

**Report submitted By Shri P.P. Mathur, Special Rapporteur (Tribal Issues),
on the Status of Implementation and enforcement of Forest Rights
Act, 2006, SC/ST (Prevention of Atrocities) Act, 1989 and the working of
MDM, PDS, SNP, MNREGA and other programmes/Schemes launched by
the Central and State Government for the protection, welfare and
development of the ST communities in Mandla district of Madhya Pradesh.**

As approved by the Commission, I visited Mandla District from 2nd November 2015 to 5th November 2015 to verify the status of implementation and enforcement of the Forest Rights Act, 2006, SC/ST (Prevention of Atrocities) Act, 1989 and the implementation of programmes such as Mid-Day Meal, MNREGA, Rural Health Services, Right to Food, Right to Education, Anganwadi Centres and Supplementary Nutrition Programme etc. for the welfare and development of Scheduled Tribe Communities.

In the course of my visit, I visited a few tribal settlements in five of the nine blocks of the District and interacted with the villagers. I visited eight Primary and Upper Primary Schools, Seven Anganwadi Centres, One Community Health Centre and three Primary Health Centres. I went to see the works taken up under MNREGA at three different locations and met the labourers working in these projects with a view to know their views regarding this programme. I visited four forest villages and met the beneficiaries of the Forest Rights Act, 2006 and verified the status of implementation of this Act. My field visit notes and the gist of grievances/problems presented by the

tribals are summarised below.

1. Anganwadi Centre Patpara Raiyyat Block Mandla

I visited this centre on the 3rd November 2015. Out of the 27 children (3-6 years) enrolled, only 7 were present at the time of the visit (8.50 A.M.). Anganwadi worker told that usually 24 children attend the Centre. Anganwadi building including toilet require immediate repair. Water arrangement is not satisfactory. Children are getting supplementary nutrition as prescribed and Take Home Ration is also being given as laid down.

2. Primary Health Centre Mohania Patpara Block Mandla

I visited this PHC between 9.15 A.M. and 9.30 A.M. The Centre was open but not a single staff member was present in the building. Sarpanch (Jagdish Kusam) who appeared on our arrival informed that the doctor posted here does not attend the centre regularly. There is a government house meant for the doctor and also some other staff quarters but they are unoccupied. I requested the District Medical Officer accompanying me to take necessary action in the matter.

3. Anganwadi Centre Mohania Patpara Block Mandla

27 Children of age 6 months to 3 years and 11 pregnant and lactating mothers are enrolled. They are supplied Take Home Ration once a week (every Tuesday). 24 children of 3 to 6 years age are enrolled out of which 20 children attend the Centre regularly and they are provided breakfast (dry) and hot cooked meal every day. Toilet and water arrangement was found to be satisfactory.

4. Anganwadi Centre Gullukhoh Block Ghughri

I visited this centre around 10 A.M. and found that the children present have not been given breakfast which is to be given at 9 A.M. There are 19 children (3-6 years) and 11 pregnant and lactating mothers enrolled. Toys for children are available and toilet is in working and usable condition. This centre is selected for pilot project for ECCE programme.

5. Community Health Centre Ghughri Block Ghughri

Against 6 sanctioned posts only two doctors are posted here out of which only one is present and the other is on leave. There are four doctors working on contract basis. There are 237 sanctioned posts out of which 151 (regular) and 36 (contractual) are in position and 50 posts are vacant. 28 out of 32 sanctioned posts of Multi-Purpose Worker are vacant. Staff Quarters are available. 46980 outdoor patients and 2793 I P D patients have been registered from January 1, 2015 till date. The percentage of institutional delivery is 83. There is sufficient stock of medicines for supply to patients. There is no X-ray facility.

6. Anganwadi Centre Village Lato Block Ghughri

23 Children of up to 3 years age and 25 children of 3 to 6 years age and 9 mothers are enrolled. 23 children (3-6 years) were present. They are getting nutrition as laid down. Toilet is in working and usable condition.

7. Work under MNREGA in village Lato Block Ghughri

In all about 138 persons are working in the work of field bunding in the village. On the day of visit 20 persons were found working in the field of one Sant Kumar Maravi. On interaction with the villagers present there (Shyam Lal Yadav, Anita Harilal,

etc.) they told me that they are not getting their wages in time and this time they have not received wages for last 12 days. Payment is made by Central Bank. They are not able to withdraw money deposited directly by the government agencies in their bank accounts.

8. Forest Village Gorakhpur, Gram Panchayat Khora Khudreji Block Ghughri

Since 2008 a total of 117 tribals have been given Forest Rights Certificates. These beneficiaries have also been given benefits under several government schemes such as land improvement and field bunding, Kapil Dhara wells, Indira Awas Yojna. The settlers drew my attention to the problem of non-availability of water.

9. Primary School Munaga Tola Block Ghughri

Total 56 students are enrolled in the school. Mid-Day meal is not being supplied as per the prescribed Menu. Today "Kheer Puri" was to be given as per the Menu but dal, rice and subji was being given. The school building is in bad condition and needs immediate repair. Toilet is not usable.

10. Fair Price Shop Village Munaga Tola Block Ghughri

I visited the Fair Price Shop in this village. The Shop is being run from a private house. Only rice was in stock and was being sold to the villagers. No stock of sugar, wheat, salt etc. was available today. The villagers present there expressed satisfaction over the functioning of this shop.

11. Primary School Sahjar Block Ghughri

Out of 85 students enrolled, 66 are present today. Four teachers are working out of which one is regular and three are on contract basis. There is no separate toilet.

for girls. One newly constructed toilet is dirty and not usable and another toilet is also not usable. Mid-Day Meal is not being provided as per the prescribed Menu.

12. Fair Price Shop Sahjar Block Ghughri

I visited the shop around 1.30 P.M. and found that the villagers were getting rice, wheat, sugar salt etc. from the Fair Price Shop. I talked to them and they expressed satisfaction about regular availability of ration from the shop.

13. MNREGA work in Village Bagli Panchayat of Chabi Block Mohgaon

I interacted with the labourers working in the field Pond Project under MNREGA. In all 48 labourers are working. They are getting wages at the rate of Rs.159/- per day. They told me that there was a delay of 3 weeks in payment of their wages by Central Bank of India. The bank is not allowing them to withdraw the wages paid by government agency in their accounts

14. Forest Village Patta Simaiyya Block Mohgaon

Total 34 Forest Rights Certificates have been given to eligible tribals. I interacted with some of them who expressed satisfaction regarding the distribution of certificates and benefits given under other government schemes such as land improvement and field bunding, Kapil Dhara wells, Indira Awas Yojna etc. I also interacted with Sarpanch (Pushpa Patil) and other villagers present there.

15. Primary Health Centre, Anjania Block Bichhiya

The centre is working with one doctor with one post of doctor vacant. Eight other posts including 4 posts of MP worker and one post each of Compounder and Staff Nurse are vacant. The centre has 6 beds for indoor patients out of which 3 are occupied today. There is sufficient stock of medicines for free distribution. The

position in respect of institutional delivery is satisfactory. The centre has an ambulance for bringing pregnant mothers for institutional delivery. Stock Register of Medicines not maintained in printed prescribed register. OPD gets about 20-25 patients each day.

16. MNREGA work in village Aurai Block Bichhiya

27 labourers are working in the MNREGA work of field pond. On interaction with the Sarpanch (Nainwati Kushram) and the labourers, I was told that they are getting their wages regularly and on time. The villagers pointed out that they have not received benefit of Indira Awas Yojna. The village Aurai has 438 families who all have toilets and there is no open defecation in this village.

17. Anganwadi Centre I Aurai Block Bichhiya

Out of 40 children of 3-6 years age group enrolled in the centre, only about 12 children attend the centre. At the time of my visit only 8 children were present. 12 pregnant and lactating mothers are enrolled. Health check up and vaccination is done on every 2nd Tuesday and 4th Friday of the month. Cooked food is given as per the Menu and Take Home Ration for 6 months to 3 years old children and pregnant and lactating mothers is given on every Tuesday. There is no arrangement of water and toilet. There is piped water supply in the village but the centre does not have water connection. Supervisory and Project and district level officers have not carried out detailed inspections regularly.

18. Anganwadi Centre II village Aurai Block Bichhiya

This centre is working in one small room of a private semi-pucca building. The space available is very insufficient. Out of 20 children of 3-6 year age group enrolled,

only 9 were present. 22 children of up to 3 years age and 5 mothers enrolled in this centre are being given Take Home Ration. Health check up and vaccination is done first Tuesday of the month. Water is available but there is no toilet. I advised the officers of WCD department present during the visit to arrange suitable alternative accommodation to house this centre.

19. Primary School Aurai Block Bichhiya

Out of 44 enrolled children, 35 were present today. There are four teachers, 2 regular and 2 on contract basis. The school has a newly built class room. The floor of this room is broken and windows do not have shutters. Self Help group is providing Mid-Day Meal but the prescribed Menu is not being followed. The current Menu is not displayed in the school. There is a newly built toilet but there is no arrangement of water.

20. Upper Primary School Aurai Block Bichhiya

Out of 183 students enrolled, 127 were present today. There are six teachers- 3 regular and 3 guest teachers. Guest teacher is paid Rs. 3500/- per month. Mid-Day Meal is provided by Self Help Group. Number of thalis available is less as compared to the number of students. The rice being given is not of good quality. Girls' toilet is in bad condition and there is no water availability. Boys' toilet and additional class room are under construction.

21. Forest Village Indiravan Village Pachayat Jogi Sodi Block Bichhiya

117 eligible tribals have been given Forest Rights Certificates in this village. The patta holders have been given benefit under government schemes such as Kapil Dhara well, land improvement and field bunding, Indira Awas Yojna, Diesel pumps

for irrigation etc. 97 more pattas are ready for distribution. Drinking water is available through wells and hand pumps. During interaction with 85 of the 117 beneficiaries, they requested for irrigation facility from nearby Halon Dam and tube well and street light arrangement through solar power. They also requested for employment in lean season.

22. Primary School Forest Village Indiravan Block Bichhiya

Out of 42 children enrolled, 35 were present. There are 2 teachers-one regular and one guest teacher. Mid-Day Meal is given by Self Help Group. There is kitchen shed for cooking of Mid-Day Meal food. I inspected the cooked food which was ready for distribution to children. It was of satisfactory quality. Toilet is available in the school.

23. Anganwadi Centre Indiravan Block Bichhiya

There are 33 children of 3-6 years age registered in this school. They are given cooked food as per the Menu. They are given hot cooked food by a Self Help Group. The time fixed for serving of cooked food is 12 noon but till 1.30 P.M. food had not been served to the children. Health check up and vaccination is done on every third Tuesday. Take Home Ration is given every Tuesday to 28 children of 6 months to 3 years age group and 9 pregnant and lactating mothers.

24. Girls' Primary School Khalaauri Block Bichhiya

Out of 22 girls, 20 were found present Mid-Day Meal was being distributed at the time of my visit. On enquiry, the students expressed satisfaction about the quality of food. There is toilet in the school which is properly maintained.

25. Upper Primary School Khalaauri Block Bichhiya

The Headmaster was on leave. 2 Teachers were present. 117 students are enrolled out of which 86 were present today. Mid-Day Meal is being supplied as per the Menu regularly. Today the students were being given dal, rice and subji. The toilet of this school is not functional.

26. Fair Price Shop Sijhora Block Bichhiya

This shop is being run by Adivasi Sahkari Samiti. Ration is given on all days except Sundays. On enquiry, the villagers confirmed that rice, wheat, salt, sugar and kerosene are given to all eligible families in prescribed quantity and at prescribed price regularly.

27. Forest Village Rahangi Block Mawai

Total 74 Forest Rights pattas have been distributed and 65 more pattas are ready for distribution. On interaction with the patta holders, they mentioned that many of them have been given benefit under government programmes such as land improvement and field bunding, Indira Awas Yojna, Kapil Dhara Well Scheme etc. However, there is no irrigation facility in the village.

28. Primary School Rahangi Block Mawai

Of the 61 students enrolled, 59 were present at the time of my visit. There are 2 teachers- one regular and one guest teacher. The school building is in very bad condition with water leakage from roof and broken doors and windows. There is one toilet but no separate toilet for girls. There is need to have one more teacher in the school.

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29. Primary Health Centre Anjani Block Mawai

In charge Medical Officer was not present at the time of my visit. This Public Health Centre was visited by only 452 O.P.D. patients during the year 2012-13. This number went up to 2971 and 4496 in the years 2013-14 and 2014-15 respectively. Similarly the number of I.P.D. patients in the corresponding years was 65,367 and 486 respectively. The posts of Pharmacist and Lab Technician are vacant. There are no staff quarters. Ambulance service is not available in this centre. The Primary Health Centre premises was found clean and tidy. The percentage of institutional delivery in Mawai PHC is about 60%. Sufficient stock of essential medicines is available for free distribution among patients.

A. Implementation of the Forest Rights Act, 2006

Nearly 58% of the population of Mandla district belongs to Scheduled Tribe communities. According to the information provided by the district authorities, 11973 claims for individual Forest Rights were received out of which 9428 claims were approved and 7991 Rights Certificates have been distributed involving a total area of 12301 hectares of land. Besides, 3749 claims for Community Forest Rights were also received out of which 3567 Community Rights Certificates involving an area of 75967 hectares of land were sanctioned and distributed in Mandla district. 1905 claims of Other Traditional Forest Dwellers were received which were all rejected after scrutiny. Total number of rejected claims in Individual Rights category and Community Rights category were 3545 and 182 respectively.

During my field visits I interacted with a large number of beneficiaries and it was satisfying to note that the Individual and Community Rights Certificates were

given after proper mapping and demarcation of land in each case. Another positive feature of the whole exercise has been the benefits extended to the beneficiaries under various government programmes and schemes such as land improvement and field bunding, Kapil Dhara Wells, Indira Awas Yojna, distribution of diesel pump sets and bullocks, extension of agricultural credit etc. This has helped the Rights Certificate holders to improve their economic status. However, it has been observed that a large number of Individual Rights claims (3545) and all the 1905 claims filed by Other Traditional Forest Dwellers (OTFD) have been rejected. As many as 417 Individual Rights Certificates are ready but awaiting distribution.

B. Disposal of cases under the SC/ST (Prevention of Atrocities) Act, 1989

During the year 2013, out of total 49 cases registered and charge sheeted, conviction resulted in 15 cases and acquittal in 27 cases, 6 cases pending in the court and one case filed due to death of the accused. During the year 2014, out of 49 cases registered and charge sheeted, 6 resulted in conviction, 18 acquittals, one filed (death of accused) and 24 pending in the court. During the current year 2015 (up to October 2015), 65 cases have been registered out of which 52 cases charge sheeted. There have been 3 acquittals and 49 cases are pending in the court. Thus in the last 3 years out of 150 cases charge sheeted, 21 resulted in conviction, 48 acquittal, 2 cases filed and 79 cases are pending in the court. There is no pendency in Mandla district in regard to payment of compensation amount in all the cases where chargesheet has been submitted in the court. Meetings of District level Monitoring Committee are held every quarter regularly.

sufficient stock of medicines for free distribution. Institutional delivery percentage (87%) is satisfactory. As per the information provided by the district administration. MMR of Mandla district is 246(per 10000) as compared to 378 (per 10000) for the entire Madhya Pradesh (data source:AHS)

D. Education

There are 2093 government Primary Schools and 607 Upper Primary Schools and 175 High and Higher Secondary Schools in the district. Enrolment of children in these schools in the years 2012-13, 2013-14 and 2014-15 was 1.97lakh, 1.93lakh and 1.87lakh respectively. There has been marginal decline in the number of children enrolled in Primary and Upper Primary Schools. Total number of out of school children in the nine Blocks of the district is 665. (Target children 1,83,623 enrolled children 1,82,958) There are 10,496 sanctioned posts of various categories of teachers in the district out of which 6569 are filled up and 3927 are vacant. However, there are guest teachers and contract teachers available for teaching. The payment made to these teachers is very meagre (e.g. Rs.3000/- for primary school and Rs.3500/- for upper primary school) In all 3785 guest teachers have been engaged in Primary (2558), Upper Primary (775) and High School/Higher Secondary School (452). It is gratifying to note that the results of class 10 and class 12 Board exams are better as compared to the overall percentage of M.P. Board. For example, in the year 2014-15, Mandla district 10th class pass percentage was 67% against 50% of M.P. Board(overall). The figures for class 12 results were 93% and 66% respectively. In the same year (2014-15), 33% students secured 1st division in class 10 exams and 43%

students secured 1st division in class 12 exams. As many as 138 out of total 7504 students appearing in class 12 exam secured 85% or more marks. This position is very encouraging. Pre-matric and post-matric scholarship to students belonging to ST is being disbursed regularly. During the current year 2015-16, mapping of eligible students has been completed in the district and scholarship is being credited directly to their bank accounts. During 2014-15, about 1.40lakh students of class I to VIII and 2363 students of H.S./H.S.S. were disbursed scholarships.

Most schools do not have proper toilet facility. Water availability also is a problem in many schools. Separate toilets for girls are not available in many schools. Some school buildings are in dilapidated condition and need immediate special repair.

Mid-Day Meal in Schools

MDM is being provided to nearly 1.73lakh children in 2721 primary and upper-primary schools, average attendance being about 1.64 lakh students. Kitchen sheds are available in 1808 schools out of total 2721 schools. About 400 kitchen sheds are under construction. During field visits, it was noticed that some schools are not displaying the day-wise prescribed menu and are not following the prescribed menu on certain days. School management committee members are not actively involved in the running of this programme. In some schools there was complaint about quality of rice supplied for MDM by State Civil Supplies Corporation.

E. Anganwadis

1821 Anganwadis and 377 mini-Anganwadis are sanctioned for Mandla district. Out of these 2198 centers, 1353 are functioning from their own building, 272 are housed in other government buildings and 573 are functioning in rented private

accommodation. It is reported by the district WCD officer that 1371 new buildings have been constructed for use as AW centres. 217 old buildings need repairs. It transpired during the field visits that a large number of Anganwadis do not have toilets and drinking water facility. Wherever toilets are constructed, these are not usable as they are either unclean or damaged. 43,981 children in the age group 6 months to 3 years and 36651 children in the age group 3 years to 6 years are provided supplementary nutrition through these Anganwadi centres. There is a large gap of about 18700 children between the number of children surveyed in the age group 3-6 years and those who are being provided nutrition through Anganwadis in the district. During field visits also it was found that there is large gap between children enrolled and children actually present on any day in the 3-6 years age group. One possible reason may be that parents prefer to send their children to schools where apart from food (through MDM) they also learn something. Taking note of this tendency, the State Government of Madhya Pradesh has started a Pilot Project for introduction of ECCE component in some ICDS Projects. Ghughri block of Mandla district is one of these pilot projects. Another initiative taken in Madhya Pradesh is that apart from the usual nutrition component, milk is being supplied to Anganwadi children on three days in a week. 13 posts of Anganwadi worker and 15 posts of Anganwadi helper are lying vacant. One post of CDPO and 2 posts of assistant director are lying vacant in the district.

F. Public Distribution System

There are 66,765 Antyodaya families having 2,57,890 members and 1,08,608 BPL families having 4,49,058 members. There are 386 Fair Price shops operating in

distribution. Those of the Rights holders who have not yet been provided housing under government programmes should be given this benefit at the earliest.

(ii) Vacant posts of Medical officers and paramedics in the CHCs and PHCs should be filled on priority. Proper supervision and monitoring should be done to ensure that the available staff in Health care institutions attend their duty sincerely and regularly. Reasons for very low (25%) bed occupancy in PHCs and CHCs should be ascertained and remedial steps should be taken.

(iii) Vacant posts of teachers should be filled up by regular teachers. Till such time that this is done, the honorarium given to guest teachers should be suitably increased. Guest teachers should be given short training before they start teaching in schools. A time bound programme should be taken up immediately to construct toilets (including separate toilets for girls) in every school with provision of water facility. Dilapidated and badly damaged school buildings should be repaired at the earliest.

(iv) Parents of students and local people who are members of School Management Committee (SMC) should be closely associated in the running of MDM programme. Complaints of quality of food supplied should be attended promptly..

(v) Anganwadis which are not functioning in own building should be shifted to the newly constructed buildings. The construction of incomplete Anganwadi buildings should be expedited. A time bound phased programme for providing toilet and water in every Anganwadi should be taken up at once.

Special attention needs to be given to ensure better attendance of children in 3-6 ears age group. The pilot project of ECCE in one Block of Mandla district is a good beginning. It should be followed up and should be extended to all projects in phased

manner. Supply of hot cooked food in Anganwadis should be done by 12 noon as laid down in the guidelines and any delay should be avoided.

(vi) Under MNREGA, payment of wages to labourers should be regular and banks should be asked to ensure that the labourers are not put to any difficulty in withdrawal of money from their bank account.

(vii) District and Block level officers of various departments concerned with programs implemented for scheduled tribes should be asked to conduct regular field inspections and record their inspection notes for follow up remedial action.


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(P.P. Mathur)