

**PROCEEDING OF THE STATE LEVEL HIGH POWER VIGILANCE AND MONITORING COMMITTEE HELD ON 26/05/2010 AT 11.30 AM IN THE 3<sup>RD</sup> FLOOR CONFERENCE HALL OF SECRETARIAT, BHUBANESWAR**

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**1.** The list of members present in the State Level Vigilance and Monitoring Committee for the year 2010 is at **Annexure -1**.

**2.** Hon'ble Chief Minister and Chairman, State Level Vigilance and Monitoring Committee welcomed the members to the meeting and underscored the need of regular meeting of State Level Vigilance and Monitoring Committee in the year 2010. He briefly emphasized on the implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Rules both in letter and spirit. He invited all members to give their valuable suggestions and views on effective implementation of POA Act and Rules in the State.

**3.** Hon'ble Minister, ST & SC Development, Minorities & Backward Classes Welfare while welcoming the members to the meeting called for concerted efforts for welfare of SC & ST communities and in particular for prevention of atrocities against them. He invited all members to share their experiences and give their valuable suggestions and views for further course of action.

**4.** Hon'ble Minister, Finance emphasized on the regular meetings of the District Level Vigilance and Monitoring Committees for taking remedial measures against occurrence of atrocity cases as well as for effective review for disposal of registered atrocity cases.

**5.** Principal Secretary, ST & SC Development Department made a power point presentation on the agenda items which were discussed as follows:

**Item No. 1. Confirmation of the proceeding of the last meeting.**

The proceedings of last meeting of State Level Vigilance and Monitoring Committee held on 23.04.2008 circulated vide Letter No. 18100/ SSD dated 01.05.2008 was confirmed.

**Item No. 2. Review of action taken on the proceeding of the last meeting.**

Principal Secretary, ST & SC Development Department presented before the Committee the action taken reports on the decisions of the previous meeting of the State Level High Power Vigilance and Monitoring Committee held on 23.04.2008 as given in Annexure - III of the Agenda note.

**Item No. 3. Review of PCR & POA Acts.**

Statements showing cases registered by the Orissa State Police under PCR Act, 1955 & POA Act 1989, disposal position of cases by Courts, position of conviction/ acquittal / pendency from the year 2006 to 2009 were presented and explained during the meeting. The informations circulated in the agenda notes were discussed vividly.

After discussion, it was decided to establish three exclusive Special Courts in Districts recording higher registration and pendency of atrocity cases against SC & ST.

**(Action:- Home Deptt. and Law Deptt.)**

It was also decided to give preference to willing and competent lawyers from SC & ST community during appointment of Special PPs and Addl. PPs for Special Courts.

**(Action:- Home Deptt. and Law Deptt.)**

**Item No. 4. Review of District Level Vigilance & Monitoring Committee.**

The position of holding of quarterly meetings of District Level Vigilance & Monitoring Committees during 2009 for all 30 districts was placed before the State Level Vigilance & Monitoring Committee. The Committee expressed their displeasure for irregular quarterly meetings of District Level Vigilance and Monitoring Committee in all districts. The Committee was also informed about the direction issued to all Collectors by the Development Commissioner-cum-Additional Chief Secretary in

2009 as well as the resolution of State Level Vigilance and Monitoring Committee in 2008 in this regard. The Members expressed that the quarterly review by District Level Vigilance and Monitoring Committee under Rule 17 of the POA Rules, 1995 would resolve a large number of issues relating to prevention and disposal of atrocity cases against SC & ST people. Some Hon'ble MLAs also stated that they had not received any intimation to attend the District Level Vigilance & Monitoring Committee meeting in their districts during the year.

After detailed discussion, it was decided that the Chief Secretary would write to all District Magistrates & Collectors of all districts seeking their explanations for not holding the meetings every quarter in 2009 as well as directing them on their statutory responsibilities for ensuring quarterly meetings of the District Level Vigilance & Monitoring Committee regularly. It was also decided to take disciplinary action against the District Welfare Officers under Rule-16 of OCS (CCA) Rules, 1962.

**(Action:- ST & SC Dev. Department)**

**Item No. 5. Relief & Rehabilitation.**

The position of relief and rehabilitation given to the victims of atrocities, incentive for inter caste marriage, legal aid provided along with steps taken for public awareness about the PCR Act and POA Act / Rules and grants-in-aid to NGOs provided during the year 2009 for awareness generation was presented before the Committee by Principal Secretary, ST & SC Development Department. He further informed that Orissa has been able to receive financial assistance for 2010-11 from Government of India. The Committee was also informed about the launching of 'Sanjog Helpline' with Toll Free Telephone No. 155335 from 24<sup>th</sup> May 2010 operating from 10 AM to 05.00 PM on Government working days and contacts made by 37 persons in two days. It was also informed to the members that steps would be taken to make the helpline 24 X 7 soon.

Principal Secretary also explained to the Committee on the decisions taken in a meeting taken by the Hon'ble Acting Chief Justice of Orissa High Court, in the presence of Hon'ble Minister, Revenue & Disaster Management, Government of Orissa and the Hon'ble Minister, ST & SC Development, Minorities and Backward Classes Welfare, Government of Orissa on 03.02.2010 for rendering comprehensive legal aid services to members of SC & ST communities. Hon'ble Acting Chief Justice accepted the appeal to issue suitable instructions to the Special Courts in seisin of cases under POA Act, 1989 in the State for their expeditious disposal.

After discussion, it was decided to set up special legal aid cells at the Block, Sub-division and District level in the vicinity of Courts and to undertake this programme initially in the Scheduled Area districts on a pilot basis, to translate the POA Act & Rules with statement of norms for relief amount under law to victims of atrocities from SC & ST community into 10 major tribal languages and to launch an awareness campaign among SCs and STs on their rights under the PCR Act, 1955 and the POA Act, 1989 / POA Rules, 1995. It was also decided to send the list of NGOs which have been given financial assistance for awareness generation about PCR Act, 1955 and POA Act, 1989 during the year 2009 to Hon'ble Members. Hon'ble Members suggested for giving financial assistance only to reputed NGOs for awareness generation and spend more amount through Government.

**(Action:- ST & SC Dev. Department)**

**Item No. 6. Recommendations received from Government Departments/ Organisations.**

The proposals of Home Department, Fisheries & ARD Department, Human Rights Protection Cell were presented before the State Level High Power Vigilance & Monitoring Committee. Decisions already taken

regarding the proposals of Home Department and HRPC, Orissa have been discussed under Item No. 4.

**Item No. 7. Proposal of Sri Yashabant Narayan Singh Laguri, Hon'ble MP and Member of the Committee.**

On the proposal of Hon'ble MP for establishment of ITIs in ITDA areas for ST & SC students only, Commissioner-cum-Secretary, Industries Department briefed the Committee about the present position of establishment of ITIs/ ITCs and Private Engineering Colleges in Orissa. There was a brief discussion about the rehabilitation scheme of Government of Orissa. During discussion Sri Mangala Kisan, Hon'ble M.P. suggested that a survey on appointment of persons displaced due to establishment of industries should also be made in the State. **(Action: Industries Department)**

**Item No. 8. Any other item**

Sri Ram Chandra Hansdah, Hon'ble MLA, Saraskana submitted a petition against certain Police Officials for their dereliction of duty with regard to investigation of complaints of Smt. Salma Hembram of Badampahad PS. It was decided to take appropriate action on the matter after due enquiry.

**(Action:- Home Department)**

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

## Annexure - 1

### **Meeting of the State Level High Power Vigilance & Monitoring Committee held on 26.05.2010**

#### Members Present

1. Shri Prafulla Chandra Ghadai, Hon'ble Minister, Finance and Excise.
2. Shri Bijay Ranjan Singh Bariha, Hon'ble Minister, ST & SC Development, Minorities and Backward Classes Welfare.
3. Shri Yasobant Narayan Singh Laguri, Hon'ble MP, Keonjhar.
4. Shri Jayaram Pangi, Hon'ble MP, Koraput.
5. Shri Mangala Kisan, Hon'ble MP, Rajya Sabha.
6. Smt Sarojini Hembram, Hon'ble MLA, Bangiriposi.
7. Smt Mamta Madhi, Hon'ble MLA, Chittrakonda.
8. Sri Sudarsan Jena, Hon'ble MLA,
9. Sri Manohar Randhari, Hon'ble MLA,
10. Sri Debendra Kanhar, Hon'ble MLA,
11. Sri Rabi Mallick, Hon'ble MLA,
12. Sri Ramamurty Mutika, Hon'ble MLA,
13. Dr Prafulla Majhi, Hon'ble MLA, Talsara.
14. Sri Ram Chandra Hansdah, Hon'ble MLA,
15. Sri Rajendra Kumar Das, Hon'ble MLA,
16. Sri Arabinda Dhali, Hon'ble MLA, Jaydev
17. Sri T K Mishra, IAS, Chief Secretary, Orissa
18. Sri M Praharaj, IPS, DG of Police, Orissa
19. Sri D Dash, Principal Secretary, Law Department.
20. Sri A K Tripathy, IAS, Principal Secretary, ST & SC Dev. Department.
21. Sri A P Padhi, IAS, Principal Secretary, Home Department.
22. Sri Saurabh Garg, IAS, Commissioner-cum-Secretary, Industries Deptt.
23. Sri Vinod Kumar, IFS, Special Secretary, ST & SC Dev. Department
24. Sri S. Narvane, IG of Police, HRPC.
25. Additional Secretary, Co-operation Deptt.

**Action Taken Report on the Proceedings of the State Level High Power Vigilance & Monitoring Committee held on 23.04.08**

<b>Action Points</b>	<b>Action Taken</b>
<p><b>1.</b> Performance review of Dist. Level Vigilance &amp; Monitoring Committee. Decision taken regarding instructing District Collectors to ensure holding of Dist. Level Vigilance &amp; Committee Meeting as per statutory norms. All sitting MLAs, MPs have to be invited to the Meetings and violation will attracts action.</p>	<p><b>1.</b> All Dist Collectors have been requested in Memo No. 18103/SSD dt. 1.5.09, D.O. No. 17220/SSD dt. 22.5.09 for holding meeting as per law. Instructions also issued by DC-cum-ACS in D.O. No. 326263/SSD dt. 30.09.09 for conducting and submit proceedings to the Deptt by 10th of succeeding month</p>
<p><b>2.</b> Review of Atrocity cases on SCs and STs for the year 2007.  The Committee felt that the investigation process and trial was very slow and needed to be expedited</p>	<p><b>2.</b> During discussion in the last meeting held on 23.4.08, Addl. Secy., Law Deptt stated that appropriate advice has been issued rto the the Judiciary for speedy disposal of pending cases To speed up investigation work, Home Deptt have appointed 200 DSPs on promotion in Notification No. 82377/SPS dt. 16.2.09 to reduce pending cases under investigation Addl. DG of Police, HRPC reported that instructions have been issued to the SPs &amp; Addl. SPs of concerned Districts to accelerate investigation work under the POA Act. In districts where there is no Addl. SP, he suggested for creation of posts of Addl SPs for speedy supervision of the cases</p>
<p><b>3.</b> Timely disposal of atrocity cases &amp; appointment of more number of DSPs  Gol of India, Min. of Social Justice &amp; Empowerment to be requested for amending the relevant rule to allow</p>	<p><b>3.</b> Addl D.G. of Police, HRPC reported that instructions have been issued to the SPs &amp; Addl SPs of the concerned districts to accelerate the investigation work under the POA Act. Where there are no Addl. SPs for supervision of these cases, he has suggested for creation of the post of Addl. SPs for speedy investigation of work. Home Deptt in their D.O. No. 87754 dt. 7.6.08 have moved Min. of Social Justice &amp; Empowerment for amendment of Rule-5 of the POA Rules, 1955 for</p>

<p>the Officers in charge of Police Station to investigate atrocity related cases</p>	<p>delegation of power to any Gazetted Police Officer to conduct Joint enquiry relating to atrocity matter  Meanwhile Home Deptt in their Notification No. 2377/SPS dt. 16.2.09 have promoted and appointed 200 DSPs for disposal of pending investigation case.  Min. of Social Justice &amp; Empowerment, Govt. of India have sought for views of State Govt. for amending the POA Rules, 1955 including the process of investigation of cases under PCR &amp; POA Acts. Home Deptt have been requested to furnish their views for amendment of the POA Rules in the matter relating to the process of investigation.</p>
<p><b>4.</b> Creation of exclusive Special Courts for trial of cases under the POA Act, 1989</p> <p>It was decided that Law Deptt (in consultation with the Home Deptt) may undertake an exercise to assess the requirement of Special Judges keeping in view the number of pending cases in different districts</p>	<p><b>4.</b> Law Deptt and Home Deptt have been requested in this Deptt D.O. No. 38271/SSD dt. 19.10.09 to submit expenditure estimate for establishment of exclusive Special Courts for trial of cases under PCR &amp; POA Acts. Establishment of such Courts was discussed in the review meeting taken by Principal Secy., Home Deptt held on 15.2.10. In the said meeting it was decided that IG of Police, HRPC will work out the financial implication for establishment of exclusive Courts and to submit the proposal early.</p>
<p><b>5.</b> Appointment of Special Public Prosecutors from among the SC/ST community</p> <p>It was decided in the meeting that Home Deptt would take appropriate steps in this regard for appointment of Special Prosecutors from among the SC/ST communities</p>	<p><b>5.</b> Law Deptt in their letter No. 7496 dt. 30.6.09 intimated that action is being taken for appointment of Public Prosecutor/ Addl. Public Prosecutor and Asst. Public Prosecutor in consultation with Director of Public Prosecution, BBSR.</p> <p>Law Deptt in their letter No. 368 dt. 9.1.08 have also requested all Collectors for their views for appointment of PP/Addl PP and Asst. PPs. Home Deptt in their letter No. 32207 dt. 14.7.09 instructed to all Collectors to furnish the name of the advocates from SC/ST to Law Deptt for preparation of a panel for appointments of P.P./Addl. P.P. and Asst. P.P.</p> <p>In the review meeting on atrocity cases held on 27.10.09 in Home Deptt appointment of Special Public Prosecutors from among the SC/ST community as discussed and decided that the Director, Public Prosecution would submit proposal for appointment of 38 more Special Prosecutors since 15 Special Prosecutors are working against 53 Special Courts</p>



<p><b>6.</b> Complaints proposed for discussion by Sri Mohan Jena, M.P.</p> <p>(i) Const. of proposed Police Station's building on the middle of Dr.Ambedkar field at Biramaharajpur in Subarnapur</p> <p>(ii) Allegation of guardians &amp; students of Mahakhala Primary Sevashram under Badachana Block, Jajpur dist</p> <p>(iii) Atrocity upon Golekh Mallick, S/O Smt. Kalara mallick Vill.- Sankule, PS-Sadar, Dist- Dhenkanal</p> <p>(iv) Attack &amp; House burning cases on SCs of Mahimanagar (Alasua) on SCs of Mahimnagar (Alasua) under Chandaka PS of Bhubaneswar Municipality</p> <p>(v) Atrocity upon Sri Baman Charan Sethi, Chargeman Gr-II Operation, NALCO, Angul</p>	<p><b>6.</b> Addl D.G. of Police, HRPC in his letter No. 6240 dt. 5.6.09 reported the details as under:</p> <p>(i) The Police Station is under construction</p> <p>(ii) Addl. D.G. of Police, HRPC reported that the allegations could not be established during field enquiry of Sub-Collectors, Jajpur</p> <p>(iii) Addl. D.G. of Police, HRPC intimates that the case has been registered vide Sadar P.S. case No. 310 dt. 24.9.07. The accused Sribatcha Raj was arrested on 24.10.07 &amp; forwarded to Court and the case in under investigation. Collector, Khurda reported that the immediate relief was provided to the affected families by IRCS, Dist Branch, Khurda in shape of clothes, blankets, utensils etc. Free kitchen and dry food was also provided for 3 days to the fire affected 23 families. Apart from this rice was given to them for 17 days. As the victims have constructed their houses over Govt. land, no relief could be entitled as per the Orissa Relief Code. However financial assistance @Rs. 1000/- per family has been given to 23 families amounting to Rs. 23,000/- from IRCS, District Branch, Khurda</p> <p>(iv) 4 cases have been registered vide case No. 71/2007. Out of four, three accused persons have been arrested &amp; forwarded to the Court vide C.S. No. 8 dt. 28.3.08. Now the case is under sub-judice</p> <p>(v) Report from Collector, Angul mentioned that necessary action is being taken to arrest the accused person</p>
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<p>(vi) Damaged Indira Awaas of a S.C. old man Bata Samal of Tirtol, Jagarsinhpur</p> <p>(vii) Protest against the denial of entry of Dalits into the Lord Jagannath Temple of Keredagada of Kendrapara district</p> <p>(viii) Harassment to a SC College girl namely Mamata Kumari Naik of Village – Narasinghpur, Bhubaneswar by upper caste men.</p>	<p>(vi) DWO, Jagatsinghpur in his letter No. 518 dt. 5.6.09 intimates that Bata Samal is dead and the matter is under sub-judice. Addl. D.G. Police, HRPC intimated that Sri Harihar Behera filed a complaint case against Nishamani Samal D/o Batakrihna Samal who claimed for occupation over the land before the Court of Civil Judge, Jagatsinghpur. The Hon'ble Court has passed an order to maintain status quo over the said land.</p> <p>(vii) On this issue, the Collector, Kendrapara reported that there is no tension of of Darshan of deity among the people of locality and the situation has been tackled in terms of judgment of Hon'ble High Court. Orissa and the people are staying peacefully. Peaceful situation is prevailing in the area and right to equality for darsan of Lord Jagannath has been maintained</p> <p>(viii) Addl. D.G. of Police, HRPC has intimated that two cases have been registered against 12 accused persons. One P.S. Case No. 381 / 2005 has also been registered against 5 accused persons &amp; charge sheeted vide C.S. No. 103 dtd. 27.04.2006. Another case has been registered vide P.S. Case No. 391/2005 against 7 accused persons &amp; charge sheeted vide C.S. No. 104 dtd. 27.11.2006. The case has been amicably settled.</p>
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