

**INQUIRY REPORT
SUBMITTED BY SHRI
JUSTICE P. K. PATRA,
RETIRED JUDGE, ORISSA
HIGH COURT, AS THE
COMMISSION OF INQUIRY
INTO THE GANJAM LIQUOR
TRAGEDY, 2006.
ON THE 20TH DAY OF
MARCH, 2008.**

INQUIRY REPORT SUBMITTED BY SHRI JUSTICE P.K. PATRA,
RETIRED JUDGE, ORISSA HIGH COURT, AS THE COMMISSION
OF INQUIRY INTO THE GANJAM LIQUOR TRAGEDY, 2006.

A number of persons died in Rambha area of Ganjam district from 16th. March, 2006, to 22nd. March, 2006, and in Golabandha area of the same district on 23rd and 24th April, 2006, as a result of consumption of spurious country liquor sold by unscrupulous dealers. The Government of Orissa were deeply concerned with the incident and were of the opinion that this being a definite matter of public importance should be enquired into by a Commission of Inquiry under the Commissions of Inquiry Act, 1952 (60 of 1952). Therefore, in exercise of the powers conferred by sub-section (1) of Section 3 read with sub-section (1) of Section 5 of the said Act, the State Government appointed a Commission of Inquiry consisting of Shri Justice Prasanna Kumar Patra, a retired Judge of the Orissa High Court, as the Sole Member to inquire into and report in respect of the following matters, namely :-

- (a) the sequence of events leading to the consumption of spurious country liquor and the consequent deaths ;
- (b) Source of the spurious country liquor for which the death took place and person/ persons responsible for the supply and sale of the spurious country liquor ;

- (c) Whether trade in illicit liquor or spurious country liquor was being carried on with political patronage or under the patronage of persons occupying public position or authority, past or present and if so the nature of nexus between such persons in public position or authority and the traders and the manner in which such trader was assisted, abetted or provided protection for carrying on the illicit trade in liquor ;
- (d) Involvement or negligence, if any, of the field staff of Excise and Police Departments in the matter of timely detection and prevention of such malpractices and offences; and
- (e) Suggestions regarding remedial measures to prevent similar occurrence in future ;
- (f) Any other facts, which come to notice during enquiry.

The headquarters of the Commission was fixed at Bhubaneswar but the Commission was given the liberty to hold enquiry at Chhatrapur or Berhampur or any other place as may be necessary for the purpose of Inquiry.

2. Pursuant to the said Notification, the Commission assumed charge and issued Notification dated 26th. June, 2006, published in daily newspapers, both Oriya and English, widely circulated in the State inviting Affidavits from interested persons, organizations, acquainted with the facts and events relating to the hooch tragedy which occurred in Ganjam district during March and April, 2006,

fixing the last date of receipt of affidavits to 29th July, 2006. It was also notified that the sitting of the Commission will be held on 2nd August, 2006, at 11.00 A.M. in the Orissa State Guest House to hear personally or through counsel individuals, societies, associations, N.G.Os. and similar other persons and departments and officers of the Government of Orissa who have chosen to file affidavits and/or documents with regard to the procedure to be adopted at the Inquiry and to fix the date(s) of Inquiry to be conducted at Bhubaneswar, Chhatrapur, Berhampur, or any other place as deemed necessary. Before the first sitting of the Commission on 2nd August, 2006, Shri Srikanta Kumar Nayak, Senior Advocate, Orissa High Court, was appointed as the Counsel for the State Government, and Shri Sisir Kumar Padhy, Advocate, Ganjam Bar Association, Berhampur, was appointed as the Additional State Counsel to assist Shri Nayak, and Shri Santosh Kumar Mishra, Advocate, Orissa High Court, was appointed as the Counsel for the Commission. In the first sitting of the Commission, the learned counsel were present and there was detailed discussion regarding the procedure to be adopted by the Commission during the Inquiry. Till then 22 (twentytwo) affidavits had been received by the Commission in response to the Notification dated 26th June, 2006, nine of which were received from Chhatrapur and the rest were received at Bhubaneswar. Since it was found

that no affidavit had been filed by the relatives / kiths and kins of the victims of the spurious liquor tragedy, it was considered expedient to extend time for filing affidavits by them, after local inspection by the Commission accompanied by the learned Counsel for State and the Commission. Pursuant to the said decision of the Commission, some affidavits were received from the relatives/kiths and kins/villagers of the victims of the liquor tragedy.

3. Thereafter, the Commission held the Inquiry at Chhatrapur and Berhampur on different dates for the convenience of the local witnesses/affected persons for their examination. At Chhatrapur, 29 witnesses were examined and cross-examined and at Berhampur five witnesses were examined and one of them who was an official witness was partly cross-examined and thereafter the Inquiry was conducted at Bhubaneswar for the examination of official witnesses available for their examination including the said witness who was partly cross-examined at Berhampur. In all, 61 (sixtyone) witnesses have been examined by the Commission during the Inquiry. In all 79 (seventynine) documents including the affidavits filed by the kiths and kins/relations/villagers/victims of the hooch tragedy and official documents filed by Government officials have been marked as Exhibits besides a plethora of documents having been produced as annexures

M. S. Rao

to the exhibited documents.

4. Out of the 61 witnesses, some are relations, kiths and kins of the deceased persons ; some are outsiders, excise officials, police officials and other Government officials including the Collector and District Magistrate, Ganjam.

5. C.W.1 Mochi Das is a resident of village old Golabandha under Gopalpur Police Station, who has filed an affidavit (Ext.1) relating to the liquor tragedy.

C.W.2 Narasingha Das is a resident of village Golabandha under Gopalpur P.S. who has stated about the liquor tragedy in Golabandha area resulting in death of five persons of his locality and 5 to 6 persons of other villages. He has sworn the affidavit (Ext.2).

C.W.3 S. Jaggaya is a resident of village Golabandha under Gopalpur P.S. who has stated regarding the liquor tragedy in Golabandha area and was one of the victims of the liquor tragedy suffering from irritation of his face and eyes due to consumption of spurious liquor and had been hospitalized in Berhampur M.K.C.G. Medical College & Hospital.

C.W.4 Baji Das is a resident of Golabandha under Gopalpur P.S. who has stated to have sworn the affidavit (Ext.3) without knowing the contents thereof, at the instance of two co-villagers Bharat Das and Jagabandhu Das. He has stated to have heard regarding

the liquor tragedy in which five persons of his village succumbed.

C.W.5 Bighisan Das is a resident of Golabandha under Gopalpur P.S.. He has stated that his mother Sashi Das and elder brother Babula Das expired due to the liquor tragedy. He has sworn the affidavits (Exts.4 and 5).

C.W.6 C. Jangammaya is a resident of Golabandha under Gopalpur P.S. who has stated to have consumed liquor in the previous evening of the liquor tragedy but simply suffered head reeling and had been hospitalized after hearing deaths of some co-villagers due to the hooch tragedy, but he was discharged from the hospital after administration of some medicines.

C.W.7 N. Jagannath of the same village Golabandha has also stated like C.W.6 to have suffered head reeling after consumption of liquor.

C.W.8 Ganga Das of the same village has sworn the affidavit (Ext.6). He has stated to have consumed liquor on the day of liquor tragedy and to have been hospitalized for seven days.

M. G. S.
C.W.9 Bikram Das is a resident of Golabandha and a carpenter by professions. He has also stated to have consumed liquor and to have been hospitalized along with his co-villagers and after being cured he returned to the village. He has sworn the affidavit (Ext.7).

C.W.10 K. Krishnamurty is a resident of the same village and a fisherman by profession. He has also stated to have consumed liquor on the fateful day and to have been hospitalized for only one day along with some co-villagers.

C.W.11 Rajani Das is a resident of the same village and a labourer by profession. He has denied to have taken liquor on the fateful day, but has stated regarding the deaths of some co-villagers due to consumption of spurious liquor. He has sworn the affidavit (Ext.8).

C.W.12 T. Srinivas Rao is a resident of the same village and is a Journalist - a Reporter in the Daily Telugu Newspaper INADU. According to him 10 persons of village Golabandha expired due to the liquor tragedy and about 30 persons were affected. He has sworn the affidavit (Ext.9).

C.W.13 P. Devaraju is a resident of village Baxipalli under Gopalpur P.S. and a Coconut dealer by profession. He has also stated that ten persons of Golabandha died due to liquor tragedy and about 20 to 25 persons were hospitalized being affected by taking liquor. He has sworn affidavit (Ext.10.).

C.W.14 T. Kameswar Rao is a resident of the said village and a photographer by profession. According to him two persons of Baxipalli, namely Raghunath Sahu

and Surendra Sahu were unlicensed liquor vendors and Dharma Sahu of village Golabandha was also an unlicensed liquor vendor. He has stated to have taken some photographs during the meetings convened by the Circle Inspector of Police, namely Satish Prasad Padhy (C.W.34) and others in the locality in December, 2005, January, 2006, February, 2006 to make the people of the locality aware of the hazards of consumption of liquor from unlicensed vendors. Ext.11 is the affidavit sworn by him.

C.W.15 is Gumani Das who is a resident of Gada Humma under Rambha P.S. and a labourer by profession. She has stated that her husband Panchu Das died due to the liquor tragedy.

C.W.16 Bhaskar Nayak is a resident of village Khajuriapalli and a labourer by profession who has stated that his mother Budhi Nayak died due to consumption of liquor. He has sworn the affidavit (Ext.12).

C.W.17 Kama Das is a resident of village Gada Humma and a labourer by profession and has stated that her husband Bipin Das died due to consumption of liquor in village Khajuriapalli.

C.W.18 Pandya Das is a resident of Gada Humma. She has stated that her husband Kandha Das died due to consumption of liquor in village Khajuriapalli.

C.W.19 Pratima Nayak is a resident of village Baunsiapada under Rambha P.S. and a labourer by

profession. She has stated that her husband Rabi Nayak died due to consumption of liquor in village Khajuriapalli.

C.W.20 Jhunu Sahu is a resident of village Khajuriapalli who has stated that her husband Budhia Sahu died due to consumption of liquor in village Khajuriapalli. She has sworn the affidavit (Ext.13).

C.W.21 Ganapati Sahu is a resident of village Dighipur under Gopalpur P.S. who is the Sarpanch of Baxipalli Grama Panchayat under Gopalpur P.S.. He has stated regarding the liquor tragedy and stated that Dharma Sahu of village Golabandha was an unlicensed liquor vendor and some Bauries and fishermen of villages Baxipalli and Golabandha who had consumed spurious liquor from his shop died. According to him, said Dharma Sahu who was in judicial custody and had been hospitalized for treatment has already passed away. He has sworn the affidavit (Ext.14).

C.W.22 is Gitanjali Das of Golabandha who has stated that her husband Raghunath Das who was serving as a Peon in Gopalpur High School expired due to the liquor tragedy.

C.W.23, A. Saraswati is a resident of the same village who has stated that her husband A. Sannyasi died due to this liquor tragedy.

C.W.24, S. Hyamavathi is a resident of the same village who has stated that her husband S. Shyamasundar Rao who was working as a Trekker driver died due to this liquor tragedy. She has sworn the affidavit (Ext.15).

C.W.25 S. Endamma is a resident of the same village who has stated that her husband S. Gareyya died due to this liquor tragedy.

C.W.26 Kunilata Mohanty who is a resident of Hatipadu under Gopalpur P.S. has stated that her husband Prasanta Kumar Mohanty who was working as a Mason died due to this liquor tragedy. She has sworn the affidavit (Ext.16).

C.W.27, A. Sitamma is a resident of village Golabandha who has stated that her husband A. Ramamurty died due to this liquor tragedy.

C.W.28 Indu Das is a resident of Golabandha who has stated that her son Raghunath Das died due to this liquor tragedy.

C.W.29 Jyostna Das is a resident of Golabandha who has stated that her husband Mangu Das died due to the liquor tragedy.

C.W.30 Sambhu Panigrahi is an Advocate practising at Berhampur, who has stated to have sworn the affidavit (Ext.17) relating to this liquor tragedy,



but he declined to face the cross-examination for which his evidence stands expunged.

C.W.31, Raghunath Prasad Padhi is a retired Superintendent of Police. He retired from service on 31.7.1998 and was staying at Berhampur. He has sworn the affidavit (Ext.18) regarding the present liquor tragedy and has pleaded for total prohibition as provided under Article 47 of the Constitution of India.

C.W.32, Santosh Kumar Dash, who is a P.G.student in the Berhampur University and has sworn the affidavit (Ext.19) relating to the Ganjam Liquor Tragedy and has stated that people in the vicinity of the University are coming to the University in drunken condition.

C.E.33 is Sanjit Kumar Panigrahi, an Advocate of Berhampur Bar, who has sworn the affidavit (Ext.20) relating to the Ganjam Liquor Tragedy.

C.W.34 Satish Prasad Padhy was in charge of Circle Inspector of Police, Berhampur, during the relevant period in addition to his duties as Inspector of Police, Energy Police Station, Berhampur, who has been placed under suspension after Ganjam Liquor Tragedy, 2006. He has stated about his performance during the relevant period in both the capacities and has denied any negligence in his duty or connivance with any liquor vendor. He has sworn the affidavits (Exts.21 and 22) and

sworn the affidavit (Ext.40). He has annexed to his affidavit some copies of the Government orders relating to the administration in the Excise Department.

C.W.38 Rajesh Kumar was a Superintendent of Police, Berhampur, from 29.8.2005 till 5.10.2006. During his tenure the present liquor tragedy occurred. He has filed his affidavits (Exts.41 and 42) relating to the liquor tragedy.

C.W.39 is Sanjay Kumar Singh, the Collector and District Magistrate, Ganjam, from 15.9.2004 to 10.4.2007 and during his tenure the present liquor tragedy occurred. He has filed his affidavit (Ext.43).

C.W.40 Radha Kishan Sharma, is the Superintendent of Police, Ganjam, Chhatrapur, since 22.9.2004 and during his tenure, the present liquor tragedy occurred. He has filed his affidavit (Ext.44).

C.W.41, Laxmidatta Sarangi was the Joint Secretary, Excise Department, Government of Orissa, who has deposed regarding the policy of the Government and other materials regarding the administration of the Excise Department. He has filed his affidavit (Ext.45).

C.W.42 Ganapati Sahu of village Sana Raghunathpur is a businessman and has filed the affidavit (Ext.46) regarding the present liquor tragedy. He has filed copies of the documents (Exts.47 to 49).

C.W.43 is J.Purushottam Reddy who is a licensed liquor vendor of Ganjam district. He has filed his affidavit (Ext.50) and has filed a copy of the order of the Secretary to the Government of Orissa, Excise Department, dated 31.3.2007 (Ext.51).

C.W.44 Nalini Kumar Behera was a Sub-Inspector of Excise, E.I. & E.B., Southern Division, Berhampur, during the relevant period. He has filed his affidavit (Ext.52) denying his negligence in discharge of his duties as an Excise Officer and stated about his performance regarding detection of excise cases during his tenure.

C.W.45 Ajit Kumar Mohapatra was a Sub-Inspector of Excise, E.I. & E.B., Southern Division, Berhampur, from 7.9.2003 to 21.3.2006 and during his tenure the Ganjam Liquor Tragedy occurred. He has filed his affidavit (Ext.53) denying the allegation of negligence on his part in discharge of his duties as an Excise Officer and stated about his sincerity in detection of excise cases during his tenure. He had been placed under suspension after the Ganjam Liquor Tragedy as per Ext.54, but his suspension order has been revoked and he has been reinstated in service as per Ext.55. Ext.56 is a copy of the order posting him in the district of Koraput after reinstatement

MS

C.W.46 Suryanarayan Sahu appeared before the Commission in response to the notice under section 8-B of the Commissions of Inquiry Act (hereinafter referred to as the "Act") since allegations against him came to the fore. He has filed his affidavit (Ext.57) denying the allegations levelled against him. He had a licence to deal in Indian Made Foreign Liquor since 1988 till March, 2007, and his liquor shop was located at Jagannathpur Chhak near Berhampur city.

C.W.47 Dambarudhar Gantayat was the Inspector of Excise, E.I. & E.B., Berhampur, from 5.5.2005 to 29.6.2006 and was placed under suspension after the Ganjam Liquor Tragedy. Denying the allegations levelled against him, he has filed his affidavit (Ext.62) along with some annexures showing his performance during his tenure in Ganjam district in detection of excise cases.

C.W.48 Pradipta Ranjan Pattanayak appeared before the Commission in response to the notice under section 8-B of the Act. He has filed his affidavit (Ext.63) denying the allegations against him and has stated regarding his performance as an Excise Officer during his tenure in Ganjam district.

C.W.49 K. Narayana is a resident of village Golabandha who has stated regarding the Ganjam Liquor Tragedy. According to him 12 persons of his village expired due to the liquor tragedy and about 25 persons were affected.

C.W.50 Amarendra Kumar Jena was a Sub-Inspector of Excise, E.I.& E.B., Unit-I, Cuttack, since 19.5.2005 and he appeared before the Commission in response to notice under section 8-B of the Act. He has filed his affidavit (Ext.68) denying the allegations levelled against him and has stated regarding the performance of the team of officers of the E.I.& E.B., Unit-I, Cuttack, which was previously known as the Flying Squad and was under the control of the Commissioner of Excise.

C.W.51 Niranjana Topno who was S.I. of Excise posted at Gopalpur in the district of Ganjam from 18.8.2005 to 30.4.2006 and during whose tenure the Ganjam Liquor Tragedy occurred appeared before the Commission in response to the notice under section 8-B of the Act and filed his affidavit (Ext.69) denying the allegations of negligence in discharge of his duty as an excise officer.

C.W.52 Ajaya Kumar Nayak was a Sub-Inspector of Excise, Chhatrapur Charge, since 15.7.2005. During his incumbency the Ganjam Liquor Tragedy occurred and he has been placed under suspension.

C.W.53 K. Benugopal Acharya appeared before the Commission in response to the notice under section 8-B of the Act and has filed his affidavit (Ext.71) denying the allegations levelled against him as the Officer-In-Charge of Gopalpur Police Station during the relevant period.

C.W.54 Pratap Chandra Jaisingh was an Inspector of Excise, E.I.& E.B., Unit-I, Cuttack, during the relevant

period. He appeared before the Commission in response to notice under section 8-B of the Act and filed his affidavit (Ext.72) denying the allegations levelled against him.

C.W.55 Subash Chandra Pradhan was an Inspector of Excise, Berhampur Striking Force, from 2.7.2004 to 20.3.2006 and he was placed under suspension after the Ganjam Liquor Tragedy. Denying the allegations levelled against him he filed his affidavit (Ext.73) and stated regarding his performance during his incumbency in Ganjam district.

C.W.56 Rabi Prasad Patra was the S.I.of Excise, Striking Force, Berhampur, from 28.6.2005 to 20.3.2006. He was placed under suspension immediately after the Ganjam Liquor Tragedy. He has filed his affidavit (Ext.74) denying the allegations levelled against him and has stated about his performance during his tenure in Ganjam district.

C.W.57, Dhanurjaya Nayak was an Inspector of Excise, Chhatrapur Range, from 25.8.2004 to 20.3.2006 and was placed under suspension after the Ganjam Liquor Tragedy alleging negligence in his duty. He appeared before the Commission in response to notice under section 8-B of the Act and filed his affidavit (Ext.75) denying the allegations levelled against him.

C.W.58 Kailash Chandra Acharya was one of the Officers-in-charge of Rambha Police Station in Ganjam district from 26.12.2005 to 25.7.2006. He appeared before the Commission in response to notice under section 8-B of the Act and filed his affidavit (Ext.76) denying the allegations levelled against him. He has stated regarding his performance and detection of excise cases during his tenure.

C.W.59 Basanta Kumar Sethi was S.I. of Excise, E.I. & E.B. from 5.8.2003 to 10.3.2006. He appeared before the Commission in response to notice under section 8-B of the Act and filed his affidavit (Ext.77) denying allegations levelled against him.

C.W.60 Abhaya Panjar Sahu was S.I. of Excise, E.I. & E.B., Unit-I, Cuttack, from 11.7.2005 to 10.3.2006. He appeared before the Commission in response to notice under section 8-B of the Act and filed his affidavit (Ext.78) denying the allegations levelled against him. He has filed several documents showing the performance of the Flying Squad during his tenure.

C.W.61 Sangram Keshari Ray, Additional District Magistrate (General), Collectorate, Ganjam, filed Ext.79 which shows the various duties assigned to the Collector-Cum-District Magistrate, Ganjam.

6. C.W.40 Radha Kishan Sharma joined as Superintendent of Police, Ganjam District, on 22.9.2004 and was continuing in the said post till his deposition before the Commission. Immediately after receiving information regarding the liquor tragedy in Rambha area on 18.3.2006, he instructed the Officer-in-Charge of Rambha Police Station, A.S.I. of Police, Humma Out-Post and Circle Inspector of Police, Purushottampur, to take up immediate follow-up action and to send the affected persons for medical treatment. He had a discussion with the District Magistrate in the matter immediately. On 19th.March, 2006, he received report regarding death of five persons of village Khajuriapalli, Sana Ramachandrapur, Gada Humma, Belapadar and Majhichuan. He and the Collector, Ganjam, proceeded to the affected villages and conducted enquiry. The dead bodies of the victims of consumption of spurious liquor were sent for post-mortem examination. He and the Collector sent a joint report to the Government relating to the steps taken by them. In the said report, it is stated that eight persons, namely -


1. Budhia Sahu of village Khajuriapalli
2. S. Muthialu of village Alipuram (Andhra Pradesh)
3. Brundaban Patra of village Ramachandrapur
4. Niranjana Moharana of village Babandha
5. Panchu Das of village Gada Humma
6. T. Gangeyya Patra of Ramchandrapur
7. Bipin Naik of Madhuchuan
8. Pitabas Patra of Ramachandrapur

died due to consumption of spurious liquor. According to the report, 39 persons of Orissa were being treated in the M.K.C.G. Medical College, Berhampur ; 3 persons from Orissa were being treated in the Sub-Divisional Hospital, Chhatrapur ; and five more persons, namely -

1. P. Budhi Reddy of Kantapada
2. B. Sannyasi Patra of Ramchandrapur
3. Purna Naik of Madhuchuan
4. B. Sakalada Patra of Sana Ramchandrapur
5. Gopinath Moharana of Aska Road, Berhampur

also expired due to consumption of liquor.

7. C.W.38 Rajesh Kumar joined as Superintendent of Police, Berhampur on 28.9.2005 and continued there till 5.10.2006. He has stated that there was a liquor tragedy in Golabandha area under his jurisdiction on 23.4.2006 and immediately after getting information regarding liquor tragedy, he instructed the Officer-in-Charge of Gopalpur Police Station to take up immediate follow-up action and to remove the affected persons to M.K.C.G. Medical College and Hospital, Berhampur, immediately for treatment. According to him, five persons had already died in the village and one died while under treatment in a private nursing home. Besides, four others died due to consumption of spurious liquor. Those ten deceased persons are :-

- 
1. Raghunath Das
 2. Prasanta Mohanty
 3. Mangu Das

4. Babula Das
5. Raghuram Das
6. A. Ramamurty
7. S. Shyamasundar Rao
8. Smt. Sashi Das.
9. S. Goreyya, and
10. A. Sanmyasi.

- All are residents of village Golabandha.

The post-mortem conducted on deceased Raghunath Das revealed that the cause of his death due to complications arising out of malaria could not be ruled out, but was not due to consumption of spurious liquor. The post mortem reports conducted on the other deceased persons in serial nos. 2 to 8 (except serial no. 3) revealed that they had died due to consumption of spurious liquor. The post mortem report of serial no. 3 revealed that he died due to complications arising out of pulmonary tuberculosis. In cases of serial nos. 9 and 10, inquest and post mortem examination could not be conducted since the dead bodies had been cremated without intimation to the police. So, death of six victims was due to consumption of spurious liquor as revealed in the post mortem examination reports, whereas the other four died due to other reasons. In all forty persons of Golabandha and other nearby villages had been admitted in the M.K.C.G. Medical College and Hospital for treatment.

8. Thus from the statements of these two witnesses (C.Ws. 38 and 40), it is evident that the death of six persons under Golabandha Police Station and death of

13 persons under Rambha Police Station due to consumption of spurious liquor has been confirmed by post mortem examination. The death of other persons cannot be attributed to consumption of spurious liquor.

9. After the liquor tragedy, four cases were registered under Rambha Police Station, i.e. Rambha P.S. Case Nos.43/2006, 44/2006, 45/2006 and 46/2006 (corresponding to G.R. Case Nos.100/2006, 101/2006, 102/2006 and 105/2006 respectively). After completion of investigation, charge-sheets have been submitted in those four cases under sections 272, 273, 304/109, 120(B), 302/34, Indian Penal Code, and under section 47(a) of the Bihar & Orissa Excise Act.

10. In the first case, i.e. Rambha P.S. Case No.43/2006 (G.R. Case No.100/2006) large number of persons of village Madhurchuan and nearby villages had been hospitalized and out of them 2 died due to consumption of spurious liquor. 21 accused persons have been charge-sheeted in that case as given below :-

1. Ashok Nahak
2. Purna @ Purna Chandra Behera
3. Dill @ Dillip Sahu @ Behera.
4. Yogi @ Yogendra Bissoyi alias Nahak
5. Bibhuti Bhusan Senapati.
6. Surjya Nayak
7. Jayanti Nayak
8. Babu @ Balaram Sahu
9. Hadu alias Hadibandhu Gouda

10. Suratha Nayak
11. Pravakar Nahak
12. Basanta Nahak
13. Dooma alias Dinabandhu Behera
14. Babu alias Nisikanta Tarai
15. Sukanta Nahak
16. Sunil Nahak
17. Kaira alias Rajendra Palai
18. Kailash Chandra Sahu, S/O Dhruba Sahu
19. Kailash Sahoo, S/O late Yogendra Sahu
20. Biswanath Mahakud
21. Ramesh Chhatoi.

11. In the second case, i.e. Rambha P.S. Case No.44/2006 (G.R. Case No.101/2006) many persons of village Khajuriapalli and nearby areas had been hospitalized due to consumption of spurious liquor out of whom 4 died. In that case, 24 accused persons have been charge-sheeted, as given below :-

1. Benudhar @ Benu Sahu
2. Banchha @ Banchhanidhi Sahu
3. Surya Nayak
4. Jayanti Nahak
5. Kailash Sahu, S/O Dhruba Sahu
6. Ramesh Chhatoi
7. Anulya Kumar Biswal
8. Basanta Nayak
9. Bibhuti Bhusan Senapati.
10. Gandhi alias Madhaba Pallai
11. Sabitri Naik
12. Ramesh Pradhan
13. Kama alias Kameswar Mohanty
14. Jaya Sahu

15. Raghu Sahu
16. Prabhakar Naik
17. Babu @ Balaram Sahu
18. Hadu @ Hadibandhu Gouda
19. Muna Sahu
20. Kairu alias Rajendra Palai
21. Kishore Mahakud
22. Babu alias Nisikanta Tarai
23. Kailash Sahu, S/O late Jogendra
24. Biswanath Mahakud.

12. In the third case, i.e. Rambha P.S. Case No.45/2006 (G.R. Case No.102/2006), 66 persons of village Sana Ramachandrapur and nearby areas had been hospitalized and out of them 8 persons died due to consumption of spurious liquor. 21 accused persons have been charge-sheeted in that case, namely :-

1. B. Trinath Patra
2. B. Laxmi Patra
3. B. Mangulu Patra
4. B. Adamma
5. Ramesh Chhatoi
6. Kailash Chandra Sahoo
7. Babu @ Balaram Sahu
8. Surya Nayak.
9. Smt. Jayanti Nayak
10. Basanta Nahak.
11. Yogi @ Yogendra Bissoyi @ Nahak.
12. Hadu @ Hadibandhu Gouda
13. Prabhakar Nahak
14. Ashok Nahak @ Nayak.
15. Bibhuti Senapati.
16. Suresha Nahak.

M. B. S.

17. Babu @ Nishikanta Tarai
18. Kailash Sahu
19. Sukanta Nahak.
20. Sunil Nahak.
21. Biswanath Mahato.

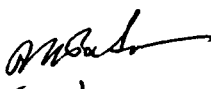
13. In the fourth case, i.e. Rambha P.S. Case No.46/2006 (G.R.Case No.105/2006) many persons of village Gada Humma and nearby areas had been hospitalized due to consumption of spurious liquor out of whom five persons died. In that case 21 accused persons have been charge-sheeted, as given below :-

1. Trinath Biswal
2. Smt. Padma Dei @ Samanta
3. Jaya Sahu
4. Babu Sahu
5. Ramesh Chhatoi
6. Kailash Sahu, S/O Dhruba Sahu.
7. Babu @ Balaram Sahu
8. Mana @ Maneswar Mohanty
9. Amulya Kumar Biswal
10. Babu @ Hadibandhu Gouda
11. Prabhakar Nahak
12. Bibhuti Bhusan Senapati
13. Gandhi @ Madhaba Pallai
14. Surjya Nahak.
15. Jayanti Nahak
16. Rudra Nayak, S/O Kanhei Nayak.
17. Babu @ Nilakantha Tarai
18. Kailash Sahu, S/O Jagannath Sahu.
19. Dinabandhu Mahato
20. Kishore Mahakud
21. Kairu alias Rajendra Pallai.

14. After the liquor tragedy, Gopalpur P.S. Case No.73/2006 (G.R.Case No.496/2006) was registered and after completion of investigation charge-sheet has been submitted against 19 accused persons as given below :-

1. Dharma Sahu
2. Rabindra Sahu
3. Dandapani Sahu
4. Smt. Yasoda Sahu
5. Smt. Kumari Sahu
6. Rabi @ Rabindra Senapati.
7. Chandru @ Chandra Sekhar Sahu
8. Tuna @ Santosh Kumar Panigrahi
9. Dillip Kumar Sahu
10. Arakhit Pradhan @ Tankia
11. Babula Sahu
12. Ramesh Ch. Sahu
13. Babu @ Santosh Kumar Sahu
14. Jinu Purusottam Reddy.
15. Surya Sahu @ Surya Narayan Sahu
16. Gopinath Sahu
17. Lokanath Sahu
18. Litu @ Kishore Sahu
19. Debendra Sahu.

The first four accused persons have been charge sheeted under sections 272/273/302/307/34, I.P.C., read with Section 47(a) of the Bihar & Orissa Excise Act, 1915, and the other 15 accused persons have been charge-sheeted under sections 272/273/302/307/109/34, I.P.C. read with section 47(a) of the Bihar & Orissa Excise Act, 1947.


15. POST-MORTEM EXAMINATION REPORTS & CHEMICAL EXAMINATION REPORTS.

As stated earlier, 13 persons belonging to

villages under Rambha Police Station and 6 persons belonging to villages under Gopalpur Police Station expired due to consumption of spurious liquor. Copies of the post-mortem examination reports of the deceased persons confirm death of the 13 deceased persons due to consumption of spurious liquor. Copies of the Chemical Examiner's reports reveal that visceral matters and blood samples of the deceased persons contained ethyl alcohol and methyl alcohol. Some samples of seized liquor have also been sent for chemical examination and the Chemical Examiner's reports reveal the presence of ethyl alcohol, methyl alcohol as also methanol.

FINDINGS.

16. Reference No.1 :- Sequence of events leading to consumption of spurious liquor and consequent deaths :-

The statements of almost all the witnesses examined in the Inquiry reveal that people of Ganjam district, specifically Rambha area and Gopalpur area, were habituated to drinks. Daily wage earners, both males and females, as well as female members staying at home were habituated to consuming liquor everyday, mostly in the evenings. Fishermen and labourers of the locality were preferring to take strong liquor after the day's work from the licensed liquor vendors where available

and from unlicensed liquor vendors where there is no licensed vendor. C.W.1 has stated that in his village old males and females were taking liquor during day time, whereas others were taking liquor in the evening and that almost all residents of his village were taking liquor.

C.W.2 has stated that he used to take liquor during day time as well as in night and that there are 7 to 8 liquor shops in his village Golabandha which belonged to late Dharma Sahu and his sons. C.W.

C.W.3 has stated that there are 5 liquor shops in village Golabandha run by Dharma Sahu and his son Brunda Sahu and he took liquor in the shop of said Brunda Sahu and was hospitalized due to irritation of his face and eyes.

C.W.4 has stated that his co-villagers were taking liquor even during day time and rich persons of the village were taking liquor four to five times a day and also children of rich persons were drinking. He himself was taking liquor every day after returning from work. He has further stated that there are five to six liquor vendors in his village who were procuring liquor from outside and that Dharma Sahu was one of the liquor vendors in his village and that he and his three sons have been detained in jail custody while the fourth son fled away.

C.W.5 has stated that almost all people of his village including old men and females were habituated to drinks and that Dharma Sahu and his son had two liquor shops in village Golabandha and that he heard after returning from Surat that his mother and brother died after taking liquor from the shop of Dharma Sahu.

C.W.6 has stated that almost all male and female members of his village were habituated to drinks and boys were also taking liquor at times. He has stated that six Sundhis of his village were dealing in Out Still liquor and he himself was also taking liquor from them.

C.W.7 has admitted that every day he was taking liquor worth Rs.10/- in the shop of Dharma Sahu of his village, after return from the sea. He also stated that almost all male members and few privileged female members and some boys of the village were taking liquor.

C.W.8 has stated that he took liquor from the shop of Dharma Sahu on the fateful day and that all the five liquor shops in his village were being run by Sundhis of his village.

C.W.9 has stated that on the fateful day, he and the other victims had taken liquor from the shop of Dharma Sahu and that he and others were taking liquor from the said shop of Dharma Sahu. This liquor was more

intoxicant than the liquor sold by others. He has also stated that almost all villagers including boys of his village are habituated to taking liquor. Likewise, C.Ws.10, and 11 have stated that almost all the villagers were habituated to drinks. C.W.12 has stated that people belonging to fishermen community and Bauri community were habituated to drinks and that about 10 to 12 families of his village were taking liquor.

C.W.13 has stated that there was no licensed liquor shop in Golabandha, Baxipalli and nearby villages and hence people of the locality who are habituated to drinks, were taking liquor from unlicensed vendors in the locality. According to him Bauria and old people of the locality were habituated to drinks.

C.W.14, who is a photographer by profession has corroborated the statement of C.W.13.

C.W.15 has stated that on the fateful day her husband returned after his day's work and gave her Rs.140/- and took Rs.20/- and went to village Khajuriapalli to take drinks and met his end. She has also stated that almost all labourers of her village were taking liquor every day.

C.W.16 has also stated that almost all the villagers including women were accustomed to drinks after the day's work.

AmBata
C.W.17 has stated that almost all the villagers were habituated to drinks and on the fateful day, her husband had taken liquor in village Khajuriapalli.

C.W.18 has stated that her husband was taking liquor every day after returning from work and that on the fateful day he took liquor from a shop in village Chajuriapalli.

C.W.19 could not say when and where her husband took liquor on the fateful day.

C.W.20 has stated that her husband who was working as a private Electrician, on the fateful day complained of loss of eye sight and chest pain due to consumption of liquor, but did not disclose where he took the liquor.

C.W.21 who was the Sarpanch of Baxipalli Grama Panchayat, has stated that the persons who expired due to the liquor tragedy had taken liquor from the shop of Dharma Sahu. He has stated that people of the locality were habituated to drinks and aged women and some boys of the locality were also addicted to drinks and during festive occasions they take more quantity of liquor than usual.

C.W.22 has stated that her husband who was suffering from gastric ulcer was a casual consumer of liquor and on the fateful day after returning from work he complained of pain in his stomach and on the following morning he was taken to Berhampur Hospital for treatment where he expired.

C.W.23 has stated that her husband used to take liquor every day and on some days he used to take liquor twice or thrice.

C.W.24 has stated that her husband returned to house in a drunken state and complained of loss of vision and pain in the chest and body and on the next morning, he was taken to Medical College & Hospital, Berhampur, where he expired.

C.W.25 has stated that her husband who was a fisherman by profession was taking liquor from the shop of Dharma Sahu every day after returning from work.

C.W.26 has stated that her husband who was working as a Mason complained of loss of vision and stomach pain after consuming liquor from the shop of Dharma Sahu.

C.W.27 has stated that her husband complained of loss of vision and vomited after returning from work in the night of 22.4.2006 and he expired on the next day in Berhampur hospital.

C.W.28 whose son and nephew were victims of the liquor tragedy, has stated that almost all young persons of the village including his son and nephew who were working as labourers were taking liquor.

MB
C.W.29 whose husband died in the liquor tragedy has submitted that her husband was a habitual drunkard and she had stayed with him for about a year after marriage and then left for Berhampur to serve as a maid servant.

17. Thus from the statements of the relatives and co-villagers of the deceased persons, as well as the affected persons of the liquor tragedy, it is evident that people of the locality were habituated to taking liquor every day and that some of them - particularly, fishermen and labourers - were requiring strong liquor (more intoxicant) for their consumption after a day's hard work and that unlicensed vendors were attracting them by supplying strong liquor which is the obvious reason for the Ganjam Liquor Tragedy, 2006.

18. For better appreciation as to how liquor is made "spurious" and hazardous for human consumption, the following provisions of law are extracted :-

In the Bihar & Orissa Excise Act, 1915 (2 of 1915) sub-section (14) of section 2 provides :-

" (14) 'Liquor' includes all liquids consisting of or containing alcohol, such as spirits of wine, spirit, wine, fermented tari, pachwai and beer, and also unfermented tari and also any other substance which the State Government may, by notification, declare to be liquor for the purposes of this Act."

Sub-section (5)(a) of section 2 of the Act provides as follows :-

" 'denaturant' means any substance prescribed by rule made in this behalf under clause (3) of section 90, for admixture with spirit in

order to render the mixture unfit for human consumption, whether as a beverage or internally as a medicine, or in any other way whatsoever."

Clause (b) of sub-section (5) of section 2 provides as follows :-

" to 'denature' means to mix spirit with one or more denaturants in such manner as may be prescribed by rule made in this behalf under clause (3) of section 90, and 'denatured spirit' means spirit so mixed."

Clause (3) of section 90 of the Act provides the powers of the Board of Revenue to make rules for declaring how spirit manufactured in India shall be denatured.

Rule 52 of the Board's Excise Rules, 1965, provides the purpose of denaturation which is as follows:

" (1) The purpose of denaturing spirit or alcohol by admixture of denaturants is to render the mixture fit for purposes of scientific mechanical or commercial work, art and manufacture and unfit for human consumption whether as a beverage or internally as medicine or in any other way. "

made Clause-15 of the Excise Technical Extracts provides that denatured spirits are silent spirits which have been rendered effectually and permanently unfit for human consumption under special regulations. They are

used only for non-potable purposes, such as burning, lighting and in the arts and manufactures.

In the Orissa Excise (Methyl Alcohol) Rules, 1976, in clause (iii) of Rule 2, 'methyl alcohol' has been defined as follows :-

"'Methyl alcohol' means the alcohol with chemical composition of CH_3OH obtained by distillation of wood or wood pulp, its other chemical names being methanol, carbinol and methyl hydrate and includes wood naptha, wood spirit, wood alcohol, pyroxylic spirit and pyroligenous spirit and it is an intoxicating drug as declared under sub-clause (iv) of Clause (13) of Section 2 of the Bihar & Orissa Excise Act, 1915 vide para-1 of Part-I of Government of Orissa, Revenue and Excise Department Notification No.497497R, dated 24th.July, 1965."

19. The dictionary meaning of 'ethanol' is alcohol ; of 'ethyle' is derived from ethanol, present in alcohol and ether ; of 'ethyl alcohol' is alcohol ; of 'methyl alcohol' is methanol ; of 'methanol' is a poisonous chemical substance which is the simplest type of alcohol ; of 'methylated spirit' is alcohol for use as a solvent or fuel, made unfit for drinking by the addition of methanol and a violet dye, and of 'methyl' is colourless flammable toxic liquid used as a solvent and anti-freeze and which can be catalytically converted to petrol. 'Methyl Spirit' means, a liquid made from alcohol and other chemicals used to remove dirty marks and as a fuel in small heaters and lights.

20. As stated earlier, the post-mortem reports and chemical examination reports in the case of 19 persons who died after consuming liquor, reveal that the visceral matters and blood samples contained ethyl and methyl alcohol and the cause of the death was due to consumption of spurious liquor. Therefore, it is evident that the liquor consumed by deceased persons and other affected persons had been made spurious by mixing denatured spirits, either ethyl or methyl alcohol which was unfit for human consumption. From the statements of the witnesses, as discussed earlier, it is evident that people of the locality mostly labourers, fishermen and other persons of lower strata were habituated to drinks that locality and people in the lower strata of the society were requiring strong alcohol which prompted the unscrupulous and unlicensed dealers of liquor to mix denatured spirit with country/outstill liquor to make it more intoxicant to increase the standard of strength or proof, to attract customers, with the ulterior motive of earning more profit for themselves, without any regard for human lives. In the process 13 persons of Rambha area and 6 persons of Golabandha area lost their lives and some others lost their eye sight and suffered from other infirmities after consuming spurious liquor, i.e. liquor mixed with denatured spirit or methylated spirit which is unfit and hazardous for human consumption.

MB

In the light of the discussion made above, Reference No.1 is answered accordingly.

21. Reference No.2 :-Source of the spurious country liquor for which the death took place and person/persons responsible for the supply and sale of the spurious country liquor. :-

During the Inquiry it has come to light that spurious/illicit liquor was being manufactured at places like Indrakshi under Golanthara P.S., Khajuriapalli under Rambha P.S., Golabandha under Gopalpur P.S. besides several other places in Ganjam district including two or three places inside Berhampur city. Unlicensed vendors of liquor were procuring illicitly distilled liquor from those manufacturers and selling the same to their customers. The statements submitted by the police officers of Gopalpur P.S., Rambha P.S. and the Excise Officers in Ganjam district as well as the Excise Officers posted in the E.I. & E.B., Unit-II, Berhampur, and E.I. & E.B., Unit-I, Cuttack, reveal that hundreds of cases of manufacture and sale of illicitly distilled liquor were ~~being~~ detected and hundreds of accused persons have been booked and forwarded to Court to stand trial. But strangely no Excise Officer or Police Officer examined by the Commission has been able to detect any case of surplus liquor in the district of Ganjam.

22. C.W.34, a police officer ; C.W.35, an Excise Officer of the rank of Superintendent of Excise ; C.W.36, the then Commissioner of Excise and C.W.37, the then Deputy Commissioner of Excise ; C.W.38, the then Superintendent of Police, Berhampur ; C.W.40, the

Superintendent of Police, Ganjam, Chhatrapur ; C.Ws. 44, 45, 47, 48, 50, 51, 52 - all excise officials ; C.W.53, Officer-in-Charge, Gopalpur P.S. ; C.W.54 Inspector of Excise ; C.W.55 Inspector of Excise ; C.W.56, S.I. of Excise ; C.W.57 Inspector of Excise ; C.W.58 Officer-in-Charge of Rambha P.S. ; C.W.59 S.I. of Excise and C.W.60, an Inspector of Excise, have categorically denied to have detected any case of spurious liquor in Ganjam district during their tenures, though they have stated about their performances in detection of cases of production and sale of i.d. liquor in the district. Only because some consumers of i.d. liquor died in the Ganjam Liquor Tragedy, 2006 in Rambha area and Golanthara, the excise officials and police officials could know ^{about the} ~~know~~ menace of spurious liquor in these areas. The statements annexed to the affidavits of the witnesses as well as produced by them during their examination before the Commission reveal their individual as well as team performance in detection of excise cases in the district for the past three years. Officers working in E.I. & E.B., Unit-II, Berhampur, have also detected cases of i.d. liquor in Ganjam district as per their statements submitted before the Commission. So also the officers posted in the E.I. & E.B., Unit-I, Cuttack (previously known as the Flying Squad) under the direct control of the Commissioner of Excise and the team headed by a Deputy Commissioner of Excise, have filed their statements showing detection of cases under the Bihar & Orissa Excise Act throughout

and

the State of Orissa including a few cases in the district of Ganjam. The E.I. & E.B., Unit-II, Berhampur, has jurisdiction in the revenue districts under the control of Revenue Divisional Commissioner, Southern Division, and they have been empowered to detect cases in those districts over and above the cases detected by the excise officials posted in each district under the control of a Superintendent of Excise. The E.I. & E.B., Unit-I, Cuttack, have jurisdiction throughout the State and they are empowered to detect excise cases over and above the excise officials of the district as well as of the E.I. & E.B., Unit-II. Besides, the excise officials, police officials have also ~~power~~ ^{jurisdiction} under the ~~excise Act to deal~~ ^{with} excise cases. As per the statements submitted by the police officials before the Commission, they have been able to detect several excise cases of manufacture and sale of i.d. liquor. But neither the excise officials, nor the police officials have detected any case of spurious liquor in Ganjam district. As per their statements, the police officers as well as the excise officers have booked some of the accused persons for manufacture of i.d. liquor in the district more than once and evidently they had knowledge about the pockets of manufacture and sale of i.d. liquor in the district. From the statements of the co-villagers and kiths and kins of the deceased and affected persons in the liquor tragedy as well as from the statements of

the State of Orissa including a few cases in the district of Ganjam. The E.I. & E.B., Unit-II, Berhampur, has jurisdiction in the revenue districts under the control of Revenue Divisional Commissioner, Southern Division, and they have been empowered to detect cases in those districts over and above the cases detected by the excise officials posted in each district under the control of a Superintendent of Excise. The E.I. & E.B., Unit-I, Cuttack, have jurisdiction throughout the State and they are empowered to detect excise cases over and above the excise officials of the district as well as of the E.I. & E.B., Unit-II. Besides, the excise officials, police officials have also ~~power~~ ^{jurisdiction} under the excise Act to ~~deal~~ ^{with} excise cases. As per the statements submitted by the police officials before the Commission, they have been able to detect several excise cases of manufacture and sale of i.d. liquor, But neither the excise officials, nor the police officials have detected any case of spurious liquor in Ganjam district. As per their statements, the police officers as well as the excise officers have booked some of the accused persons for manufacture of i.d. liquor in the district more than once and evidently they had knowledge about the pockets of manufacture and sale of i.d. liquor in the district. From the statements of the co-villagers and kiths and kins of the deceased and affected persons in the liquor tragedy as well as from the statements of

excise officials and police officials, the names of Dharma Sahu and his sons of village Golanthara as well as names of Smt. Kumari Sahu, Babula Sahu, Ramesh Chandra Sahu, J. Purushottam Reddy, Surya Sahu @ Suryanarayan Sahu, B. Trinath Patra, B. Laxmi Patra, Ramesh Chhatoi, Kailash Ch. Sahu, Surya Nayak, Jayanti Nayak, Hadu alias Hadubandhu Goud, Bibhuti Senapati, Trinath Biswal, Smt. Padma Dei alias Samant and many others have come to the fore as the persons who were either manufacturing or selling i.d. liquor in the area and who were responsible for preparation of the spurious liquor by adding methyl alcohol / denatured spirit in i.d. liquor which resulted in the death of 13 persons in Rambha area and 6 persons in Golanthara area and loss of eye sight and physical disability to some others.

23. In Rambha area, 4 cases vide Rambha P.S. Case Nos.43, 44, 45 and 46 of 2006, corresponding to G.R. Case Nos.100, 101, 102 and 105 of 2006 have been registered and in the first case, 21 accused persons ; in the second case 24 accused persons ; in the third case 21 accused persons and in the fourth case 21 accused persons have been charge-sheeted and they have to face trial for various offences under the Indian Penal Code including under sections 304/109/120(B)/302/34, I.P.C. and under section 47(a) of the Bihar & Orissa Excise Act. Relating to the liquor tragedy in Golanthara area, Gopalpur P.S.

ms

Case No.73/2006 (G.R.Case No.496/2006) has been registered and 19 accused persons including Dharma Sahu and his sons ^{and Surya Sahu} have been charge-sheeted to face their trial under various sections of the Indian Penal Code including sections 302/307/34, Indian Penal Code, and under section 47(a) of the Bihar & Orissa Excise Act.

24. It has been stated by some of the witnesses that Dharma Sahu while in custody in Gopalpur P.S. Case No.73 of 2006 (G.R.Case No.496/2006) has already expired and consequently, the case against him might have abated. The other accused persons charge-sheeted in that case as well as in the four cases of Rambha P.S. ~~referred to earlier,~~ will have to stand their trial and the conclusion of the trial will determine their culpability.

25. As discussed above, it is found that i.d. liquor/spurious liquor was being manufactured at places like Indrakshi under Golanthara P.S. ; Khajuriapalli under Rambha P.S. and Golabandha under Gopalpur P.S. as well as two to three places inside Berhampur city and various other places of the district of Ganjam. Unlicensed liquor vendors were selling the i.d. liquor/spurious liquor to the consumers in Golanthara area, Rambha area and on the fateful dates i.e. 16th.March,2006 to 22nd.March,2006 and 23rd. April,2006 and 24th.April, 2006, the liquor

tragedy occurred in Rambha area and Golabandha area respectively and the persons responsible for the said liquor tragedy have already been booked in the five cases mentioned above, finding prima facie evidence ~~in~~ against them.

Thus the Reference No.2 is answered according

26. Reference No.3 :- Whether trade in illicit liquor or spurious country liquor was being carried on with political patronage or under the patronage of persons occupying public position or authority, past or present and if so, the nature of nexus between such persons in public position or authority and the traders and the manner in which such trader was assisted, abetted or provided protection for carrying on the illicit trade in liquor.

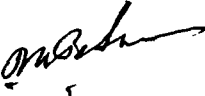
Undoubtedly, trade in illicit liquor or spurious liquor in the district of Ganjam was flourishing in uncontrolled way, as is evident from the statements of official as well as non-official witnesses examined during the inquiry. Before the people of Ganjam district forgave the liquor tragedy in Purushottampur area in the same district in the year 1994, taking a toll of six or more persons, and before the trial of the accused persons was over, the present liquor tragedy took place. In that case i.e. Purushottampur P.S. Case No.88 of 1994 (corresponding to G.R. Case No.87/1994) in which C.W.42 Ganapati Sahu ^{who} ~~was~~ an accused ^{he} /along with ten others, have been discharged

by the trial court in Sessions Case No.129 of 1994. It is not on record as to whether the said order of discharge has been challenged by the State before the Hon'ble High Court or not. ~~But trial of other accused persons resulted in acquittal.~~

27. The statements of the excise officials - C.Ns. 35, 36, 37, 44, 45, 47, 48, 50, 51, 52, 54, 55, 56, 57, 59 and 60 - and the annexures containing statements regarding their detection of excise cases attached to the affidavits and the statement of detection of cases submitted by the Commissioner of Excise for the period 2004 to 2006, would reveal that a large number of cases of manufacture and sale of i.d. liquor have been detected, but not a single case of manufacture and sale of spurious liquor has been detected by any of the officers i.e. officers posted in the district of Ganjam under the Superintendent of Excise ; officers posted in the E.I. & E.B., Unit-II, under the Deputy Commissioner of Excise, Berhampur, and officers posted in the E.I. & E.B., Unit-I, Cuttack, under the control of Commissioner of Excise. After the Purushottampur Liquor Tragedy, the officers of the three wings of the excise department might have been aware that inhabitants of Ganjam district in general and labourers, fishermen and such other class of people in particular, were habituated to taking strong country liquor or strong i.d. liquor whichever is available, thereby prompting the

unscrupulous unlicensed liquor vendors in the district to mix denatured spirit or methylated spirit with liquor to increase the standard of strength or proof to make it more intoxicant. In spite of that they failed to pay their attention to prevent manufacturing, preparation and sale of such spurious liquor in the district and evidently they have neglected in discharging their ~~public~~ duties in detecting manufacture and sale of i.d. liquor at various places by various culprits.

28. From the statements of police officials i.e. C.Ws.34, 38, 40, 53 and 58 and the annexures containing charts relating to detection of excise cases by police officials attached to their affidavits, it would be clear that police officials have also detected a large number of excise cases during the period, but not a single case relating to spurious liquor has been detected by any of them. Adverse inference can be drawn at the failure of intelligence and inaction by the field staff, i.e. excise officials as well as police officials in the district for this sordid situation. But for suggesting action against them, there is no specific evidence before the Commission.

 29. Now it is to be considered whether trade in illicit or spurious country liquor was being carried on with political patronage or under the patronage of persons occupying public position or authority, past or

present, and if so, the nature of nexus between such persons in public position or authority and the traders and the manner in which such trader was assisted, abetted or provided protection for carrying on the illicit trade in liquor. After wide publication of the news relating to the liquor tragedy in Rambha area in the district of Ganjam from 16th.March,2006 to 22nd. March,2006, the Government alerted the district officials including the Collector and Superintendents of Police, health officials as well as other officers posted in the district to take sufficient measures to prevent recurring of such liquor tragedy. In spite of efforts stated to have been made by the officials of the district, the second liquor tragedy which occurred on 23rd and 24th. April, 2006, in Golabandha area could not be prevented. As discussed earlier, in the first liquor tragedy, six persons died and in the second liquor tragedy 13 persons died due to consumption of spurious liquor which brings to the fore the appalling administrative ineffectiveness in the district. The statement of C.W.34, Satish Prasad Padhy, who was an Inspector of Police posted as Officer-in-Charge of Energy Police Station, Berhampur, and who was kept in temporary charge of Circle Inspector of Police, Berhampur, to the effect that after the liquor tragedy in Rambha area in March,2006, he made sincere efforts in Golabandha area in collaboration with district-level and sub-divisional level officials including medical officers

to organize various awareness camps to educate the female members of the locality to prohibit the male members of the locality to consume liquor and not to invite hazards to their lives, proved to be ineffective which is evident from the fact that 13 persons of the locality died and many others lost their sight and suffered infirmity due to consumption of spurious liquor on the 23rd and 24th. April, 2008. The statements of C.W.32, a P.G. student in Berhampur University, Bhanja Bihar, and C.W.14 T. Kameswar Rao, a Photographer of the locality, who took photographs (M.Os.I to VIII) of the awareness meetings convened by and on behalf of C.W.34 to make the people aware of the hazards of liquor as well as the statement of C.W.12 T. Srinibas Rao, a Reporter of daily newspaper, supporting the statement of C.W.34 regarding the awareness camps are of no avail.

30. Immediately after the second liquor tragedy in Golabandha area, Government took immediate action against reportedly erring officials of the excise and police departments posted in those two areas in Ganjam district. They are :-

1. Gobinda Chandra Das (C.37)
the then Deputy Commissioner of Excise,
Berhampur.
2. Sushanta Kumar Dash (C.W.35)
the then Superintendent of Excise, Ganjam,
Chhatrapur.



3. Satish Prasad Padhy (C.W.34)
the then Officer-in-Charge, Energy Police
Station, Berhampur, & Incharge Circle Inspector
of Police, Berhampur.
4. Ajit Kumar Mohapatra (C.W.45)
Sub-Inspector of Excise, E.I. & E.B.,
Southern Division, Berhampur.
5. Ajaya Kumar Nayak (C.W.52)
Sub-Inspector of Excise, Chhatrapur
Excise Charge Officer.
6. Subash Chandra Pradhan (C.W.55)
Inspector of Excise, Berhampur Striking Force.
7. Rabi Prasad Patra (C.W.56)
Sub-Inspector of Excise, Striking Force,
Berhampur.
8. Dhanurjaya Nayak (C.W.57)
Inspector of Excise, Chhatrapur Range.

Besides, some excise constables have been placed under suspension after the Ganjam Liquor Tragedy and reportedly, disciplinary proceedings have been started against them. Amongst the suspended excise officers, C.W.35 Sushanta Kumar Dash, C.W.45 Ajit Kumar Mohapatra have since been reinstated in service; C.W.57 Dhanurjaya Nayak has since retired from Government service on superannuation on 31st. July, 2007, before finalisation of Departmental Proceedings against him. The statements of the witnesses reveal that the D.Ps. started against the delinquent officers are pending awaiting the results of the findings of the Commission of Inquiry, which is not legally correct. There is no bar for proceeding in D.P. against a delinquent officer pending the Inquiry conducted by an Inquiry Commission. The concerned authorities could

have very well proceeded with the enquiry in the D.Ps. notwithstanding the pendency of the enquiry by the Commission of Inquiry. Suffice it to say that now it is for the Government to direct the concerned authorities to proceed with the D.Ps. initiated against the delinquent officers and to conclude the enquiry as expeditiously as possible.

31. The case of C.W.35 Sushanta Kumar Dash is that he belongs to O.A.S., Class-I (Junior Branch) of the Revenue Department who was deputed to the Excise Department by the Government posting him as the Superintendent of Excise, Ganjam District vide Excise Department order No.5925, dated 22.9.2005. He has stated that he joined in that post on 4.1.2006 and continued there till 25.4.2006. Prior to his appointment as Superintendent of Excise, Ganjam, he had been posted as the Administrative Officer in the Orissa State Civil Supplies Corporation from which post he was relieved on 12.12.2005, but remained on leave from that date till 3.1.2006. Thus he has served as Superintendent of Excise, Ganjam, for a short period i.e. from 4.1.2004 to 25.4.2006. He has stated that after taking of charge as Superintendent of Excise, Ganjam District, he had to chalk out a programme for enforcement of excise laws, eradication of illegal trade in liquor, settlement of unsettled shops and



collection of revenue besides giving attention to the litigations. According to him, during his tenure for a period of three months, there was record collection of revenue of 14.08 crores rupees, a substantial increase in the revenue collection of about 09 crores rupees in the previous year. It was a result of his strenuous efforts and stringent action. He had issued several letters instructing the subordinate officers to conduct checks and raids and to collect intelligence regarding illicit liquor and to prevent untoward incidents. Besides the staff under his control, the officers of the E.I.& E.B., Unit-II, Berhampur, as also the E.I.& E.B., Unit-I, Cuttack (State Flying Squad) had registered some cases in some areas of the district. After the liquor tragedy in Rambha and Humma areas, he deputed his staff, forming nine teams for continuous raids and to collect intelligence regarding illegal trade in liquor. Besides, he had to organize awareness camps in collaboration with the Sub-Collectors of Chhatrapur, Berhampur and Bhanjanagar, engaging N.G.Os. to impress upon the women folk to agitate against consumption of liquor. M.Os.X, XI, XII and XIII are some photographs taken during the awareness camps. Some leaflets relating to the matter were also distributed among the people of the locality besides broadcasting the same in the All India Radio. He had requested the Superintendent of Police, Berhampur and Ganjam, Chhatrapur, to have a close watch

over the situation and send daily reports to the Commissioner of Excise and to the Government of Orissa Excise Department. All his efforts went in vain when the second liquor tragedy in Golabandha area took place on 23rd. April, 2006. Thus it is evident that an O.A.S. Officer - a rank outsider to the excise department - being deputed to be posted as Superintendent of Excise, Ganjam district, could not have gathered sufficient knowledge regarding the administration in excise department within a short period of about 2½ months. There is not an iota of evidence on record against C.W.35 that he had any links or acquaintance with any of the excise vendors of Ganjam district and will not be lawful to attribute negligence or dereliction in duty on his part or patronage to any trader carrying on illicit trade in liquor. Nothing has been brought on record to show that C.W.35 had any acquaintance or relationship with any such trader'so as to hold that he was assisting or protecting such trader in i.d. liquor. In view of the discussion made above, the revocation of the suspension order against C.W.35 and reinstating him in Government service withdrawing his services from the Excise Department to the Revenue Department, which is his parent department appears to be justified.

MBL
32. C.W.34 Satish Prasad Padhy, an Inspector of Police, posted as Officer-in-charge of Energy Police Station, Berhampur, since 19.7.2005 was kept in

additional charge of Circle Inspector of Police, Sadar, Berhampur, since 18.9.2005. Three police stations, viz., Gopalpur, Golanthara and Berhampur Sadar were under his jurisdiction. After the liquor tragedy, he has been placed under suspension for alleged negligence or dereliction of duty, but he has stated that as yet he has not been supplied with a copy of the charges levelled against him and the D.P. against him, if started, is pending without any progress. During the inquiry by the Commission, he has stated about his performance, specially organizing awareness camps in Gopalpur area, after the liquor tragedy in Rambha area to show that he was not negligent in discharging his duties as Inspector of Police, Sadar, Berhampur. He has further stated that during his tenure as Inspector of Police, Sadar Berhampur, for the period 18.9.2005 to 26.4.2006, he had registered 133 cases relating to excise offences. Though he has been placed under suspension after the Ganjam Liquor Tragedy, nobody came forward to bring on record the charges levelled against him. Needless to say that the D.P. started against Shri Padhy (CW-34) should not have been stalled awaiting the result of the Inquiry by the Commission, since there is no legal bar for simultaneous proceeding by the Inquiry Commission and by the disciplinary authorities against a delinquent.

And In this view of the matter, in the absence of any material before the Commission, the only reasonable conclusion will

be that the delinquency of this officer has not been proved. In view of the long period of suspension of this officer, it would be expedient to reinstate him in service with immediate effect and to expedite disposal of the D.P. started against him.

33. The third case of suspension is relating to C.W.37 Gobinda Chandra Das, Deputy Commissioner of Excise Southern Range, Berhampur, who had been posted there since 5.2.2004 and continued there till 30.3.2006. He was head of the E.I. & E.B., Unit-II, Berhampur, having jurisdiction over ten revenue districts. In his defence C.W.37 has stated that he had issued several instructions to the subordinate staff under him as per annexures to his affidavit for better enforcement activities in the district. During his tenure, the rectified spirit, duplicate foreign liquor, fake bottle caps, fake adhesive labels had been seized in Berhampur city. He has denied his negligence or dereliction in duty, much less protection or collaboration to the traders in i.d. liquor. He has filed statement showing number of excise cases detected by his subordinate staffs during his tenure. In the case of this witness, nobody has come forward to level any allegation against him. There is no material placed before this Commission to determine the delinquency or otherwise of this officer and the fate of the D.P. started against him is not known.

msd

If the disciplinary authority has kept the D.P. pending awaiting the result of the Inquiry by the Commission, the same should be expedited and the result thereof would decide the fate of this officer. There is no legal bar for simultaneous proceeding in a departmental enquiry along with the Inquiry by a Commission of Inquiry. Since the suspension of this witness is continuing for a long period, revocation of the said order of suspension requires immediate consideration by the Government keeping in view the nature of allegations levelled against him ~~in~~ ⁱⁿ ~~and~~ ⁱⁿ the interest of natural justice. The D.P. against him should be ~~expedited~~ ^{disposed of} as expeditiously as possible.

34. The other suspended officers are :-


1. Ajit Kumar Mohapatra - C.W.45
2. Ajaya Kumar Nayak - C.W.52
3. Subash Chandra Pradhan - C.W.55
4. Rabi Prasad Patra - C.W.56
5. Dhanurjaya Nayak - C.W.57

They have in their defence denied the allegations of negligence and dereliction in duty and have filed a number of statements showing their performance in detection of excise cases during their respective tenures. Though they have been placed under suspension immediately after the Ganjam Liquor Tragedy, 2006, nobody came forward to make any allegation against them before the Commission and no material has been placed by the authorities regarding

the delinquency of these officers. Since the above officers have been placed under suspension for a long period, now the disciplinary authorities should expedite the disposal of the D.Ps. started against them keeping in view the interest of natural justice and revocation of the suspension orders of these officers requires immediate consideration by the concerned authority.

35. Satish Prasad Padhy (C.W.34) while deposing before the Commission levelled allegations against the then Collector-cum-District Magistrate, Ganjam, Sanjaya Kumar Singh (C.W.39). The main allegations are :-


- (a) Sarat Kumar Singh, younger brother of C.W.39 was serving in the Reliance Petrol Pump owned by Suryanarayan Sahu (C.W.46) and was helping C.W.46 in running his business in liquor and in the morning of the day of liquor tragedy, there were telephonic talks between them.
- (b) The Collector and District Magistrate had not acted on the reports of the Superintendents of Police, Berhampur and Chhatrapur, to detain some culprits under the National Security Act showing favour to the culprits.

But he has not stated anything relating to the above  allegations against the Collector and District Magistrate in his affidavit (Ext.21). But in his additional affidavit (Ext.22) he has stated amongst other things, about the

inaction of the Collector-Cum-District Magistrate on the reports of the Superintendents of Police, Berhampur and Ganjam, for detention of culprits under the National Security Act. He took resort to the Rights to Information Act and was able to obtain a copy of the Call-Chart of Surya Sahu relating to Mobile Phone Nos.9861062456, 9337769100 and 9437069100 for the period 1.3.2006 to 24.4.2006, which was obtained during the investigation of the case relating to the Ganjam Liquor Tragedy. Ext.23 is the forwarding letter of the D.S.P, Ganjam, and Ext.24 is the copy of the Call-Chart. But Exts.23 and 24 do not reveal the name/ names of the caller and the receiver of the calls. Besides, from these Exts.23 and 24 nothing can be guessed regarding the subject of conversation between the caller and the receiver ^{and} because the telephone numbers belong to Surya Sahu and the calls were for the period 1.3.2006 to 24.4.2006, it ^{he} cannot be said that the conversation related to the liquor tragedy in Ganjam district in March and April, 2006. An exhaustive list of telephone calls purportedly furnished by the Telecom Department which has not been marked as an exhibit, also does not provide the names of callers and the receivers.

36. C.W.34 has also failed to establish that Sarat Kumar Singh, brother of Sanjaya Kumar Singh (CW-39) was serving in the Reliance Petrol Pump which belonged

to C.W.46. C.W.39 has denied that his brother was serving in the petrol pump belonging to C.W.46 and that he was helping C.W.46 regarding his liquor business. According to C.W.39 his brother was serving as a Cluster Manager under the Reliance Petro-Chemicals and had been posted at Rayagada. C.W.46 has also denied that Sarat Kumar Singh was serving in ~~the~~ ^{his} Petrol Pump. From the materials on record, no conclusion can be arrived at or no inference can be drawn against C.W.39 that he was assisting, protecting or abetting the trade in i.d. liquor or spurious liquor by C.W.46, or that he was protecting C.W.46. On the contrary, C.W.39 had recommended for cancellation of the licence of J.Purusoth Reddy in respect of his liquor shop located at Chamakhan who was alleged to be a proxy of Suryanarayan Sahu.

37. Regarding the allegation of inaction on the part of C.W.39 to detain culprits under the National Security Act on the recommendations of the Superintendent of Police, Berhampur and Ganjam, C.W.39 has specified that during the calendar year 2006, the Superintendent of Police, Ganjam, had recommended 11 cases for detention under the National Security Act and the Superintendent of Police, Berhampur, had recommended four cases for  detention under the said Act, and after due consideration he returned four cases to the Superintendent of Police, Berhampur, and two cases to the Superintendent of Police,

Ganjam, to reconsider the same in the light of decisions of the Supreme Court and Court and guidelines issued by the Home Department of Orissa, but they did not resubmit the cases and that he had acted in accordance with those cases. So no adverse view can be recorded against C.W.39 in the matter.

38. As per C.W. 35, in Ganjam district country spirit system was prevalent till 31.8.2005 and Out Still liquor system was introduced with effect from 1.9.2005 and there were only 53 licensed dealers under the scheme whereas, grant of licence in some areas like Golabandha has been challenged in the Hon'ble High Court by some aggrieved persons and the Hon'ble High Court had granted stay in the matter for which Golabandha area and some other areas had no licensed dealer. Obviously, therefore, there was scope for unlicensed dealers to take advantage of the situation and to continue their trade in i.d. liquor. It was contended by the learned counsel for a party that the change in the system from C.S. liquor to O.S. liquor was the cause of the Ganjam Liquor Tragedy, 2006, since the change required 15 to 30 days for preparation of the Out Still Liquor from mohua flower. After closure of the C.S. liquor system, people had no other go than to consume C.S. liquor from unlicensed vendors. This argument does not stand to reason since had it been the case, the

liquor tragedy would have occurred in September, 2005, and not in March and April, 2006. Therefore, this contention cannot be accepted and the same is rejected.

39. On 14.5.2007, one Rajib Kumar Patra of Berhampur prayed to file affidavit before the Commission on the ground that he had collected materials against the President of a Co-operative Bank, a Cabinet Minister of the Government of Orissa and an I.A.S. Officer. Since he had not specified the allegations against those three persons, after hearing the learned counsel for the petitioner as well as learned Counsel for the State and learned Counsel for the Commission, the petition was rejected vide order dated 14.5.2007 giving liberty to the petitioner to file a revised petition specifying the allegations against those three persons by the next date, i.e. 18.5.2007. On that date Rajib Kumar Patra prayed for 15 days' time to file his affidavit and for a direction to the Superintendent of Police, Berhampur, for giving him police protection. Since copies of the said petition had not been served on the learned counsel for the opposite parties, the petitioner was asked to serve copies and the matter was posted to the next date i.e. 19.5.2007 for consideration of the said petition. On 19.5.2007, the petition was taken up for consideration and since the hearing could not be completed on that date, the matter was adjourned to 21.5.2007 for further hearing. One

M. S.

G. Rama Rao had also filed a similar petition on 18.5.2007 levelling allegations against one Pradip Kumar Panigrahi, President of Berhampur Central Co-operative Bank and Suryanarayan Sahu, a liquor vendor. The said petition after hearing was rejected for non-specification of the allegations against Pradip Kumar Panigrahi giving liberty to file fresh affidavit with specific allegations. On 21.5.2007, the prayer of petitioner Rajib Kumar Patra was rejected on the ground that he failed to specify the allegations against any of the persons named by him in his petition in spite of three opportunities given to him.


40. Thereafter on 9.6.2007 Haramba Das filed a similar petition before the Commission to rope in a Cabinet Minister of the Orissa Government, viz., Shri Surya Narayan Patra, a senior I.A.S. Officer, viz., Shri B.K. Pattanaik, presently Secretary to the Chief Minister, and Shri Pradip Kumar Panigrahi, President of the Berhampur Central Co-operative Bank. But he also failed to bring on record a prima facie case against them. In spite of opportunities given to him, he failed to file documents in support of the allegations levelled against any of those three persons. After hearing the learned Counsel for the State; for the Commission and other parties who opposed this petition, vide order dated

29.6.2007, the prayer of Haramba Das was rejected. However, he was given the liberty to file the documents considered necessary by him after obtaining copies thereof from different departments within a reasonable time. In spite of that he failed to produce any document before the Commission.

41. Haramba Das being aggrieved by the order dated 29.6.2007 challenged the said order of rejection before the Hon'ble Court in W.P.(C) No.8905/2007 which was disposed of by the Hon'ble Court on 12.12.2007 with a direction that the petitioner may inspect all documents mentioned by him in the office of the Commission provided those documents are available with the records of the Commission and that upon inspection, if the petitioner so wants, he can take certified copies of the same and that for the said purpose, the Commission shall extend all its support to the petitioner. The Hon'ble Court further directed the petitioner to complete the process within a specified period, and specified a period of three weeks from the date of receipt of the certified copy of the order of the Hon'ble Court for completion of the inquiry in accordance with law. Pursuant to the said order of the Hon'ble Court, the petitioner was allowed to inspect the records of the Commission vide order dated 27.12.2007, but since the documents required by the petitioner were not available in the records of the Commission, he again moved

M. Das

the Hon'ble Court in W.P.(C) No.211 of 2008 and vide order dated 14.1.2008, the Hon'ble Court disposed of the petition by observing that the authorities before whom such applications (application under the Rights to Information Act) were pending, they will do well in passing appropriate orders within a period of seven days of production of the order of the Hon'ble Court and that if some orders are passed by the appropriate authorities and inspection of the documents are given to the petitioner, the petitioner might rely on the same and make his submissions before the Commission for consideration and that all these exercises should be completed within a period of six weeks from the date of order i.e. 14.1.2008. In view of the above order of the Hon'ble Court, the petitioner Haramba Das was allowed time till 28th. February, 2008, for collection of documents from different authorities applied for under the Rights to Information Act and to make his submission before the Commission. Pursuant to the said order, the petitioner Haramba Das could file only two documents which are :-

- 
- (a) a joint report submitted by the Superintendent of Police, Ganjam, and Collector & District Magistrate, Ganjam, relating to death due to consumption of liquor ; and
 - (b) A list of deceased persons due to liquor tragedy furnished by the Superintendent of Police, Ganjam, and Collector & District Magistrate, Ganjam.

He could not produce any document in support of his allegations against the three persons named by him in the petition. On 25.2.2008, the learned counsel for Haramba Das prayed for time on the ground that Misc. Case No.2573 of 2008 arising out of W.P.(C) No.211 of 2008 has been filed before the Hon'ble Court. His prayer was rejected giving him liberty to file any order of the Hon'ble Court passed in the said Misc. Case within 29.2.2008. On 29.2.2008, the Counsel for the petitioner filed a copy of the order dated 28.2.2008 in Misc. Case No.2573/2008 arising out of W.P.(C) No.211 of 2008. The Hon'ble Court while dismissing the said petition observed as follows :-

" We, however, make it clear that before submission of the report by the Commission of Inquiry, if the petitioner submits any document, the same may be considered by the Commission."

Accordingly, it was ordered that the documents filed by petitioner Haramba Das will be duly considered before the submission of the Inquiry Report.

42. Thus, it is found that three persons, namely Rajib Kumar Patra, G. Rama Rao and Haramba Das made a belated effort to rope in a Cabinet Minister, a senior bureaucrat and a President of a Co-operative Bank in the

liquor tragedy in order to bring to fore their nexus with the traders in i.d./spurious liquor. Had they been aware of the nexus between the abovenamed three persons and the liquor traders in Ganjam district, they should have responded to the notice of the Commission to file their affidavits which others could do and they should not have slept over for more than a year till the fag end of the Inquiry by the Commission. The petitioner Rajib Kumar Patra is a journalist turned politician who had contested Shri Surya Narayan Patra in the last General Election to the Orissa State Legislative Assembly and was defeated.

43. The other petitioner G. Rama Rao who had filed a petition similar to the petition of Rajib Kumar Patra could not file any document to show a prima facie case against any of the three persons named in his petition. So also, the third petitioner Haramba Das failed in his bid to rope in the three persons named in his petition, even though he had approached the Hon'ble High Court in two writ petitions, as stated earlier. It is disheartening to note that none else including the journalists and media persons who gave wide publicity to the liquor tragedy of Ganjam district, 2006, came forward before the Commission to place the materials collected by them relating to the liquor tragedy in spite of wide publicity / notice of the Commission inviting statements on affidavits from interested

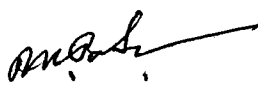
persons, organizations, departments and officers of Government of Orissa acquainted with the facts and events relating to the liquor tragedy in Ganjam District, 2006. In view of the discussions made above, since there is no material on record legally admissible in evidence against any political person or bureaucrat or any individual holding public position or authority, no conclusion can be arrived at by the Commission that trade in illicit liquor or spurious country liquor was being carried on with political patronage or under the patronage of persons occupying public position or authority. It cannot also be held that there was any nexus between such persons in public position or authority and the traders or that the traders in illicit liquor or spurious country liquor were assisted, abetted or provided protection for carrying on illicit trade in liquor. As discussed in the previous paragraphs, trade in illicit and spurious country liquor was being carried out by unscrupulous liquor vendors, licensed or unlicensed, on their own accord with the ulterior motive of earning more money for themselves. The names of such unscrupulous traders in illicit liquor and spurious liquor who have been booked in five cases (four cases of ~~Rambha~~ ^{Gopalpur} Police Station and one case of ~~Rambha~~ ^{Rambha} Police Station) have been mentioned in earlier paragraph nos. 10, 11, 12, 13 and 14. It cannot be said that nobody was responsible for the deaths of innocent persons due to consumption of

i.d. liquor or spurious country liquor. The unscrupulous traders in i.d. liquor/spurious liquor are obviously responsible for the same. The possibility of patronage, protection, assistance and abetment by politicians, bureaucrats and persons holding public position or authority, to such unscrupulous traders in i.d. liquor and spurious liquor, cannot be completely ruled out. Unfortunately for lack of materials and evidence legally admissible, it will not be legally permissible to identify or name any politician, bureaucrat, government officers and persons occupying public position or authority who have given patronage, protection or assistance to such unscrupulous traders for carrying on illicit trade in liquor in the district of Ganjam. Individual cases of corruption and illegal gratification by any politician, bureaucrat, official and persons in public position or authority would require thorough investigation in accordance with law in order to bring the same to the fore. In view of the discussions made above, Reference No.3 is answered accordingly.

44. Reference No.4 :- Involvement or negligence, if any, of the field staff of Excise and Police Departments in the matter of timely detection and prevention of such malpractices and offences.

As discussed in paragraph-25, the negligence of excise officials as well as police officials in discharging

their duties to effectively prevent manufacture and sale of i.d. liquor in the district has come to the fore. The letter No.103, dated 17.2.2005 issued of the Deputy Commissioner of Excise, Berhampur (CW-37) addressed to the I.I.C., E.I.& E.B., Unit-II, Berhampur, with copies to all the S.Is. of Excise of the said Unit reveals that manufacture of i.d. liquor in Ganjam district had not been stopped fully despite seizure of rectified spirit and non-duty paid foreign liquor during raids conducted by the officers of E.I.& E.B., Unit-II, Berhampur. Reference has been made to letter Nos.723, dated 17.8.2004 ; 875, dated 5.10.04 ; 959, dated 9.11.04 ; 1067, dated 16.12.04 and 64, dated 27.1.05 directing collection of intelligence by the officers. Letter No.654, dated 3.9.05 by the Deputy Commissioner of Excise, E.I.& E.B., Unit-II, Berhampur (CW-37) addressed to the I.I.C. of E.I.& E.B., Berhampur, with copies to all the officers of the said Unit, reveals that there is slackness in enforcement activities by the officers of the said Unit. In that letter reference has been made to letter No.6002, dated 16.8.2005 of the Excise Commissioner, Orissa, expressing his deep concern over the slackness in enforcement activities of the E.I.& E.B. Unit, Berhampur.


45. The Deputy Commissioner in his letter has observed as follows :-

" The Unit has deliberately neglected in

collection of intelligence report in spite of my repeated instructions in series of letters /crime meetings and several verbal orders. It is a clear indication that the staff of the Unit are enjoying paid holidays without doing any ground work which was commented by the Excise Commissioner, Orissa in the past as can be emerged from this Office letter No.335 dt.20.5.2005 addressed to all Excise Officers of this Unit."


He further observed :

" There are lot of allegations against illegal trade of NDP IMFL/Beer and illegal transportation of Spirit and manufacture of duplicate IMFL in Ganjam district. News items on illegal liquor trade have also been published in different newspapers. All my instructions for maintaining of hand book on deployment of Staff and collection of intelligence on illegal transaction of excisable articles have remained unattended to which inadvertently proves the utter slackness and deficiency of the E.I.& E.B. Unit officers.

It may not be out of context to mention here that the Excise Officers of the Unit are not working unitedly and co-operatively. There appears to be much misunderstandings among themselves. Discontentment among the Officers of the Unit is intensifying gradually as a result of which displeasure letters are being received from higher levels observing poor performances of the Unit. The ultimate result of the ongoing misunderstandings and indisciplined attitude among the Unit Officers has become the kingpin in not achieving the main aim and objective of

the E.I. & E.B. Unit at Berhampur established by Government.

It is a sorry state of affair that the E.I. & E.B. Unit Office adjacent to the Office of the undersigned in the same campus is not being opened regularly thereby the Staffs are marked becoming unruly. All the Excise Officers are found absent in Office most of the days. Their attendance in Office is scarce. They are visiting the Office campus at their own convenience at best half an hour in 2-3 days intervals. The Official daks are not being served on the concerned Officers in time in view of their absence in Office. The IIC is holding his Office at his residence which is highly objectionable. Further it is a most disheartening thing that I would like to express although the Unit is functioning directly under the control of E.D.C. but not a single day any of the Officers of this Unit come forward for a discussion to make plan and programme for conduct of raids, supervision, inspection, night patrolling etc. rather marked posing themselves something else forgetting their legitimate duties. As such the present situation of the Unit Officers has given bad impact on the administration. It is really most discouraging that the situation is being deteriorated day by day leading to a doubtful integrity of the function of the Unit."


A copy of the said letter has been forwarded to the Commissioner of Excise, Orissa, Cuttack, vide Memo No.656, dated 3.9.05 for his information. Copies of the two letters as referred to above have been annexed to the Affidavit (Ext.40) sworn by C.W.37. The above two

letters speak volume regarding the functioning of the officers posted in the E.I. & E.B., Unit-II, Berhampur, and would raise question of the desirability/necessity of the continuance of this Unit, the very purpose for which it is established by the Government having been frustrated, as indicated in those letters.

46. The statement of Pradipta Ranjan Pattanayak (CW-48) reveals that he had sent a reply to the Deputy Commissioner vide his letter dated 11.9.2005, a copy of which has been annexed to his affidavit. In the said letter, amongst other things, he has stated as follows:-

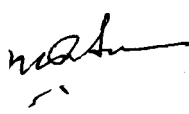
" ... The motto of this organization or Unit is collection of intelligence and enforcement is being squeezed day by day as they are deliberately not allowed to move with the staffs. The impact and fear psycho of this Unit reeling over the heads and brain of smugglers dealing in excise trade, is gradually waving out in other Districts as there is no surprise checks and raids which should oftenly have been done."

He has further observed as follows :-

" On the above circumstances, to keep the existence of this Unit, in absence of the I.I.C. who is on long leave, I with staffs and Sri N.K. Behera, S.I., Excise, as per the order in the letter are bound to move to other Districts for patrolling, checking, collection of intelligence and enforcement activities, wherever found necessary."

and sale of i.d. liquor. The statement of C.W.43- J.Purushottam Reddy, who is a licensed liquor vendor in Ganjam district having his shops at Karadapada and Raghunathpur is of considerable importance. He has stated that whenever police officers were visiting his shop during Dussera, they were being paid "Dussera Mamuli" and whenever excise officials were visiting his shop they were being entertained with tea and tiffin, but he could not say whether his employees were meeting the demands of the officers and members of public or not. It was suggested to him that he was not stating out of fear about the illegal gratification to the officers of different departments as well as political parties. Conduct of the field officers ^{is} reflected to some extent in the statement of C.W.43. In view of the discussion made above, involvement or negligence on the part of the field staff of Excise & Police departments in the matter of timely detection and prevention of such malpractices and offences, cannot be completely ruled out, though no specific materials or evidence have been produced before the Commission for indictment of any of the field staffs of both the departments.

Reference No.4 is answered accordingly.


- 
48. Reference No.5 :- Suggestions regarding remedial measures to prevent similar occurrence in future.
-

In the State of Orissa in recent years liquor

tragedies occurred, as enumerated below and Commissions of Inquiry have submitted their Reports to the Government suggesting various measures for prevention of liquor tragedy in the State of Orissa, but to no effect.

- (a) In the year 1989, 14 deaths occurred in Nilgiri Liquor Tragedy in the district of Balasore.
- (b) In 1992, 134 deaths occurred in Cuttack liquor tragedy.
- (c) In August, 1994, 4 deaths occurred in Purushottampur Liquor Tragedy.
- (d) In April, 1996, due to liquor tragedy in Charampa in Bhadrak district, 2 deaths occurred.
- (e) In 2001, liquor tragedy occurred in Puri district and Khurda district in which 10 persons died in Puri and 10 persons died in Khurda.
- (f) Thereafter, the present liquor tragedy in Ganjam district in March and April, 2006, occurred..

49. Considering the recurrence of such liquor tragedies in various parts of the State, the Commission would like to furnish the following suggestions for consideration of the Government :-

- 
- (1) Implementation of Prohibition in the State - Article 47 of the Constitution of India.

As provided under Article 47 of the Constitution of India, the State Government should endeavour to bring

about Prohibition except for medicinal purposes of intoxicating drinks and drugs which are injurious to health. It has been held by the Apex Court in the case of Razakbhai v. State of Gujarat, (1993)Supp.(2) S.C.C., 659, that :-

" Restrictions imposed by a law providing for the prohibition of consumption or production of liquor cannot be challenged as violative of Art.19(1)(g) inasmuch as dealing in liquor cannot be regarded as a 'trade or business' within the meaning of Art.19(1)(g) and because such law gives effect to the provisions of Arti 47."

and thereby upheld the Prohibition of consumption or production of liquor ^{implemented by} the Government of Gujarat, which is probably the only State in India implementing the provision of Article 47 of the Constitution of India. If the wisdom of the Legislators of our State would follow the State of Gujarat, then it would be the second State to implement the provision of Article 47 of the Constitution of India. When Prohibition will be brought about in our State, the State Government may lose the excise revenue amounting to more than rupees three thousand and five hundred crores. Hence, the State Government will have to find out alternative resources to make good the loss which may not be a difficult task if the policy of Gujarat Government in that regard is followed.

(2) Enactment of Orissa Excise Act, 2005,
with necessary amendments :-

The Orissa Excise Bill, 2005, has been introduced in Orissa State Legislative Assembly which is now pending before the Select Committee for consideration and recommendation. The Bihar & Orissa Excise Act, 1915, is sought to be repealed by enactment of the new Act which contains enhanced punishment for the offenders indulging in illicit trade and adulteration of liquor. After the liquor tragedy in Ganjam District in 2006, Government amended the penal provisions of the Bihar & Orissa Excise Act, 1915. In spite of said amendment in the old Act, sporadic cases of death due to consumption of i.d. liquor/spurious liquor are being reported in the newspapers. It is expedient that the new Act, i.e. Orissa Excise Act, 2005, should be enacted without further delay. By the Orissa Ordinance No.1 of 2006, some provisions of the Bihar & Orissa Excise Act, 1915 had been amended, according to which the punishment as provided in section 47(a)(i) & (ii) of the Bihar & Orissa Excise Act has been enhanced, and a new provision, i.e. section 52-A has been added providing for punishment for mixing noxious drug or any foreign ingredient with any liquor likely to causedisability or grievous hurt or death to human being. In spite of the enhancement of the punishment to the offenders under the ~~old~~ Excise Act,

it does not appear to have had any impact on the unscrupulous traders in illicit /spurious liquor. The Orissa Excise Bill, 2005, does not contain the new provision of section 52A, as stated above. Therefore, while enacting the new law, the new provisions as contained in section 52-A need to be incorporated. It is settled principle of law that the sentence to be inflicted on the convict should be commensurate with the crime. Causing death of persons by mixing noxious drug or any foreign ingredients like denatured spirit, methylated alcohol etc. is certainly a crime against the Society which should be visited with capital punishment in appropriate cases. Section 52-A of the new Act needs to be amended accordingly. It appears that 'imprisonment for life' to such offenders has not created any impact in the society and offenders are still indulging in trade in i.d. or spurious liquor as found from various reports regarding cause of death of human beings due to consumption of such liquor.

**(3) Streamlining Excise Administration -
Relieving Collector & District Magistrate
& A.D.M. of their duties in Excise Administration:-**

Streamlining the administration in Excise Department by necessary amendments of the provisions in the Excise Act in order to relieve the Collector-Cum-District Magistrate and Addl. District Magistrate from the burden of looking after administration of Excise Department in the district, particularly, the provisions relating to grant of licenses or renewal of the

(Annexure-A/1). It is high time for the Government to take into consideration the above and to incorporate necessary provisions in the new Act (The Orissa Excise Act, 2005) vesting all the powers with the Government (Excise Department). Enactment of the new Act should be expedited, as further delay in the matter would not be in the interest of the State. Deterrent punishment to the vendors of spurious liquor is called for in order to deter unscrupulous vendors from such crime. On a perusal of the statement (Ext.79/a) (Annexure-A/1), one can appreciate the volume and nature of duties of the Collector-cum-District Magistrate, Ganjam. It will be in the interest of administration of Excise Department to relieve the Collector from duties entrusted to him in the administration of Excise Department. Keeping in view the above facts, the Orissa Excise Act, 2005, should be enacted expeditiously with suitable amendments, as suggested above.

(4) Expeditious trial of cases :-

Enactment of law providing for deterrent punishment to the offenders will be of no avail if the trial of the cases is delayed resulting in acquittal of the offenders. In order to expedite the trial of such cases involving serious offence, Government would consider establishment of Special Courts in each district of the State, with one Additional District & Sessions Judge as the Presiding Officer, in consultation with the Hon'ble High Court. Besides, selection and posting of a Special

Public Prosecutor for these Special Courts will be essential for achieving the goal. It may not be out of place to mention that trial of most of the cases registered for the previous liquor tragedies in the State have not yet been concluded and the accused persons implicated in those cases are enjoying their liberty and they may not have the morality to desist from manufacturing and selling i.d./spurious liquor. The possible remedy for this menace will be to make the law relating to bail of such accused persons more stringent like the provisions contained in the Narcotic Drugs & Psychotropic Substances Act.

(5) Transparency in Excise Administration :-

In order to make the administration of the Excise Department transparent, it will be necessary to select and post a senior IAS Officer with proven integrity and efficiency as the Excise Commissioner of Orissa. Political interference in the administration of the Excise Commission should be scrupulously avoided. Transparency should be ensured in appointment of subordinate staff viz. Inspectors of Excise, Sub-Inspectors of Excise, Asst. Sub-Inspectors of Excise and Excise Constables. Needless to say that corruption in appointments breeds corruption in the department.

(6) Appointment of subordinate staff :-

At present Sub-Inspectors of Excise are being

selected by the Staff Selection Committee of the State which should continue expecting transparency in the process of recruitment. The Collector-cum-District Magistrate of a district is presently empowered to conduct the selection and appointment of Assistant Sub-Inspectors of Excise and Constables of Excise with assistance from Superintendent of Excise, which needs reconsideration in view of the earlier suggestions for relieving the Collector and Addl. District Magistrate of all the burden relating to his role in the administration of Excise department. It is suggested that the Commissioner of Excise may be empowered to conduct the recruitment process of Assistant Sub-Inspectors of Excise and Constables of Excise with the assistance of the Deputy Commissioner of Excise of the concerned Range and Superintendents of Excise of the concerned Districts. The recruitment of Assistant Sub-Inspectors and Constables may be made from the entire State, maintaining one cadre for each category of posts.

(7) Abolition of Direct Recruitment of Inspectors of Excise :-

It is suggested that direct appointment of Inspectors of Excise as per provisions of the Orissa Subordinate Excise Service (Appointment by Direct Recruitment of Inspectors of Excise) Regulations, 1971, should be stopped, as direct recruitment of Inspectors

prevents the Sub-Inspectors of Excise of their due promotion to the rank of Inspector and to the higher rank of Superintendent of Excise. At present, Sub-Inspectors of Excise are appointed by promotion and by direct recruitment as per provisions contained in the Orissa Subordinate Excise Service (Appointment of Sub-Inspectors by Promotion and Direct Recruitment) Regulations, 1980. It appears that there is no such Regulation regarding the appointment of Assistant Sub-Inspectors of Excise and it is given to understand that Excise Constables are being promoted to the rank of Assistant Sub-Inspectors. There is also no such Regulation regarding the appointment of Excise Constables. In order to prevent inefficiency in the rank of Assistant Sub-Inspectors of Excise, it is necessary to frame Regulations regarding their appointment providing for the minimum educational qualification required for the post. Excise Constables after completion of certain years of service viz., ten years and having the minimum required qualification for the post of Assistant Sub-Inspector may be considered for promotion to the rank of Assistant Sub-Inspector and provisions to the extent may be incorporated in the Regulations, as without such Regulation in the cadre of A.S.I. inefficiency will be encouraged.

M. S. S. Without further elaboration, it is left to the discretion of the Government to frame separate Regulations in this regard, viz., Appointment of A.S.I. of Excise and Constables of Excise.

(8) Provision for Malkhanas and enhancement of financial benefits to the officers :-

The statements of the excise officials who have deposited before the Commission reveal that there are no ~~in the offices~~ Malkhanas/~~of~~ Sub-Inspector of Excise or Inspector of Excise for keeping seized materials by the detecting excise officers and the seized articles are not received by the Court Malkhana Officers on the ground of dearth of space and no Government quarters are being provided to the excise officers ; dress allowance, washing allowance, cycle allowance given to them are meagre in the present days of rising prices. Vehicles are not provided to the excise officers for ~~purposes~~ ^{performance} of their duty in detection of excise cases in interior places. These grievances from the excise officers need be redressed by the Government by making sufficient budgetary provisions. The most important grievance of the excise officers which requires immediate attention ~~of~~ ^{of} the Government ~~officials~~ is that required numbers of staff are not being posted in each station and vacancies are not being filled up promptly and according to them there should be increase in the sanctioned strength of staff in each station for effective control of the excise offences and apprehension of culprits.

M. B. Ch. This grievance of the excise officers is genuine and Government's attention in the matter is urgently required.

(9) Defining powers of Excise officers and police officers in the pattern of Railway Protection Force and Government Railway Police :-

It is suggested that the powers of the excise officers and police officers relating to excise offences need to be specifically defined like the powers of Railway Protection Force (R.P.F.) and Government Railway Police (G.R.P.), so that there will be no clash of jurisdiction between the two categories of officers.

(10) Upgradation of status of officers in Excise Department :-

It is suggested that the status of the excise officers should be upgraded and be kept at par with police officers of the State for the purpose of redressing their discontentment. Upgradation of status of Excise Officers will act as an incentive for effective control of crime. Vacancies should be filled up without delay.

(11) Promotion of Officers :-

The vacancies in the post of Deputy Commissioners of Excise and Superintendents of Excise should be filled up by promoting deserving officers of the Department, instead of filling up those vacancies by deputed officers of other departments which is being followed at present. Officers of other departments deputed to the excise department cannot exercise effective control over the subordinate staff and consequently administration in the excise department suffers

a lot and it needs no elaboration.

The above eleven suggestions if accepted by the Legislators and Government, would go a long way to curb the menace of liquor tragedy in future in our State.

50. Reference No.6 :- Any other facts, which come to notice during enquiry :-

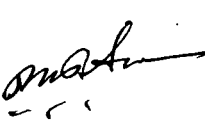
- Creation of a CONSOLIDATED FUND for meeting the Expenses of Commissions of Inquiry :

It is noticed by the Commission that commencement of the Inquiry by the Commission was delayed mainly because of the delay in appointment of the required staff and sanction of honorarium, perquisites etc. of the Commission as well as remuneration of the staff required approval by the Finance Department with the proverbial red-tapism. In order to avoid unnecessary delay in the commencement of the functioning of any Inquiry Commission, it is suggested that a separate Fund to be known as "Consolidated Fund for Meeting the Expenses of Inquiry Commissions" or by any other name should be created by the Government and placed under the disposal of a Secretary to the Government of Orissa, preferably the Principal Secretary, Home Department, and the suggestions by the Principal Secretary or Secretary to any other Department appointing Commission of Inquiry, like the Excise Department, Industries

Department or Law Department, with regard to the expenses to be defrayed for any Commission of Inquiry and staff, should be complied with. Formal ^{concurrence} ~~approval~~ by the Finance Department can be dispensed with in order to avoid delay. Government should not be stingy with regard to the remuneration and other benefits of the members of the staff of the Commission. It will not be out of place to say that the remuneration for the staffs of this Inquiry Commission has been fixed by the Government on the lower side, referring to the precedent files concerning the same, but without taking into consideration the hike in the salary of government employees as also the price rise. The members of the staff of the Commission are working with much hesitation only due to the persuasion by the Commission to safeguard the interest of the State. In order to encourage the members of the staff of the Commission to render their services willingly, it is necessary that Government should not be stingy in the matter. Therefore, it is suggested that if a Consolidated Fund is created by the Government for defraying the expenses of Inquiry Commissions and the members of the staff, and the same is placed ~~with~~ the Principal Secretary of the Home Department, giving him discretion to determine and sanction the remuneration and other benefits ^{for} ~~of~~ the members of the staff of the Commission, this grievance can be redressed. Moreover, at present

ms

it is found that Press men and media persons are vociferous in criticizing the Commissions of Inquiry set up by Government for their delay / inordinate delay in submission of their Inquiry Reports. It is experienced that delay is caused in the commencement of the Inquiry by a Commission of Inquiry due to red tapism in obtaining the sanction / concurrence of the Finance Department for the remunerations etc. to be paid to the Commission as well as members of the staff. Therefore, it is suggested that in order to save delay, Government should consider to empower the Secretary of the concerned Department, or the Principal Secretary, Home Department, to determine and sanction the remuneration et cetera and fix the same without waiting for the sanction / concurrence of the Finance Department. The process of obtaining the concurrence of Finance Department in such matters is required to be waived by making necessary provisions. This will facilitate the Inquiry Commission to commence the Inquiry immediately after issuance of the Notification by the Government. It will expedite determination of the staffing pattern and appointment of staff of the Commission to the posts sanctioned. Therefore, the creation of a Consolidated Fund to defray expenses of Commissions of Inquiry by making necessary law needs to be given top priority.



51. CONCLUSION :-

It is expected that if the suggestions made above are expeditiously and sincerely implemented by the Government, recurrence of hooch tragedy in the State of Orissa in future can be prevented.

ENCLOSURES:- Annexure-A ... One sheet
Annexure-A/1... Five sheets.



(P.K. PATRA)

COMMISSION OF INQUIRY
GANJAM LIQUOR TRAGEDY, 2006.

BHUBANESWAR,

THE 20th MARCH, 2006.

GANJAM COLLECTORATE: CHATRAPUR

No. 448 /Res. Dated 26.01.08.
ESH

To

The Secretary,
Commission of Inquiry,
Ganjam Liquor Tragedy, 2006,
Room No. 38, State Guest House,
Bhubaneswar.

Ext. B 79
memo
more
28/1

Sub: Transmission of chart containing the functions and duties assigned to Collector & Dist. Magistrate, Ganjam.

Ref: L.No.105 dated 04.08.2007 & Fax Message No.2 dt.19.01.08.

Sir,

I am to transmit herewith the chart containing the function and duties of Collector & Dist. Magistrate, Ganjam for favour of kind information of Hon'ble Commission of Inquiry, Ganjam Liquor Tragedy, 2006.

This is to further to submit here that Govt. in Revenue & D.M. Department was requested to communicate the functions and duties as required by the Hon'ble Commission vide this office L.No.5242/Estt. Dated 23.08.07 but Government in their letter No.3613/R&DM dated 25th, January, 2008 intimated that specific duty chart of Collectors has not been prepared by the Govt. However, basing on the responsibilities presently discharged by Collector & D.M, Ganjam, the duty chart has been compiled for its' submission to the Hon'ble Commission. The delay in the submission of the duty chart is deeply regretted.

In this connection, I am to authorize Sri S.K. Ray, A.D.M, Ganjam to produce the aforesaid chart before the Hon'ble Commission as instructed in the notice of the Commission dated 19.01.2008.

Encl- 5 pages

Sincerely yours

Collector, Ganjam

Memo No. _____ /Res/ESH

Dated: 26.01.2008

Copy submitted to Addl. Secretary to Government, Revenue & Disaster Management, Orissa, Bhubaneswar for information with reference to letter No. 3613/R&DM dated 25.01.2008 of Revenue & D.M. Department.

[Handwritten signature]

Collector, Ganjam

21-99/a

Annexure A

FUNCTIONS & DUTIES *
OF
COLLECTOR & DISTRICT MAGISTRATE, GANJAM

Collector & D.M., Ganjam discharges a wide range of functions under the following broad heads:

- A. Developmental
- B. Revenue Collection and Land Administration.
- C. Social Welfare Administration
- D. Enforcement
- E. Emergency function
- F. Law & orders and Magisterial functions
- G. Election
- H. Protocol & Co-ordination functions.
- I. Miscellaneous.

Marked Ext. 79
MSB
Handle Com
28/1/0

The functions in detail under each broad subject are cited as under:

- A. **Developmental:** Collector, Ganjam discharges his functions as
1. District Project Coordinator of NREGS (National Rural Employment Guarantee Scheme)
 2. Chairman, District Water Resource Committee.
 3. Chief Executive Officer, Zilla Parishad, Ganjam
 4. Chief Executive Officer, District Water & Sanitation Mission
 5. Chairman, Tumba Development Agency
 6. Chairman, District Mission Committee, National Horticulture Mission
 7. Member Convener, District Planning Committee
 8. Chairman District Coastal Regulation Zone Management Committee
 9. Chairman, District Vigilance & Monitoring Committee
 10. Chairman District Task Force on Mining matters
 11. Chairman, District Task force on Welfare (SC/ST)
 12. Chairman, District Level Tender Committee, Biju Gramya Jyoti Yojana
 13. Chairman, District Level Committee, Rajiv Gandhi Gramina Vidyut Yojana
 14. Chairman, Regional Transport Authority
 15. Chairman, District Task Force on Removal of Encroachments from Chilka

* The list is not exhaustive but indicative in nature.

MSB

Secy.
26/1/09
A.D.M. Ganjam

16. Chairman, Zilla Swashtya Samiti
17. Chairman, Zilla Saksharata Samiti
18. Chairman, Fish Farmers' Development Agency
19. Chairman, Sarba Sikshya Abhiyan
20. Chairman, District Urban Development Agency
21. Chairman, Managing Committee of Kendriya Vidyalaya, Surangi
22. Chairman, Governing Body, Govt. Science College, Chatrapur
23. Chairman, Agriculture Technology Management Agency
24. District Mission Leader, National Rural Health Mission.
25. Mission Leader, Integrated Watershed Development Programme
26. Chairman, National Food Security Mission
27. District Convener & Secretary, Rastriya Krishi Vikas Yojana
28. Chairman, District Aquaculture Authority
29. Management-in-Charge, Aska Co-operative Sugar Industry Ltd.
30. Chairman, District Level Natural Calamity Committee
31. Chairman, National Child Labour Project
32. Chairman, District Council of Culture
33. President, Ganjam District Athletic Association
34. Chairman, District Consultative Committee of Bankers/ District Level Review Committee on Banking Issues
36. Chairman, District Level SGSY Committee
37. Chairman, District Red Cross
38. Chief, Health Administration in the District
39. Chairman, Zilla Sainik Board
40. Chairman, District Committee on Employment & Vocational Guidance.
41. Chairman, District Committee on Employment Mission.

B. Revenue Collection and Land Administration:

1. Collector is the Chief Revenue Officer of the District having 3 subdivisions, 14 Tahasils, 22 Blocks, 18 Urban Local Bodies.
2. Has a target of collecting around 20 Crores of Land Revenue and 2 Crores of conversion premiums for the State Exchequer every year.
3. Collector is the Chief Sanctioning & recommending authority of land leases and alienation for Govt. and other agencies.
4. Collector acquires private land for Govt. and other public purposes.

Sw.
26.11.09
A.M. Ganjam

5. District Convener, Rehabilitation & Periphery Development Advisory Committee & Chairman, District Compensation Advisory Committee
6. Chairman of the District Steering Committee on Computerization of Land Records.
7. Chief of the District Valuation Committee on bench-mark valuation
8. Collector has to dispose of around 1000 year-old certificate cases under Orissa Public Demand Recovery Act.
9. Responsibility to distribute 3.25 lakhs of land pass books to eligible land holders.
10. Disposes / monitors the disposal above 20,000 sairat sources.
11. Responsibility of updating the land records through monitoring of about 50,000 mutation cases
12. Inspects and supervises Registration Offices in the District.

C. Social Welfare Administration

1. Chairman, District Level Advisory Committee, District Mahila Sanchayika Sangha (A confederation of 17,000 numbers of Self Help Groups)
2. President, Hellen Keller Red Cross School for Deaf, Ambapua
3. President, Red Cross School for Blind , Ambapua
4. Chairman, District Management Team of Dist. Disabled Rehabilitation Centre, Berhampur
5. Chairman, District Level Committee, National Trust (for Mental retardation and cerebral palsy)
6. Chief District Officer for Management Information System for tracking of Poverty & Hunger
7. Chairman, Blood Bank
8. Head of many orphanages, Old age homes, Mercy Homes etc. in the District.
9. Supervises, monitors and implements social welfare schemes like Old Age Pension, Disability Pension, Widow pension and other Social Security schemes catering to about 1,32,000 beneficiaries in the district.
10. Supervises, monitors and implements Mid Day Meal scheme and supplementary nutrition programme covering about 7,93,000 children in the district.

D. Enforcement

Collector, Ganjam is having the responsibility of enforcement of

1. Public Distribution System in the District.
2. Enforcement measures in the inter-state Girisola Check Gate

msd
AD.M Ganjam
 26.1.08

3. Measures under Bihar & Orissa Excise Act
4. Measures under Orissa Minor Mineral Concession Rules, 2004
5. Arms Act, 1860
6. Mineral (Development) Act, 1957
7. Forest (Conservation) Act, 1980
8. Orissa Forest Act, 1972
9. Indian Explosive Act
10. Police Act, 1861
11. Licensing authority of Public Distribution System
12. Licensing and enforcing authority under Excise administration

E. Emergency function- Collector is the Chief District Officer responsible for relief, restoration and rehabilitation of affected persons in different natural calamities.

F. Law & Order and Magisterial functions

1. Exercises powers as District Magistrate under Cr.P.C & I.P.C
2. Sanctions prosecutions under Arms Act
3. Conducts the cases under Essential Commodities Act
4. Exercises powers as Arbitrator under National High Ways Act
5. Appellate Authority under Orissa Motor Vehicle Act
6. Appellate Authority under Orissa Gram Panchayat Act
7. Revisional Authority under Orissa Land Reforms Act and Orissa Estate Abolition Act
8. Exercises powers under National Security Act
9. Inspecting authority of Jails and Police Stations
10. Conduct Senior Officers' meeting alongwith District & Sessions Judge
11. Recommending authority for appointment of APPs, AGPs, PPs and Public Notaries
12. Antecedent verifying authority
13. Powers for pre-mature release of life convicts
14. Recommending authority for release on furlough & parole
15. Licensing authority of Arms, Blasting
16. Licensing authority of Cinema Theatres, Exhibitions, Fairs

G. Election: As District Election Officer, Collector discharges following functions.

1. Preparation and up-dation of electoral rolls

med

26.1.08
M. GANAW

2. Preparation of Photo Identity Cards
3. Conducting election to Lok Sabha, Orissa Legislative Assemblies, Three-tier Panchayatiraj Institutions, Urban Local Bodies, Co-operative Bodies, etc.
4. Returning Officer for Election to Lok Sabha

H. **Protocol:** Collector is responsible for maintaining protocol during the visit of Constitutional functionaries and state guests to the District.

I. **Miscellaneous:** Any function as delegated by the State Government from time to time like:

- a) Administrator of Urban Local Bodies and Berhampur Development Authority
- b) Management-in-charge of Cooperative Societies.
- c) Management-in-charge of Cooperative Banks.
- d) Principal Census Officer, Census Operations.

See 26.1.08
A.D.M. Ganjam