GOVERNMENT OF ORISSA
ST & SC DEVELOPMENT DEPARTMENT

No. SSD Bhubaneswar Dated the 16 August, 2007
PCR(A)-33/2007

From: Shri Gopinath Sethi, OAS(SB)
Deputy Secretary to Govt.

To
All Members of the State Level High Power vigilance &
Monitoring Committee.

Sub:- Proceedings of the meeting of the State Level High Power
vigilance & Monitoring Committee held on 17.7.2007.

Sir,
I am directed to enclose a copy of Proceedings of the meeting
of the State Level High Power vigilance & Monitoring Committee held on
17.7.2007 in the 3rd Floor Conference Hall of Secretariat for your
information & necessary action.

Yours faithfully
Deputy Secretary to Govt.

Memo No. SSD Dt. 16.8.07

Copy along with copy of enclosure forwarded to the P.S. to
Hon’ble Chief Minister, Orissa, Bhubaneswar/P.S. to Hon’ble
Minister, Finance/P.S. to Hon’ble Minister, ST & SC Development, Minorities and
Backward Classes Welfare for information of Hon’ble
Chief Minister, Orissa/Hon’ble Minister, Finance/Hon’ble
Minister, ST & SC Development, Minorities and Backward Classes Welfare.

Memo No. SSD Dt. 16.8.07

Copy along with copy of enclosure forwarded to the PS to Chief
Secretary/PS to Development Commissioner for appraisal of Chief
Secretary, Orissa/Development Commissioner, Orissa.

Deputy Secretary to Govt.
Memo No. 31321 / SSD Dt. 16-8-09

Copy along with copy of enclosure forwarded to All Departments of Govt./All Collectors/All RDCs for information & necessary action.

They are requested to furnish compliance report to this Deptt. early.

Deputy Secretary to Govt.

Memo No. 31322 / SSD Dt. 16-8-09

Copy along with copy of enclosure forwarded to the Director, National Commission for SCs, At-Mayukh Bhawan (Ground Floor) Salt lake City, Kolkata, Pin-700091/ Director, National Commission for STs, Plot No.N-I-297,IRC Village, Bhubaneswar/Director, SCSTTI, Bhubaneswar for information & necessary action.

They are requested to furnish compliance report to this Deptt. early.

Deputy Secretary to Govt.

Memo No. 31323 / SSD Dt. 16-8-09

Copy along with copy of enclosure forwarded to All Officers/All Sections of the Department (Except Accounts Section) for information & necessary action.

Action taken in the matter may please be intimated to the PCR Section early.

Deputy Secretary to Govt.

50 spare copies to the PCR Section.

Memo No. 37839 / SSD Dt. 24-9-07

Copy along with copy of enclosure forwarded to All Superintendents of Police for information and necessary action.

They are requested to furnish compliance report to this Department early.

Deputy Secretary to Govt.
Hon'ble Minister ST & SC Development joined Hon'ble Chief Minister in complimenting all the non-officials, official Members & Members of Print & Electronic Media present in the meeting and sought their continuing support for effective implementation of Special Legal provisions and welfare schemes meant for SCs and STs.

Commissioner-cum-Secretary of the Department explained the delay in holding the meeting, after which the Committee discussed the agenda items as follows:

Item No. 1  CONFIRMATION OF THE PROCEEDINGS OF THE LAST MEETING HELD ON 16.11.2005

The proceedings of the meeting were circulated to all members vide this Department letter No.45780 dated 17.12.05. No objection or reservation had been received from any corner. Hence the proceeding of the meeting was confirmed.

Item No.2  REVIEW OF ACTION TAKEN ON THE PROCEEDINGS OF THE LAST MEETING.

Action taken reports submitted by the concerned Departments/Collectors were placed in the meeting by the Commissioner-cum-Secretary and the action taken points were reviewed as under:

Some Members of the Committee stated that they were not invited to the District Level Vigilance & Monitoring Committee Meetings by the respective Collectors and the meetings were seldom held regularly on quarterly basis.

Hon'ble Chief Minister observed that suitable instructions should be issued to all Collectors for holding such meetings on quarterly basis regularly and they should invite all the members of the District Level Vigilance & Monitoring Committee to the meeting. Chief Secretary would write to all the Collectors in this regard.

Regarding appointment of more number of D.S.Ps. to deal with atrocity related cases. Principal Secretary, Home stated that his Department had already taken steps for appointing D.S.Ps. to deal with atrocity cases on priority basis.
Regarding hoardings for sensitization of the public about the Provisions of PCR/POA Acts, some members mentioned that in important public places, hoardings had not been displayed by the district administration. Commissioner-cum-Secretary enlightened the members that funds had been released in favour of all the Collectors for display of hoardings at important public places and the Department has received information from respective Collectors regarding display of hoardings at different places. The M.P., Jajpur stated that hoardings had been displayed in Jajpur District.

Intervening in the discussions, Hon’ble Chief Minister directed that the photo copies of the hoardings so displayed by the Collectors should be submitted to the Department.

Regarding organisation of State Level Work Shop, Commissioner-cum-Secretary enlightened the Members that a State Level Workshop had been convened on 14th and 15th December, 2005 at SCSTR & TI, Bhubaneswar and another Training Camp from 11th to 13th September, 2006 at SCSTR&TI, Bhubaneswar. It was decided that while conducting State Level Workshop and Seminars, members of the Committee would be invited by the Department for their kind participation.

Regarding amendment of Section-4 of SCs & STs(POA) Act,1989, Commissioner-cum-Secretary enlightened the Members that it was a Central Act and therefore, amendment was not possible by State Government.

**Item No.3 REVIEW OF PERFORMANCE OF THE DISTRICT LEVEL VIGILANCE & MONITORING COMMITTEE**

Commissioner-Cum-Secretary read out a statement indicating details of quarterly reviews conducted by all the Collectors & District Magistrates for the year 2006-07 & 2007-08. Hon’ble Members alleged that they are not being invited to such meetings by the respective Collectors. Commissioner-cum-Secretary suggested that the Collectors would be warned of actions in terms of Provisions under Section 4 of the POA Act, if they fail to avoid meetings of District Level Vigilance and Monitoring Committee.
Hon'ble Chairman expressed his concern on the issue of non-holding of District Level Vigilance & Monitoring Committees by the Collectors and directed that the meetings should take place regularly. Chief Secretary was told to issue strict instructions to all Collectors on the matter.

Item No.4 REVIEW OF ATROCITY CASES ON SCs & STs RELATING TO THE YEAR 2006.

The Statements on cases registered and disposed of by the Police as well as Courts during the year 2006, under the PCR Act 1955 and SCs & STs (POA) Act, 1989 submitted by the Home Department were discussed. The Members were informed that no cases were pending with Police under PCR Act but many cases were pending with Police and Courts under the SC & ST (POA) Act 1989. Several cases were ending in acquittal. The prosecution and investigation wings needed to work together.

Principal Secretary, Home Department opined that the D.S.Ps. were working under S.P. & they were having huge work load. It was not possible to authorise the O.I.Cs. to investigate the atrocity cases under the existing law and most of the States were not in favour of legal amendments in this regard.

Sri Mohan Jena, Hon'ble M.P. stated that some times, enquiries were not conducted by the Executive Magistrates & D.S.Ps. jointly & both were not going to the spot together. In many occasions, reports prepared by Police Officers were signed by an Executive Magistrate without actually conducting joint enquiry.

Hon'ble Minister, Finance opined that the Tahasildars, who were also Executive Magistrates, normally remained busy in Revenue related matters. This problem would be addressed on appointment of more Tehsildars when the Government decision of creating Tehsil office in each Block is implemented.

Sri Mohan Jena, Hon'ble M.P. opined that Special Courts were not taking appropriate steps to reduce the pendency of atrocity cases. As the culprits were moving freely, Hon'ble High Court should be requested for issue of suitable instructions to the Special Courts for timely disposal of the cases. He also opined that the DWOs were to be sensitized as they were not fully aware of the provisions of the Acts & Rules.
Shri Sanatan Bisi, Hon'ble MLA stated that payment of compensation to the victims of Sambalpur District was pending in Sambalpur District.

Commissioner-cum-Secretary informed that no compensation proposal of any District was pending for payment and Collector, Sambalpur would be called to send a report/proposal on the matter.

Chief Secretary called for organising a Public campaign by officers at District/Sub-Divisional Headquarters to sensitize people about the legal provisions and to ensure relief and legal aid to the victims. He also advised ST & SC Development Department to issue suitable instructions to all Collectors to organise Seminars in order to create more awareness among the general public. He proposed display of hoardings containing the provisions of the PCR/POA Act in front of Police Stations/Panchayat Samities, etc.

Item No.5  APPOINTMENT LOF PUBLIC PROSECUTERS FROM AMONG THE SC/ST COMMUNITIES (Proposed by Home Deptt. & National Commission for SCs)

Most of the members opined that in our State no public prosecutors from among the SC/ST Communities were being appointed. Due to lack of full involvement of Public Prosecutors, cases were not properly adjudicated before the Courts. Members asserted that there should be public prosecutors belonging to SC/ST Communities to ensure proper justice and early disposal of cases.

Hon'ble Members also opined that as enquiries in to the atrocity cases were not completed in time, the culprits were going to High Court and getting bail and as such Hon'ble High Court could be requested to issue direction to this Special Courts for disposal of the cases, quickly.

Hon'ble M.P. Jajpur opined that there were 79 Bar Associations where many SC/ST lawyers were available and as such, there should not be any problem in appointing Public Prosecutors from among the SC/ST Communities. All Members unanimously asserted that there should be appointment of PPs belonging to ST/SC Communities who will take genuine interest to ensure proper justice to the victims and early disposal of cases. Principal Secretary, Home Department informed the Members that the cadre of PPs is maintained by Home Department but appointment to the post of PPs is made by Law Department. Sri Mohan Jena, M.P. stated that the Collectors are recommending names to Director, Public Prosecution for appointment of PPs but appointments are made by Law
Department ignoring the cases of Advocates belonging to SC/ST Communities. Chief Secretary stated that there could be reservation for appointment of PP/APP from among the SC/ST Communities.

Hon'ble Chief Minister advised Law Secretary & Principal Secretary, Home Department to ensure appointment of Public Prosecutors etc. from among the Advocates of SC/ST Communities, particularly where SC/ST members of Bar Councils are available.

Item No.6 PROPER IMPLEMENTATION OF PCR ACT, 1955 AND SCs & STs(POA)Act 1989

(i) National Commission had suggested that like Mahila Police Stations Special Police Stations, should be established at District Headquarters to deal with the cases of atrocities on SCs & STs. Principal Secretary, Home Department opined that the SC & ST Communities may face problems in case one Special Police Station is established in each district Headquarters for registration of cases. It was resolved to continue with the present practice of registration of cases.

(ii) IMMEDIATE ACTION TO BE TAKEN BY THE POLICE INVOKING APPROPRIATE SECTION OF SC&ST(POA)ACT.1989 ON ATROCITY CASES.

According to the provisions of SCs & STs(POA) Act 1989 & PCR Act 1955 and Rules made there under, whenever an information relating to commission of an offence under these Acts is given to an Officer in charge of a Police Station, the same shall be entered in a book to be maintained by a Police Station and a copy of information so recorded shall be given to the Informant on free of cost. The District Magistrate or any other Executive Magistrate and any police officer not below the rank of DSP shall immediately visit the place of occurrence to assess the extent of atrocity loss of life, loss and damage to property and submit report forthwith to the State Government. The District Magistrate shall provide immediate relief to the victims. The Investigating Officer shall complete the investigation on top priority basis within 30 days. Commissioner-
cum-Secretary, ST & SC Development Department stated that the laws and rules provide for the date lines to complete enquiries and investigation and what is important is to follow these provisions. A Committee under the Chairmanship of Home Secretary was reviewing the progress of enquiries and investigation from time to time.

**Item No.7. REVIEW OF ATROCITY CASES (PROPOSED BY SRI MOCHAN JENA, M.P.)**

(i) **Atrocity Case of Malaya Manjari Behera**

As regards harassment to Malaya Manjaril Behera, pan by caste, a student of Kishore Nagar College, S.P. Angul has submitted a detailed report vide FAX NO 1416/HRPC dated 6.7.07 where he indicated that Kishore Nagar PS case No.72/05 u/s 3(i) x SC/ST POA Act was registered against Lalita Sahu, Shyamlal Patel, Smitarani Mohapatra. On the allegation of atrocity by Malaya Manjari Behera Dy. S.P. P.C. Sahu, Angul had investigated this case, had examined the witnesses including her colleagues in the hostel occupants of Kishore Nagar College but none of the inmates of the said hostel has proved the use of obscene language and prevention to the complt. to fry the vegetables in the kitchen except the complt., so the Dy. S.P. opined to be a true case of atrocity but there is no sufficient evidence to submit CS. FRT No.1 date 9.1.06 was submitted in this case by Dy.S.P.

(ii) **ATROCITY UPON GOLEKH MALLICK**

In regard to atrocity case of Golekh Mallick Balipatna P.S. District-Khurda, the S.P. has reported that investigation in the matter is going on.

(iii) **HARASSMENT AND ATROCITY UPON SMT. SASIMANI MALLICK**

S.P., Puri has intimated that Delang PS case No.18/04 u/s 341/323/194/354/506/34 IPC/3SC/ST POA Act was registered on the complt. of petitioner against Pradeep Swain, JatuSwain, Hadu Swain and Kallash Swain. This case was investigated by SDPO Nimapada. After completion of investigation the case returned as FR false dated 26.7.05.
Subsequently, it was ascertained that the incidence took place due to land dispute between the petitioner and above accused person. During demarcation of said dispute land it was ascertained that the petitioner had encroached the recorded land of accused person. As the accused persons opposed the same, the petitioner had lodged false atrocity case against them.

In spite of that the petitioner had constructed house having 3 rooms on the said disputed plot and it was not obstructed by any one.

(iv) **ATROCITY ON SWARNALATA SETHY:**

S.P., Khurda has instructed that there is chronic land dispute between Swarnalata Sethy and her neighbour Manasi Patajoshi and her son. In this connection, Jatani PS case No278 dated 9.11.05 u/s 341/323/294/506/34 IPC 3(1)(x) SC/ST POA Act was registered on the complt. of Swarnalata Sethy against Manas Patojoshi, Jitendra Patojoshi and her maid servant Sukanta. Dy.S.P.S.C. Ray of Khurda had investigated into the matter and Addl.S.P.Khurda had supervised this case. It is learnt that both the complaint and accused had purchased a piece of land of separate plot on separate khata but both of them claimed in between areas to be of their. So the complt. has filed false FIR against the accused and it was not proved during investigation. I.O. has submitted FR false vide F.F. No.187 dated 13.7.06.

Besides this S.P.Khurda has enquired into the petition filed by the complt. in OHRC case no.785/05 and 210/06 and submitted enquiry report to OHRC vide his letter No.77/con dated 13.1.07.

(v) **HARASSMENT TO SCHEDULE CASTE PEOPLE OF VILLAGE -MANAPUR P.S.KANAS DIST.PURI REGARDING SUPPLY OF ELECTRICITY**

As regards non-supply of electricity to the Scheduled Caste people of village Manapur PS:Kanas, it is true because the General Caste people of Trilochanpur G.P. did not intend to give power supply from the 63 KV A transformer which is between Nuapada and Manapur, on the plea that they would face the low
voltage problem though there was a meeting between the Harijan people, General Caste people and S.D.O. Electrical No.II Puri to solve the dispute in presence of OIC Kanas PS but the same problem is continuing till date as reported by S.P. Puri vide Fax No.885/DHRPC dated 4.7.07. This problem can be sorted out if the Executive Engineer, Electrical takes sincere interest with the help of local MLA and the village committee of both the village.

(vi) CASE OF SHRI BANSIDHAR NAYAK,TEACHER,BHANJANAGAR GANJAM DIST

It is reported by S.P.Ganjam in his letter No.1078/HRPC dated 5.7.07 there was affray between Bansidhar Nayak(SC) and Santosh Kumar Dakua(OBC) at the public road which was reported by Havildar Bhanjanagar PS. As this reveals a cog. Case u/s 160 IPC, CS has been submitted against both the persons u/s 160/323 IPC. As regards suppression of atrocity the concerned IIC & JI have been asked to submit their explanation(T) SP.Ganjam.-

(vii) MURDER CASE OF DALIT WOMAN SANJUKTA KUMAR IN JAIPATNA PS OF KALAHANDI DIST

S.P.Kalahandi has intimated in his report that Jaipatna PS case No.89 dated 26.7.06 u/s302/201/34 IPC/3(i)(x) SC/ST POA Act was registered against Narotam Das, Rabindra Panda, Dibakar Bag, Jagnath Pujhari and Biranchi Bacha on the report of complt. Kishor Kumar s/o Ugrasen. This case was investigated by Shri G.C.Mallick, Dy.S.P. During investigation it came to light that the accused Jagannath Pujhari had killed Sanjukta Kumar by pushing into the Nalla to drown which caused suffocation as the deceased was loose character lady and when she denied to have sexual intercourse with him. The accused had removed the wearing apparel and dragged the dead body from the said nala and left in the water bed of Hati. The dead body of deceased was recovered. The accused during investigation had confessed the guilty and gave recovery of the wearing apparel. C.S.No.128 dated 27.10.06 against Jagannath Pujhari. No evidence was available against other accused persons.
(viii) ATROCITY AND HUMILIATION TO FAKIR MALLICK OF VILLAGE NADAILO
PS: ATHAGARH DIST CUTTACK

As regards atrocity to Fakir Mallick, it is learnt from S.P. Cuttack that the said victim is staying in village Nadailo with his wife Labanya Mallick, son Lapu Mallick and 3 daughters Mani, Saraswati and Swarnlata Mallick and earns his livelihood by collecting firewood, keeping goats in a Govt. land by the side of Nadailo Public School. As the said village consists of upper caste family members, they did not like his existence in the village. So Khandayat caste boys used to pass vulgar comments to the grown up daughters of said Fakir which the wife of Fakir had reported to the guardians. Further Fakir Mallick had reported regarding setting up fire to his dwelling house against Abani, Kalpa Kumar Karida, Susanta Rout and others and theft of his goats assaulting to him. This refers to Athagarh PS case no.7 dated 17.1.07 u/s 341/323/294/354/436/379/509/34 IPC and Sl. C.M.Pradhan investigated into the case. This case ended in FRT No.75 date 12.4.07 u/s 341/323/294/354/379/506/436/509/34 IPC against the accused persons due to lack of evidence. The OIC has been asked to explain as to why he has not applied section 30(i)(x) SC/ST POA Act in this case. S.P., Cuttack has been directed to provide protection to Shri Fakir Mallick and to his family members. Why Joint Enquiry Report has not been submitted as yet. S.P.Cuttack may be asked for the needful.

The meeting ended with a vote of thanks to the Chair and members present.

(Dr. Taradatt)
Commissioner-cum-Secretary,
ST & SC Development Deptt.
# ANNEXURE-A

Members Present in the Meeting of State Level High Power Vigilance & Monitoring Committee held on 17.7.2007

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<tr>
<th>Sl.No</th>
<th>Name, Designation &amp; Address</th>
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<tr>
<td>1</td>
<td>Shri Chaitanya Prasaed Majhi, Hon’ble Minister, ST &amp; SC Development, Minorities and Backward Classes Welfare Development</td>
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<td>2</td>
<td>Shri Prafulla Chandra Ghadei, Hon’ble Minister, Finance</td>
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<td>Shri Mohan Jena, M.P.</td>
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<td>Shri Parsuram Majhi, M.P.</td>
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<td>Shri Jogendra Behera, MLA</td>
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<td>Shri Bharat Park, MLA</td>
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<td>Shri Mohan Charan Majhi, MLA</td>
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<td>Smt. Hema Gamango, MLA</td>
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<td>9</td>
<td>Shri Sambhunath Naik, MLA</td>
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<td>Shri Sanatan Bisi, MLA</td>
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<td>Shri Baidhar Mallik, MLA.</td>
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<td>12</td>
<td>Shri Ajit Kumar Tripathy, Chief Secretary</td>
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<td>13</td>
<td>Shri Tarun Kanti Mishra, Principal Secretary, Home Deptt.</td>
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<td>14</td>
<td>Shri B.K. Pate, Principal Secretary, Law Deptt.</td>
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<td>15</td>
<td>Shri A. Pattanaik, D.G. Police, Orissa</td>
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<td>16</td>
<td>Dr. Tara Datt, Commissioner-cum-Secretary, ST &amp; SC Dev. Deptt.</td>
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<td>17</td>
<td>Shri Jyoti Prakash Das, Director,(OBC) &amp; Addl. Secretary, ST &amp; SC Dev. Deptt.</td>
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<td>18</td>
<td>Shri Biswajit Mishra, Addl, Secretary, ST &amp; SC Dev. Deptt.</td>
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<td>19</td>
<td>Dr. A.B. Ota, Director, SCST &amp; RTI</td>
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<td>20</td>
<td>Shri S.K. Narvane, DIG (H.R.S.J.)</td>
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<td>21</td>
<td>Shri Deshraj Meena, Addl. D.G.HRPC</td>
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[Signature: Shri Gopendra Sethy, Dy. Secretary, ST & SC Dev. Deptt.]