

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO.133 OF 2007

1.Dr.Rajendra Sadanand Burma & Anr. ...Petitioners

vs.

1.The State of Maharashtra & Ors. ...Respondents

WITH

CIVIL APPLICATION NO.59 OF 2008

CIVIL APPLICATION NO.87 OF 2009

CIVIL APPLICATION NO.175 OF 2014

AND

WRIT PETITION NO.1420 OF 2008

Suresh Bandya Shinda. ...Petitioner

V/s.

The State of Maharashtra. ...Respondents

WITH

CIVIL APPLICATION NO.559 OF 2009

CIVIL APPLICATION NO.570 OF 2010

AND

WRIT PETITION NO.3278 OF 2010

Purnima Puadhyay. ...Petitioner

vs.

1.The State of Maharashtra & Ors. ...Respondents

WITH

CIVIL APPLICATION NO.1183 OF 2012

CIVIL APPLICATION NO.2815 OF 2013

AND

WRIT PETITION NO.3561 OF 2013

Nawalsingh Ramlal Mawaskar & Anr. ...Petitioners
vs.
1.The Principal Secretary & Ors. ...Respondents

WITH
CIVIL APPLICATION NO.2566 OF 2014

AND
WRIT PETITION NO.3589 OF 2011

Kasturba Adivasi Mahila Bahu Uddeshiya
Mandal Pohara & Anr. ...Petitioners
vs.
1.The State of Maharashtra & Ors. ...Respondents

AND

PUBLIC INTEREST LITIGATION NO.68 OF 2010

Banday K.S. & Anr. ...Petitioners
vs.
1.State of Maharashtra & Ors. ...Respondents

AND

PUBLIC INTEREST LITIGATION NO.105 OF 2011

Courts on its own Motion through the
Registrar General. ...Petitioner
vs.
1.Additional Chief Secretary, Health Govt.
of Maharashtra & Ors. ...Respondents

WITH
CIVIL APPLICATION NO.115 OF 2013

AND

CORAM : MOHIT S. SHAH, C.J. AND
G.S.KULKARNI, J.

DATE : 5 MAY 2015

PC :

1. Alarmed by the number of child deaths and still born children in the Melghat region in Amaravati district in the State of Maharashtra, this Court has, from time to time, passed several orders. As per the particulars given in the chart being placed by the petitioners on record, based on the report of Mother and Child Welfare Department, Zilla Parishad, Amaravati, on an average about 500 children have been dying every year in the Melghat region, as against its population of hardly about 3 lakhs. In the year 2013-14 the number of child deaths rose to 600 and in the year 2014-15 another 426 children died in just two blocks of Melghat. The petitioners submit that the programme of Child Treatment Centres has been almost dysfunctional.

2. In the order dated 9.7.2013 this Court had noted the large number of problems faced by the tribal population in the eleven sensitive tribal projects, particularly in the implementation of welfare schemes, their problems have remained unresolved due to lack of proper coordination between various departments of the State Government. Several issues require coordinated action among the different departments and

in the absence of a cohesive regulatory mechanism, inordinate delay occurs in the implementation of schemes. This Court, therefore, gave the following directions:-

“In the circumstances, we direct that the following core committee shall be constituted for monitoring the problems of the tribal population and for securing the due implementation of welfare schemes in the eleven sensitive tribal projects in the State. The Committee shall be vested with broad powers to supervise the implementation of the schemes and shall consist of the following:-

- (i) The Chief Secretary to the Government of Maharashtra (Chairperson);
- (ii) Additional Chief Secretary/ Principal Secretary, Public Health Department;
- (iii) Principal Secretary, Medical Education Department;
- (iv) Principal Secretary, Tribal Development Department;
- (v) Principal Secretary, Women and Child Department;
- (vi) Principal Secretary, E.G.S.; and
- (vii) Director General, Rajmata Jijau Mission.

As suggested in the report of the Additional Chief Secretary dated 8 July 2013, this Committee shall assemble periodically but at least once every month

for assessing the problems and for issuing necessary directions. The Chairperson of the Committee shall co-opt at least one member of an NGO or a civil society organization with a proven track record from each of the eleven sensitive tribal projects. The Chief Secretary may also co-opt any other official members from the concerned departments for co-ordinated action.”

We are informed that the Chief Secretary has co-opted Ms.Purnima Upadhyia as an NGO member in the above Core Committee.

3. At the hearing today the petitioners- Dr.B.S.Sane and Ms.Purnima Upadhyia are present. In response to a query from the Court, Ms.Purnima Upadhyia has stated that the last meeting of the Core Committee was held in January,2014. It is indeed shocking that when the Core Committee was constituted for co-ordination amongst various departments of the State Government so as to avoid inordinate delay in implementation of the welfare schemes framed by the Government for the tribal population in the eleven sensitive tribal projects, the Core Committee has not conducted any meeting for the last 16 months.

4. Ms.Upadhya has also placed on record a note referring to the broad issues raised in the petition and which are awaiting resolution at the hands of the Core Committee and various Government departments. The note is taken on record and marked 'X' for identification purpose. A copy of the note shall be circulated to the Chief Secretary, Government of Maharashtra who is the Chair person of the Core Committee and all other members of the Core Committee.

5. Learned AGP has placed on record particulars regarding the Post Graduate Medical Officers posted in Melghat region. The particulars are taken on record and marked 'Y' for identification.

6. We may also note the contents of the affidavit dated 9 April 2015 of Mr.Bhimashankar Yallappa Manta, Deputy Secretary of the Tribal Development Department, State Government. It appears that appointment of Project Officers is required to be made from out of IAS / IFS cadre because the Project Officers have to co-ordinate the activities of several Government departments. In the affidavit a reference is made to continuous shortfall of IAS officers against the cadre strength in the State of Maharashtra. Since the State Government is likely to take some time to post IAS officers on the posts of Project Officers, the members of Core Committee shall issue suitable instructions to the offices under the concerned Principal

Secretaries to take necessary steps for implementation of the welfare schemes on priority basis, and to render co-operation to the other departments and to the Project Officers in the eleven sensitive areas.

7. These Public Interest Litigations and Petitions be heard alongwith Writ Petition No.8783 of 2014 wherein the petitioners have prayed for directions regarding employment of tribals in the scheduled areas. We are informed that in Writ Petition No.8783 of 2014, the petitioners have challenged the Notification dated 9 June 2014 issued by the Governor of Maharashtra. By the said Notification, the Governor of Maharashtra has issued direction for filling up several posts, incumbents of which are required to be render services to tribal population, from out of the candidates available in the tribal areas.

8. It is brought to our notice that tribals in Melghat region do not get employment throughout the year and are given employment only for 100 days in a year and therefore, for the rest of the days they go to the areas outside Melghat and work as labourers where they get poor wages and do not get adequate nutrition.

9. These Public Interest Litigations and Writ Petitions be listed for further hearing in the Conference hall of this Court on 18 May 2015 at 11.30 a.m.

10. Writ Petition no.8783 of 2014 shall be listed for hearing before this Bench on 7 May 2015.

(CHIEF JUSTICE)

(G.S.KULKARNI, J.)