

Anita vs.department of Women and Child Development and Ors

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Court : Delhi

Decided On : Jul-31-2018

Appellant : Anita

Respondent : Department of Women and Child Development and Ors

Advocate for Def. : Mr. Gautam Narayan, Mr. Abhinav Goyal, Ms. Shivani Vij, Mr. Deepak

Advocate for Pet/Ap. : Mr. Deepak Kumar Singh

Judgement :

\$~3 *IN THE HIGH COURT OF DELHI AT NEW DELHI + W.P.(C) 1743/2017 %
ANITA Date of decision :

31. t July, 2018 Through : Mr. Deepak Kumar Singh, Adv.

... Petitioner

versus DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT AND ORS

... RESPONDENTS

Through : Mr. Gautam Narayan, ASC for GNCTD with Mr. Abhinav Goyal and Ms. Shivani Vij, Advs. with Mr. Deepak, Co- ordinator, WCD. CORAM: HON'BLE THE ACTING CHIEF JUSTICE HON'BLE MR. JUSTICE C.HARI SHANKAR JUDGMENT (ORAL) GITA MITTAL, ACTING CHIEF JUSTICE1 This writ petition relates to the working and implementation of a beneficial scheme notified by the

Department of Women and Child Development, Government of India for the benefit of pregnant women.

2. Our attention has been drawn to Section 4 of the National Food Security Act, 2013, which reads as follows :-

"4. Nutritional support to pregnant women and lactating mothers - Subject to such schemes as may be framed by the Central Government, every pregnant woman and lactating mother shall be entitled to - (a) meal, free of charge, during pregnancy and six months after the child birth, through the local anganwadi, so as to meet the nutritional standards specified in Schedule II; and (b) maternity benefit of not less rupees six thousand, in such instalments as may be prescribed by the Central Government: Provided that all pregnant women and lactating mothers under regular employment with the Central Government or State Governments or Public Sector Undertakings or those who are in receipt of similar benefits under any law for the time being in force shall not be entitled to benefits specified in clause (b) There is thus, a statutory mandate upon the Central Government to frame such a scheme entitling benefits to every pregnant woman and lactating mother.

4. It is an undisputed position that pursuant to this statutory mandate, the Department of Women and Child, Government of India launched the Indira Gandhi Matritva Sahyog Yojna Scheme (for brevity IGMSY hereafter). This Scheme was implemented with effect from 2014 till 31st December, 2016.

5. So far as the Jahangir Puri area regarding which the writ petition has been targeted, following payments have been released under the IGMSY for the last five years : S.No.Year 1.

2. 3.

4.

S.No.	Year	Amount Disbursed (Rs)
5.	2012-2013	18,52,155/-
	2013-2014	29,51,000/-
	2014-2015	16,17,900
	2015-2016	14,14,590/-
	2016-2017	59,95,000/

Since the 1st of January 2017, the IGMV Scheme stands WP(C)No.1743/2017 Page 2 of 6 rechristened as the Pradhan Mantri Matru Vandana Yojana ((for brevity PMMVY hereafter). We are further informed that the unspent balance of the IGMSY scheme stands revalidated for use under the PMMVY Scheme. The programme is required to be implemented in terms with the provisions of the National Food Security Act, 2013.

7. The respondent no.1 has stated that the PMMVY Scheme became applicable from the 1st of January, 2017 and its benefit is available only upto 730 days of the beneficiary's last menstrual period (LMP). The said LMP is calculated not later than 150 days prior to the launch date of the PMMVY Scheme.

8. Under the PMMVY Scheme, the cash incentive of Rs.5,000/- is required to be remitted directly to the account of the pregnant women and lactating mothers for the first living child of the family subject to their fulfilling specific conditions relating to maternal and child health. The eligible beneficiaries would receive the remaining cash incentives as per the norms approved towards maternity benefit under Janani Suraksha Yojana (JSY) implemented by Health Department after institutional delivery so that on an average, a woman receives the total Rs.5,000/-.

9. So far as the manner of disbursement of the amount of Rs.5,000/- is concerned, it is pointed out that the amount has to be disbursed in three equal instalments at the following stages:-

"Instalment Conditions to be fulfilled Amount First Instalment Early pregnancy registration of to be disbursed Rs.1,000 WP(C)No.1743/2017 Page 3 of 6 Second instalment Third Instalment Rs.2,000 Rs.2,000 Received atleast one Ante Natal Checkup (can be claimed after 6 months of pregnancy) Child birth is registered, Child has received first cycle of BCG, OPV, DPT and Hepatitis B or its equivalent/substitute 10. It is submitted by Mr. Deepak Kumar Singh, Id. counsel for the petitioner that several women who have actually received either the first or the second instalment under the IGMSY Scheme have been treated as disentitled and have not received the benefits under the PMMVY Scheme. Such persons, who were eligible and had received benefits under the existing scheme (i.e., the IGMSY) have been rendered ineligible by the respondents upon working of the

rechristened scheme.

11. It is well settled that any Scheme, which has been initiated keeping in view the social welfare of the economically deprived and marginalised women, has to be worked so that benefits are enjoyed by the targeted women in their entirety. There can be no reason or justification for disentitling the pregnant women, who were entitled to the benefits under the Scheme as ineligible upon the mere rechristening of the same Scheme. The ineligibility stands determined when their eligibility was confirmed and more so when the initial instalment(s) stands released to the women in question. There is no justification at all for disentitling the pregnant woman to the release of the balance amount of Rs.5,000/- under the Scheme upon it being WP(C)No.1743/2017 Page 4 of 6 renamed.

12. We may note that so far as quantification of the benefit under the IGMSY Scheme and the PMMVY scheme is concerned, the same has reduced from Rs. 6.000/- to Rs. 5,000/-.

13. We may not be able to direct payment of the amount under the IGMSY but a person found eligible thereunder deserves to be paid maximum amount which other similarly placed would receive under the PMMVY Scheme.

14. It is heartening to note that the respondents have however taken several progressive steps including digitalization/entering the application of eligible beneficiaries on PMMVY-CAS portal for initiating the payment procedures through public Financial Management System Portal. It is further disclosed that the process has started and the respondent will initiate all possible steps to remit the said amounts at the earliest.

15. The respondents have stated that taking forward the furtherance and implementation of the scheme, they are undertaking every possible step to ensure that all those who are eligible are given their due at the earliest so as to ensure that maternal health is maintained.

16. In view of the above, it is directed as follows:-

"(i) respondent no.1 shall ensure determination of those women who had been eligible under the IGMSY Scheme or had received any benefit upon such determination thereunder. Such women shall be considered eligible for benefits under the PMMVY Scheme as well and paid amounts thereunder. (ii) Let a copy of this order be served upon the Secretary, Ministry WP(C)No.1743/2017 Page 5 of 6 of Women and Child Development for ensuring strict compliance of the above directions.

14. The writ petition is disposed of in the above terms.

15. Dasti to the parties. ACTING CHIEF JUSTICE C.HARI SHANKAR, J JULY31 2018 mk WP(C)No.1743/2017 Page 6 of 6

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