

Report of The Fact Finding Team on Female foeticide in Nayagarh

Fact Finding Team:

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Mr. Mahendra Parida, Forum Against Child Exploitation (FACE),
Ms. Anuradha Mohanty, Jana Adhikar Abhijaan
Mr. Lokanath Mohanty, Coordinator, CACL,
Mr. Parikhit Pattanaik, Gania Unnayan Pratisthan,
Mr. Arun Mohanty, NISWARTH and a team of Media People.
On Behalf of Orissa Alliance on CRC**

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1. BACK GROUND

On 14th July 2007 evening a news was telecasted in electronics media (OTV) and highlighted in other electronics media and print media on 15th July regarding 7 cases of female foeticides which was found in the duburi foot hill on the way to Ramachanadiprasad village of Nayagarh PS. After watching the video clipping and news report a fact-finding team was constituted by Orissa Alliance On CRC, The Members of the Team includes Mr. Ranjan Mohanty, National convenor, Campaign Against Child Labour (CACL), Mr. Binayak Swain, State Advocacy – Coordinator, CACL, Ms. Sneha Mishra, State Coordinator, We Can; Mr. Mahendra Parida, Forum Against Child Exploitation (FACE), Ms. Anuradha Mohanty, Jana Adhikar Abhijaan, and Mr. Lokanath Mohanty, Coordinator, CACL; the team was also accompanied by Local NGO functionaries Mr. Parikhit Pattanaik, Gania Unnayan Committee; Mr. Arun Mohanty, NISWARTH, Bijay Kumar Mohapatra, Harijan Adivasi Mangal Samiti; Rajani Pattnaik, SWATIK; Pradeep Sahoo, MYS; and a team of Media People.

Nayagarh District at a glance

Nayagarh district, in the state of Orissa, is located towards the west of Puri district surrounding by Cuttack district in the north, Phulubani district in the west. Ganjam district in the South and Khurda district on Nayagarh. The district of Nayagarh lies between 19 degree 54' to 20 degree 32' north latitude and 84 degree 29' to 85 degree 27' east longitude. This district is in the higher altitude than sea level and above flood level. The river Mahanadi flows in the eastern boundary. The climate of the district carries a high temperature in hot months and cooler in winter.

As per 2001 census total population in Nayagarh district is 861516 (Male -446177 & Female – 418339). Density of population (Persons per square km. 222, Sex Ratio total is 938(urban- 917 & Rural – 938). Population growth 10.46 % (Male- 11.63 % & female 9.2 %). The sex ratio as per 2001 census is 939 which is 3rd lowest in the state, further declining trend is observed in Child Sex Ratio, 0- 6 age group i.e. 901, which is lowest in the state.

2. FINDINGS OF THE FACT FINDING TEAM

On 14th July 2007 at 11AM Upendra Kalasha aged 12 years S/o Mr. Udhaba Kalash of village Brundabanpur, studying in class 6th at Itamati M.E. School, while searching waste bottles at Duburi Mundia of Ramachandi Prasad village found some polythene Bags and called his friend Babul of his village. The blood stained polythene Bags made them curious to open it. Looking at it they shouted. Then passers by people responded and reached the spot. Local villagers informed the media. And it was immediately covered by OTV and telecasted on the same evening.

Subsequently the incident was also widely reported in other print and electronic media on 15th July.

DISCUSSION WITH THE COMMUNITY.

On 16th July 2007 the fact finding team visited Nayagarh and recorded the statements from local people are as follows :

1. The fact finding team met the representatives of electronics and print media in Niswarth office at Nayagarh. The media persons informed that there are about 12 nursing homes in Nayagarh town & most of those have no registration. Apart from this they also told that unauthorized ultrasound clinics are mushrooming in the town, contributing to the sex determination followed by illegal abortion.
After discussion with local media representatives the team visited the spot and interacted with the villagers.
2. Mr. Sanatan Mohapatra of Gambhari village stated that seven female foetus varying from six to eight months were found at the spot on 14th

July at around 11 AM. He felt sorry about the incident and expressed his desire to punish the culprit.

3. Mr. Dinabandhu Nayak of Krushnaprasad village said that he has seen the fetuses and all the fetuses were female. Three of them had hair on their head. So these three fetuses must be more than 8 months old. He also said that they have seen three such fetuses a month ago in the same spot.
4. Mr. Jogendra Pradhan of Krushnaprasad said that while coming with his buffaloes he found the crowd near the foot hill. He came to the spot and found the fetuses and they all were female. He also agreed with Mr. Dinabandhu Nayak saying that before a month three such dead fetuses are found in the same spot.
5. The fact finding team visited Ramchandiprasad village, adjacent to the spot and held discussion with about 20 people of the community who had gathered there.
 - The women in the gathering said that hearing the news hundreds of people from nearby villages and passersby gathered on the spot.
 - They said that all the fetuses were more than 5 months old and looking at that these women was in a state of panic and shock. They were concerned that this incident would bring a bad reputation for the village.
 - Local people informed that even the doctors are into the illegal determination of pregnancy in their residence.
 - Invisible/ facial ex-expression is normally used while identifying the sex of the child than any verbal or written information
 - The fact finding team then met Upendra Kalasha, the 12year old boy who had first found the fetuses who said that he had found the polythene bags while searching for waste bottles. He informed that he called his friend Babul and that they opened the bags out of curiosity.
 - Some people stated that the police had visited the spot twice, once at 2pm and the second time in the evening at 7pm
 - Most people said that they had seen the police only once at 7pm and at that time the fetuses were still lying at the spot.
 - Mr. Bhajamana Raula – Ward Member stated that the police had come in the evening and enquired about the spot. The police were informed about the spot by the villagers and at that time the fetuses were still lying in the spot.

DISCUSSION WITH POLICE

- Mr. Bipin Kumar Dash, S.I. of Police, Nayagarh Police station , during discussion said that he was on leave and joined on 16th July morning ,so did not know much about the case . However he informed that station diary was made but no FIR was lodged so far .
- Then Mr. Tarique Ahemed, IIC was contacted on his cell phone regarding the case .He said that an FIR has already been lodged on 14th July 2007. When he was asked for the FIR copy, he said that he would give it to the team on

the next day, after discussion with higher authority. However he gave the FIR number after discussing with one of his colleague present in the PS i.e. case no. 234 dt. 14.07.07!! (The team received the FIR copy on 17th July from the police vide case no 234/14.07.07 u/s 312,315,348/34 IPC)

- Mr.Rajesh Kumar, Superintendent of Police of Nayagarh district. While discussing with the team he said that police has taken a step on its own by lodging the FIR. The team expressed their concern regarding the development of the case as no initiation for proper investigation was made from the police so far. He informed that they were expecting a formal complain from the health department in absence of which they have at least lodge the FIR. He further said that the CDMO is the regulating authority for all nursing home opened in the district and he cannot act of his own. He also said that after going through the report he had a discussion with the collector on this matter. He is trying to coordinate with the CDMO and other officials to make a team for a joint investigation.

DISCUSSION WITH COLLECTOR & DISTRICT MAGISTRATE

Then the team visited Mr. Paresh Chandra Nayak collector and district magistrate of Nayagarh district. He started his discussion to involve NGOs for reduction of evils like killing girl child even before birth. He also said that they would take serious action against the culprits. When he was asked what sort of steps they have taken during these three days. He said that although there was a plan of investigation of Nursing homes and ultrasound clinics after the Rath yatra but this incident happened before they could take any step in this line. He also informed that they are taking stock of the matter and as per the law they would punish those who are involved in the crime. He said that a team would be constituted for tracing the culprit and to stop the evils in which the NGOs have to play a major role.

VISIT TO DISTRICT HOSPITAL

The team then visited to the district hospital and was informed that the CDMO who has joined recently on leave. The ADMO-PH was in charge of CDMO but was on leave as well. The next person in charge was tried to be contacted but no one from the CDMO office of the hospital knew his residence address. Even the doctor on duty at causality neither knew his address nor his phone number.

3. OBSERVATIONS & CONCERNS OF THE TEAM

- Foeticide is a regular phenomena in the area as revealed by the local people
- After 3days of the incident neither any senior official of the district administration or state administration / line department had visited the spot except the police nor has any significant progress in the investigation been made or reported.
- The team is concerned that despite the proximity of the said spot to the police outpost (less than 2km), Police station (5km) and District HQ (5km)

that it took 9 hours (from 11 am to 8 pm) for the police officials to visit the spot on the day of incident!

- Despite statements recorded by the team that the foetuses were at the spot when the police reached, no effort was made for medical examination of the foetuses where as the FIR states that the foetuses were not at the spot when they went to investigate.
- Non availability of the FIR copy on the day of the visit indicates the non completion of the writing of the FIR (as admitted by IIC) shows the indifferent attitude of the local police towards such a serious issue.
- Given discrepancies and delays, the fact finding team is concerned about the possible nexus between the local police, doctors, nursing home owners and district health officials as the police pretends to have not seen the foetus during their inspection, where as fact reveals the foetuses were still lying on the spot during their visit.
- It is a case of violation of UNCRC (right to survival), violation of Rights to life, and violation of Medical Termination of pregnancy Act 1971, Pre Natal Diagnostic Techniques (Regulation and prevention of misuse) Act 1994 and amendment Act 2002.
- The fact finding team is extremely concern about the indifferent attitude of the district health officials, police and administration towards the investigation and inaction against mushrooming of ultrasound/ diagnostic clinic, nursing homes and most those running without license and registration. It was a serious concern that the CDMO office has not been asked for any clarification on the incident by the district collector as the district head even after three days of the incident.

4. SUGGESTIONS/ RECOMMENDATIONS

- a. Investigation by CID Crime Branch of 14th July incident and exemplary punishment to the culprits
- b. The state supervisory board constituted under Prenatal Diagnostic Techniques (Regulation and prevention of misuse) Amendment, Act 2002 need to function properly.
- c. Proper enforcement of Medical Termination of pregnancy Act 1971, Prenatal Diagnostic Techniques (Regulation and prevention of misuse) Amendment Act 2002.
- d. The nursing homes and ultrasound clinics without license/registration must be closed and strict enforcement of the law accordingly to be followed.
- e. The state machinery of the line departments should act effectively to ensure the action.
- f. Discourse on female foeticide 'missing women' at collage, school, different clubs and citizen groups in Nayagarh district and adjacent.
- g. Coordinated action by the Govt. and civil society for creating mass awareness against female foeticide and build public opinion against such heinous crime.