



राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)
(A Constitutional body under Article 338A of the Constitution of India)

Case File No. NCST/ATY-702/OR/8/2022-APCR

Dated: 19.06.2023

To,

1 **Shri Ashish Ishwar Patil**

District Collector,
District - Kandhamal,
Collectorate Office
Kandhamal, Odisha 762001
Email Id: dm-kandhamal@nic.in

2. **Shri Suwendu Kumar Patra**

Superintendent Of Police,
District - Kandhamal,
Odisha 762001
Email Id: spkdml.odpol@nic.in

Subject: Press clipping published in Hindustan Times dated 08.10.22 captioned "class 7 girl in Odisha Tribal Hostel dies day after delivering stillborn" in Kandhamal District, Odisha.

Sir,

I am directed to enclose herewith a copy of the Minutes of the Sitting held on 30.05.2023 at State Guest House, Bhubaneswar under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned subject for necessary action. It is requested that compliance report may be submitted to this Commission within 90 days positively for placing the same before the Hon'ble Commission.

Encl: as above

Yours faithfully,

(अंकित कुमार सेन / Ankit Kumar Sen)
अनुसंधान अधिकारी / Research Officer

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National Commission for Scheduled Tribes

No. NCST / ATY-702 / OR / 8 / 2022-APCR

Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST on press clipping published in Hindustan Times dated 08.10.22 captioned "class 7 girl in Odisha Tribal Hostel dies day after delivering stillborn" in Kandhamal District, Odisha.

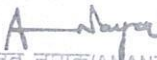
Date of the Sitting: 30.05.2023 at 03:30 PM

List of Participants: As per Annexure

The Commission has gone through a disturbing and perturbing media report of Hindustan Times dated 08.10.2022 captioned "Class 7 Girl in Odisha Tribal Hostel Dies after Delivering Stillborn" stating that a girl studying Class 7th in a Tribal Residential School in Odisha's Kandhamal District dies on Thursday, a day after she delivered a stillborn baby. The press clipping also highlighted the similar stories in the past happened in the Residential Schools in District Kandhamal and Ekalavya Model Residential School in Malkangiri District of Odisha.

Considering the gravity of the issue the Commission issued Notice dated 20.10.2022 to the Chief Secretary, Odisha, Director General of Police, Odisha ("DGP") Collector and District Magistrate, Kandhamal, Odisha and the Superintendent of Police, Kandhamal, Odisha to take necessary action and submit the Action Taken Report ("ATR") within 03 days.

The Commission received ATR dated 21.10.2022 from the Chief Secretary, Government of Odisha stating that Shri. Muna Nayak, aged 17 years, S/o Munguru Nayak, Village, Sushabhata, PS-Berlghar, Distt. Kandhamal was found to be the accused and was apprehended on 24.09.2022 and was produced before the Hon'ble Court of PM JJ Board, Phulbani on 25.09.2022. As per the direction of the Hon'ble Court, the accused was taken his home in Rourkela. The police requested for the preservation of the necessary body parts of the stillborn child for further investigation. The investigation of the same was under progress.



अनंत नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

The Commission received ATR dated 21.10.2022 from the Collector and District Magistrate, Kandhamal, Odisha stating that submitted ATR stating that the last menstrual period that between 24.03.2020 and 03.09.2022 she visited her native several times and that on her return, the matron and ANM didn't have proper counselling sessions with her. On 23.09.2022 she was found to be pregnant and on 24.10.2022 FIR was registered at the Belghar Police Station. On 05.10.2022 she gave birth to a stillborn baby (boy). On 06.10.2022, she became irritable with accompanying breathlessness for which the treating doctor referred her to the DHH, Phulbani and despite all the emergency medical cares by the emergency doctors, she was declared dead at 11:00 PM. Monetary relief of an amount of Rs. 50,000/- was given to the parents from District Red Cross Fund and that Govt in GA&PG Department, Odisha have been moved for grant of an amount of Rs. 1,00,000/- towards payment of compensation to the parents of the deceased girl. Apart from this, the father of the deceased girl has submitted an application to the Secretary DISA, Kandhamal was made on 21.10.2022 for award of compensation under Compensation Scheme, 2018. The District Administration would facilitate in expediting the process of award of the compensation as per law.

The Commission received ATR dated 22.10.2022 from the Superintendent of Police, Khandhamal, Odisha stating that the police had already supplied all the necessary documents to the girl's father. They were also meticulously pursuing the matter before the POSCO Court and the DLSA for grant of relief as early as possible.

The Commission issued Summons dated 02.01.2023, 18.01.2023 and 12.04.2023 to the District Collector, Kandhamal, Odisha and the Superintendent of Police, Kandhamal, Odisha to appear before the Commission. Since none of the authorities appeared, considering the negligent attitude of the authorities, the Commission took serious view and issued Warning Letter dated 28.04.2023 to the authorities. The Commission issued summons dated 19.05.2023 to the District Collector, Kandhamal, Odisha and the Superintendent of Police, Kandhamal, Odisha to appear before the Commission at the State Guest House, Bhubaneshwar on 30.05.2023 at 03:30 PM.

During the course of hearing on 30.05.2023 Shri. Ashish Ishwar Patil, District Collector, Khandhamal, Odisha submitted that they have expedited the process and


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सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
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have awarded the compensation to the family of the girl and that he shall furnish the details to the Commission.

Shri Suvendhu Kumar Patra Agarwal, Superintendent of Police, Kandhamal, Odisha submitted that they are investigating the case. The police apprehended the accused and produced him before the Court. The matter is pending before the POSCO Court and the police is fully cooperating with the girl's father in the court proceedings as well.

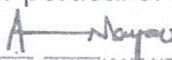
The Commission expressed dismay regarding the counselling and care-taking of young girls in schools and hostels. No proper records, counselling and staff are maintained for the well-being and awareness of young girls. The Commission points out that it is critical that young girls be made aware of menstrual health and hygiene. The Commission further observes that due to the lack of proper sanitary infrastructure and competent staff, the lives of young girls are at stake and becomes riskful.

After hearing the case, the Commission recommends the followings: -

1. The District Collector, Kandhamal, Odisha, in association with the concerned authorities to ensure that students receive proper sanitary infrastructure and counselling on menstrual health and hygiene.
2. The District Collector, Khandhamal, Odisha, in association with the concerned authorities to ensure that females are appointed as wardens and staff in girls' hostel.
3. The District Collector, Khandhamal, Odisha to furnish complete details of compensation awarded to the girl's family at each stage of the trial.
4. The Superintendent of Police, Kandhamal has to submit details of the investigation.

Interim Action Taken Report with compliance of the recommendation to be furnished within 30 days for further perusal of the Commission.

Final Action Taken Report with compliance of the recommendation to be furnished within 90 days for further perusal of the Commission.


अनंत नायक/ANANTA NAYAK
सदस्य/Member
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NOTE SHEET



NATIONAL COMMISSION FOR SCHEDULED TRIBES

F. No. NCST/ATY-702/OR/8/2022-APCR

Dated: 30.05.2023

Suo-Moto case

Sub: Press clipping published in Hindustan Times dated 08.10.22 captioned "class 7 girl in Odisha Tribal Hostel dies day after delivering stillborn" in Kandhamal District, Odisha.

S. No.	Name	Designation	Mob. No. & Office No.	Signature
1.	Shri Ananta Nayak	Hon'ble Member		In Chair
2.	Shri Jayant J. Sanode	Director, NCST		
3.	Shri Radhakanta Tripathy	Special Reporter		
4.	P.K. Parida	PS to Member		
5.	Shri Arinash Maitra	Consultant (Legal)		
6.	Shri D.K. Palai	NCST, RO, BBSR		
7.				
District Collector Kandhamal				
1.	Ashish Bhwar Patel	Collector, Kandhamal	9860815889	
2.	S			
3.				
4.				
Superintendent Of Police Kandhamal				
1.	Suresh K Patra	SP Kandhamal	7291874723	
2.				
3.				
4.				
Petitioner				
1.				
2.				
3.				
4.				