GOVERNMENT OF ORISSA  
ST & SC DEVELOPMENT DEPARTMENT  

No. PUC-43/2007 (PT)  

Bhubaneswar dated: 1-5-08  

From  
Dr. Tarakdatt, IAS  
Commissioner-cum-Secretary.  

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 23.04.2008.  

Sir/Madam,  

I am directed to send herewith a copy of the proceedings of the meeting of the State level High power Vigilance & Monitoring Committee held on 23.04.2008 under the Chairmanship of Hon'ble Chief Minister, Orissa in the 3rd Floor Conference Hall of the Orissa Secretariat for favour of information and necessary action.  

Yours faithfully,  

Commissioner-cum-Secretary to Govt.  

Memo No. 18/01 dated: 1-5-08  
Copy along with copy of the enclosures forwarded to the P.S. to Hon'ble Chief Minister, Orissa & Minister, Finance/Minister, ST&SC Development and Minorities & Backward Classes Welfare/Minister, H & F.W. for favour of information of Hon'ble Chief Minister Orissa, Minister Finance/Minister, ST&SC Development and Minorities & Backward Classes Welfare/Minister, H & F.W.  

Memo No. 18/02 dated: 1-5-08  
Copy along with its enclosures forwarded to P.S. to Chief Secretary, Orissa Development Commissioner-cum-ACS for kind appraisal Chief Secretary & D.C.-cum-Additional Chief Secretary.  

Memo No. 18/03 dated: 1-5-08  
Copy along with its enclosures forwarded to all Depts. of Govt. / All Collectors / All DWOs/ Register of Orissa High Court of Orissa for information & necessary action.  
They are requested to furnish compliance report to this Deptt. early.  

Memo No. 18/04 dated: 1-5-08  
Copy along with its enclosures forwarded to the Director, National Commission for SCs, Mayukh Bhawan (Ground Floor), Salt Lake City, Kolkata 700091/ Director, National Commission for STs Plot No. N-1-297, IRC Village, BBSR/ Director, SCST&RTH Bhubaneswar for information and necessary action.  
They are requested to furnish compliance report to this Deptt. early.  

Memo No. 18/05 dated: 1-5-08  
Copy along with its enclosures forwarded to All Officers / All Sections of this Deptt. (except Accounts Section) for information and necessary action.  
Action taken in the matter may please be intimated to the P.C.R. Branch early.  

Deputy Secretary to Govt.  

30-4-08
PROCEEDINGS OF THE STATE LEVEL HIGH POWER VIGILANCE AND MONITORING COMMITTEE HELD ON 23.04.2008 AT 10.30 AM IN THE 3RD FLOOR CONFERENCE HALL.

The list of members present in the meeting is at Annexure ‘A’.

At the outset, Hon’ble Chief Minister and Chairman, State Level High Power Vigilance and Monitoring Committee welcomed the members underscoring the need of multipronged approach for achieving the objectives of socio-economic upliftment and assimilation of ST & SC communities in the mainstream, in addition to implementing protective provisions of general as well as social laws specifically in relation to social discrimination and atrocities. He asserted that the constitutional and legal provisions did not permit any form of discrimination on the basis of birth and caste and to implement these provisions, public functionaries will have to maintain utmost sincerity. While social discrimination and atrocities against SC & ST people shall not be tolerated under any circumstances, socio-economic rehabilitation of victims, in the event of atrocities taking place, will have to be ensured with a sense of utmost urgency, he emphasized.

Hon’ble Minister, ST & SC Development, Minorities & OBCs Welfare joined Hon’ble Chief Minister in welcoming the members of State Level High Power Vigilance and Monitoring Committee to the meeting and called for concerted efforts to deal with the socio-economic problems of SC & ST population including their vulnerability to social discrimination and exploitation.

Commissioner-cum-Secretary, ST & SC Development Department presented the Agenda Items, which were discussed as follows:

Item No. 1: Confirmation of the proceedings of the last meeting:

The minutes of the last meeting held on 17.07.2007 and circulated vide ST & SC Development Department letter No. 31318, dated 16.08.2007 were confirmed.
Item No.2: **Review of action taken on the proceedings of the last meeting held on 17.07.2007:**

Commissioner-cum-Secretary, ST & SC Development Department explained the actions taken on the decisions/resolutions passed in the previous State Level High Power Vigilance and Monitoring Committee meeting held on 17.07.2007, which are mentioned briefly at Annexure II.

Item No.3: **Review of performance of the Dist. Level Vigilance & Monitoring Committees:**

The State Level High Power Vigilance and Monitoring Committee was informed that meetings of the Dist. Level Vigilance & Monitoring Committees constituted under Rule 17 of SCs & STs (POA) Rules, 1995 had been held in all the districts during 2007 and copies of proceedings received by ST & SC Development Department. Some members stated that they did not remember having received invitations to attend the District Level Vigilance & Monitoring Committee meetings.

As per Rule 17 (2) of SCs & STs (POA) Rules, 1995, the District Level Vigilance and Monitoring Committee shall consist of the elected Members of Parliament and State Legislative Assembly, Superintendent of Police, three group ‘A’ officers/gazetted officers of the State Government belonging to the Scheduled Castes and the Scheduled Tribes, not more than 5 non-official members belonging to the Scheduled Castes and the Scheduled Tribes and not more than 3 members from the categories other than the Scheduled Castes and the Scheduled Tribes having association with Non-Government Organisations. The District Magistrate and District Social Welfare Officer are Chairman and Member Secretary of the Committee, respectively.

It was resolved that the District Collectors would be instructed again to ensure holding of District Level Vigilance and Monitoring Committee meetings keeping in view the legal provisions strictly. All the sitting MLAs and MPs of the districts have to be invited to the District Level Vigilance and Monitoring Committee meetings and any negligence on this score would be viewed most seriously.
Item No.4: Review of atrocity cases on SCs and STs relating to the year 2007:

Statements showing cases registered and disposed of by the investigating agency (Police) under Protection and Civil Rights Act 1955 and SCs & STs (POA) Act, 1989 were presented and explained in the meeting in addition to the distribution of monetary relief to the victims as indicated at Annexures III, IV, V, VI and VII. The Committee felt that the process of investigation and trial was very slow and needed to be expedited. Addl. Secretary, Law Department reported that appropriate advice had been issued to judiciary for expediting disposal of pending cases.

Item No.5: Timely disposal of atrocity cases and appointment of more number of DSPs:

DG & IG, Police attributed delay in investigation to the shortage of investigating officer who has to be a Police officer not below the rank of a DSP. He suggested that Rule 17 (1) of SCs & STs (POA) Rules 1995 should be amended to allow the officers in charge of Police Station to investigate the atrocity related cases. If this is not done, it would be difficult to complete the investigation within the stipulated period of 30 days and the cases might also be dismissed by Courts on technical grounds, he asserted.

It was decided that the Government of India in the Ministry of Social Justice and Empowerment would be requested for amending the relevant rule to allow the officers in charge of the Police Station to investigate atrocity related cases.

Principal Secretary, Home Department explained steps taken by Government for appointment of more number of DSPs.

Item No.6: Creation of Special Courts for trial of atrocity cases under SCs & STs (POA) Act 1989:

Addl. Secretary, Law Department mentioned that the pendency of cases in the Courts of Dist. Judges and Additional District Judges who have been designated as Special Judges is because of increasing work load and, therefore, it should be considered to appoint Special Judges exclusively for trial of atrocity related cases under the special laws.
It was decided that the Law Deptt. (in consultation with the Home Department) may undertake an exercise to assess the requirement of Special Judges keeping in view the number of pending cases in different districts.

Item No.7: Appointment of Special Public Prosecutors from among the SC & ST communities:

Section 15 of SCs & STs (POA) Act 1989 provides that the cases under the Act should be prosecuted by Special Public Prosecutors. At present, existing Public Prosecutors have been designated as Special Public Prosecutors. Some members underlined the need of appointing Special Public Prosecutors from the SC & ST communities.

It was decided that the Home Department would take appropriate steps in this regard.

Item No.8: Items/Complaints proposed for discussion by Sri Mohan Jena, MP:

(i) Construction of proposed Police Station’s building on the middle of Dr. Ambedkar field at Biramaharajpur in Subarnapur district:
(ii) Allegation of guardians and students of Mahakhala Primary Sevashram under Badachana Block of Jajpur district:
(iii) Atrocity upon Golekha Mallick, S/o Smt. Kalara Mallick, Vill. Sankulei, PS, Sadar, Dist. Dhenkunal:
(iv) Attack and House burning cases on SCs of Mahimanagar (Alasua) under Chandaka PS of Bhubaneswar Municipality:
(v) Atrocity upon Sri Baman Charan Sethi, Chargeman Gr. II Operation Deprt., NALCO, Angul:
(vi) Broken of Indira Awas of a SC oldman of Tirtol:
(vii) Protest against the denial of entry of dalits into the Lord Jagannath temple of Kedradaga of Kendrapara district:
(viii) Harassment of a SC college girl namely Mamata Kumari Naik of Vill. Narasinghpur, Bhubaneswar by upper caste men:

The Committee took note of the actions taken by the district administration and Police on the above mentioned cases as explained in detail in the agenda note and emphasized the need of more effective preventive and punitive actions against the perpetrators of atrocities.

The meeting ended with the vote of thanks to the Chair.
MEETING OF THE STATE LEVEL HIGH POWER VIGILANCE & MONITORING COMMITTEE HELD ON 23.04.2008

MEMBERS PRESENT

1. Shri Prafulla Ch. Ghadei, Hon'ble Minister Finance
2. Shri Chaitanya Prasad Majhi, Hon’ble Minister SC & ST Development
3. Shri Sanatana Bisi, Hon'ble Minister, Health & Family Welfare.
4. Shri Sambhunath Nayak, MLA, Jashipur
5. Shri Shashibhusana Behera, MLA, Balipatna.
6. Shri Mohana Charana Majhi, Govt. Chief Whip
7. Smt. Hema Gamang, MLA, Gunupur.
8. Shri Jogendra Behera, MLA, Titlagarh
9. Shri Bharat Paik, MLA, Ramgiri
10. Shri Nihar Soren, MLA, Biramitrapur
11. Shri R.N. Bahidar, Development Commissioner.
12. Shri Tarunakanti Mishra, Principal Secretary, Home Deptt.
13. Dr. Taradatt, Commissioner-cum-Secretary, ST & SC Dev. Deptt.
14. Shri Rabinendra Nath Das, Secretary, Panchayati Raj
15. Shri Gopal Chandra Nanda, D.G. of Police.
16. Shri Desh Raj Meena, Addl. D.G., HRPC, Cuttack
17. Dr. D.P. Chaudury, Addl. Secretary, Law Deptt.
18. Shri Jyoti Prakash Das, Director (OBC) & Addl. Secretary, ST & SC Dev. Deptt.
COMPLIANCE REPORT ON THE ACTION POINTS OF THE PROCEEDINGS OF THE STATE LEVEL HIGH POWER VIGILANCE & MONITORING COMMITTEE MEETING HELD ON 17.7.2007

ANNEXURE-II

ACTION POINTS

Item No. 2.

(i) Suitable instruction should be issued to All Collectors for holding District Level Vigilance & Monitoring Committee meetings in quarterly basis regularly and they should invite all the members of the Committee to the meeting. The Chief Secretary should write instruction to All Collectors in this regard.

(ii) The photo of the hoardings containing important provisions of PCR Act & SCs & STs (POA) Act, displayed at different important public places should be submitted by the Collectors to the Deptt.

(iii) While conducting State Level Workshop and Seminars, members of the State level Vigilance & Monitoring Committee would be invited & Deptt. for their participation.

Item No. 3.

The Collector would be warned of action in terms of provisions under Sec-4 of the SCs & STs (POA) Act, 1989, if they fail to hold meetings of the District Level Vigilance & Monitoring Committee. The Chief Secretary was told to issue strict instructions to all Collectors on the matter.

ACTION TAKEN

Instruction at the level of Chief Secretary has already been sent to all Collectors vide ST & SC Dev. Department Letter No. 26893/SSD Dt. 8.8.2007 for holding of the District Level Vigilance & Monitoring Committee meeting on Quarterly basis and submit proceedings to Govt. regularly.

Photo of the hoardings displayed at important public places have been received from some districts. Instructions have been issued to display hoardings and submit its photo copy.

The decision regarding invitation to the members of the State Level Seminars and Workshops has been noted for needful action.

Strict instructions from the level of Chief Secretary have been issued in this regard vide Lr. No. 28693/SSD Dt. 8.8.2007 of ST & SC Dev. Deptt.
Item No. 4

Suitable instructions should be issued to all Collectors to organize Seminars in order to create more awareness among the General Public. Hoardings containing the important provisions of the PCR Act & POA Act in front of the Police Station/Panchayat Samiti etc. should be displayed.

Item No. 5.

Hon'ble High court would be prayed to issue direction to the Special Courts for disposals of the atrocity cases quickly.

The rules of reservations must implemented in appointment of Public Prosecutors/Addl. Public Prosecutors.

The Secretary Law Deptt., Home Deptt. were advised to ensure appointment of public prosecutors etc. from among the advocates belongs to SC/ST communities.

Item No. 6.

A committee under the Chairmanship of Home Secretary would review the progress of enquires and investigation from time to time on atrocity cases.

Copy of the proceedings of state level Vigilance & Monitoring Committee meeting held on 17.7.2007 has been circulated among all Collectors vide Letter No. 31321/SSD Dt. 16.8.2007 of ST & SC Dev. Deptt. and instructions have been issued and funds released to all DWOs for creating Awareness by displaying hoardings, organizing seminars, workshops etc. in all Districts.

Copy of the proceedings of the State Level Vigilance & Monitoring meeting held on 17.7.2007 has been sent to the Registrar, Orissa High court for taking appropriate action.

The Home Deptt. & Law Deptt. have been requested for appointment of Public Prosecutors/A.P.P from among the advocates of SC & ST communities by adopting Rule of Reservation.

Copy of the proceedings of the State Level Vigilance & Monitoring committee meeting held on 17.7.2007 has been sent to Home Deptt. vide Memo No. 31321 dt. of ST & SC Dev. Deptt., for taking necessary action.
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