter pregnant women to go for institutionalize delivery rather prefers delivery at home as a result of which there used to be more death of the mother and neonates. To tide over this a scheme known as Janani-Sishu Suraksha Karyakram (JJSK was launched on 1<sup>st</sup> June, 2011 to ensure free services to the pregnant women and sick neonates accessing public health institutions. The said scheme envisages free and cashless services to pregnant women including normal deliveries and caesarean operations and also treatment of sick new born (up to 30 days after birth) in all Government health institutions across the State/Union Territory. Under the said scheme following are the free entitlement for pregnant women- (i) Free delivery (ii) Free caesarean section (iii) Free drugs and consumables (iv) Free diagnostics (Blood, Urine tests and Ultrasonography etc.) (v) Free diet during stay (up to 3 days for normal delivery and 7 days for caesarean section) (vi) Free provision of blood (vii) Free transport from home to health institution, between health institutions in case of referral and drop back home. The entitlements for sick Newborn till 30 days after birth are as follows:

- i) Free and zero expenses treatment
- ii) Free drugs & consumables
- iii) Free diagnostics
- iv) Free provision of blood
- v) Free transport from home to health institution, between health institutions in case of referrals and drop back home.

Surprisingly as against the free entitlements under the scheme as aforesaid, the Government has put cap over it by limiting the expenses to be borne by the State to the extent given below:

- |   |                   |
|---|-------------------|
| (1) Drugs and consumable for normal deliveries      | - Rs. 350/-       |
| (2) Diagnostics                                     | - Rs. 200/-       |
| (3) Blood Transfusion (Optional)                    | - Rs. 250/-       |
| (4) Diet (3 days for normal delivery)               | - Rs. 100 per day |
| (5) Diet (7 days for C-Section)                     | - Rs. 100 per day |
| (6) Referral Transport for mother and sick newborns | - Rs. 1000/-      |



One would find that expenses to meet out the free entitlements is to be borne by the State Government but fund for it is made available by the Central Government, still the State Government has put cap over it by limiting the expenses as has been shown above; meaning thereby that the State Government would not be meeting expenses more than what has been shown above which is not only in derogation of the scheme launched by the Central Government rather it is beyond its competence / authority.

Under the circumstances, the cap which has been put in for limiting the expenses being illegal and arbitrary is hereby set aside.

Under the circumstances, the respondents are hereby directed to ensure free entitlements, to the pregnant women and also new born, available under Janani-Sishu Suraksha Karyakram (JJSK).

Accordingly, this PIL stands disposed of.

Let a copy of this order be handed over to Mr. R.S. Reisang, learned senior G.A. appearing for the State and also learned counsel for the Union of India as well as to the counsel appearing for the petitioner.

Sd/- KH. NOBIN SINGH  
JUDGE

Sd/- RAKESH RANJAN PRASAD  
CHIEF JUSTICE

True Copy

*Reeta Laishram*  
(REETA LAISHRAM) 02/03/2017  
Supt. Jdl.-III  
Supt. (Judl-III)  
High Court of Manipur  
Imphal (Manipur)

Compared by: *Florence Kimi*  
02/3/2017

Endt.: HCM/PIL/25/2015/86972-74

Date : 02-03-2017

Copy to:

1. Mr. R.S. Reisang, Senior G.A.
  2. Mr. S. Rupachandra, ASG
  3. Mr. M. Rakesh, Advocate
- ... for information & necessary action.

*M. Basantakumar Sharma*  
(DR. M. BASANTAKUMAR SHARMA)  
Assistant Registrar - I  
High Court of Manipur  
Assistant Registrar-I  
High Court of Manipur  
Imphal