

ବାର୍ଷିକ ବିବରଣୀ

ANNUAL REPORT
2003 - 04



ଓଡ଼ିଶା ମାନବ ଅଧିକାର ଆୟୋଗ
Orissa Human Rights Commission
Bhubaneswar, Orissa

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ANNUAL REPORT 2003 – 2004.

In pursuance of Section 21 of the Protection of Human Rights Act, 1993 (10 of 1994) (hereinafter referred to as the 'Act') Government of Orissa in Home Department Notification No.5144 dated 27-8-2000 constituted the Orissa Human Rights Commission to exercise the powers conferred upon and to perform the functions assigned to a State Commission under chapter – V of the Act. The notification also specified that the Headquarters of the Orissa Human Rights Commission shall be at Bhubaneswar.

In Government of Orissa, Law Department notification No.8438 dated 24-6-2003 Sri Justice D.P. Mohapatra, former Chief Justice of the Allahabad High Court and a retired Judge of the Supreme Court of India was appointed as the Chairperson of the Commission. In Law Department notification No.8441 dated 24-6-2003, Sri S.M. Patnaik, I.A.S. (Retd.), former Chief Secretary to Government of Orissa was appointed a Member of the Commission. Sri Justice Mohapatra and Sri Patnaik assumed office as the Hon'ble Chairperson and Hon'ble Member of the Commission respectively on the 11th July, 2003 and with effect from that date the Orissa Human Rights Commission became functional.

The Commission began functioning in the State Guest House at Bhubaneswar where five rooms were allotted for its office. The office of the Commission continued to function in the aforesaid premises during the entire period under report. As the accommodation made available in the State Guest house was inadequate to meet the requirements of the office of the Commission and no other suitable Government accommodation could be made available,



efforts were being made to locate suitable private accommodation for the office of the Commission. The Commission has requested the Government of Orissa for allotment of a piece of land and for provision of funds for construction of its own building. In view of the increasing workload of the Commission which is likely to necessitate increase in the establishment of the Commission and with a view to saving on rent, it would be appropriate and admirable for the Commission to have its own building as soon as possible.

ADMINISTRATIVE SET-UP :

Sub-Section (3) of Section 21 of the Protection of Human Rights Act, 1993, inter-alia provides that "there shall be a Secretary who shall be the Chief Executive Officer of the State Commission and shall exercise such powers and discharge such functions of the State Commission as it may delegate to him". Clause (a) of Sub-section (1) of Section 27 of the Act provides that the State Government shall make available to the Commission an officer not below the rank of a Secretary to the State Government who shall be the Secretary of the State Commission. The Secretary/Principal secretary to the Government, Law Department has been notified as the Secretary to the Commission and Sri Himadri Mohapatra, O.S.J.S., Principal Secretary to Government, Law Department functioned as such on part time basis throughout the period under report.



The Commission would like to observe that the post of a Secretary/Principal Secretary to the state Government is a senior assignment with multifarious responsibilities and despite best efforts, a full time Secretary to a Government department may not be in a position to devote adequate time to his responsibilities as Secretary to the Commission. Moreover, the independence and functional autonomy of the Commission also make it essential for the Commission to have a full time Secretary to Commission. The commission hopes that services of a full time officer of the required seniority would be made available soon in consultation with the Commission, for being posted as Secretary to the Commission.

Clause (b) of Sub-Section (1) of Section 27 of the Protection of Human Rights Act, 1993, provides that the State Government shall make available to the Commission "such police and investigative staff under an officer not below the rank of Inspector General of Police and such other officers and staff as may be necessary for the efficient performance of the functions of the State commission". In pursuance of the aforesaid provisions, the State Government created a post of Inspector General of Police, one post of Inspector of Police and three posts of constables for the investigation wing of the Commission. The services of Sri Asutosh Mishra, IPS, an officer in the rank of Inspector General of Police were made available to the Commission to head the investigation of the Commission. Sri Mishra joined the Commission on 5-1-2004. None of the other posts created by Government for the investigation wing of the Commission were,



however, filled up during the period under report. Consequently, the Inspector General of Police had to function single handedly all through the period under report. The number of post sanctioned for the investigation wing of the Commission was not only grossly inadequate but even those few posts which were sanctioned were not filled up except the one post in the rank of I.G. of Police. While considering the complaints received and matters in which cognizance was taken by the Commission suo-motu, the Commission often found it necessary to get the complaints and allegations investigated into through its own agency. While the Director, Investigation of the Commission did take up investigation in a number of cases entrusted to him by the Commission, the Commission was unable to get the investigation done in most such cases through its own agency owing to inadequacy of police and investigative staff which has been a serious handicap.

Sri S.K. Rajguru, O.S.J.S. (Junior Branch) whose services were placed with the Commission by the Hon'ble High Court of Orissa has been appointed Registrar of the Commission. He assumed charge on 10-11-2003 and continued in the Commission during the period under report.

Annexure – 'A' indicates the number of posts created by Government for the Commission since inception of the Commission till 31-3-04 and the number out of them, which have actually been filled up. As would be evident, the Commission is grossly under-staffed and there is a clear need to re-assess the requirements of the Commission with a view to sanctioning adequate staff for its efficient functioning.



FRAMING OF REGULATIONS:

Sub-Section (2) of the Section 10 of the Protection of Human Rights Act, 1993, provides that "the Commission shall regulate its own procedure". Accordingly, the Commission framed a set of Regulations called "Orissa Human Rights Commission (Procedure) Regulations, 2003" (herein after referred to as the 'Regulations') to regulate the procedure to be followed by the Commission in making enquiries suo-motu or on petitions presented to it and matters incidental thereto. In formulating the Regulations, the Commission had the benefit of consulting the Regulations framed by the National Human Rights Commission and certain State Commissions. Regulations framed and appeared by the Commission were published in an extraordinary issue of the Orissa Gazette dated 25th September, 2003 and came into force with effect from the 15th September, 2003. A copy of the Regulations is appended to this report. The Commission also issued a press-note briefly outlining the procedure for filing complaints before the Commission for information of general public.

In accordance with the provisions of the Regulations, the Commission holds its office on all working days of the State Government. Although under the Regulations the Commission is ordinarily required to hold its sittings during the period from 1st to 7th and 14th to 21st of every month, except Saturdays, in view of the increasing workload, the Commission has been holding its sitting on all working days except Saturdays.



A victim of human rights violation or any other person acting on his behalf may file a complaint. The Regulations provides that a complaint shall ordinarily be written in English, Hindi or Oriya but if the complainant does not know any of these languages, he or she may submit the complaint in any other language included in the 8th Schedule of the Constitution. No fee is required to be paid for filing a complaint. In the Regulations, the procedural requirements for filing complaints have been consciously kept simple. The complainants are, however, required to state particulars, which are essential for a meaningful enquiry such as gist of the grievance, date of occurrence, names and where relevant, designation of persons complained against. The complainants are not required to support their complaint by an affidavit at the stage of filing complaint but may be called upon to do so during the enquiry. Although Regulation 9 (4) (iii) of the Regulations provides that a complainant shall be required to submit a certificate to the effect that the subject matter of the complaint or the grievance is not sub-judice before any Court or Tribunal or is not pending before a Commission including the National Human Rights Commission and is not covered by a judicial verdict or decision of any Commission, the Commission has decided not to reject any complaint on account of failure to comply with these requirements in the initial stage although these aspects are looked into during the enquiry. A complaint which does not comply with one or more requirements of Regulation 9 is liable to be rejected but where the Commission is satisfied that the complaint prima facie reveals violation of human rights, taking a liberal view the Commission has been permitting the complainant to



rectify the defects and to submit a proper petition afresh within such time as may be allowed.

Following the provisions of the Act, the corresponding provisions in the National Human Rights Commission (Procedure) Regulations, 1994 and Regulations framed by certain other State Commission, the Regulation 10 of the Regulations enumerates the categories of complaints which are not entertainable by the Commission and which are liable to be dismissed in limini.

These include :

- (i) Complaints which are illegible, anonymous or pseudonymous.
- (ii) Complaints which are vague, trivial or frivolous.
- (iii) Complaints which do not prima facie disclose specific violation of human rights.
- (iv) Complaints which are barred under Section 36 (1) of the Act.
- (v) Complaints which are barred under Section 36 (2) of the Act.
- (vi) Complaints relating to civil disputes such as property rights, contractual obligations and the like.
- (vii) Complaints relating to deficiency in services covered by the provisions of Consumers Protection Act, 1986 (68 of 1986).
- (viii) Complaints relating to service matters or labour or industrial disputes or to claims and grievances arising out of conditions of service or service rules or labour laws and the like.
- (ix) Complaints relating to any matter which is sub-judice before a Court or Tribunal or is covered by a judicial verdict.



- (x) Complaints relating to matters being enquired into by the National Human Rights Commission or any other Commission duly constituted under any law for the time being in force and matters covered by decision of the National human rights Commission or any such Commission.
- (xi) Complaints addressed to any other authority, a copy of which is received in the Commission.
- (xii) Complaints relating to events or incidents which did not occur within the geographical limit of the State of Orissa.
- (xiii) Complaints relating to matters outside the purview of the Commission on any other ground.

Every complaint received by the Commission whether prima facie entertainable or not is placed before the Commission for orders regarding entertainability of the complaint and a copy of the order passed by the Commission is supplied to the complainant.

REGISTRATION OF CASES :

Since its inception, the Commission has been receiving petitions from all the districts on a variety of subjects. Besides, news paper reports published in leading news papers are being scrutinized on a regular basis and the Commission has been instituting enquiries suo-motu on reports which prima facie disclose violation of human rights or abetment thereof, or negligence in the prevention of such violation by a public servant. During the period from 11-7-2003 to 31-3-2004, 873 complaints were received and in addition, in 47 cases



cognizance was taken or preliminary reports were called for suo-motu by the Commission. Thus, a total of 920 cases were registered during the period under report, of which, 433 cases were dismissed after scrutiny at the stage of admission, mostly on the ground that the grievances agitated in those petitions were not entertainable under provisions of Regulation 10 of the Regulations. Out of 433 cases so dismissed a substantial number of petitions were dismissed in limini as those petitions were not entertainable under Regulation 10 (c) or 10 (k) as the said complaints did not prima facie disclose specific violation of human rights or the complaints were addressed to other authorities with a copy being endorsed to this Commission. The remaining complaints which were dismissed in limini were dismissed as the petitions were not entertainable in terms of other provisions of Regulation 10 or on grounds of non-compliance with requirements of the Regulations. During the period under report, the Commission took cognizance of 435 complaints directing issuance of notices to the concerned authorities for a report on the statements and allegations made by the complainant. The remaining 52 complaints which were received on or prior to 31-3-2004, were under scrutiny as on that date and were placed before the Commission after that date.

Complaints taken cognizance of by the Commission relate to a variety of grievances including allegations of custodial torture both in Police Stations and in Jails, custodial death, failure on the part of the police to take lawful action on information lodged, child labour, cruelty to children, bonded labour, trafficking in women and children, manual scavenging and the like. Although under



Regulation 10 (h), complaints relating to service matters or labour or industrial disputes or to claims and grievances arising out of conditions of service or service rules or labour laws and the like are not entertainable by the Commission, the Commission entertained complaints relating to non-payment of pension and non-payment of salary for a long periods because it affects right to life of the aggrieved persons.

Section 12 of the Act intrer-alia provides that the Commission shall enquire suo-motu into the complaints of violation of human rights or abetment thereof, or negligence in the prevention of such violation by a public servant. News papers have been the main source of information for the Commission for taking suo-motu action. Accordingly, arrangements have been made for scrutiny of news paper reports appearing in selected dailies and on that basis Commission took cognizance of or instituted preliminary enquiry under Regulation 25 in 47 cases. The media reports on the basis of which suo-motu action was taken mostly related to incidents of custodial death, custodial torture, trafficking in human labour, cruelty to children, manual scavenging, starvation death and the like.

In all, the 435 cases in which cognizance was taken during the period under report on the basis complaints received, notices were issued during the period under report to the concerned authorities calling for reports on statements and allegations made. In 108 cases reports were received of which 80 cases were ready for hearing. In 159 cases in spite of notice, reports were not received within the time stipulated in the first order calling for the report. Out of



these, in 130 cases the Commission was constrained to extend time for submission of the report suo-motu as further action would not have been feasible without it. In 29 cases time was extended on the petition filed by the concerned authorities. In 168 cases reports were not due within 31-3-2004. Non-submission of reports called for by the Commission within the stipulated period has been a factor contributing to delay in disposal of cases.

Statistical data relating to complaints received district-wise, broad subject-wise classification of the complaints received, number of complaints dismissed and number of complaints entertained district-wise are furnished in Annexures – 'B', 'C', 'D' & 'E'. As would be evident from these tables, during the period under report complaints were received from all the districts of the State, the highest number (148) having been received from Khurda district followed by 88 complaints received from Cuttack. Of the petitions entertained, the highest number (74) again relate to Khurda district followed by Cuttack district (56). On the basis of the classification given in Appendix – I of the Regulations, miscellaneous petitions accounted for the largest number i.e. 369 followed by complaints against the police (199). 178 petitions relating to service matters were also received. Of the petitions entertained, miscellaneous petitions again accounted for the highest number (155) followed by complaints against police (140). Of the complaints dismissed in limini, the miscellaneous petitions accounted for the highest number (214) followed by petitions on service matters (107). Only 59 of the complaint petitions against police were dismissed in limini.



During the period under report, 28 cases including 3 suo-motu cases have been finally disposed of. A brief outline of selected cases disposed of during the year under report is furnished in the following paragraphs.

1. One P.L. Agrawal filed a petition alleging arrest of a number of innocent persons by the Town Police, Baripada without any tangible or concrete charges against them allegedly at the instance of a group of businessmen. The complaint petition was registered as Case No.3/2003. A notice was issued to the Superintendent of Police, Mayurbhanj to submit a report indicating the details of the circumstances in which cases referred to by the complainant were instituted and present position of each case. It was evident from the report submitted by the Superintendent of Police, Mayurbhanj that the petitioner had submitted a similar petition to the National Human Rights Commission which had registered a case in the matter. Since the National Human Rights Commission had already taken cognizance of the matter, having regard to provisions of the proviso to Sub-Section 5 of Section 21 of the Protection of Human Rights Act, 1993, the case was closed.

2. Sri Niranjan Panda, Secretary, People for Justice and Human Rights, Orissa, Cuttack filed a petition relating to death of one Pitambar Pradhan @ Bhalu on 1st November, 2003, while he was detained in police custody for interrogation in a case of theft in Mahanga Police Station of Cuttack district. The petitioner prayed for appropriate action against the concerned police officials. The complaint petition was registered as Case No.31/2003. A notice was issued to the Director General & Inspector General of Police, Orissa, Cuttack for a



factual report on the allegations made by the complainant. The Director General of Police was also requested to indicate if a notice has been received from the National Human Rights Commission in the matter. The report submitted by the Director General of Police indicated that a notice had indeed been received from the National Human Rights Commission in regard to the subject matter of the complaint vide N.H.R.C. Case No.778/18/2002-2003/CD. It was also reported by the Director General of Police that a case under Section 342/34 IPC had been registered against the S.I., Anil Kumar Behuria and A.S.I., Ramesh Chandra Naik which was pending investigation but was likely to be charge sheeted. The Director General of Police further reported that departmental disciplinary proceedings have also been instituted against all the accused officers. As the National human Rights Commission had already taken cognizance of the matter, the Commission closed the case.

3. Smt. Nishamani Devi of mouza Balisahi of Puri district filed a complaint alleging forcible occupation of a portion of her house by one of her sons and threats of physical harm to the petitioner and her husband when they protested against it. It was also the grievance of the petitioner that even though the matter was reported at the police station, no action was taken. The complaint petition was registered as Case No.74/2003. A notice was issued to the Collector & District Magistrate, Puri for a report within four weeks. No report was, however, received within the stipulated period and the Commission was constrained to extend the time for submission of the report by a further period of three weeks.



The report received from the Collector & District Magistrate, Puri indicated that the aggrieved persons had already filed a criminal case vide ICC No.173/1999 against the person complained against which was sub-judice. A Title Suit was also sub-judice. It was evident that the dispute between the parties was of a civil nature and the matter was sub-judice before the competent Civil Court and Criminal Court in proceedings initiated by complainants herself. In the circumstances, the Commission was of the view that intervention by the Commission was unwarranted and accordingly, the proceeding was closed.

4. Smt. Pravati Das and her husband, Sri Surendra Das of village Digoda in Jagatsinghpur district filed a complaint alleging highhandedness, assault and institution of false cases against the complainant by Sri Alekh Chandra Lenka, A.S.I. of Police, Balikuda Police Station and alleged inaction by the Officer-in-Charge of the police station on reports filed by them. The complaint petition was registered as Case No.119/2003. A notice was issued to the Collector & District Magistrate, Jagatsinghpur and the Secretary to Government, Women & Child Development Department for an enquiry into the averments and allegations made in the complaint and for submission of a report within four weeks. Even though the period of four weeks elapsed, neither any report nor any request for further time was received. However, the Commission granted three weeks further time for the purpose suo-motu. The Collector & District Magistrate, Jagatsinghpur got the matter enquired into by the Sub-Collector, Jagatsinghpur and submitted a report, a copy of which was made available to the petitioners for their response, if any. The complainants thereafter, filed their affidavits as well



as affidavits of certain other persons and other materials in support of the allegations made in the complaint petition. It was evident from the materials available on record that Sri Surendra Das, one of the complainants had filed a complaint in the Court of S.D.J.M., Jagatsinghpur bearing No.117 of 2003 in which the court had taken cognizance of offences under Section 448/323/342/34 IPC and summons had been issued to the accused persons. It was thus evident that the subject matter of the complaint was pending in the court of S.D.J.M., Jagatsinghpur. Since the matter was sub-judice, the Commission was precluded for proceeding further in the matter and accordingly, the case was closed and the petitioners informed of the order.

5. Smt. Jayanti Behera of village Kasipada under Rupsa police Station of Balasore district filed a petition before the Commission alleging murder of her husband and inaction of the Officer-in-Charge of the Police Station in taking action under law against the accused persons. The complaint petition was registered as Case No.113/2003. On receipt of the complaint, the Commission called for a report from the Deputy Inspector General of Police, Eastern Range, Balasore and the report indicated that the husband of the petitioner died on 3-6-2003 while being treated in the District headquarter Hospital, Balasore. Post-mortem examination was conducted and chemical examination of the viscera disclosed presence of an organo phosphorous insecticidal poison in the viscera. Investigation reveal prima facie involvement of three persons who were arrested and forwarded to court. The report of the Deputy Inspector General of Police further indicated that the case was likely to be charge sheeted. Since the



enquiries did not establish allegations of inaction by the local police in taking action according to law, the case was closed. The Deputy Inspector General of Police, Eastern Range, Balasore was, however, requested to keep the Commission informed; of the progress of investigation and submission of final form. Further report regarding submission of final form had not, however, been received during the period under report.

6. Smt. Shobha Paikray, W/o. Late Gopinath Paikray of Athgarhpatna, Dist.- Ganjam filed a petition before the Commission alleging inaction of the local police in arresting two accused persons who, according to the petitioner, were responsible for the murder of Sri Ganga Paikray, son of the petitioner. The complaint petition was registered as case No.2/2003. A notice was issued to the Superintendent of Police, Ganjam who reported that out of seven accused persons involved in the murder of the son of the petitioner five were arrested and forwarded to court. It was further reported that three of the accused persons have been convicted and sentenced to undergo imprisonment for life. It was stated by the Superintendent of Police, Ganjam that steps had been taken for arresting two of the accused persons and that the Officer-in-Charge, Kabisuryanagar Police Station had been directed to conduct raids at intervals for their apprehension. The superintendent of Police, Ganjam submitted a further report indicating that on receipt of directions from the Hon'ble Commission, raids were conducted on 15-10-2003, 17-10-2003, 21-10-2003, 22-10-2003 and 23-10-2003 to arrest the absconding accused persons but they could not be found.



On being contacted the petitioner could not also assist the police in finding out where these accused persons.

Having considered the report of the Superintendent of Police, Ganjam, the Commission was of the view that since appropriate action had been initiated by the Superintendent of Police, Ganjam, no useful purpose will be served by continuing the proceeding further and accordingly, closed the proceeding with a direction to the Superintendent of Police, Ganjam to submit a further report about apprehension of the absconding accused persons. Further report had not been received from the Superintendent of Police, Ganjam during the period under report.

7. Ms. Mosera Khatun, a resident of Mustafapur in the district of Bhadrak filed a complaint alleging inter-alia that one Sk. Golam Jilani of the same village had committed rape on her and when she became pregnant, he refused to marry her. It was also stated in the petition that a report had been filed with the Officer-in-Charge, Dhamnagar Police Station on 11-6-2003. The complaint was registered as Case No.53/2003. The Commission called for a report from the Director General of Police, Orissa, Cuttack who got the matter enquired into through the Superintendent of Police, Bhadrak and submitted a report indicating inter-alia that Dhamnagar Police Station case No.59 dated 11-6-2003 under Section 376 IPC was registered in connection with the incident. On investigation the incident was found to be true and charge sheet has been submitted under Section 376/417 IPC against the accused Sk. Golam Jilani. The case was reported to be sub-judice in the court of law. Since appropriate action had been



taken by the concerned authorities and no further action by the Commission was necessary, the case was closed.

8. Smt. Binapani Patel, a resident of village Samasingha under Kolabira Police Station of Jharsuguda district forwarded a copy of a complaint addressed to the Officer-in-Charge, Kolabira Police Station to the Commission alleging inter-alia threats and torture for dowry. The complaint was registered as Case No.160/2003. Since the petition was addressed to the Officer-in-Charge, Kolabira Police Station and not to the Commission and only a copy thereof had been endorsed to this Commission, the petition was prima facie not entertainable by the Commission under Regulation 10 (k) of the Orissa Human Rights Commission (Procedure) regulations, 2003. However, keeping in view of the serious nature of the grievance of the complainant and her averment in the complaint that she is being subjected to pressure for withdrawal of her complaint before the police, the Commission decided to refer the case to the Superintendent of Police, Jharsuguda for appropriate action under law and for submission of a report to the Commission indicating the results of investigation and action taken by the police within four weeks. The Superintendent of Police, Jharsuguda submitted a report indicating that the complaint filed by Smt. Binapani Patel was treated as an F.I.R. and a case was registered under Section 498-A/294/506/34 IPC read with Section 4 of D.P. Act in Kolabira Police Station. In course of investigation, five accused persons were arrested of whom two were released on bail as they were in advanced stage of pregnancy and remaining three accused persons were forwarded in custody. After completion



of investigation, charge sheet was submitted on 10-10-2003 under Section 498/294/506/34 IPC read with Section 4 D.P. Act. The case was reported to be sub-judice in the court of law. Taking note of the fact that appropriate action had already been taken by the local police in the matter, further intervention by the Commission was not called for and accordingly, the case was closed.

9. Taking note of a news item published in the daily 'SAMAJ' in its issue dated 11-8-2003 about the plight of the boarders of orphanages due to non-receipt of grant-in-aid from the State Government, the Commission registered case No.14/2003 and by its order dated 21-8-2003 issued notice to the Chief Secretary to Government of Orissa calling for a report within two weeks. In response to the notice, the Director, Social welfare and Additional Secretary to Government, Women and Child Development Department in his report dated 6-10-2003 that all the earlier grants in respect of orphanages in the financial year 2002 – 2003 and for the months of August and September of the financial year 2003 – 2004 had been released by the Women and Child Development Department on 17-9-2003 i.e. after issue of notice by the Commission. A statement giving details of the amount released was also furnished. Considering the report received from the State Government which indicated that after receipt of notice from the Commission the concerned department had taken appropriate action, the Commission did not consider further intervention necessary and having regard to the provisions of Section 17 (i) (b) of the Protection of Human Rights Act, 1993, the case was closed.



10. Smt. Moina Bibi of village Taramadan in the district of Jajpur filed a complaint alleging inaction by the local authorities in sanctioning assistance in her favour under the Swarna Jayanti Sahari Rozgar Yojana despite her application for the same. Case No.58/2003 was registered and a report was called for from the Collector & District Magistrate, Jajpur within four weeks. There was, however, no response from the Collector & District Magistrate, Jajpur despite extension of time. As such, a notice was issued to the Secretary to Government, Housing and Urban Development Department for a report on the averments/allegations made by the complainant. The Project Director, (UPA) Cell-cum-Deputy Secretary to Government, Housing and Urban Development Department submitted a report stating inter-alia that the petitioner has been sanctioned a loan of Rs.25,000/- under VSEP component of SJSRY and that the amount had already been disbursed by the state Bank of India, Jajpur Town Branch and that a sum of Rs.3750/- has also been released in her favour towards Government subsidy. As the report of the Deputy Secretary to Government, indicated that the grievances of the petitioner had been mitigated, the Commission did not consider it necessary to proceed further in the matter and accordingly, the case was closed after the petitioner was informed of the position reported by the Government.

11. Sri Prasana Kumar Mishra, Advocate, Orissa high Court filed a complaint before the Commission alleging non-functioning of an electrical transformer resulting in total disruption in water supply to village Khalisahi under Khandapara Police Station of Nayagarh district. The petitioner further alleged that even



though their grievances had been ventilated before the District Collector and authorities of the CESCO, no action was allegedly taken. Having considered the grievances of the petitioner, case No.10/2003 was registered and a notice was issued to the Collector & District Magistrate, Nayagarh for a report within a week indicating the action taken. The petitioner submitted a further petition alleging that even though the period of one week was over water supply had not been restored. The matter was again taken up with the Collector & District Magistrate, Nayagarh. The Collector & District Magistrate, Nayagarh submitted a report on 16-8-2003 confirming restoration of electricity supply and water supply on 22-8-2003. Further intervention by the Commission was not necessary and therefore, the case was closed.

12. A news item captioned "KENDRAPARA : MANASIKA ANAGRASARA PRATISTHANARA 27 PILA 36 GHANTA DHARI ANAHARARE" which appeared in the daily 'SAMBAD' in its issue dated 18-9-2003 came to the notice of the Commission. Acting suo-motu on the news paper report, the Commission registered Case No.139/2003 and ordered issue of notice to the Collector & District Magistrate, Kendrapara and District Social Welfare Officer, Kendrapara to submit a factual report on the statements and allegations made in the news item within three weeks. No report was, however, received within the stipulated period. Consequently, the Commission granted further time of three weeks for submission of the report. A report was received from the Collector & District Magistrate, Kendrapara vide his letter dated 21-10-2003.



The report of the Collector indicated that the allegation of starvation of 27 inmates of the Nimain Charan Mentally Retarded Institute of the Kendrapara for 36 hours was false. It was further reported that the institute is run and managed by an NGO, named Social Organizer for Voluntary Action with financial support received from the Government in the Women & Child Development Department, Government of Orissa. The report also indicated that owing to dispute among the members of the NGO, there were problems of mis-management and accordingly, after enquiry the Executive Officer of Kendrapara Municipality has been asked to take over charge of the management of the institute where after it is being managed properly and funds have also been released in favour of the Institute. There was no material before the Commission to cast a doubt about the correctness of the statements contained in the report. The Commission was satisfied that action necessary had been taken by the Collector and accordingly, decided to close the proceedings.

13. Sri Pramod Kumar Naik, a person belonging to Scheduled Castes of village Krushnaprasad under Nuagaon Police Station of Nayagarh district filed a complaint alleging attempts of assault and intimidation by the opposite parties named in the petition with a view to compelling the petitioner to transfer his lands to the opposite parties. It was also stated by the complainant that an F.I.R. had been lodged on 11-8-2003 in the Police Station. Having considered the grievances of the petitioner, the Commission registered Case No.77/2003 and directed that a copy of the complaint petition be forwarded to the Superintendent of Police, Nayagarh for enquiry, appropriate action and for submission of a



report to the Commission. In his report dated 22-10-2003 the Superintendent of Police, Nayagarh stated inter-alia that Nuagaon P.S. case No.59 dated 11-8-2002 was registered under Section 341/294/506/34 IPC/3 (i) SC/ST (PA) Act in connection with the complaint of the petitioner. The Sub-Divisional Police Officer, Nayagarh supervised the investigation and on completion of investigation, charge sheet has been submitted against the accused persons on 7-10-2003. It was further stated in the report that the police frequently searched for the accused persons and conducted raids in their houses and ultimately, all the accused persons surrendered in the Court of S.D.J.M., Nayagarh on 26-9-2003. Having considered the report of the Superintendent of Police, Nayagarh, the Commission was of the view that since appropriate action had been taken by the local police and the matter is now sub-judice, no further intervention by the Commission was called for. Accordingly, the case was closed.

Chairperson

Member

Bhubaneswar.

24th March 2006



ANNEXURE-A

SUBJECTWISE CLASSIFICATION OF SUO MOTU CASES AS ON 31.03.2004

Children Total	Health	Jail	Anti- social activities	Labour	Atrocities on Sc/Sts	Physically Handicapped	Complaints against police	Pollution	Religion/ community	Service Matters	Women	Misc.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
6	3	3	1	3	2	3	7	-	-	-	4	15	47



ANNEXURE-B
DISTRICTWISE AND SUBJECTWISE CLASSIFICATION OF CASES AS ON 31.03.2004.

Sl. No.	Name of the District	Children	Health	Jail	Anti-social Activities	Labour/Atrocities On SC/ STs.	Physically Handicapped	Complaint Against Police	Pollution	Religion/Community	Service Matter	Women	Misc.	Dist. Total	Dismissed	Entered on Hearing	
1	2	100	200	300	400	500	600	700	800	900	1100	1200	1300	16	17	18	19
1	Angul	3	4	5	6	7	8	9	10	11	13	14	15	16	17	18	19
2	Bolangir				1	1			7		3	1	3	16	12	4	1
3	Baragarh				2				5		4		6	17	9	8	1
	Balasore			1	6				13		3	5	32	60	32	28	1
5	Boudh										5	1	4	10	5	5	
6	Bhadrak								8		2	5	14	29	12	17	1
7	Cuttack	1	3	1	6		1	2	18		15	8	33	88	32	56	2
8	Dhenkanal				1				5		3		10	19	8	11	
9	Deogarh			1	2				2		3		6	15	8	7	1
10	Gajapati	1		1					1		3		3	9	5	4	
11	Ganjam	1		2	2		1	1	11	3	34	3	19	77	39	38	1
12	Jagtsingpur			2	4		1	1	7	3	2	3	12	34	18	16	2
13	Jajpur				1	1			8	1	7	1	20	39	12	27	2
14	Jharsuguda								6		1		5	12	5	7	1
15	Khurda	3	1	1	4	1	1	1	31		27	13	63	148	74	74	6
16	Kalahandi					1			4		3	1	8	17	7	10	
17	Kendrapara	1			1	2	1		6		4	1	11	27	13	14	1
18	Kandhamal				1				2				3	6	3	3	
19	Keonjhar								7		6		10	23	11	12	1
20	Koraput								5		12	1	8	26	14	12	
21	Malikangiri										2		4	6	6		
22	Mayurbhanj		2	2					7	2	2	1	12	28	13	15	1
23	Nuapara								1		2			6	2	4	
24	Nayagarh	1	1	1	4		2		6		2	2	9	28	5	23	2
25	Puri	1	1	3	3	1	3		14	1	12	5	27	71	25	46	2
26	Rayadaga	3		1					2		6		8	20	12	8	
27	Sundargarh		3						3		6		10	22	17	5	
28	Sonepur								2			1	4	7	4	3	
29	Sambalpur	1		1					7		4	1	8	22	12	10	1
30	Nawarangpur	1				2			2		1		5	11	7	4	
	Others	1		1							1		5	8	6	2	1
	Total	15	11	18	38	10	11	6	199	10	178	55	369	920	433	487	28



ANNEXURE-C
DISTRICTWISE AND SUBJECTWISE CLASSIFICATION OF CASES ENTERTAINED AS ON 31.03.2004.

Sl. No.	Name of the District	Children Health	Jail	Antisocial Activities	Labour	Atrocities On SC/ STs.	Physically Handicapped	Complaint Against Police	Pollution	Religion/ Community	Service Matter	Women	Misc.	Entertained
1	2	100	300	400	500	600	700	800	900	1000	1100	1200	1300	
	Angul	3	5	6	7	8	9	10	11	12	13	14	15	16
	Bolangir			1	1			2				1		4
	Baragarh			2				5					1	8
	Balasore		1	6				8				5	8	28
	Boudh										4	1		5
	Bhadrak							5				5	7	17
	Cuttack		1	6				11			10	5	20	56
	Dhenkanal							5					6	11
	Deogarh			2				2					3	8
	Gajapati		1					1					2	4
	Ganjam		2	2				10		3	8	3	9	38
	Jagtsingpur		2	4				5		3		2		16
	Jaipur			1				8			7	1	10	27
	Jharsuguda							5					2	7
	Khurda		1	2	1			16			13	11	28	74
	Kalahandi				1			4			2	1	2	10
	Kendrapara			1				4			4	1	3	14
	Kandhamal			1				2						3
	Keonjhar							4			2		6	12
	Koraput							5			4	1	2	12
	Malkangiri													
	Mayurbhanj		2					5			2	1	3	15
	Nuapara							1					3	4
	Nayagarh		1	4		2		6				2	6	23
	Puri		3		1	3		10					16	46
	Rayadaga			3				1			6	2	4	8
	Sundargarh							1			2		1	5
	Sonepur							2						3
	Sambalpur							2					6	10
	Nawarangpur							2			1	1	3	4
	Others											1	2	2
	Total	8	14	35	4	5		140		6	65	46	155	487



ANNEXURE-D

DISTRICTWISE AND SUBJECTWISE CLASSIFICATION OF CASES DISMISSED IN LIMINI AS ON 31.03.2004.

Sl. No.	Name of the District	Childrer/Health	Jail	Antisocial Activities	Labour	Atrocities On SC/ STs.	Physically Handicapped	Complaint Against Police	Pollution	Religion/Community	Service Matter	Women	Misc.	Entertained
1	2	100	200	300	400	500	700	800	900	1000	1100	1200	1300	
	Angul	3	4	5	6	7	9	10	11	12	13	14	15	16
	Bolangir					1		5			3	2	3	5
	Baragarh										4		5	12
	Balasore							5			3		24	9
	Boudh										1		2	32
	Bhadrak							3		2			7	5
	Cuttack	1		1			2	7			5	3	13	12
	Dhenkanal										3		4	32
	Deogarh										3		3	8
	Gajapati	1									3		1	8
	Ganjam						1	1			26		10	5
	Jagitsingpur						1	2			2	1	12	39
	Jajpur			1						1			10	18
	Jharsuguda										1		3	12
	Khurda	1	1	2			1	15			14	2	35	5
	Kalahandi										1		6	74
	Kendrapara					2	1	2					8	7
	Kandhamal												3	13
	Keonjhar							3			4		4	3
	Koraput										8		6	11
	Malkangiri												6	6
	Mayurbhanj							2		2			9	13
	Nuapara									2			2	2
	Nayagarh										2		3	5
	Puri							4			6		11	25
	Rayadaga	2						1		1	4	3	4	12
	Sundargarh		1					1			6		9	17
	Sonepur												4	4
	Sambalpur	1						5			3		4	4
	Nawarangpur					2		2			1		2	12
	Others	1		1							1		3	7
	Total	7	2	4	4	5	6	59		8	107	11	214	433

EXURE-EPOSTS CREATED BY THE GOVERNMENT FOR THE ORISSA HUMAN RIGHTS COMMISSION TILL 31.03.04 AND THE NUMBER OUT OF THEM WHICH HAVE BEEN FILLED UP:

SL. No.	Post created by the state Government	Number of post	Date of filling of the post
1	2	3	4

GAZETTED

1	Secretary	1	Vacant(Secretary to the government Law Department functions as secretary to the commission in addition to his own duty). 05.01.2004 10.11.2003
2.	Director Investigation	1	Vacant
3.	Registrar	1	Vacant
4.	Inspector of Police	1	Vacant
5.	Section Officer	1	Vacant
6.	P.S. to Chairman	1	Vacant

NON-GAZETTED

7	Senior Assistant	1	Vacant
8	Constable	3	Vacant
9	Stenographer	5	Out of 5 posts two posts were filled up on 29.08.2003 and 17.11.2003 and remaining three posts are lying vacant
10	Peon	4	Out of four posts two posts are filled up on 29.08.2003 and the remaining two posts are lying vacant.
11	Driver	2	Filled up on 29.08.2003 and on 5.09.2003.