



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. 33/ Press-Clipping/15/2016/RU-III

छठी मंजिल, 'बी' विंग, लोक नायक भवन

खान मार्केट, नई दिल्ली -110003

6th floor, 'B' Wing Loknayak Bhawan,

Khan Market, New Delhi-110003

दिनांक/Dated: 18.07.2016

To,

Chief Secretary,
Govt. of Odisha,
Bhubaneswar, District Khorda,
Odisha-751008

Sub: Report on the visit of National Commission for Scheduled Tribes (NCST) to State of Odisha from 12.07.2016 to 14.07.2016 for investigation into the incident of Death of Six Tribals during firing by State Police in Anti Naxal operations in Balliguda Block of Kandhamal District.

Sir,

I am directed to enclosed a copy of visit report of Dr. Rameshwar Oraon, Hon'ble, Chairperson, NCST on the subject mentioned above.

Action taken report on the same kindly may be submit within 30 days.

Yours faithfully,

(V.P. Shahi)

Assistant Director

Copy to:

1. The Deputy Director, In-Charge Officer, National Commission for Scheduled Tribes, Regional Office Bhubaneswar, N-1/297 IRC Village, Bhubaneswar-751015 (Odisha).
2. PS to CP, NCST.
3. PS to Secretary, NCST.
4. SSA, NIC - 334



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दिनांक/Dated: 18.07.2016

To,

1. The District Collector,
District Kandhamal,
Odisha
2. The Superintendent of Police,
District Kandhamal,
Odisha

Sub: Report on the visit of National Commission for Scheduled Tribes (NCST) to State of Odisha from 12.07.2016 to 14.07.2016 for investigation into the incident of Death of Six Tribals during firing by State Police in Anti Naxal operations in Balliguda Block of Kandhamal District.

Sir,

I am directed to enclosed a copy of visit report of Dr. Rameshwar Oraon, Hon'ble, Chairperson, NCST on the Subject mentioned above.

Kindly refer to Wireless message no CP/NCST/2016/ODISHA/6 dated 11.07.2016 District Collector and Superintendent of Police, Kandhamal District requested to submit a brief to report the Commission on the subject matter.

The same is awaited. It is therefore, requested to kindly expedite submission of brief report about the incident and also action taken by the State Govt. of Odisha, within 30 days positively.

Yours faithfully,


(V.P. Shahi)

Assistant Director

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2. PS to CP, NCST.
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4. SSA, NIC - ३७५

NATIONAL COMMISSION FOR SCHEDULED TRIBES

REPORT ON THE VISIT OF NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) TO STATE OF ODISHA FROM 12.7.2016 TO 14.7.2016 FOR INVESTIGATION INTO THE INCIDENT OF DEATH OF SIX TRIBALS DURING FIRING BY STATE POLICE IN ANTI-NAXAL OPERATIONS IN BALLIGUDA BLOCK OF KANDHAMAL DISTRICT.

1. The Commission took cognizance of newspaper reports regarding killing of six tribals in Kandhamal District. In this regard, Commission vide communication no. CP/NCST/2016/ODISHA/6 dated 11.7.2016 requested the District Collector and Superintendent of Police, Kandhamal District to submit a brief report to the Commission on the subject. The same is awaited.
2. A team of the Commission led by Dr. Rameshwar Oraon, Hon'ble Chairperson, NCST accompanied by Shri Anil Kumar Agarwal, Secretary, NCST and Shri R. K. Dubey, Assistant Director, NCST visited Bhubaneswar and Kandhamal Districts from 12.7.2016 to 14.7.2016 for investigation of the above incident reported in media., Commissioner cum Secretary ST and SC Development Department, Government of Odisha and some other State Government Officials also accompanied the team during the visit.
3. During the visit, the team met and discussed about the circumstances in which the incident took place with District Collector and S.P, Kandhamal and IGP of the Division at Phulbani, District headquarter of Kandhamal District. The team went to Balliguda to meet the family members of the deceased and some injured persons to know their version of the incident. On return to State headquarter, the team held a meeting with Chief Secretary, Principal Secretary (Home) Director General of Police , Commissioner cum Secretary ST & ST Dev Deptt. and other concerned officers of the State Govt. about the incident and further course of action proposed to be taken by the State Govt.

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DISCUSSION WITH DISTRICT AUTHORITIES ON 12.7.2016

4. The Commission discussed about the incident with District Authorities on 12.7.2016 in detail. S.P, Kandhamal District informed that "On 8.7.2016 noon at about 9.30 PM, an anti-naxal operation was going on by Special Assault Team No. 58 of Special Operation Group (SOG) in Gumudumaha forest under Balliguda PS of Kandhamal District. The team leader has reported that there was exchange of fire between a group of outfit of CPI (Maoist) and police personnel. During exchange of fire, one auto rickshaw came in between while travelling on the kuchcha road and got stuck in the wet mud. As a result, the passengers got caught in the exchange of fire. Due to this, 9 persons in auto sustained bullet injuries. Five of them died subsequently. Four others are being treated in the hospitals. Three sustained minor injuries."

5. The District Collector, Kandhamal informed that the Hon'ble Chief Minister, Odisha has declared a compensation of Rs.5.00 Lakhs to the family members of the deceased which has been paid to them. As the deceased and the injured are very poor and belong to SC & ST category, additional amount of Rs. 2.00 Lakhs have also been paid to the next of kins of deceased along with others relief measures. An amount of Rs.50,000/- is being provided to the injured to meet their immediate requirements. They are being treated free of cost in Govt. hospitals.

MEETING WITH FAMILY MEMBERS OF THE DECEASED AND INJURED PERSONS ON 13.7.2016

6. In Balliguda, the Commission met the family members of the deceased, some injured persons and witnesses of the incident including the auto driver. They included Shri Petranga Mallick, Shri Dapala Mallick, Shri Dulara Diggal, Shri Midilai Mallick, Ms. Sangita



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Mallick, Ms. Kimari Mallick, Shri Sahalu Mallick and Shri Jahon Majhi (auto driver).

Shri Ashok Sahu Ex IPS officer , who is now active in public life and Shri Pradeep Majhi Ex. Member of Parliament were also present during the interaction.

7. The family members of the deceased, injured persons and witnesses informed that the villagers had hired an auto rickshaw from their village Gumudumaha (under Parampanga Gram Panchayat) for Balliguda to withdraw the amount of wages earned by them under MGNREGS from banks and for purchasing items of their daily needs. Village Gumudumaha is 35 KMs away from Balliguda (is having 45 families). There is no other bank in the nearby area. They reached Balliguda at around 11.00 AM and after withdrawing the money, they purchased the items of daily need. They started for return journey around 5.30 PM, it was raining at that time. They reached at a culvert near Gumudumaha forest area. As it was a kuchcha road, the soil of the road had eroded and the level of the culvert was much higher than the road. They had to stop for putting some soil to make it convenient for the auto to move ahead. After effort of 5-10 minutes, they succeeded and the auto rickshaw was started. In the meantime, some women had crossed the culvert and started moving upwards on the mountainous road. After moving some distance, the auto rickshaw driver stopped and asked these women to board the auto rickshaw. Some men travelling in the auto rickshaw got down to facilitate these women to board the auto rickshaw. When they were sitting, all of a sudden firing was started by the police personnel. They shouted that they were not Maoists and don't fire but the firing continued for about 15 minutes resulting in death of five persons and injuries to many others. Throughout the night, the deceased and injured were there at the place of incident. Some of the passengers went to the village and returned with the villagers. The police came in the morning for collecting the fired bullet cartridges. The dead bodies were taken for post mortem and the injured were shifted to the hospitals at about 11.00 AM in the morning. The villagers mentioned that the behavior



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of police personnel was also not good as they threatened and abused the family members of the deceased and the injured.

8. The Commission specifically asked them about the movement of Maoists in their village but they denied having seen them ever. They also denied that there was any sound like that of bullet firing at the place of incident before the police started firing at them.

Public leaders Shri Ashok Sahu and Shri Pradeep Majhi also stressed that there was no cross firing at the place of incident and the police had opened fire on the villagers without any provocation.

MEETING WITH CHIEF SECRETARY AND OTHER SENIOR OFFICERS OF THE STATE GOVERNMENT ON 13.7.2016.

9. The Commission met Chief Secretary, Principal Secretary (Home), Director General of Police and other senior officers of Govt. of Odisha and discussed about the action taken by the State Government for investigation of the incident and providing relief to the family members of the deceased. The Commission described the incident as very unfortunate in which innocent villagers including some tribals had to loose their life and some others became injured. **Officials of the State Govt. informed the Commission of the following:**

9.1 Action taken and implemented by the State Government:

- (a) The State Govt. has constituted a SIT for inquiry of the firing incident.
- (b) Compensation of Rs. 5.00 Lakhs has been provided to each of the family members of the five deceased from Chief Minister relief fund. In addition, Rs. 2.00 Lakhs has also been provided

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to them as assistance. And an amount of Rs. 50,000/- has been paid to four injured persons.


(c) Injured persons are being treated in the Government hospitals free of cost.

9.2 Action promised/ announced by the State Government:

The Commission was informed that as a relief measure, the authorities have decided to provide Biju Pakka Ghar (IAY) to 7 victims costing Rs. 1,30,000 each. Widow pension shall be provided to one eligible victim at the rate of Rs. 300 per month. She will also be provided onetime payment of Rs. 20,000/- under National Family Benefit Schemes.

10. OBSERVATION/ FINDINGS/ RECOMMENDATIONS OF THE COMMISSION.

1. In view of the inputs received from family members of the victims and witnesses, it prima facie appears that firing by the police was resorted to without sufficient cause /provocation though exact sequence and cause of event would be known only after SIT investigation and Judicial inquiry have been completed. Going through the details of the incident, we feel that police forces involved in such operations need to be sensitized so that in future such incident do not recur.
2. The State Govt. has constituted SIT for inquiry into the circumstances which led to the unfortunate incident. It has also decided to hold a judicial inquiry. Both of them should be completed within a time limit of 3 months to ensure credibility of inquiry and faith of people in justice.


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3. The compensation declared so far is not adequate keeping in view the loss suffered by the family of the deceased which should be over and above the norms prescribed by NHRC in such cases. The State Govt. should suitably increase the same.
4. The victims were MNREGA workers. They had to travel for about 35 K.M to collect their wages from the SBI Branch at Balliguda. It is therefore advised that adequate banking facilities should be made available in every Panchayat at least or the Banks should make arrangements for payment of wages in the concerned villages by appointing Business correspondents as it is being done in many other States like Andhra Pradesh, Madhya Pradesh.
5. The State Govt. should provide regular employment to the eligible family members of the victims in Govt. run hostels as cook, Anganwadi workers etc., as promised and declared before the Commission.
6. The villagers informed about inadequacy of infrastructural facilities etc. in the following areas to the Commission and advise of the Commission on the same is mentioned correspondingly;
 - a) Road connectivity to the village is very poor and presently there is a kuchcha road. The hilly terrain makes the connectivity very difficult during the monsoons. Commission advised Pucca road should be made from the highway end to the village.
 - b) There is no electricity in the village Gumudumaha. The village should be electrified at the earliest.
 - c) Medical facilities are inadequate, it is recommended that Medical Mobile Van should be provided so that villagers have the first aid facilities at their door steps.

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- d) There is inadequate facility for Drinking water, steps should be taken by the State Government in this regard.
- e) The villagers also complained that there are no adequate teachers posted in the local Govt. Schools. In this regard, State Govt. assured that all vacant positions would be filled shortly.
11. Auto rickshaw which was used by the victims got damaged during the firing. It belongs to a poor villager. It is advised that same be repaired by the State Government and restored to the owner.
12. **Tribal Sub Plan-** The tribal delegates met the Commission and informed that Tribal Sub Plan funds is not being implemented properly in the State. The Tribal population in the State is 22 % hence proportionate share of Budget of every department is required to be spent in Tribal areas but it is not visible when one visits the tribal dominated areas of the State. There are infrastructural deficiencies, as also informed by the villagers, mentioned herein before. Therefore, Commission suggested that the State Govt. may follow the pattern of TSP model in vogue in the State of Andhra Pradesh / Maharashtra and other many tribal dominated States.


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Chairperson

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