

Report of Fact Finding Team on Assault on RTI Activist Sri Ansari of Konark by BDO, Gop Block of Puri District, Orissa

Members of Fact finding Team

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Background of the incident

Recently the newspapers reported that Sri N.A. Shah Ansari a leading RTI Activist of the State was physically assaulted by Sri Manmohan Senapati, BDO In-charge of Gop Block, Puri district in latter's office on 23.01.08 while Sri Ansari accompanying Mr. Subrat Mishra, Asst. Director, State Institute for Rural development (SIRD), Bhubaneswar had gone there for discussion with BDO about exploring the possibility of developing GO-NGO collaboration for successful implementation of RTI Act and also for strengthening Panchayati Raj system in the Block. Soon after Ansari started discussing the matter the BDO suddenly got angry and shouted loudly asking Sri Ansari to get out of his office. Raising his high-pitch voice against Ansari, the BDO told, "you people are creating problems in the Block and because of you, the development works have suffered." Then on the orders of BDO Sri Ansari was driven out from the office by the peon. It was indeed a great humiliation to Sri Ansari.

Then, Sri Ansari lodged an FIR against BDO in the Gop Police Station on the same day. The police enquired into the matter, but didn't take any step against BDO.

Constitution of fact-finding Team

Realising the gravity of the issue and on getting a mail brief from Sri Ansari, a group of activists working on human rights issues discussed the matter among themselves. They were already abreast of the similar incidents of attack by a section of officials in the State against the RTI activists and particularly of a series of such untoward incidents in relation to Ansari and his colleagues in the recent past in Gopa-Konark area itself. It was decided that a team should immediately visit the area and find out the facts of the incident for the information of all concerned. Thus a fact finding team consisting of Sri Pradip Pradhan, Sri Pradipta Nayak, Sri Sudarshan Chhotaray and Sri Gadadhar Pradhan visited GOP Block on 2nd Feb. 2008 for the purpose

Findings of the team

The team reached the office of Gop Block at 11.50 AM on 2nd February 2008. Strangely enough, the main gate of the office was found closed, though it was a working day. The Office of BDO was closed too. The BDO-in-charge Sri Manmohan Senapati was also absent from the place altogether. A very few office staff were loitering on the office verandah without doing any work. While the team enquired about the BDO, an office staff took the team to the computer room and introduced them with a Junior Engineer who was doing some work on computer. But the Junior Engineer expressed his inability to say whether the BDO would come to the office at all.. He however gave the mobile number of BDO to the team. When the BDO Sri Senapati was contacted over mobile and

informed about the team's purpose of visit, he suddenly switched off the mobile without responding in any manner to the call.

Version of the Police

Then the team visited the Police Station, Gop. It was around 12.30 pm. Neither Sri Madhab Sahu, C.I. nor Sri Guru Prasad Shiba Shankar Nanda Officer-in-Charge was present in the office. The team however met Sri Ramesh Das, a Sub-Inspector in the said office. He was found very busy in his work. After the team's repeated requests, he called them for discussion. After he was appraised about the purpose of the visit of the team, he expressed his ignorance about the case and requested the visitors to talk to the Sri Nanda Officer-in-Charge through his mobile number (**94373-78872**). When the OIC was contacted over the mobile, his immediate response was quite humane and responsive. He narrated the whole story before the team as follows:

After receiving an FIR from Sri N.A. Shah Ansari, the Police made an enquiry into the matter. The Sri Madhab Sahu, C. I. of Police called both BDO and Sri Ansari to the Police Station. In the meantime, BDO had also filed a counter-FIR against Sri Ansari stating that BDO was busy with some works in his office chamber when Ansari tried to enter there forcibly, and therefore Sri Ansari had to be obstructed with the help of the peon. After holding the discussion with both BDO and Sri Ansari, the C.I. of Police Station warned both not to repeat the same behaviour in future. The case was kept mentioned in the station dairy, and the matter was then closed.

Discussion with Ansari

The team met Sri Ansari in Gop area and queried about the incident.. The statement of Sri Ansari was as follows:

Sri Ansari had accompanied Sri Subrat Mishra, Asst. Director, State Institute for Rural Development (SIRD), Bhubaneswar for discussion with BDO Gop about the possibility of developing a GO-NGO collaboration for successful implementation of RTI Act and strengthening of Panchayati Raj in the Block. Sri Mishra was deputed by CAPART for pre-funding appraisal of the project submitted by Sri Ansari for funding support from CAPART.

During the discussion with BDO in his office, the latter started charging ANSARI for creating all troubles in the Block by putting RTI Applications for information relating to development works. The contractors and the Block officials now fear to carry out any work because of Sri Ansari. The BDO shouted and asked Sri Ansari to get out from the office. He also ordered the office staff to oust him from the office. Getting frightened and apprehending that he might be beaten up, Sri Ansari left the Block office in a hurry.

Assessment of the Team

It is a well known fact for the people in the locality and outside that Sri Ansari has been carrying out a campaign on RTI involving common people in GOP Block since 2005. The campaign created a lot of impact in the area. As large numbers of people came forward to exercise their right to access the information, the Govt. officials, mostly the PIOs of Gram Panchayats felt panicked and in retaliation threatened the people in various

covert and overt ways. Sri Ansari due to his persistent RTI activism was at loggerheads with the Govt. officials in the Block for a pretty long time. Due to his constant efforts, three errant PIOs of 3 GPs of Gop Block were penalized with fine amounting to Rs.25,000/-, Rs.25,000/- and Rs.12,500/- respectively by the Orissa State Information Commission. And seven PIOs of the said Block are in the queue awaiting penalty by the Information Commission, when their cases shall be taken up in coming days. Though the activities of Sri Ansari have contributed to checking of corruption in development works, these have invited the wrath of Govt. officials and contractors. A few days back, he was also beaten up severely by an Executive Officer Sri Ajaya Kumar Seth at Konark. Though he had filed an FIR the police didn't take any step on this account. This time the BDO himself assaulted Sri Ansari publicly.

After gathering the facts of the case the team formed the opinion that the BDO has committed a breach of norms of a public servant by using unparliamentary language to Sri Ansari, a well-known social activist of the area. The BDO could have shared his views with Sri Ansari. Every Govt. office is a public office. Every person has a right to enter into any office to discuss with the officials who are indeed the servants of the public. The act of highhandedness and abusive behaviour by the BDO towards a visiting citizen is completely unwarranted considering that our country is both a democracy and a republic. The BDO therefore deserves to be punished by his higher bosses in all seriousness. But the local Police left the BDO free without taking any action against him. The inaction of the police clearly speaks of an unholy alliance between Govt. officials and police set-up. And above all, the episode of attacks on Sri Ansari is a naked case of human rights violation.

The Committee recommends the following action required urgently to be taken to give justice to Sri Ansari and as well to ensure proper functioning of RTI Act in Gop area -

- A. A case to be filed in the State Human Rights Commission to make an enquiry into the case .
- B. A Memorandum to be given to the District Collector
- C. A letter to be given to SP of Police to make an in-depth enquiry into the case and take appropriate legal action against the culprits.
- D. A Memorandum should be submitted to Chief Minister and Chief Secretary, Orissa to provide protection to the RTI and human rights activists of the State, who are fighting for the cause of the people.

Report prepared by

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