

Pratul Kumar Sinha

Vs

State of Orissa

Writ Petition (Civil) No. 185 of 1989

(Rangath Misra, M. N. Vankatachaliah JJ)

12.05.1989

ORDER

1. An advocate from Nadia in West Bengal has brought to the notice of the court in the shape of a letter the news item published in the Calcutta edition of the Amrit Bazar Patrika containing allegation of sexual exploitation of blind girl students in a school located at Berhampur in the District of Ganjam within Orissa State and the same has been registered as a writ petition under Article 32 of the Constitution. This Court issued notice and by order dated April 6, 1989, directed the Chief Judicial Magistrate of Berhampur to proceed immediately to the Red Cross Blind School and enquire into the allegations made in the writ petition and the annexure thereto and after recording the statements of the inmates of the school, he was required to submit a report to this Court. This Court also indicated that it would not be necessary for the Chief Judicial Magistrate to give prior notice to the authorities of the school when he proposed to visit the school for the purpose of enquiry.

2. The Chief Judicial Magistrate has made the enquiry as directed and has submitted a detailed report. He has also forwarded to the Registry of this Court all papers connected with the enquiry including the statements recorded from different persons as also the victim of criminal assault. The State of Orissa through its Assistant Director-cum-Under Secretary, Community Development and Rural Reconstruction Department, has filed a detailed affidavit. In paragraphs 16 and 18 of his report, the chief Judicial Magistrate has indicated :

"16. Ranjana Dalai, who, as per the news report published in the Amrit Bazar Patrika was sexually exploited, was admittedly a student of the school. According to Sairam, she fell a victim to the lust of Satyaprasad Rath, the peon of the school and the cousin brother of the senior blind teacher Sri Bijaya Kumar Rath, conceived through him and had to go for illegal abortion with the help of Saroja Mohanty, the Hindi teacher of the school. Consequently, the Marilac Mercy Home which provides accommodation for the blind girl students of the school refused to accept her any longer. Suresh Chandra Rath, a student of Class X and Santosh Kumar Swain a student of Class IX have stated that there was a rumour that Ranjana was a victim of sexual exploitation and was expelled from Marilac Mercy Home Hostel. Suresh further added that some girl students were complaining of misbehaviour by the Class IV employees and teaching staff of the school.

17. But the sister superior of the Marilac Mercy Home, who willingly gave me a statement refuted such allegations and said that as Ranjana was not interested in study and was a quarrelsome girl, she was asked to leave the Marilac Mercy Home

Hostel. Ranjana herself has stated that in her community grown up girls are not allowed to prosecute studies away from home and as such her parents took her away from the Marilac Mercy Home as well as from the Blind School.

18. Thus, it is difficult to hold that Ranjana Dalai was sexually exploited by any staff of the Red Cross Blind School though a suspicion in the matter lurks."

3. The news as published in the paper gave an impression as if sexual exploitation on blind girls in the institution was rampant and widespread. This court had, therefore, thought it appropriate to issue notice and examine the matter. We would like unhesitatingly to indicate that it is the obligation of those who have the gift of eyesight to look upon those who do not have with human compassion and consideration. The natural disadvantage should not be exploited. The discipline inside the school should yield no scope even for a single deviation from the path of rectitude. The picture as emerging from the report and the material collected by the Chief Judicial Magistrate do give an impression that everything is not well with the institution.

4. Blind children are entitled to all the advantages that other children are provided with and in addition to those, they are entitled to certain other privileges on account of the disability they suffer from. In their pursuit to develop the inner eye to compensate for the loss of the physical one, society owes the obligation to ensure an appropriate atmosphere and afford such protective environment as is necessary to help the disadvantaged children to grow and develop into responsible citizens.

5. While we do not purpose to enquire further into the matter on the basis of the newspaper report, in view of what the Chief Judicial Magistrate has indicated, we are of the view that certain directions are necessary for the proper management of the institution. In view of what has been said in the affidavit of the State, the Union of India becomes a necessary party and the directions we propose to make can be appropriately made only when the Union of India is present in court and is heard.

6. Issue notice to the Union of India returnable on July 11, 1989. The matter shall appear on July 18, 1989.

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