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REPORT ON
ADMINISTRATIVE INQUIRY
INTO
THE ALLEGED LIQUOR TRAGEDY OF
VILLAGE BADAPOKHORIA AND
BODANGARA UNDER TANGI BLOCK OF
KHURDA DISTRICT OCCURRED ON 4TH
AND 5TH MAY, 2009

BY

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CHAPTER-I

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INTRODUCTION:

Consequent upon death of three persons of Village – Badapokhoria and one person of Village – Bodangara under Tangi Block of Khurda District on 4th & 5th May, 2009 due to consumption of spurious liquor, Government of Orissa in Excise Department vide their Notification No.2188/Ex. dated 06.05.2009 have entrusted the Revenue Divisional Commissioner, Central Division, Cuttack to conduct an administrative inquiry into the alleged liquor tragedy of Khurda District on the following terms of reference:

- I. The causes of this tragedy;
- II. Person responsible for the same;
- III. Lapses if any, on the part of any Excise / Police Officials;
- IV. Recommendations regarding actions deemed necessary to prevent any such incident in future;

Soon after receipt of the above Government order regarding alleged liquor tragedy of Khurda District, I contacted the District Magistrate & Collector and advised him for strict and close supervision over the situation and to mobilize the District Administration for the same.

I asked the following officers vide my office letter dated 07.05.2009 to give their reports in the matter of the inquiry:

1. The Collector, Khurda
2. The Superintendent of Police, Khurda.
3. The Chief Medical Officer, Khurda
4. The Superintendent of Excise, Khurda.

Subsequently, they have submitted their reports. Fixing date of inquiry to 26th May, 2009 at 9.00 AM in the Office Chamber of Collector, Khurda, I sent a notice bearing No.1111/Con. dated 07.05.2009 to the Collector, Khurda for publication in the local newspaper. Such notice was also published in the Pragatibadi on 09.05.2009, the Samaya on 09.05.2009, the Matrubbhasha on 10.05.2009, the Sambad on 09.05.2009, the Prajatantra on 10.05.2009, the Sambad Kalika on 09.05.2009, the Dharitri on 09.05.2009, the Samaj on 09.05.2009 and the New Indian Express on 09.05.2009. Through that notice I also invited affidavits from the person(s), Organization, who have direct knowledge of the incident. In responses to which, six persons have submitted their affidavits by 20th May, 2009.

As scheduled, on 26th May, 2009, I conducted inquiry in the Office Chamber of the Collector, Khurda in presence of the Collector, Sri Narayan Chandra Jena. 40 persons deposed their statements before me on 26.05.2009 in the following:

1. Statements of 28 persons, - Separately - in 28 statements
2. Statements of 7 persons, - jointly - in 1 statement
3. Statements of 6 Government Officials - in 6 statements

I also asked the officials of Excise Department to appear before 29.05.2009 at 10.00 AM for deposition of their statements in the matter of the inquiry in my Office Chamber at Cuttack. 6 nos. of officials have deposed their statements before me on 29.05.2009.

Besides, two persons have tendered their written submissions on 20.05.2009.

For better appreciation of the fact I visited the said two villages namely, Badapokhoria and Bodangara on 03.06.2009. (60)

All such reports, affidavits, statements, written submissions and my visit to the affected villages are the basis of this administrative inquiry. List of such documents may be seen at **Annexure-'A'**.

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CHAPTER – II

TERMS OF REFERENCE NO.I: The causes of the tragedy.

The Collector, Khurda in his report dated 21.05.2009 has stated that on 04.05.2009 at about 5.00 PM he got information that one Dhruba Charan Jena, aged about 45 years, S/o. Raghunath Jena of Badapokhoria Purbasahi expired at District Headquarters Hospital (DHH), Khurda due to alleged consumption of liquor. The Collector instructed the Superintendent of Excise, Khurda to rush to the Hospital as well as the village, Badapokhoria to assess the situation and ascertain the cause of death. Simultaneously, he instructed to organize raids in the village, Badapokhoria and other hide outs to apprehend the culprits in coordination with the Superintendent of Police, Khurda. He also requested the Superintendent of Police, Khurda and Sub-Collector, Khurda to watch the situation at DHH, Khurda and to send senior officers to the affected area.

The Collector also has added that the deceased Dhruba Charan Jena was suffering from stomach pain since 3-4 days and on 04.05.2009 he was shifted to District Headquarters Hospital, Khurda at about 3.30 PM. After 30 minutes treatment, he died in the Hospital. As it was a case of suspected death due to consumption of liquor, the Chief District Medical Officer, Khurda was requested for postmortem examination of the dead body.

Subsequently, another person namely, Balabhadra Kadam Singh, aged about 65 years died. It was ascertained that the deceased was suffering from diarrhea and black stool from the morning and was admitted in Badapokhoria PHC for treatment. After treatment, he was discharged from the Hospital. However, again he suffered from diarrhea and vomiting and while he was taken to District

Headquarters Hospital, Khurda on the way he expired on 04.05.2009 and his body was cremated on the same day.

On the same evening, the Superintendent of Police, Khurda and Superintendent of Excise, Khurda visited the village, Badapokhoria with their team. They persuaded the people for treatment, if anybody has been ailing for any reason, whatsoever.

One Dandapani Samantaray, aged about 50 years, S/o. Gourango Samantaray of village Badapokhoria who was admitted in Kar Clinic, Bhubaneswar also expired at about 10.30 PM on 04.05.2009. Sri S.K.Das, Sub-Divisional Police Officer, Balugaon and other Police Officers were camping in Badapokhoria village with vehicles and persuading the villagers with the help of the Sarpanch and other leading personalities to send the affected persons, if any to the District Headquarters Hospital, Khurda for treatment. The Chief District Medical Officer, Khurda was asked to remain present at the District Headquarters Hospital, Khurda along with team of Doctors for treatment. The Sub-Collector, Khurda supervised the above work at the District Headquarters Hospital, Khurda.

On 05.05.2009 morning, the Collector, Khurda, Superintendent of Police, Khurda and the Additional District Magistrate, Khurda visited the District Headquarters Hospital. During their visit, it was ascertained that one Prafulla Behera, S/o. Arakhita Behera of Bodangara who came for treatment to the District Headquarters Hospital, Khurda was received dead at 6.00 AM. Another person namely, Patitapaban Kadam Singh, aged about 55 years, S/o. Nakula Kadam Singh of village Badapokhoria- Dakhina Sahi, who was suffering from diarrhea also expired at District Headquarters Hospital, Khurda. The postmortem examination of the dead bodies of Dhruba Charan Jena, Prafulla Behera and Patitapaban Kadam Singh were

conducted and viscera sent for chemical examination. Rupees ten thousand each have been given to the family members of the above three deceased out of the District Red Cross Society Fund for obsequies. Later, the Excise Commissioner, Orissa also visited the District Headquarters Hospital, Khurda and enquired about the incident.

On 04.05.2009 at night and on 05.05.2009 morning some people of Badapokhoria village came forward for medical treatment at District Headquarters Hospital, Khurda. Three of them, who were under treatment, were shifted to the S.C. B. Medical College & Hospital, Cuttack for better treatment. After treatment, they were discharged from the Hospital and returned to their village.

In the joint report of the Collector, Khurda and Superintendent of Police, Khurda they have stated that suspecting illness of the admitted persons of Badapokhoria and Bodangara villages under Badapokhoria Gram Panchayat due to intake of liquor. Simultaneous raid was conducted to arrest the accused persons selling illicit liquor in Badapokhoria area. During the raid, accused Prakash Samanta Singhara @ Hadia (27), S/o. Bhubanananda Samanta Singhara of Kutuara Sahi, Badapokhoria and Prasanta Palei (34), S/o. Late Kanga Palei of Badapokhoria were arrested and forwarded to the Court in the court under reference on 05.05.2009. During search, 27 Nos. of country liquor pouches, 18 Nos. of empty bottles have been seized from the house of Prakash Chandra Samanta Singhara and 18 Nos. of country liquor pouches and 9 Nos. of empty liquor bottles were seized from the house of Prasanta Palei. During investigation it was further ascertained that Okila Bhatta, Shankar Majhi, Kalia Palei, Ganesh Harichandan & Kanhu Charan Jena in addition to Prasanta Palei and Prakash Samanta Singhara @ Hadia were in illicit liquor business and selling the liquor pouches and bottles in the village. The persons

admitted at Khurda Hospital also have stated to have purchased liquor pouches from the above noted accused persons and consumed on 03.05.2009 in between 6.00PM to 8.00 PM.

The Sub-Divisional Medical Officer-Cum-Additional District Medical Officer (MED), Khurda has reported to the Chief District Medical Officer, Khurda vide his report dated 06.05.2009 that 49 Nos. of patients were admitted at District Headquarters Hospital, Khurda on 04.05.2009 and 05.05.2009 for treatment. Out of which, leaving a few almost all suffered from complain of Alcoholic abdomen and generalized weakness having history of alcohol intake.

Out of the 49 patients admitted, 3 patients died namely,

1. Prafulla Kumar Behera,
S/o. Arakhita Behera
Village – Bodangara
Police Station – Nirakarpur,
District- Khurda
2. Patitapaban Kadam Singh,
S/o. Nakula Kadam Singh,
Village – Badapokhoria
Police Station – Nirakarpur
District – Khurda
3. Dhruva Charan Jena,
S/o. Raghunath Jena,
Village – Badapokhoria
Police Station – Nirakarpur
District – Khurda

And other 3 patients were referred to S.C. B. Medical College & Hospital, Cuttack on 05.05.2009 at 10.00AM. They are namely,

1. Nabakishore Badajena,
S/o. Late Aparti Badajena
Village – Badapokhoria
Police Station – Nirakarpur,
District – Khurda
2. Dasarathi Das,
S/o. Jagannath Das,

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Village – Badapokhoria,
Police Station – Nirakarpur
District – Khurda

3. Panchu Sethi,
S/o. Dina Sethi,
Village – Bodangara
Police Station – Nirakarpur
District – Khurda

Subsequently, the Chief District Medical Officer, Khurda vide his letter No.4064 dated 19.05.2009 reported the position of patients admitted in the District Headquarters Hospital, Khurda with complain of chronic alcoholic and generalized weakness with history of alcohol intake from 04.05.2009 to 05.05.2009.

Abstract position of his report is given below:

Total No. of cases admitted	-	49
Patients treated in OPD/ Casualty who succumbed to death	-	1
No. of death during treatment	-	1
Received dead	-	1
Patient referred to SCB Medical College & Hospital, Cuttack	-	4
Total No. of patients discharged		
(a) on 06.05.2009	-	27
(b) on 07.05.2009	-	10
(c) left against medical advice	-	7

In their depositions, the following persons have stated that they all had consumed country liquor after purchasing in shape of pouches from the unauthorized sellers of country liquor of Badapokhoria area.

1. Benudhar Ranbir of Badapokhoria
2. Bhanjabaman Samtnataray of Badapokhoria
3. Nakula Samantaray of Badapokhoria
4. Murali Jena of Badapokhoria
5. Dolagobinda Behera of Badapokhoria
6. Dibakar Jena of Badapokhoria
7. Sudarsan Jena of Badapokhoria
8. Duryodhan Dehuri of Badapokhoria

9. Nilamani Jena of Badapokhoria
10. Krushna Chandra Jena of Badapokhoria
11. Gurubari Baliar Singh of Badapokhoria
12. Raghunath Jena of Badapokhoria
13. Dillip Ray of Badapokhoria
14. Sarbeswar Jena of Badapokhoria
15. Kanhu Guman Singh of Badapokhoria
16. Pandu Charan Badajena of Badapokhoria
17. Maheswar Chahatray of Badapokhoria
18. Ranjan Kumar Bhatta of Kanthapur Patna
19. Sahadeb Nayak of Badapokhoria Harijan Sahi
20. Gokula Das of Bodangara
21. Jogendranath Ramasingh of Badapokhoria
22. Jagannath Das of Badangara

Thus, my enquiry reveals following facts/ observation:

- i) As informed by the Superintendent of Excise that authorized Government Country Liquor shops are not available in sufficient number. He also informed that the requirement of Country Spirit was not supplied during the year 2008-2009. Particularly during the month of April, only half of the requirement of the Country Spirit was made available to the authorized shops which are located at a distance of more than 8 to 10 Kms. away from the area.
- ii) As is evident from the statements of Excise & Police Officials, the availability of staff as well as vehicles and other requirements for their functioning was not up to the mark for carrying out their responsibility of frequent checking of sale of illicit liquor and other crime in the area.
- iii) Due to non-availability of country liquor in two authorized Government shops, the demand was fulfilled by antisocial elements who were in a position to provide illicit liquor procuring from their contacts in nearby villages. The festivities namely, marriage ceremonies / receptions were an occasion where poor people wanted to take liquor. But finding no authorized alternative, resorted to buy illicit liquor from the antisocial elements available within the village.

iv) The viscera report received vide letter No.944 dated 02.06.2009 of the Superintendent of Police clearly indicates the cause of death as consumption of ethyl / methyl alcohol. This fact proves that the cause of death was consumption of spurious liquor taken by the deceased victims.

v) From the above reports, averments and depositions I am inclined to believe that the causes of the above mentioned death and other illness cases and casualties are due to availability and consumption of illicit country liquor in the affected area.

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CHAPTER-III**Term of reference No. II:** Person responsible for the same.

The Collector, Khurda in his report dated 21.05.2009 has informed that one Sankar Majhi of Village – Haripur under Nirakarpur Police Station has been supplying liquor to Kalia Palei and Okil Bhatta of Village – Badapokhoria, who in turn sells the same for consumption. But the villagers could not say the place of business of Sankar Majhi. Collector has also given information in regard to the Excisable goods seized and cases booked against the accused persons in the past:-

Sl. No.	Name of charge	P.R. No. & Date	Place of detection	Nature of case	Quantity seized	Name of the accused
1	2	3	4	5	6	7
1	Balugaon	41/29.12.98	Krushna Chandrapur, P.S.- Jankia	IMFL	4.680 B.L. 1.500 Ltrs.	Krushna Ch. Mansingh @ Sankar Majhi, S/o. Baleswar Mansingh, Krushna Chandrapur (Haripur), P.S.- Jankia, District - Khurda
2	Dist. Mobile	43/20.12.03	Haripur, P.S.- Jankia	I.D. Liquor	30.0 Ltrs.	Kruhna Ch. Mansingh, @ Sankar Majhi, S/o. Baleswar Mansingh, Vill- Haripur, P.S.- Jankia
3	Balugaon	82/09.02.04	Haripur (Krushnapur), Nuagarh, P.S.- Jankia	I.D. Liquor	10.0 Ltrs.	Kruhna Ch. Mansingh, @ Sankar Majhi, S/o. Baleswar Mansingh, Vill- Haripur, P.S.- Jankia
4	Balugaon	41/22.12.06	Ambatota near India Bandha, P.S.- Jankia	R.S.	1170.0 Ltrs.	Kruhna Ch. Mansingh, @ Sankar Majhi, S/o. Baleswar Mansingh, Vill- Haripur, P.S.- Jankia
5	S.I. Dist. Mobile	53/19.03.08	Haripur, P.S.- Jankia	R.S.	50.0 Ltrs.	(1) Bijaya Pradhan, S/o. Padan Pradhan, Village- Haripur, P.S.- Jankia (2) Sankar Majhi @ Krushna Ch. Mansingh S/o. Baleswar Mansingh, Vill- Haripur, P.S.- Jankia, District- Khurda

The Collector, Khurda also has further reported that Sri Manguli Jena, Ex-Sarapanch of Badapokhoria Gram Panchayat and others prohibited drinking of liquor by organizing rally with the help of Women Self Help Group and Yubaka Sangha for last two years. But during the time of General Election of Parliament and Orissa Legislative Assembly, 2009, the villagers have been divided into so many groups and they failed to check the sale and consumption of liquor in their Gram Panchayat area.

The Superintendent of Excise, Khurda in his report dated 21.05.2009 has stated that two separate marriage function / reception were going on in the house of Sri Hemanta Palei, S/o. Bharat Palei and Sri Hari Palei, S/o. Dhoba Palei in the village- Kanthapur Patna and Dandapani Nayak, S/o. Iswar Nayak of Lokanathpur of Badapokhoria on 03.05.2009 (Sunday) at night i.e. one day before the day of alleged death and many persons of the said villages and from outside villages attended the aforesaid marriage reception and took their dinner. Thereafter, some of these persons were admitted in the District Headquarters, Hospital at Khurda and some persons died there. He has also reiterated that Sankar Majhi of Haripur village has been supplying liquor to Kalia Palei and Okil Bhatta of Badapokhoria, who in turn used to sell the same in village Badapokhoria and nearby villages. But the villagers could not tell about the business place of Sankar Majhi.

The Superintendent of Excise has added in his report that the women-folk, self-help-group and youth-mass of Badapokhoria village under Nirakarpur Police Station had about a year back voluntarily self-imposed a prohibition policy in their village under intimation to the District Excise Administration, Khurda. As a result of this self imposition, there was no sale, service, supply and consumption of liquor in the village. There were random checks by Excise Staff and no alleged incident of

liquor-related dispute or disturbance in the village had come to the notice. While the prohibition continued to be implemented with immaculate enthusiasm and support of the villagers, as a whole, giving thereby an opportunity to the Excise Administration in the mean time to pay more attention to other areas, there was a clandestine departure from this position by one or two of the villagers who procured liquor from some sources for sale and service during and after election. The village having been divided into different groups based on definite political ideologies during the period, there was hardly any objection or even information to Excise from the side of villagers. In such state of affairs, the development in the village could not draw immediate attention of Excise authorities for hardly a week or so thereafter when the alleged death reportedly took place in the village on 4th and 5th May, 2009. It may be a co-incidental fact that non-availability of C.S. (Country Spirit) in the authorized outlets on account of regular short supply of C.S. by ACSI Ltd., Aska, these unscrupulous elements, assessing the needs of the people, congregated in the village from different localities of the area to attend marriage ceremonies of Hemanta Palei, S/o. Bharat Palei, Hari Palei, S/o. Dhoba Palei of Kanthapur and Badapokhoria on 3rd May, 2009, must have brought the illicit supplies of liquor to their village. The alleged death might be due to heavy heat wave prevailing due to summer season combined with consumption of illicit liquor and heavy intake of food. However, the truth i.e. the source of supply can only be known after the fugitives of the locality namely Okila Bhatta, Kalia Palei and Sankar Majhi @ Krushna Chandra Mansingh, who have gone underground after the mishaps of 4th & 5th May, 2009, are nabbed.

Those who had no complaint of any bodily reaction were taken to Hospital by their relatives of the village for check up and treatment, in view of alleged death of first two persons at the out set and in this way the number of people under hospitalization increased.

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The place (Badapokhoria), where the liquor tragedy occurred comes under the jurisdiction of Balugaon Charge. The charge is managed by one Charge Sub-Inspector of Excise. One Asst. Sub-Inspector of Excise and four Excise Constables having vast jurisdiction of Balugaon, Banapur, Nirakarpur and Tangi Police Station area covering Blocks namely, Balugaon, Banapur and Chilika. The Charge Officer has not been provided with any Government vehicle, arms and ammunitions (as provided to police department) to cover such vast area for smooth enforcement work. The charge office is functioning in a rented house and the rent of which i.e. Rs.100/- only is being paid by the Charge Officer as per the office allowance fixed by the Government. This apart, the duty of Charge Officer is also to inspect all the licensed shops of his area and to see that the revenue fixed per month is collected in time along with ensuring that the M.G.Q. fixed for the shop is lifted in time in order to avoid loss of Government revenue. There are 6 Foreign Liquor 'Off Shop', 4 Country Liquor Shops and 2 MFL 'On Shops' and one military canteen functioning under Balugaon Charge area.

Further one Inspector of Excise, Khurda is there and three Charges are in his control namely, Khurda, Jatni and Balugaon. He has not been provided with any Government vehicle to cover such vast areas of Balugaon, Banapur, Nirakarpur, Tangi, Bolgarh, Begunia, Khurda Sadar, Khurda town and Jatni Police Station. He has been provided with one Excise Constable to assist him. Due to shortage of staff, the Range Inspector of Excise, Khurda has been kept in additional charge of Bottling unit and Instructor of Biju Pattnaik Police Training Academy, in addition to his own area of work.

Moreover, there is one post of Inspector of Excise, District Mobile and one Sub-Inspector of Excise, District Mobile to cover the entire area of Khurda

District for enforcement work. The Inspector of Excise, District Mobile has not been provided with any staff due to shortage of hands. He is kept in additional charge of Utkal Distillery. He is managing the work by taking the Sub-Inspector of Excise, District Mobile and other Charge Officers as and when required. The Sub-Inspector of Excise, District Mobile has been provided with 4 Nos. of Excise Constables, which is quite insufficient to cover a vast area of entire Khurda District. He has also been kept in additional charge of Sub-Inspector of Excise, Bhubaneswar-II Charge and Oriental Bottling Unit due to shortage of staff. There are 33 IMFL 'Off Shops', 43 IMFL 'On Shops', 3 Country Spirit Shops, one Military Canteen and Club 'On licences' functioning in the Charge of Sub-Inspector of Excise, Bhubaneswar, which are to be inspected regularly. The same is now under the additional charge of the Sub-Inspector of Excise, District Mobile.

This apart, he took charge as Superintendent of Excise in this District at the fag end of the year, 2008 (i.e. on 05.12.2008). After his joining as such, he has conducted raids. As a result, 117 cases have been detected during the year 2008-2009 i.e. from the date of his joining w.e.f. 05.12.2008. Out of which 5 Nos. NDPS cases have been detected and 85 persons arrested.

The Superintendent of Excise also has been kept in additional charge of Manager, OSBC, Khurda Depot as per the order communicated by the Manager (Administration) OSBC, Bhubaneswar vide his letter No.186 dated 24.01.2009. He remained in Charge from 08.02.2009 to 20.04.2009.

The Excise Superintendent, Khurda has further stated that Khurda District is different than other Districts where import, transport and export passes are being issued to OSBC as per their daily requisition for the entire State and out side the State for procurement of IMFL, BEER and C.S. This is full time job. The Excise

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Superintendent has to sign more than hundred numbers of passes daily. In such situation in the District of Khurda, the Superintendent of Excise has worked and tried to achieve revenue target, even more than the target fixed for. Position of previous 3 years revenue collection so far as Khurda District is concerned is given below:

Sl. No.	Year	Target fixed	Collection made
1	2	3	4
1	2006-2007	25,60,000	18,93,96,036
2	2007-2008	26,50,000	25,07,78,357
3	2008-2009	31,00,000	33,19,26,223

The Superintendent of Excise, Khurda has further submitted that the Excise Officials have worked hard, having vast jurisdiction with insufficient staff, without vehicle for enforcement work.

Sri Pradip Kumar Behera, Inspector In Charge of Nirakarpur Police Station has stated in his statement that suspected victims due to intake of spurious liquor in the village, all the villagers were instructed to immediately get medical aid in case of any head reeling / stomach pain or any other reason. For their ready assistance, the Superintendent of Police, Khurda provided three numbers of police vehicles to carry victims, if any from Badapokhoria and Bodangara to Khurda Hospital. On that day at about 8.00PM some villagers of Badapokhoria complained of stomach pain, for which they were immediately shifted to Khurda Hospital in police vehicles. Shifting of victims continued from 8.00 PM of 04.05.2009 till 06.05.2009 night. During which, 49 persons were admitted in Khurda Hospital. Out of them, 3 persons, namely, Naba Kishore Badajena, Dasarathi Das and Panchu Sethy were shifted to SCB Medical College & Hospital, Cuttack on 05.05.2009 as their condition deteriorated. All of them were discharged from SCB Medical College & Hospital, Cuttack, after due treatment.

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On 04.05.2009 night one Patita Kadam Singh of Badapokhoria, who was admitted in Khurda Hospital expired and Dandapani Samantaray, who was admitted in Kar Clinic, Unit-IV, Bhubaneswar also expired during treatment due to suspected liquor poisoning. Prafulla Behera of Bodangara Patna, who was shifted by police to Khurda Hospital on 05.05.2009 was declared received dead. Hence, the total number of casualties for liquor poisoning rose to 4. More than 90% of the victims of illicit liquor were shifted to Khurda Hospital, due to which casualties could be checked. During examination, the victims have stated to have purchased pouches of country liquor @ Rs.10/- per pouch from different accused persons namely (1) Shankar Majhi of Haripur, (2) Okila Bhatta of Kanthapurpatna, (3) Kalia Palei, (4) Prasanta Palei of Paikasahi (5) Ganesh Srichandan, (6) Hadia @ Prakash Samantasinghara, (7) Sura Mangaraj of Kanthapurpatna and (8) Kanhu Charan Jena of Badapokhoria. Shankar Majhi of Haripur seems to be the Kingpin for circulation of illicit liquor in and around Badapokhoria village. The liquor is suspected to have been manufactured and consumed in and around Badapokhoria village, therefore, beyond Badapokhoria and Bodangara villages no victims of illicit liquor have been reported. The victims also took more liquor than usually they take to enjoy the feast in the village, which might have worsened their condition due to extreme heat in those days i.e. from 03.05.2009 to 06.05.2009.

Sri Padma Charan Bhatta, ASI of Police, Nirakarpur Police Station has stated in his statement that on 04.05.2009 at about 5.00 PM, the IIC of Nirakarpur Police Station received information about suspected liquor tragedy in the village – Badapokhoria, for which he directed him (the ASI) to enquire into the matter in the said village. Hence, he along with C/155 – Yudhistir Paikray commanded vide C.C. No. 509141 dated 04.05.2009 to village Badapokhoria. During the enquiry in the village, he learnt that one Dhoba @ Dhruva Charan Jena of Badapokhoria was

admitted at Khurda Hospital due to his suffering from Black stool and diarrhea and he died there. Several persons of Badapokhoria and Bodangarapatna had consumed country made liquor, which they purchased from Okila Bhatta, Sura Mangaraj of Kanthapur Patna, Prasanta Palei and Kalia Palei of Paikasahi, Hadia @ Prakash Samantasinghara, Ganesh Srichandan, Kanhu Charan Jena of Village Badapokhoria. Sankar Majhi of Haripur village had supplied country made liquor to Okila Bhatta, Prasanta Palei, Kalia Palie, who prepared the pouches and sold to the other accused persons. The above noted accused persons used to sell the pouches in and around Badapokhoria and Bodangara villages on commercial basis.

After enquiry, Sri Bhatta, the ASI submitted his report basing on which Nirakarpur Police Station case No.16 dated 04.05.2009 u/s 272/ 273 / 307/ 308 / 304 / 34 IPC r/w 47 (a) / 52 (A) B & O Excise Act has been registered and the IIC, Nirakarpur took up investigation of the case. During investigation, he (the ASI) accompanied the IIC. They conducted raid at different places and arrested accused persons namely, Hadia @ Prakash Samantasinghara, Prasant Palei and detected huge amount of country made liquor pouches and other articles from the houses of the above noted persons.

Sri Ramesh Chandra Mohanty, Superintendent of Police, Khurda in his statement dated 26.05.2009 has stated that immediately after the report of the first death due to suspected liquor poisoning intensive raid was conducted in and around Badapokhoria, Bodangara, Paikasahi, Kanthapurpatna villages, during which accused Hadia @ Prakash Samanta Singhara of village Badapokhoria and Prasanta Palei of village Paikasahi were arrested and illicit liquor with other articles were seized during the night of 4th & 5th May, 2009. Subsequently on 06.05.2009, accused Indramani Pradhan, father-in-law of Kalia Palie (one of the accused persons in this incident)

was arrested after the seizure of one country liquor pouch making machine, empty pouches with other articles from his house, located under Ranapur Police Station of Nayagarh District. Other accused persons in the case have absconded and their whereabouts are not known till now. IICs of the District were repeatedly directed to conduct frequent excise raid in their jurisdiction to stop illegal manufacture, sell and transport. As a result, 180 Excise cases were registered in different Police Station jurisdiction during the year, 2008 (i.e. from 01.01.2008 to 31.12.2008), in which 179 persons were arrested and forwarded to the court. 321 ltrs. of I/D were also seized. During this year i.e. from 01.01.2009 to 25.05.2009, 135 number of Excise Cases were registered in which 126 number of accused persons were arrested and forwarded. After the alleged liquor poisoning on 04.05.2009, extensive raids were conducted by the IIC, Nirakarpur Police Station and Inspectors I/C of the other Police Stations. During such raids, 35 Nos. of cases were registered, in which, 126 accused persons were arrested and forwarded to the court. 171 litres of I.D. and 52 litres of F.L. were seized. During joint raid with Excise Department, Excise P.Rs. were submitted by Excise Department.

Soon after the intimation of liquor poisoning, ASI Sri O.C. Bhatta of Nirakarpur Police Station was deputed to enquire and report. Basing on his report Nirakarpur Police Station Case No.16 dated 04.05.2009 u/s – 272 / 273 / 307 / 308 / 304 / 34 IPC 47(a)/52 (A) B & O Excise Act was registered. During investigation and supervision accused persons namely, 1) Sankara Majhi (45), S/o. Balia @ Beleswar Majhi of Haripur village, 2) Kalia @ Pravakar Palei (35), S/o. Kanga Palei, 3) Prasanta Palei (27), S/o. Late Kanga Palei both of Paikasahi, 4) Nadia @ Prakash Chandra Samantasinghara (25), S/o. Bhubananananda Samantsinghara of village – Badapokhoria Uttarsahi, 5) Okila Bhatta (30), S/o. Bira Bhatta of Kanthapur Patna, Badapokhoria, 6) Kanhu Charan Jena (32), S/o. Kumar Jena of Badapokhoria

Dakhinasahi, 7) Ganesh Srichandan (32), S/o. Prahallad Srichandan of Badapokharia Dakhinasahi and 8) Sura Mangaraj (55), S/o. Late Sanatan Mangaraj of Kanthapur Patna, Badapokhoria were found to be indulging in illicit liquor in pouches in Badapokhoria and surrounding villages. The case is under investigation and since steps are being taken to arrest the remaining accused persons.

During my enquiry at Khurda on 26.05.2009, the victims / witnesses were examined. They have stated that the above named accused persons had sold the country made liquor to the villagers of Badapokhoria and Bodangara under Nirakarpur Police Station, District- Khurda on 03.05.2009, which had damaging effect on the villagers. But due to timely advice of the District Administration and proper treatment, casualties were restricted to a minimum. But they all have named almost the same the accused seller of aforesaid illicit country made liquor in the village Badapokhoria and Bodangara under Nirakarpur Police Station.

Six persons have filed affidavit in the matter of inquiry. Almost all have pointed out that on 03.05.2009 there were marriage ceremony / reception. Hence, the villagers attended the feast and drank illicit country made liquor, collecting from different sources. The consumers of the illicit liquor were habitual drunkards and old persons. However, they were sent to the Hospital for medical check up and treatment. A few of them died and remaining were discharged after treatment.

Some antisocial persons brought the illicit country made liquor to the village Badapokhoria from out side. Previously liquor selling was stopped in the village. But after General Election, 2009, such self imposed prohibition had no effect, therefore, such tragedy happened in the village. They also have pointed out that the

Excise Staff were coming to the said villages for checking and inquiring about the selling of country made liquor in the village, if any, occasionally. (42)

Two persons of Nayagarh District namely, Pramoda Kumar Kunda, S/o. Nakadi Kunda and Natabar Mohanty, S/o. Hazari Mohanty have informed that some sugarcane cultivators used to sell their sugarcane to the Sugar Mills of Nayagarh District. They also use to prepare gur (Jaggery) out of their remaining sugarcane by the power crushers in the locality and sell. In such a process of jaggery preparation, some persons are also alleged to prepare country made illicit liquor. They have also pointed out that 75.80 litres C.S. is prepared from 1 ton of sugarcane. After preparation of the illicit liquor, they use to supply it for selling in the Districts of Nayagarh, Khurda and Ganjam. Another person namely, Trailokya Mishra, Chairman, Nayagarh Sugar Complex Limited has alleged that illicit liquor is produced from jaggery (liquid gur), which are being produced in huge quantity mainly from Nayagarh District alone.

On receipt of such allegation, I asked the Collector & District Magistrate, Nayagarh to give a detail report in the matter. I have received his report vide his letter No.194/Res. dated 25.05.2009. In his report he has explained that Nayagarh District is a traditionally sugarcane growing District with an average area of 5000 hect. under the crop. The average productivity of the crop is about 70 M.T. per hect. Thus, about 3.5 lakh M.T. of sugarcane is available every year. The sugarcane factory was established in the year 1988 at Panipoila, Nayagarh with a daily crushing capacity of 1250 M.T. For a crushing season of 120 days only 1.5 lakh M.T. cane can be crushed by the factory. So it is obvious that the rest cane goes for jaggery production. Even before the establishment of sugar factory, sugarcane was grown in the District for preparation of jaggery. As assessed by the sugar factory about 2.00

lakh quintals of jaggery is produced each year. As regards running of power crushers, it is found that no commercial crushers are being used in this District for preparation of jaggery. Some of the advanced farmers are using power crushers for crushing their own cane. However, after receipt of complaints from N.S.C.L., Panipoila regarding use of power crushers in factory zone, the Collector & District Magistrate, Nayagarh constituted a squad comprising the following officers to take steps to stop illegal operation of power crushers (Kerosene Operated).

Squad for Block Level

1. Local Tahasildar.
2. Local J.A.O. / A.A.O.
3. OIC / IIC of local Police Station.

Squad for District Level

1. District Agriculture Officer, Nayagarh
2. Assistant Manager, DIC, Nayagarh
3. A.C. T.O., Nayagarh
4. C.S.O. / A.C.S.O., Nayagarh
5. IIC / OIC of local Police Station.

The squad has visited the sugarcane areas of the factory zone several times and found that in almost all the cases the crushers are being used to crush their own sugarcane. Nowhere commercial crushing of sugarcane by power crushers was found. On 12.01.2009, Sri Adhikari Biswal and Antaryami Parida of Subalaya were warned to stop crushing of cane by power crusher and advised to supply cane to the sugar factory. Similarly, on 17.01.2009 the sugarcane crushing of Sri Damodar Biswal of Subalaya and Bipin Bihari Swain of Sajanapada were stopped and immediate steps were taken for transportation of cane to the factory as they were registered farmers. Other villagers like Sajanapada, Champatipur, Natugaon and Saluni have

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also been covered in this way and the farmers, who have made agreement with the Management of the factory were advised to supply the sugarcane to the factory as per agreement. During course of visit of the squad, the farmers reacted strongly against the sugar factory and stated that they have been forced to divert to jaggery due to irregularity in issue of cutting orders for lifting of cane and payment of cane price to the farmers during 2006-2007 and 2007-2008 crushing seasons.

Further, action is being taken by District Administration against the persons, those who are preparing illicit liquor using jaggery, as per the provisions of Excise Law. During the year 2008-2009, 2600 ltrs. of Gur wash has been seized and 145 cases have been registered for illegal distillation and sale of liquor. To check the illicit sale of liquor in the District of Nayagarh, the District Excise Mobile squad and IIC / OICs of different Police Stations are conducting frequent raids in different areas to apprehend the culprits.

After going through all such reports, statements and my inquiry in the office chamber of the Collector, Khurda I find that the following persons / organizations are probably responsible for such liquor tragedy in Badapokhoria and Bodangara villages under Nirakarpur Police Station:-

1. The persons engaged in supplying of illicit country liquor to the unauthorized sellers in the affected villages.
2. The unauthorized sellers of the country made liquor, who had sold it to the villagers on 03.05.2009.

The names of the above two categories of persons have been recorded in the Police report and cases have already been initiated in the Police Station. I recommend that investigation of this case should be expedited to nab the culprits early. Though Police has already arrested a few accused persons, the king pin behind the entire operation still remain at large.

CHAPTER-IV

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Term of reference: Lapses if any, on the part of any Excise / Police officials.

After the incident occurred in the said villages on 04.05.2009, the Excise Commissioner, Orissa, Cuttack had enquired the matter and submitted his report to Government on 05.05.2009. In his report he has stated that the unfortunate event took place on 04.05.2009, when one Balabhadra Kadamasingh aged 65 years, S/o. Ananda Kadamasingh of village Badapokhoria (Dakhina Sahi) died of diarrhea. The blood relations and the neighbours of Balabhadra Kadamasingh have given their statements that he was suffering from diarrhea and black stool and treated at PHC, Badapokhoria. But again he suffered from diarrhea and when he was serious, he was shifted to Khurda Hospital. He died on the way and therefore, his funeral was conducted as per the practice and this had nothing to do with liquor tragedy.

In addition to above, four persons have died. Three at Khurda Hospital and one at Kar Clinic, Bhubaneswar.

1. Dhruva Charan Jena, aged 45 years, S/o. Raghunath Jena of Badapokhoria Purbasahi died on 04.05.2009 at 4.30 PM. He was ailing for the last 3-4 days and had also taken liquor on 03.05.2009.
2. Dandapani Samantaray, aged 50 years, S/o. Gourango Samantaray fell it at village Badapokhoria. He was taken to Bhubaneswar and admitted at Kar Clinic at about 9.15 PM. He died at 10.30 PM of 04.05.2009. he also had taken liquor on 03.05.2009.

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3. Patitapaban Kadamasingh, aged 55 years, S/o. Nakula Kadamasingh of Badapokhoria Dakhinasahi was suffering from diarrhea. He has died. He also had taken liquor on 03.05.2009.
4. Prafulla Behera, S/o. Arakhita Behera of Village Bodangara was received dead at Khurda Hospital on 05.05.2009 at 6.00 AM.

The District and Police Administration immediately acted upon, when the first case of death was reported at Khurda Hospital. The Police & Excise Official visited the village Badapokhoria and informed the people to come forward for treatment, if any body has been ailing for any reason, what-so-ever for free treatment and logistic support in the night of 04.05.2009. Initially nobody was coming forward for treatment. The Police with the help of Sarapanch of village and others sensitized the people and as a result, in phased manner people came forward for treatment and they were provided transport and treatment on 05.05.2009. All people taking liquor and habitual alcohol consumers came forward for treatment. Three of them were shifted to SCB Medical College & Hospital, Cuttack for better treatment, duly arranged. All the expenditure for treatment both at Khurda and Cuttack was met from the Red Cross Fund. The Collector had sanctioned Rs.10,000/- (Ten thousand) only each from the Red Cross Fund and paid to next kin of the 3 deceased persons at Khurda Hospital. After postmortem the dead bodies had been taken to the village for funeral.

The District Administration had properly acted upon. Excise Deputy Commissioner and Excise Superintendent remained present at Khurda Hospital since 04.05.2009 evening. The Police Administration had also performed their duties promptly holding camp at Badapokhoria village and the Collector & Superintendent of

CHAPTER – V

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Term of Reference No.4: Recommendations regarding actions deemed necessary to prevent any such incident in future.

1. During inquiry while ascertaining facts from the witnesses and also from the Government reports, it is clear that though Country Spirit sale is permitted by Government in Khurda District, sufficient number of outlets for selling of Country Spirit have not been opened. Particularly, in the affected villages there was no outlet for sale of authorized Country Spirit. Due to want of authorized Government outlet, there is a tendency on the part of the antisocial elements to provide illicit liquor clandestinely.
2. Insufficient availability of Government supply of country liquor in the authorized outlet is another lacuna. In this regard it may be pointed out that the Excise Superintendent, Khurda had written a letter bearing No.1181 dated 15.04.2009 to the Excise Commissioner, Orissa explaining his apprehension of future problems. In the letter he had reported that due to short supply of country spirit to the OSBC, Khurda depot from Aska Co-operative Sugar Industries Ltd. most of the C.S. shops of Khurda District are not getting their MGQ, hence were found dry since 14.04.2009. As a result, most of the C.S. shops were facing hue and cry from the habitual consumers. There was apprehension of health hazards in the Khurda District as illegal liquor may enter into the Khurda District in

clandestine manner, if proper supply of Government authorized C.S. is not made available.

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Therefore, the Excise Superintendent, Khurda had requested to the Excise Commissioner, Orissa, Cuttack to instruct the M.D., Aska Co-operative Sugar Industries Ltd. for supply of C.S. of at least 4000 cases to Khurda Depot to solve the present situation. However sufficient supply could not be made available to the authorized shops.

3. It is also reported by witnesses that spurious liquor was available in pouches costing Rs.10/- each. However, Government supplied Country Spirit pouches are priced at Rs.20/- each and are normally not available in sufficient quantity. It was also alleged that Government supplied pouches are being sold at premium of Rs.25/- to Rs.27/- i.e. more than listed price. As most of the affected people are from poor areas, perhaps there is a requirement to provide cheaply priced pouches / bottles.
4. It is also seen that Excise Department at District Level does not have sufficient number of staff, vehicle and other contingencies to discharge their responsibility effectively. This lack of proper strength in the Excise Department has hampered conduct of frequent raids and enforcement activities which could have detected sale of illicit liquor in such areas. Therefore, it is recommended that the Excise Department may

take extra initiative to provide sufficient resources to the District Excise Machinery in terms of vehicle, manpower and monetary support.

5. The State Government has allowed sale of Country Spirit in Khurda District. However, such effect of liquor consumption on the society is considered to be not good. Number of Voluntary Organizations including Self Help Groups have in the past mobilized people in favour of prohibition and stoppage of sale of liquor in these villages. However, such a drive by Self Help Groups / Voluntary Organizations has lost its steam in the last six months. This may be due to the fact that General Elections were being conducted in the State and most of the villagers were divided on political line. As a measure of social responsibility, we may again encourage the Self Help Groups / other Voluntary Organizations to propagate the cause of prohibition so that consumption of liquor itself is reduced resulting in better social environment in the society.
6. During the course of inquiry, it was also felt that once the cause of death was known to the villagers, most were shy of admitting the fact that they have consumed liquor. This was due to the social taboo against liquor drinking. Here in this instant case it was commendable on the part of the District Administration that they have mobilized the victims with the help of villagers and local Sarpanch to come forward for their checkup at District Headquarters Hospital, Khurda. I feel that

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such a step led to reduction of further deaths which could have taken place.

7. Police Station Case No.16 dated 04.05.2009 has been registered in Nirakarpur Police Station u/s 272/273 / 307/ 308 / 304/ 34 IPC r/w 48(a) / 52 (A) B & O Excise Act. Effective steps should be taken to arrest the culprits, who are still absconding. Charge sheet be framed strictly, as per law.
8. After detection of poisoned liquor consumption in the locality, the District Administration, Police Administration and the Health Department have rendered a very good job to the victims by giving timely and prompt service. This is commendable.
9. The kith and Kin of the persons who died consuming poisoned illicit country liquor may be given exgratia as per Government norms.

Johok
5/6/09.

Revenue Divisional Commissioner

List of documents, which have been relied upon for preparation of the Inquiry Report:

1. Government Notification No.2188/Ex. dated 06.05.2009 of Excise Department.
2. G.O. No.2214/Ex dated 07.05.2009 of Excise Department
3. Joint report dated 05.05.2009 of the Collector, Khurda and the Superintendent of Police, Khurda
4. G.O. No.1459/Ex. dated 10.03.2008 of Excise Department regarding Excise Duty Fee Structure and Guidelines for 2008-2009.
5. Letter No.1181/Ex. dated 15.04.2009 of the Superintendent of Excise, Khurda addressed to the Excise Commissioner, Orissa, Cuttack
6. G.O. No.1912/Ex. dated 15.04.2009 of Excise Department addressed to the Collector, Ganjam.
7. Letter No.04/203 dated 28.05.2009 of the Branch Manager, Khurda Depot addressed to the Superintendent of Excise, Khurda.
8. Report dated 21.05.2009 of Collector, Khurda on liquor tragedy.
9. Report dated 21.05.2009 of Excise Superintendent, Khurda on liquor tragedy.
10. Letter No. 296 dated 05.05.2009 of the Excise Commissioner, Orissa, Cuttack to Government of Orissa in Excise Department.
11. Letter No.4067/dated 19.05.2009 of the CDMO, Khurda.

Statements of Government Officials:

12. Sri Narayan Chandra Jena, Collector, Khurda
13. Sri Jaydev Sarangi, Sub-Divisional Police Officer, Khurda
14. Sri Pradeep Kumar Behera, Inspector In-Charge of Nirakarpur Police Station.
15. Sri Padma Charan Bhatta, A.S.I. of Police, Nirakarpur Police Station.

16. Sri Ramesh Chandra Mohanty, Superintendent of Police, Khurda
17. Sri Shyam Sundar Kar, CDMO, Khurda
18. Sri Sidheswar Panigrahi, Inspector of Excise, Khurda
19. Sri Biswambar Biswal, Excise Constable, O/o Charge Office, Khurda
20. Sri Paramananda Pattnaik, Excise Constable, O/o the Excise Sub-Inspector, Balugaon.
21. Sri Pitabas Das, Excise Constable, O/o the Charge Sub-Inspector, Balugaon.
22. Sri Sukanta Kumar Das, O.P.S., SDPO., Balugaon.
23. Sri Kedarnath Panda, Excise Sub-Inspector, Balugaon.

Statement of witnesses / victims:

24. Sri Benudhar Ranbir of Badapokhoria Village.
25. Smt. Jyotsnarani Jena, Sarapanch of Badapokhoria.
26. Sri Bhajamana Samantaray of Badapokhoria.
27. Sri Nakula Samantaray of Badapokhoria.
28. Sri Murali Jena of Badapokhoria.
29. Sri Dolagobinda Behera of Badapokhoria.
30. Sri Dibakar Jena of Badapokhoria.
31. Sri Sudarsan Jena of Badapokhoria.
32. Sri Duryodhan Dehuri of Badapokhoria.
33. Sri Nilamani Jena of Badapokhoria.
34. Sri Krushna Chandra Jena of Badapokhoria.
35. Sri Kishore Chandra Kadamasingh of Badapokhoria.
36. Sri Jyotiranjana Samantaray of Badapokhoria.
37. Sri Gurubari Baliarsingh of Badapokhoria.
38. Sri Raghunath Jena of Badapokhoria.

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39. Sri Manguli Jena of Badapokhoria.
 40. Sri Dillip Ray of Badapokhoria.
 41. Sri Sarbeswar Jena of Badapokhoria.
 42. Sri Arun Kadamasingh of Badapokhoria.
 43. Sri Kanhu Gumansingh of Badapokhoria.
 44. Sri Pandu Charan Badajena of Badapokhoria.
 45. Sri Maheswar Chahatray of Badapokhoria.
 46. Sri Ranjan Kumar Bhatta of Kantapur Patna
 47. Sri Sahadev Nayak of Badapokhoria Harijan Sahi
 48. Sri Gokula Das of Bodangara
 49. Sri Jagendranath Ranasingh of Badapokhoria.
 50. Sri Jagannath Das of Bodangara
 51. Joint statement of seven Nos. of villagers of Nilakanthapur.
 - (a) Sri Akrura Chahatray
 - (b) Sri Trinath Pradhan
 - (c) Sri Murali Banamali Jena
 - (d) Sri Raghunath Maharana
 - (e) Srinibas Harichandan
 - (f) Sri Trinath Paikaray
 - (g) Sri Dasarathi Das

Affidavits filed by

52. Sri Paramananda Pradhan of Bodangara
53. Sri Nityananda Jena of Badapokhoria
54. Sri Beleswar Palei of Kanthapur
55. Sri Srinibas Pradhan of Bodangara
56. Sri Prafulla Routray of Kanthapur Patna
57. Sri Manguli Charan Jena of Badapokhoria

Written submission filed by:

58. Sri Pramod Kumar Kunda of village – Kadua under Nayagarh District.
59. Sri Natabar Mohanty of village – Kantabania under Nayagarh District.

Other Letter of reference:

60. Letter dated 05.05.2009 of Sri Trailokya Mishra, Chairman, Nayagarh Sugar Complex Ltd.
61. Letter No.194/Res. dated 25.05.2009 of Collector & D.M., Nayagarh.
62. Letter No.944/dt. 02.06.2009 of the Superintendent of Police, Khurda regarding viscera report.
63. Demand and supply statements of liquor to the authorized shops under the jurisdiction of Khurda Excise Superintendent.