

**ODISHA HUMAN RIGHTS COMMISSION**  
**TOSHALI BHWAN (2ND FLOOR),**  
**SATYA NAGAR, BHUBANESWAR-751007**

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OHRC Case No. 2630/2724 of 2014

Sri Prabir Kumar Das,  
Advocate, Orissa High Court, Cuttack ... .. Petitioner.

**ORDER**

**18<sup>th</sup> Feb 2015**

The case is based on the complaint petition filed by Sri Prabir Kumar Das, Advocate, Orissa High Court, Cuttack , who brought to the notice of the Commission the incident of suicide committed by one Sunita Raita D/O Sudam Raita resident of Diptinagar, R.Udayagiri, Dist. Gajapati on 13.8.2014 due to the alleged negligence of the authorities to sanction/release stipend which she has been entitled to for a long period. A similar petition was also filed by Sri Nishikanta Mohapatra, State Convener, AAP, Odisha and few others on the self same matter. Both the complaints were, therefore, taken up together for examination. Since the allegation was that the hapless child was forced to take her own life due to utter callousness of Government officials including the Collector, Gajapati and the ITDA, Gajapati, the matter was entrusted to the RDC(Southern Division) for an enquiry . The R.D.C(S.D) submitted his report vide his letter No.495 dt.8.9.2014. A criminal case bearing PS case No.49/2014 in R.Udayagiri PS has also been instituted against Sri Basudev Bahinipati, the then Collector, Gajapati, Sri Kalyana Kumar Ratha, the then P.A, ITDA, and Sri Janardhan Rao, Accountant, ITDA U/s.306/34 I.P.C read with Section 3(1)(x)/3(2)(V) SC&ST(PA) Act on the

basis of the report filed by Sri Sudama Raita , father of late Sunita Raita. S.P., Gajapati was directed to furnish a status report about the said P.S. Case No.49/14 which he furnished vide his letter No.1729 dt.24.12.14. In accordance with our direction dt.9.1.15, the IIC Sri Jayadev Biswajit of R.Udyagiri P.S. appeared before the Commission on 13.2.15 and submitted the C.D and other connected papers of P.S. Case No.49/14.

On perusal of the relevant records, we find that the police investigation into the P.S. case No.49/14 is going on and one of the accused namely, Sri Kalyan Kumar Rath , the then P.A., ITDA, Gajapati has been arrested.

The petitioner Sri Prabir Kumar Das appeared before the Commission on 13.2.15 with a prayer that the parents of the victim being very poor tribal persons deserve compensation for the atrocity committed on their daughter.

While we would not like to interfere with the course of investigation being conducted by the police, we would like to deal with the issue of compensation to be paid to the parents of the victim as raised by the petitioner.

The facts of the case as revealed by the report of the R.D.C(S.D) are as follows:-

The victim girl Sunita Raita had passed + 2 in Science from “Seventh Day Adventist Higher Secondary School, Khurda” and she along with her friend Sajani Raita took admission in the Capital Academy of Nursing, Kharvela Nagar, Bhubaneswar on 14.8.2013, run by Sri Jagannath Education and Charitable Trust. After taking admission in

the institution, Sunita Raita and Sajani Raita submitted application before the P.A,ITDA through the B.D.O., R.Udyagiri on 27.8.2013 requiring financial assistance for studying a course in B.Sc. Nursing covering four years with an approximate cost of Rs.3.5 lakhs. After nearly one month of the date of application, the BDO, R.Udayagiri Block recommended the application of both the girls to P.A, ITDA vide letter No.2413, dt.26.9.2013. On 20.11.2013 the Collector and Chairman, ITDA approved the proposal of PA, ITDA sponsoring the name of Sunita Raita to undergo a course of ANM (Health Worker Female) for the year 2013-14 in Mothers Nursing School, Kalinga Nagar, Bhubaneswar and that of Sajani Raita for pursuing a course of GNM in the School of Nursing and Health Science, Berhampur. Since the courses for which their names were sponsored were different from the course in which they had taken admission, the two girls filed a petition before the Collector, Gajapati in the Grievance Cell held at R.Udayagiri Collectorate premises on 25.11.2013. Without going into the details of the prayer, the Special Officer, ITDA disposed of the grievance petitions with the observation that their grievance had already been redressed. The R.D.C(S.D), in his report has clearly mentioned the difference between the course being pursued by the two girls and the course for which their names have been sponsored by the ITDA as follows:-

“Whereas B.Sc. Nursing course is a four year course, ANM course is a one and half year course and is of lesser importance. GNM course is of three and half year duration.” Thereafter, Sudam Raita, the father of the victim, and late Sunita Raita herself repeatedly approached the PA, ITDA, the accountant, Sri Janardan Rao, the Chairman of Panchayat Samittee, R.Udayagiri Sri Dasarathi Gamango, Zilla Parishad Member, R.Udayagiri, Sri Jagabandhu Das etc. in order to prevail upon

the ITDA authorities to release the necessary assistance in favour of the Capital Academy of Nursing, Kharvel Nagar, Bhubaneswar. All the repeated requests fell on deaf ears. On 11.8.2014 late Sunita Raita with her father met the Collector, Gajapati in the Grievance Cell at R.Udayagiri Block Office, where the PA, ITDA and other Officers were present. The Chairman, Vice-Chairman and Zilla Parishad Members were also present in the Grievance Cell. The victim and her father brought to the notice of the Collector their long standing grievance, but the PA, ITDA Sri Kalyan Kumar Rath who was present in the Grievance Cell lost his temper and shouted at the victim and her father. He was, however, calmed down by the Collector, Gajapati. On the grievance petition of late Sunita Raita, the Collector directed the PA, ITDA to examine the matter. On 13.8.2014 the victim girl once again telephoned the PA, ITDA to know the fate of her petition. The PA, ITDA once again ill treated her over telephone and the girl was reportedly very upset. Within a few hours of the phone call she committed suicide in her own house by hanging herself with the help of a towel. In the course of enquiry conducted by the RDC(S.D), Sri Kalyan Kumar Rath the then PA, ITDA stated that on 11.8.2014 the victim girl did meet him in the Grievance Cell of the Collector when the Collector assured the girl to release the funds. Accordingly, the file was approved on the very next day i.e on 12.8.2014, but the girl took her own life on 13.8.2014.

The above story is one of utter callousness of the district administration towards the genuine expectation of beneficiaries whom it is duty bound to serve. The manner in which the office of ITDA dealt with the applications for assistance from the two tribal girls betrays a feudal temperament which treats one's duty as if it were an act of charity. When the two applicants were pursuing a course in B.Sc.

nursing, it is not understood under what consideration and logic the ITDA authorities recommended one for an ANM course and another for GNM course. When the mistake was pointed out by the victim girl and her father, it met with scornful rejection and violent behavior by the PA,ITDA. What adds to the poignancy of the tragedy is that assistance for the B.Sc. nursing course was sanctioned by the Collector on 12-8-2013, but was not revealed to the victim girl when she telephoned to the PA, ITDA on the morning of 13-8-2013.Had it been done, and probably the previous life of a poor tribal girl could have been saved.

During the enquiry conducted by the RDC, Southern Division, the PA, ITDA, Sri Kalyan Kumar Rath was given an opportunity to make a statement. His statement does not reveal any reason as to why the ITDA approved the course of ANM for the victim girl, whereas she had applied for and got admitted to a course in B.Sc. nursing. Nor did we find any trace of remorse on the part of Sri Rath for the tragic consequences of his behavior. The RDC, Southern Division has observed in his report that "the action of Sri K.K. Rath, PA, ITDA in handling the case of Sunita Raita does not speak good of his conduct. In the ultimate grievance cell on 11-8-2014, his behavior and disposition towards the girl and her father was not proper and appropriate of a public functionary. Witnesses present in the grievance cell stated that he was irritated and Collector had to pacify him and also Collector directed the PA to put up the file immediately".

In view of the clear finding of the R.D.C.(SD.D) as revealed from his enquiry report and in view of the fact that an opportunity was given to Sri Ratha to explain his conduct and his statement has been recorded by the R.D.C.(S.D), we feel that adequate opportunity has been

given to Sri Ratha , the then P.A.,ITDA ,Gajapati in the matter. Hence, we do not find any further necessity to call Sri Ratha to this Commission again.

We are thus persuaded to believe that the imperious vanity of the PA, ITDA forced the victim girl into a state of morbid depression leading to her suicide. The manner in which the ITDA dealt with the case deserves to be condemned in the harshest of words. It is a fit case where compensation needs to be paid to the father of the deceased, who is a poor tribal belonging to the BPL category. We recommend that a sum of Rs.5,00,000/- (Rupees five lakhs only ) be sanctioned in favour of Sri Sudam Raita, father of the victim girl, for gross violation of human rights by State functionaries. The disciplinary proceeding which has reportedly been initiated against the PA, ITDA be concluded at the earliest.

Send a copy of the order to the Chief Secretary of the State and to the Commissioner-cum-Secretary to Government, ST & SC Development Department with a direction to send a compliance report within six weeks.

**SHRI B.K.PATNAIK**  
**MEMBER**

**JUSTICE B.K.MISHRA**  
**ACTING CHAIRPERSON**