

**Government of India**  
**National Commission for Minorities (NCM)**  
Lok Nayak Bhawan, Khan Market, New Delhi-3

**Respondent:** Shri B.K. Patnaik, Chief Secretary, Shri Santosh Sarangi, Commissioner-cum-Secretary, Minorities & Backward Classes Welfare Department, Government of Odisha.

**File No. Misc/OR/81/20/08-NCM**

**The Bench of the NCM consisted of:**

- i. Shri Wajahat Habibullah, Chairman
  - ii. Sh. H.S. Hanspal, Member
  - iii. Smt. Syeda Imam, Member
  - iv. Shri Vinod Sharma, Member
2. Director and Legal Officer assisted the bench.

**Brief record of hearing held in the Conference Room of the National Commission for Minorities held on 08.12.2011 at 11 A.M.**

**3. Present:**

Shri B.K. Patnaik, Chief Secretary and Shri Santosh Sarangi, Commissioner-cum-Secretary, Minorities & Backward Classes Welfare Department, Government of Odisha were present at Bhubaneswar through video conference.

4. The Commission has taken cognizance of non-receipt of specific action taken on the recommendations made in the Tour Report of Vice Chairman during his visit to Odisha between 13.09.2010 to 16.09.2010 and various representations forwarded by the Commission to the State Govt. of Odisha. The Action Taken Report submitted by the Govt. of Odisha was found silent on various key issues. Further, the action taken in respect of point numbers 4, 17, 21 & 23 of Vice Chairperson's tour report were found incomplete and couched not in specific, but in general terms.

5. Shri B.K. Patnaik, Chief Secretary submitted that Kandhamal is the most backward area of the State and there are several people who are landless. The Government of Odisha has allotted land to 55,105 landless people and has issued patta indicating their right over the land, which right is permanent in nature. Shri Patnaik further submitted that in all, 827 cases have been registered after the

Kandhamal riots, out of which 512 cases have been charge-sheeted. Of 512 charge sheeted cases, in 203 cases judgement has been passed. The remaining 309 cases are pending trial. He also submitted that the Govt. of Odisha has constituted 2 Commissions headed by two retired High Court Judges where large numbers of witnesses are appearing. The report of the said two Commissions will be shared with this Commission as and when received.

6. The Commission raised the following issues and asked for a report.

1. *The offences for which the accused were convicted (sections of law) were not mentioned in the ATR.*
2. *The reasons for acquittal of the accused such as hostile witness/witnesses failing to appear/due to weak prosecution were not mentioned.*
3. *Number of cases which have ended in acquittal for which retrial has been sought for by the prosecution is not mentioned.*
4. *No mention about the quality of prosecution, stricture passed by the judges if any, resulting in acquittal.*
5. *No mention of action taken based on the following recommendations of the Vice Chairman during his tour on where the displaced have been rehabilitated:-*
  - a. *Addressing the problem caused due to inadequate roofing sheets, resulting in gaps in the roofs leading to great inconvenience.*
  - b. *Door and window frames were to be supplied by the forest department free of cost.*
  - c. *Issuing permanent possession certificates to the displaced inhabitants for the land on which they have been relocated.*
6. *Opening of vocational training centre for the displaced to enable them to earn a living.*

**Discussion:**

7. The Commission asked the Chief Secretary the reasons for more acquittals exceeding the number of convictions; steps taken to rehabilitate victims/displaced persons affected by riots; confirmation of reports that the Christian tribals are yet to return to their respective homes and still homeless in the forest. The Chief Secretary

submitted that the State Government has taken necessary steps to bring the trial to its logical conclusion and has appointed Special Public Prosecutors and the cases have been transferred to Fast Track Courts for speedy trial. A DSP level officer has been appointed to monitor the cases pending for trial. The State Government has filed about nine appeals against orders of acquittal.

8. The Chief Secretary also informed the Commission that there is no State Minorities Commission in Odisha but the Government is pro-active and besides a Minorities & Backward Classes Welfare Department, a Senior IAS officer has been specially appointed to monitor the development work for Kandhamal District. He further submitted that the report available with the State Government suggests that most of the victims who fled during the peak of the riot have returned to their respective homes and there is no report of victims living in the Jungles. He agreed that some victims were reported to have fled to Kerala but as regards these, the Government has sent officers to persuade the victims to return to their respective homes. However, he had no definite information whether all the victims have returned from Kerala.

**Decision notice:**

9. The Commission decided to send the points raised during the hearing to the State Government with the advice that they send their report to this Commission within thirty days of the date of receipt of this decision notice, alongwith the comments of the State Government.

Sd/-  
(Wajahat Habibullah)  
Chairman

Sd/-  
(H.S. Hanspal)  
Member

Sd/-  
(Syeda Imam)  
Member

Sd/-  
(Vinod Sharma)  
Member

Authenticated true copy. Additional copies of order shall be supplied on application.

Ms. Esther Kar  
(Jt. Secretary)  
08.12.2011