

ବାର୍ଷିକ ବିବରଣୀ  
**ANNUAL REPORT**  
**2004 - 05**



**ଓଡ଼ିଶା ମାନବ ଅଧିକାର ଆୟୋଗ**  
**Orissa Human Rights Commission**  
Bhubaneswar, Orissa

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## ANNUAL REPORT 2004 – 2005

(For the period from 1-4-2004 to 31-3-2005)

In pursuance of Section 21 of the Protection of Human Rights Act, 1993 (10 of 1994) ( here-in-after 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 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 as 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 11<sup>th</sup> July, 2003 and with effect from that date the Orissa Human Rights Commission became functional.

In the year under report the strength of the Commission was increased. Sri Himadri Mohapatra, Principal Secretary to Govt. Law Department was appointed as a Member of the Commission as per Notification of the Govt. in Law Deptt. letter No-975, dt:20.7.2004. He assumed office on 4<sup>th</sup> of August, 2004 on retirement from Govt. Service.



Initially the Commission functioned in a portion of the State Guest House at Bhubaneswar on a make shift arrangement. The space provided (five rooms in the ground floor) was inadequate for its functioning. As no suitable Government accommodation was made available, the commission shifted its office to a private house in Nilakantha Nagar close to the office of the Pollution Control Board, Bhubaneswar on 17.7.2004 on rental basis. Till date the Commission is functioning in the said accommodation. It may be noted that the Commission has requested the State Government in the G.A. Department for allotment of a piece of land and for provisions of funds for construction of its own building and no reply has been received yet.

As per provisions contained under Section 12 ( c) of the Protection of Human Rights Act, 1993, the Commission shall visit, under intimation to the State Government, any jail where persons are detained or lodged for the purpose of treatment, reformation or protection to study the living conditions of the inmates and make recommendations there under. Accordingly, the Members of the Commission visited the Circle Jail, Berhampur on 27<sup>th</sup> and 28<sup>th</sup> August 2004 and the Circle Jail and Women Jail at Sambalpur on 14<sup>th</sup> and 15<sup>th</sup> October 2004.

In accordance with the provisions of Section 28 of the Protection of Human Rights act, 1993 the State Commission is required to furnish an annual report to the State Government on the activities of the Commission. This report of the Orissa Human Rights Commission relates to the period from 1<sup>st</sup> April, 2004 to 31<sup>st</sup> March, 2005.



The preceding report covering the period from 11<sup>th</sup> of July, 2003 when the Commission started functioning to the 31<sup>st</sup> of March, 2004 has already been submitted to the State Government on 25<sup>th</sup> March, 2006.

### **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 Dillip Kumar Sahu, O.S.J.S. (S.B), Principal Secretary to Government, Law Department functioned as such in addition to his duties.

The Commission would like to observe that the post of Secretary to Govt. 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 discharge 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 the 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 one post of Director, Investigation in the rank of Inspector General of Police, one post of D.S.P., four posts of Inspector of Police and three posts of constables for the investigation wing of the Commission. The services of Sri Ashutosh Mishra, IPS, an officer in the rank of Inspector General of Police were made available to the Commission to head the investigation wing of the Commission. Sri Mishra joined the Commission on 5-1-2004. Sri Loknath Pradhan O.P.S., Dy. S.P. joined the Commission on 31.03.2005. The other posts created by Government for the investigation wing of the Commission remained vacant during the period under report. Consequently, the Inspector General of Police had to function single handed all through the period under report. The number of posts 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 posts in the rank of I.G. of Police and Dy. S.P. 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 enquired into through its own agency. While



the Director, Investigation of the Commission did take up enquiries 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 was appointed as Registrar of the Commission. He continued as the Registrar of the Commission during the period under report.

Statement vide Annexure "A" indicating the posts created for the Commission in the year under report, the number of posts filled up and date of filling of such posts is enclosed. As would be evident from the information given in Annexure "A" the Commission is grossly understaffed which has adversely affected its 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 approved by the Commission



were published in an extraordinary issue of the Orissa Gazette dated 25<sup>th</sup> September, 2003 and came into force with effect from the 15<sup>th</sup> 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 1<sup>st</sup> to 7<sup>th</sup> and 14<sup>th</sup> to 21<sup>st</sup> 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 8<sup>th</sup> 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 subjudice 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 1<sup>st</sup> April, 2004 till 31<sup>st</sup> March, 2005, the Commission received 1408 number of complaint petitions and took cognizance in 127 number of cases suo motu for enquiry. The statement indicating subject-wise classification of suo-motu cases during the period under report is enclosed vide Annexure-"B".

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, death due to sun stroke, Police highhandedness and in action, child labour, cruelty to children, sale of child, trafficking in human beings, Environmental Pollution, inaction of public servant, neglect in medical treatment, gang rape, starvation death, discrimination against the physically handicapped, Non allotment of Indira Abas House, old age pension, non payment of retiral dues, neglect of Blind, Deaf and Dumb students, and the like. Although under Regulation 10 (h), complaints relating to service matters or labour or industrial disputes or



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 with -holding of pension and other retrial dues for long periods because it affected 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 Suo-motu and instituted preliminary enquiry under Regulation 25 of the OHRC (Procedure) Regulations, 2003. 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, atrocity on women, sale of child, gang rape, death due to sunstroke, starvation death and the like.

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 – 'C', 'D' and 'E' .



During the period under report, 457 cases including 85 cases of the previous year have been disposed of. A brief outline of selected cases disposed of during the year under report is furnished in the following paragraphs. It may be noted here that during the previous year 459 cases were pending out of which as many as 85 cases were closed during the period under report.

1. OHRC case No.556/04(Suo-motu) : Upon publication of a news report on 29.05.2004 in the "Times of India" under the caption "BRANDED AS WITCH, WOMAN PARADED NAKED" a dispatch from Rourkela, unfolding the tragic story that a female name Newni Ekka, mother of five children, was allegedly paraded naked after being branded a witch in the village under Brahmani Tarang Police Station, the commission took cognizance of the matter Suo-motu U/s 12,(a) of the PHR Act. and put the D.G. & I.G. of Police, Orissa, Cuttack to notice requiring him to furnish a report on the assertions and allegations made in the news paper report. It transpired in the news report that the victim Woman Newni W/o: Daharu Ekka is a resident of Tainsara village under Brahmani Tarang P.S. It is reportedly alleged that on 6<sup>th</sup> May, 2004 at about 10 p.m. she had gone to the house of Sukhi Ekka to enquire about her elder son Manoj. Not finding her son there she woke up Sukhi's daughter, who on seeing Newni was frightened and shouted for help. Sukhi and the members of her family came rushing, nabbed Newni and branded her a witch. A group of villagers approached her husband and alleged that Newni was a witch and on his refusal to accept, her husband was beaten. The report further revealed that three women, who were part of the group of



villagers, undressed her and forced her to eat excreta. The villagers are alleged to have tried to hang her from a tree but she fell down. They allegedly shaved her hair and paraded her naked throughout the village. Newni's request to lodge an FIR at Kalunga police out-post was ignored and she had to run from pillar to post for justice. Although the incident occurred on 6<sup>th</sup> of May, 04, it came to light when Newni reached Rourkela to file a case. Newni reportedly managed to escape to her sister's house at Lathikata from where she lodged the FIR. The Commission having in view the gravity of the incident, while issuing notice to the Director General of Police, had observed that the investigation of the case be supervised and monitored by a Senior Police Officer and the Commission be kept informed of the progress of the investigation every fortnight until submission of the final form.

In pursuance of the order, the Addl, D.G. of Police, HRPC, Cuttack submitted a report vide letter No-4835, dt: 29.06.04 annexing with it copies of the report of the S.P. Sundargarh dated 22.06.2004, the joint enquiry report of the District Magistrate, and the S.P. Sundargarh dated 9.06.2004 and the joint enquiry report of the Sub-collector & SDM, Panposh and SDPO, Panposh dated 7.06.2004. The Addl. D.G. of Police, HRPC made a further report regarding the progress of the investigation in his letter No-5288, dated 8.7.2004.

From the reports received, it was clear that on 5.5.04 at about 11 p.m. when Daharu in a drunken state assaulted wife Newni Ekka and chased her, she ran to the house of her neighbour Sukhi Ekka looking for her elder son Manoj. In the house of Sukhi when Newni was trying to wake up Sukhi's daughter Sunny



by touching her forehead, Sunny suddenly woke up and cried for help which attracted the notice of other members of the family of Sukhi Ekka to the spot. Members of the family of Sukhi Ekka suspected Newni to be a witch and thought that Sunny had become unconscious allegedly due to the black magic practised by Newni. On the next day some villagers getting the news confronted Dharu Ekka that his wife Newni was a witch and wanted to know why he (Dharu) was keeping her in his house. At this juncture Dharu is stated to have fled away from the place. After departure of Dharu from his house the villagers cut the hair of Newni, forcibly made her naked, threw her wearing apparels into the river. They also threatened Newni not to return to the village. In this connection on the report of Newni Ekka Brahmani Tarang P.S. Case No.78 dated 28.5.2004 under Sections 341/342/354/355/323/294/506/34, I.P.C. was registered against 13 accused persons. Out of the 13 accused persons, 8 were arrested and forwarded to court on 31.05.04, whereas 4 other accused persons were arrested and forwarded on 16.6.04. One accused, namely, Dinesh Oram is absconding. All the 12 accused persons are stated to be in jail custody. The case has since been charge-sheeted against all the 13 accused persons. On the report of Sukhi Ekka Brahmani Tarang P.S. Case No-79 dt:29.5.04 U/s 447, I.P.C. has been registered against the victim Newni Ekka. On investigation final report has been filed stating the case to be a mistake of fact. In the reports of the Addl. D.G.P., HRPC, it is further stated that to prevent further breach of peace, Prosecution report and counter prosecution report U/S. 107, Cr. P.C. have been filed against the villagers and the victim and armed police (1/4 APR) has been deployed in



the village to guard against further breach of peace. An IAY house was sanctioned in favour of the victim Newni Ekka as a compassionate measure.

On careful examination of the reports received from the authorities, the Commission noted that a criminal case relating to the unfortunate incident has been investigated into and charge-sheet submitted against the accused persons. In the facts and circumstances, the Commission was satisfied that appropriate action was taken and did not consider further intervention necessary. Therefore, the case was closed. The fact of closure of the case was intimated to the Addl. D.G. of police, HRPC, the District Magistrate, Sundargarh and the S.P. Sundargarh as per order dated 18.08.2004.

2. OHRC Case No. 630 /04 (Suo-motu): The news report published in the daily 'SAMBAD' in its issue dated 21.06.2004 under the caption " MAHILANKU TINI POLICENKA DHARSANA" drew the attention of the Commission on 24.06.2004. In the news report it was alleged that a lady was subjected to gang rape within the premises of a bank by three policemen about 15 days prior to the report. Attempt to suppress the incident was foiled after the victim complained of it to a senior police officer of Cuttack district, it was reported. As the matter called for an enquiry, the Commission called upon the D.G.& I.G. of police, Orissa, Cuttack for a detailed factual report on the incident as reported in the news paper report. The D.G.& I.G. of police was requested to indicate the date and time when the information about the incident was lodged or was first available to the Cantonment Police Station, the details of action taken by police from time-to -time till date, the result of the investigation and whether any effort was made to suppress the incident either through threat or offer



of inducement and if so the persons or organizations which were responsible. The Commission further desired to be apprised whether the miscreants are identified and, if so, the action taken against them. The Commission also requested the D.G. & I.G. of police to see that the victim lady is not subjected to any vindictive action or illegitimate pressure which might interfere with fair investigation.

In pursuance of the order two reports and copies of the final form submitted in Court were received from the DG of police, CID CB, Cuttack vide his letter Nos. 21002 dated 13.7.04 and 35667 dated 2.11.04. From the reports it was clear that charge-sheet was submitted in Cantonment P.S. Case No-5 dated 22.06.2004 against accused constables, namely, Pratap Kumar Sahu, Kailash Chandra Kandi, Ashok Kumar Mallick, Krushna Chandra Behera and Havildar Sk. Jainul Sajeddin under Sections 376(2) (g)/ 342/323/506/34, IPC/Section 3 of the S.C. & S.T. (P.A.) Act for their trial in the Court of Law. The gruesome incident of gang rape involving five police personnel was unearthed and the persons guilty of the offences were brought to book due to the intervention of the Commission. As the local police was found guilty of suppressing the incident, Inspector P.K. Das, IIC of Cantonment P.S. was placed under suspension for dereliction of duty. Disciplinary proceeding was initiated against him on the aforesaid charges. As the investigation of the case culminated in submission of the charge sheet against the five accused persons and the matter was subjudice in Court, the Commission was of the view that no further intervention in the matter was necessary. The case was thus closed.



### 3. OHRC Case No. 438 /04 (Suo-motu):

Pursuant to the release of a news item in the daily 'SAMBAD' dated 29.12.2003 unfolding detection of a girl aged about 5 years inside the jungle near Naval Establishment of Chilka in a state of unconsciousness, and later admitting the girl in the Naval Hospital, in its issue dated 29.12.2003 under the caption "PANCHO BARSHA RO JHIO KU DHARSHANO, ACHETO ABASHA RE JANGALO RU UDDHARO" the Commission called upon the Superintendent of Police Khurda to have a preliminary enquiry under Regulation 25 of the OHRC (Procedure) Regulations, 2003 and submission of a report indicating facts of the case and the results of the investigation, if any. The S.P. Khurda in pursuance of the order of the Commission filed a belated report as per his letter No-1784 dated 17.6.2004 wherein it was stated that on the report of Prasanna Kar, resident of Naval Base, dated 4.1.04 to the O.I.C., Balugan P.S. alleging that his daughter Twinkle Kar was found in a jungle on 25.12.2003 in unconscious state with bleeding injury on her face and head. The O.I.C. registered a case under Section 307, I.P.C. and investigated into it. He further reported that a juvenile, namely, Gund was arrested in connection with the case and forwarded. The I.O. in consultation with the doctor attending on the victim found that the story of sex assault as reported was baseless. The S.P. further reported that the parents of the victim and the accused compromised the case on payment of a compensation of rupees one lakh. As the matter was charge-sheeted, further intervention of the commission was considered unnecessary and in terms of provisions of Regulation 10 (i) of the OHRC (Procedure) Regulations, 2003, the matter was closed.



4) OHRC Case No. 660/04 (Suo-Motu) :

Confronted with a news report with the photograph of a child labour embraced to it published in the daily 'DHARITRI' in its issue dated 1.7.2004 under the caption "HOTEL RE SISHU SHRAMIKA YAUNO NIRYATANA RO SHIKARO" alleging that a boy namely Sukra Loka, aged about 12, who was working in the hotel was being sexually abused by the owner of the hotel named Bailochan Khatua and when the matter became published the hotel owner was subjected to assault by the local people for which he sustained serious injuries and was under treatment in I.G. Hospital, Rourkela. The news paper further revealed that the matter has been reported at sector-7 P.S.

A report as to the truth and otherwise of the incident was called for from the S.P., Rourkela as per the order of the Commission dated 7.7.04. The S.P., Rourkela in his report as per his letter No-1656 dated 20.12.04 stated that on the report of Raghu Loha, father of the victim Sukra Loha, Sector-7 P.S. case No-83 dated 25.06.04 was registered under Sec. 377, I.P.C. After medical examination of the victim Sukra and accused Bailochan who was found to have simple injuries, the latter was arrested and the victim boy was sent to the F.M.T. Department, VSS Medical College, Burla for determination of his age which was estimated between 13 and 14 years. On further enquiry the S.P., Rourkela reported that the case has been charge-sheeted vide Charge-sheet No.120 dated 9.8.04 against Bailochan Khatua, the owner of the hotel and is subjudice. As matter was subjudice, further intervention of the Commission was considered not necessary in view of the provisions under Regulation 10 (i) of the Orissa Human Rights Commission (Procedure) Regulations, 2003. The matter was closed.



5. OHRC Case No. 640 /04: (Suo-motu)

A news report having appeared in the daily 'DHARITRI' in its issue dated 23.06.2004 under the caption "ADIBASINKU KEHI SAHAYA NAHANTI" unfolding a story that about three months back eight tribals of Kudimiluguma Block died following a firing alleged to have been resorted to by Andhra Pradesh police in village Jadapalam on Andhra- Orissa border on suspicion that they were Naxalites, the Commission took cognizance of the matter suo-motu and called for reports from the Principal Secretary to Govt., Home Department and D.G. and I.G. of police, Orissa, Cuttack for a detailed factual report on the statements and allegations appearing in the news item. The Addl. D.G. of Police, HRPC, Orissa, Cuttack in response to the direction reported that the enquiry revealed that there was no such encounter by Andhra Pradesh Police either in village Jadapalam or in any village in Malkangiri district in the year, 2004. The report further explained that the news originated from a petition of Anand Khora of village Tarlakota addressed to the Collector, Malkangiri alleging that on 2-4-04 were killed on account of police firing by Andhra Pradesh CRPF, while he could survive being injured. The persons alleged to have been killed due to police firing were found alive on physical verification on 25.5.04 at Chitrakonda police station. Ananda Khora, who was an accused in Chitrakonda P.S. Case No-25 /04 under Sections 294/354/506, I.P.C., was arrested and forwarded in custody. The news item published in the daily 'DHARITRI' was thus contradicted. The matter was adjourned awaiting a further report of the addl. DGP, HRPC indicating the steps taken by the S.P, Malkangiri on the petition filed by Ananda Khora which was forwarded to him by the Collector, and



if any report was sent to the Collector, Malkangiri, send a copy thereof. The Addl. DGP, HRPC as per his letter NO-9587 dated 2.12.2004 forwarded a copy of the enquiry report of the C.I. of Police, Orkel pertaining to the petition of Ananda Khora. A perusal of the enquiry report made it clear that the alleged incident as published in the news paper is untrue. As the news paper report was unfounded and baseless, the Commission thought it appropriate to close the proceeding.

6. OHRC case No. 1082 /04 (Suo-motu)

The precarious condition of an old and helpless man by name Gokulananda in the imminent danger of starvation death lying in the premises of Tirikunda High School on Mandarpur-Machhagaon road having been reported in the daily 'Samaj' in its issue dated 22.9.2004 under the caption "KHAIBAKU NAPAI SCHOOL VERANDHRE MRUTYUKU APEKHYA KARICHHI ASAHAYA BRUDHA", the Commission took cognizance of the matter suo-motu and requested the Collector, Jagatsinghpur to have a preliminary enquiry under proviso to Regulation 25 of the OHRC (Procedure) Regulations, 2003 on the facts stated and the allegations made in the news item and submit a report to the Commission within three weeks. In compliance with the direction in the order dated 29.9.2004, the A.D.M., Jagatsinghpur submitted a report admitting that on 25.08.04 the old man, namely, Gokulananda Barik was brought to District Head-quarters Hospital, Jagatsinghpur for medical treatment and was admitted as an indoor patient. He was discharged on 1.9.2004. It is further reported that old age pension is sanctioned to him since July, 2001 and in the mean time provision of shelter has been made for the old man in Chandanpur under Raghunathpur Block. It was made clear that Gokulananda was



pulling-on-well and was not facing condition of destitution. The matter was closed after the district administration submitted the aforesaid report.

#### 7. OHRC Case No. 441 /03 (Suo Motu)

In this case convict Kailash Dalai, Who was lodged in the Circle Jail, Berhampur since April, 2003 and was taken to MKCG Medical College & Hospital, Berhampur for treatment on 26-12-03, expired on 28-12-03. As the news report unfolded a case of custodial death, the Commission took cognizance of the matter suo-motu and called upon the Addl. D.G. of police-cum-I.G. of prisons, Orissa, Bhubaneswar for a detailed report on the circumstances under which the convict Kailash expired. The Senior Superintendent of Circle Jail, Berhampur in obedience to the orders of the Commission submitted his report as per letter No. 4897 dated 25-8-04 together with the medical papers sent vide letter No.5097 dated 13-9-04. Examination of the papers revealed that deceased Kailash Dalai aged 71 years was weak at the time of his admission in Jail on 10-5-2001. During his detention he was detected to be suffering from cirrhosis of liver and was referred to MKCG Medical College & Hospital, Berhampur, where he was admitted in different spells. On medical advice he was given blood transfusion twice. Despite medical attention and treatment the life convict Kailash Dalai passed away in the hospital on 28-12-03. Findings of the post-mortem examination were consistent with the report of the jail authorities that Kailash died of Cirrhosis of liver and natural disease process. On being satisfied that no negligence or want of reasonable care was attributable to the death of the life convict, the Commission concluded its further enquiry. The case was closed.



#### 8. OHRC Case No.744 /04 (Suo-motu)

A news alleging sale of a tribal child Kanhei Singh S/o: Hakeya Singh of village Arilo under Kishan Nagar P.S. for serving as domestic help having appeared in the daily 'Samaj' in its issue dated 29-7-04 under the caption "CHAKARA BHABE RAKHIBAKUNEI ADIBASI SISUKU BIKRI", the S.P., Cuttack was called upon to enquire into the incident and submit a preliminary report to the Commission under the Proviso to Regulation 25 of the OHRC (Procedure) Regulations, 2003. In response to the direction the S.P., Cuttack submitted a report in his letter No.10918 /DIB, dated 7-12-2004 which revealed that Kanhu @ Kanhei Singh aged 14 was engaged as domestic help by Baniranjan Pradhan, a retired Engineer, residing at Pareswarsahi, Cuttack to assist him in the domestic work. The boy Kanhu did not like to continue and fled away. It revealed in the report that he did not return home for fear of his step-mother and went away to his native village Durgadevi under Remuna P.S. where he was traced. The boy did not complain of any torture or illtreatment and was restored to the custody of his father as reported in Kishan Nagar P.S. vide S.D. entry No. 160 dated 10.8.2004. The enquiry was thus concluded after the child was restored to his parents.

#### 9. OHRC Case No. 424 /04 (Suo-motu)

A news alleging custodial death of two prisoners in Keonjhar Jail within a span of three months having appeared in the daily 'SAMBAD' in its issue dated 2-4-2004 under the caption "KEONJHAR JAILRE TINI MASARE DUI K AidINKA MRUTYU", the Addl. D.G. of police-cum-I.G. of prisons, Orissa, Bhubaneswar was called upon to enquire into the circumstances in which the two prisoners died and



submit a detailed report as to the cause of death and medical treatment given to the prisoners, namely, Sk. Jamsed and Anil Rathore. There was discrepancy in the medical reports in regard to the cause of death of the prisoners as reported by the Senior Superintendent of the Circle Jail, Baripada, who conducted the enquiry. The Commission took note of the fact that the custodial deaths have become very frequent and inadequate medical care and attention so also unhygienic condition in the prison could have contributed to such custodial deaths, the Commission directed an independent enquiry to be conducted by the Director of Health Services, Orissa who was requested to take the help and assistance of experts in the enquiry and report the result of the enquiry within two months. In pursuance of the direction, a committee was constituted consisting of the Director of Health Services, Orissa, the Professor and Head of the Department of Medicine, SCB Medical College, Cuttack and the Professor of Forensic Medicine & Toxicology, SCB Medical College, Cuttack to ascertain the cause of deaths of the prisoners. The Director of Health Services as per his communication vide letter No.44799 dated 9-12-04 submitted the report of the committee. It transpired in the report that both the deceased prisoners were initially treated in the jail Hospital and thereafter in the Dist. Head-quarters Hospital Keonjhar for the ailments suffered by them. Convict Sk. Jamsed expired in the District Head quarters Hospital Keonjhar on 16-1-04 while convict Anil Rathore passed away on transit to SCB medical college Hospital, Cuttack. In the opinion of the members of the committee adequate treatment was provided by the Jail Doctor. The living conditions in the Jail, in the opinion of the committee, were not responsible for the ailments and deaths of the two prisoners. As the three senior



medical experts of the State were of the view that adequate steps for treatment of the prisoners were taken and there was no material to the contrary, the Commission was persuaded to accept the findings of the committee and concluded the enquiry into the matter. The findings of the Commission were communicated to the Govt. of Orissa in the Health & Family Welfare Department.

10. OHRC Case No.277/04 (Suo-motu)

A news report stating that villagers of Odagaon Block whose houses were gutted by fire, were forced to take shelter under trees on failure of the administration to provide relief to them, having appeared in the daily 'Samaj' in its issue dated 24-2-04, the Commission directed a preliminary enquiry under proviso to Regulation 25 of the OHRC (Procedure) Regulations, 2003 by the Collector, Nayagarh. In accordance with the direction, the Collector, Nayagarh caused enquiry into the matter and sent a report vide his letter No.1380/Judl. Dated 15-7-204 wherein he, relying on the report of the B.D.O. stated that out of 121 houses gutted by fire accident, 90 eligible households were found entitled to IAY houses and 55 such households were allotted with such houses, who have completed construction of the houses. It is further reported that in the year 2003-04 525 houses pertaining to 31 villages were gutted by fire accidents. 140 households were found eligible for IAY houses and 30 households have since completed the IAY houses. The Collector denied that any affected person was thrown to the street. With the relief granted by the Govt., houses were repaired and the persons are residing there. On the basis of the report, the Commission was satisfied that due attention was given to the problems of persons whose houses



were gutted by fire accidents in the villages of the district in the years 2002-03 and 2003-04. As such, the matter was closed as no further intervention was considered necessary.

11. OHRC Case No. 397/ 03 (Suo-motu)

A news report regarding alleged sale of an infant girl child for Rs. 10 / - by Smt. Sumitra of village Badibahal in Kishore Nagar Block, who was afflicted with Tuberculosis, having appeared in the Bhubaneswar Edition of daily 'Sambad' in its issue dated 18-12-03 under the caption "DASA TANKARE SISU KANYA BIKRI", a report was called for from the Collector, Angul after suo-motu cognizance of the news item was taken. The Addl. District Magistrate, Angul vide his letter dated 25-3-2004 responded to the direction of the commission denying the allegations made in the news paper report. It was clarified that the girl child was given on adoption to a couple of Athmalik who were issueless, while arrangement for medical treatment of Sumitra, who was suffering from T.B. was made. The Commission insisted on further details and accordingly requested the Collector, Angul to report about the steps taken for provision of medical treatment and food and clothing to Sumitra and her two daughters after she was discharged from the hospital. The Commission also desired to be apprised as to whether any assistance was provided to Sumitra. As the reports of the Addl. Dist. Magistrate, Angul and that of the Sub-Collector, Athmallik that Sumitra and her two children went untraced did not appear convincing the Director of Investigation attached to the Commission was deputed to have a detailed enquiry into the matter and submit report. The Director, Investigation on enquiry found out that Sumitra Behera, a resident of Badibahal under Kishorenagar Block of



Athamallik Sub-Division, Dist-Angul did not sell her minor daughter to Smt. Gayas Behera W/o: Atma Behera, a resident of ward No. 4 of Athamallik Town as alleged in the news item. The girl child was taken by Atma Behera and his wife on adoption. He confirmed to the earlier findings of the Sub-collector, Athamallik that Sumitra Behera together with her two daughters have left Athamallik for some unknown destination. On consideration of the reports the commission was satisfied that there was no truth in the allegation that Sumitra Behera sold her daughter for Rs. 10/-. The Case was accordingly closed.

#### 12. OHRC Case No. 74/04(Suo-motu)

A news item under the caption "SALEPUR: SISU BIKASH BIBHAG KARMACHARINKA DWARA SISU SHRAMIK JOGAN ABHIJOG" having appeared in the daily 'Sambad' in its issue dated 8-1-2004 unfolding the story that one Sumati Parida, an Anganwadi worker, had taken two girls from Salepur and left them with Smt. Sagarika Prativa Ray, Supervisor, ICDS and that the two girls were being subjected to harassment for which their parents have made allegations at the P.S. and before the District Magistrate, Cuttack, the commission took cognizance of the matter suo-motu and sent a copy of the news item to the S.P., Cuttack to report on the action taken by the police upon the report said to have been given at Salepur P.S. by the parents of the girls. The S.P., Cuttack as per his report being No. 7778 /DIB(OHRC) dated 7-9-2004 enclosing therewith a copy of the report submitted by the Dy. S.P. Cuttack admitted that on the written report of Batakrushna Mohanty of village Gangapur under Salipur P.S., P.S. case No. 8 dated 9-1-2004 under Sections 341/342/323/506/34, I.P.C. was registered and the victim girls, namely, Sara



Mohanty and Pakuni Ojha were medically examined. Medical reports revealed presence of injuries on both the victims giving rise to the institution of the case. The report further indicated that Sagarika Ray surrendered in the Court of J.M.F.C. on 12-8-2004 and was released on bail. Efforts were under way for arrest of accused Sumati Parida, Anganwadi worker. As the matter was still under investigation, the S.P. was requested to give a further report with regard to the progress. In response to the direction, the S.P. in his letter No. 11189 /DIB (OHRC) dated 14-12-2004 reported that Salipur P.S. case No. 8 /04 ended with charge-sheet against both Sagarika Ray and Sumati Parida.

Having perused the relevant papers on record and the progress made in the investigation of the case culminating in submission of charge sheet, the commission refrained from further intervention as the matter was subjudice. The case was, thus, closed.

13. OHRC Case No. 164 /2003(Suo-motu):

Upon the publication of a news report under the caption "JOGAJOG BICHHINNA HEBARU KANDHAMULA KHAI BANCHUCHHANTI SUNABEDA ANHAYARANYABASI" in the daily "Samaj" in its issue dated 24-9-2003 the tribal inhabitants of 31 villages are unable to get essential commodities like rice, salt etc. owing to disruption of communication and that they are being compelled to live on sweet potatoes collected from the forest and that despite reports being given to the Block and District Administration, no action was being taken by the authority, the commission took notice of the matter and having entered correspondences with the Collector, Koraput finally called for a report from the Collector, Nuapada on the statements and allegations appearing in the news report. In response to the notice of



the commission, the collector, Nuapada filed his report on the contents of the news item together with certain statements showing the quantity of food stuff received in Sunabeda area and Komna project. In the report, it was admitted that in heavy rains in the months of August-September, 2003 the causeways of the approach roads i.e. on chereichuannala, Dabri nala, Soniam nala, Baring nala and Bandkiamnala on Barkot Sunabeda forest road was washed away and other portions of the connected roads constructed on hill tracks were also partly damaged. The Collector also admitted that there was landslide on the ghat portion of the forest roads causing disruption in communication. The report, however, indicated that for the socio-economic development of Chakota-Bhunjia a micro-project under the S.C.-S.T. Development Department functioning in Sunabeda-Soseng areas is actively engaged in socio-economic development of the people. Ten watershed projects have been taken up in the area for agriculture, horticulture etc. The tribal women, it was reported, have been motivated to form self-help groups to facilitate watershed management. They are reported to be undertaking various economic activities. 126 such self-help groups were reportedly functioning in the area.

The report further indicated that keeping the inaccessibility of certain areas in the sanctuary in view, advance arrangements are made before the visit of rains for stocking of essential commodities at Sunabeda, Soseng and Michhapalli G.P. through the public Distribution system. Contradicting the news report it was stated that well ahead of rains on 30-6-2003, 150 quintals of BPL rice and 300 liters of K. oil had been transported to Sunabeda G.P. Soseng G.P. also received similar quantity of rice and K.oil to meet eventualities. In August, 2003 both the Grama



Panchayats reportedly lifted BPL rice, rice allotted under Annapurna and Antodaya Anna Yojana and other essential commodities and distributed the stocks. In September-October, 2003, stocks of rice were distributed.

In addition to the above arrangements regarding distribution of essential commodities, it was reported that feeding programme was implemented in these tribal dominated areas extending benefit to the old, in-firm and destitute under the Emergency Feeding programme and for the benefit of the children, lactating and pregnant mothers under wheat based nutrition programme. As per the report, nine Anganwadi Centres and one Sub-Centre function in the area catering to the needs of 685 old and infirm person and 1080 children. Lactating and pregnant mothers also received feeding benefits during the period under report. Under the Mid-Day Meal programme operating in the area, adequate stock of rice and dal were made available much ahead of the flood.

While admitting that there was disruption of the communication due to heavy rain in August-September, 003, it was contended that the people are used to coming through ghat roads in the hilly terrain either on foot or in bi-cycle and even using alternate short-cuts during period, following heavy rains. Their hardships were mitigated by the District Administration, by supply of food stocks through the public Distribution system/ Mid-Day Meals/Emergency Feeding Programme. Developmental activities such as watershed projects, restoration of old kucha tanks, food for work programmes under Sampurna Gramin Rojgar Yojana were undertaken, which provided wage employment while ensuring food security.



Having in view the report of the Collector, Nuapada, the commission was constrained to note that an exaggerated picture of the situation was made in the news paper, not based on facts. Thus, the enquiry was concluded as per order dated 15-7-2004.

14. OHRC Case No. 779/04 (Suo-motu)

On release of a news report under the caption "PATRAPURARE ATHA DINA HELA PEEIBA PANI MILU NAHEEN" in the daily "DHARITRI" in its issue date 11-8-2004 alleging that there was disruption of water supply to 11 revenue villages of Patrapur Block while most of the tube-wells in the area were dysfunctional the water from the tube-wells contained high quantity of iron and consequently not potable, a report was called for from the Secretary to Govt., Rural Development Department on the statements and allegations appearing in the news paper report as per order dated 1-8-2004. On notice of the Commission the allegations were enquired into by the Executive Engineer, RWSS Division, Berhampur and the report containing the findings of the Enquiry officer was furnished to the commission by the Commissioner-cum-secretary to Govt., R.D. Department. In the report it was explained that on account of a major break down of 200 mm diameter C.I. rising main at Maisanpur on 4-8-2004, the pipe water supply to the villages were disrupted. Repairs and replacement were taken up and the supply of water was restored on 11-8-2004. There was short fall in supply of water for eight days. Denying the news report that the tube-wells were dysfunctional, it was reported by the Commissioner-cum-secretary to Govt., R.D. Department that out of 62 tube-wells installed in the villages, only one tube well was defunct. The Commissioner-cum Secretary in his



report denied the existence of excess iron in tube-well water. He concluded his report stating that the Executive Engineer, RWSS has been instructed to ensure maintenance of drinking water sources so also working condition of the tube-wells so that in any contingency of disruption of pipe water supply the people can bank on tube-wells for meeting their drinking water needs.

The commission having examined the report was satisfied that necessary action for restoration of pipe water supply was taken with reasonable promptitude. If 61 tube-wells were lying functional as stand by in the area, there must not have been any serious difficulty in getting drinking water by the villagers of the 11 revenue villages in Patrapur Block as reported. The enquiry was, thus, concluded with the aforesaid findings.

#### 15. OHRC Case No. 573 /2004 (Suo-motu)

The news report in the daily "Samaj" dated 6-6-04 under the caption :KENDRAPARA SARAKARI DAKTARAKHANAKU JALA JOGANA BAND" contained a story that water supply to the Government Hospital at Kendrapara was stopped for four consecutive days, as a result the patients and their attendants face serious difficulties for shortage of water in the summer heat.

As the news report disclosed a case of serious disruption of essential services in the District Headquarters Hospital, the Chief District Medical Officer and the Executive Engineer, P.H.D., Kendrapara were put to notice to give their response. In reply to the notice, the Assistant Engineer, P.H. sub-Division, Kendrapara sent report vide letter No-969, dated 21.6.04 denying the allegations contained in the news report. The Chief Dist. Medical officer, Kendrapara sent report vide letter No. 3597 dated 3-7-04 referring to the news item and contradicted the



allegations saying that there was no disruption of water supply for four consecutive days as reported. As per his report water connection to the operation theatre and the surgery ward of the District Headquarters Hospital did not have water supply on 2-6-04 and on complaint having been lodged before the S.D.O., P.H.D., Kendrapara, the same day, normal water supply was restored on 3.6.04 after repair of the delivery pipe which was damaged by monkeys. A joint inspection made by the A.D.M.O., Kendrapara, Asst. Engineer, P.H. sub-division, Kendrapara and jr. engineer, P.H. Section (II), Kendrapara on 4.6.04 reveal that the water supply to all the wards of the hospital was normal. It is further reported by the CDMO that over and above the water supply that was operating in the Headquarters Hospital, a water tank with a capacity of 2000 liters was installed at the entrance of the hospital to ensure 24 hours water supply to the patients and their attendants and three additional stand points have been provided at different places in the hospital premises with provision of water supply round the clock. His report indicated that the supply of water to the hospital is normal. On being satisfied that the disruption of water supply to the surgery ward and Operation Theatre was attended to in time and normal water supply was restored in the hospital, the matter was closed on intimation to the Chief District Medical Officer, Kendrapara and the Executive Engineer, P.H.D., Kendrapara, as per order dated 27-9-04.

16. OHRC Case No. 436/03 (Suo-motu) :

Upon publication of a news report in the daily "Samaj" in its issue dated 26-12-2003 under the caption "JAGATSINGHPUR DURDANT APARADHINKA CUTTACK RE ATTANKRAJ" containing the allegations that anti-socials and criminal



elements are entering Cuttack town and committing various offences with the help of local anti-socials which has been creating a sense of fear and insecurity among the local inhabitants and that the local police has been trying to play down the seriousness of the activities of such anti-socials and criminal elements, the commission took cognizance of the news item suo motu and called upon the D.G. and I.G. of police, Orissa, Cuttack for a detailed enquiry through a senior officer and for submission of report.

In pursuance of the order of the commission, the Addl. D.G. of police, H.R.P.C., Orissa sent his report vide letter No. 3126 dated 30-4-04 enclosing therewith a copy of the detailed report of the D.S.P., City, Cuttack. In the report it was inter alia stated that on the report of Smt. B.L. Swain, W/o: Suchitra Kumar Swain, Mangalabag P.S. case No. 251 dated 24-12-2003 under sections 448/294/323/379/354/506/34, I.P.C. and on the report of Jayadev Das, Mangalabag P.S. case No. 252 dated 24-12-2003 under Sections 341/323/294/337/427/506/34, I.P.C. were registered and investigated into. Both the cases were reportedly under investigation. The report further revealed that with a view to preventing breach of peace between the two groups, the local police initiated proceedings under Section 107, Cr. P.C. vide Mangalabag P.S. Non-FIR No. 140 and 141 dated 25-12-2003 in which notices were served upon the members of both the parties. Besides, the accused persons in Mangalabag P.S. Case No. 251/2003 namely Dabasis Rath and Ajaya Sethi were booked under Section 110, Cr.P.C. vide Mangalabag P.S. Non FIR No. 140 and 141 dated 25-12-2003 because of their past criminal antecedents in the district of Jagatsinghpur.



As the report of the Addl. D.G. of police, H.R.P.C., was found not complete in respects, the commission called upon him to furnish a further report and in compliance with the order, the Addl. D.G. of Police, H.R.P.C., Orissa, Cuttack sent a report vide letter No. 6804 dated 16-8-04 wherein it was stated that Mangalabag P.S. case No. 251/03 registered at the instance Smt. B.L. Swain has been charge-sheeted against five accused persons under Sections 432/379/354/506/34, I.P.C. It further revealed in the report that prima-facie case was established against six accused persons in Mangalabag P.S. case No. 251/03, namely Santu @ Khirod Das, Tulu Sinha @ Ashok Kumar Sinha, Tika @ Mohanty, Kartik Ch, Barik, Hagura @ Ramanuj Das and Hagura Behera. Of the six accused persons, five surrendered in the Court and were admitted to bail. The remaining accused Hagura Behera was reported to be absconding and steps were taken to apprehend him.

As regards the proceeding under Section 107, Cr. P.C., it was reported that the charge-sheet and arrest reports in Mangalabag P.S. Non-FIRs No. 144 /03 and 145/03 have been submitted against the members of both the parties and notices have been served on them and that the parties have been attending the court.

As regards the proceeding under Section 110, Cr.P.C.. in Mangalabag P.S. Non-FIR. No.140 and 141 of 2003, it was reported that the delinquents are on Court.

In view of the developments, it appeared clear that except Mangalabag P.S. Non-FIR. No. 252/03, which was pending submission of Final Form, rest of the cases are under subjudice. The enquiry was, accordingly, closed keeping in view the



developments in the cases and a copy of the order was endorsed to the Addl. D.G. of police, H.R.P.C., Orissa, Cuttack.

17.OHRC Case No. 181/204 (Suo-motu) :

The death of under trial prisoner, named, Rabindra Chhotray (48), son of Paramananda Chhotray of Gadabangar, P.S. Gop, Dist. Puri, who was lodged in Sub-Jail, Parlakhemundi accused of an offence under Section 20 (b) of the Narcotic Drugs and Psychotropic Substances Act in G.R. Case No. 373/03, having come to the notice of the Commission on the basis of a news paper report published in the daily "Samaj" in its dated 5-2-04 under the caption "BICHARADHINA BANDIRA ASWABHIKA MRITYU", the Commission caused an enquiry into the death and called for a report from the Addl. D.G.-cum-I.G. of Prisons, Orissa, Bhubaneswar. It revealed in the reports that the UTP Rabindra had no ailments at the time of his admission. During his detention in custody he had no serious ailment until 4-2-2004, when he complained of pain in his chest. He was attended to by the Medical Officer in the out-patient Department at 10.25 AM on that date. The UTP was gasping and his pulse could not be found while his blood pressure was not in a recordable state. Despite cardiac message at 10.30 AM, Rabindra died. On perusal of the post-mortem examination report, chemical examination report and enquiry report of the Sub-Collector-cum-SDM, Parlakhemundi together with the opinion of the Medical Officers it was conclusive that the death of Rabindra was on account acute of myocardial infraction. No foul play was suspected in the death of the deceased UTP nor any lapses on the part of the Jail Authorities in attending to the U. T.P. could be found on enquiry. Accordingly, the matter was closed.



18. OHRC Case No. 689/04 :

Sri Sachindra Kumar Sahoo of Harabhanga, Dist. Boudh, a human rights activist in a petition brought to the notice of the Commission the plight of Smt. Satyabhama Danayak, widow of late Nabaghana Danayak of village Harabhanga stating that upon the death of her husband, the bread earner of her family about 3 years back, the widow and the three children were passing their days due to acute poverty and destitution. It was alleged that no exgratia is paid to her nor is she provided with a residential house under I.A.Y. scheme though she fulfilled the conditions. The Commission, on receipt of the grievance, requested the Collector, Boudh to enquire into the statements and allegations and submit a report as to if assistance under the poverty alleviation schemes have been provided to Smt. Satyabhama and her children. The Collector visited the house of the petitioner on 2-11-2004 with the Sub-Collector, Boudh and the B.D.O., Harabhanga and found out that Smt. Danayak, the widow, was staying with her three children in a thatched house on plot No. 635, khata no. 285 having an area of Ac. 0.06 decimals recorded in the name of her father-in-law without any complaint from any of the co-sharers. It was further reported that she is being provided with subsidized rice under the "Antodaya Anna Yojana" since 2001. It was also reported that she has foregone the widow pension and the house under the I.A.Y. scheme for fear of losing the benefits under "Antodaya Anna Yojana". As she was not possessed of the death certificate of her husband, she was advised to collect the same and apply for the benefits under the National Family Benefit Scheme through the B.D.O. Harabhanga. Considering the distress, the Sarpach and the Executive officer of Harabhanga G.P.



appointed Smt. Danayak as a sweeper in Panchayat office w.e.f. 15-11-2004 on a consolidated pay of Rs. 200/- per month on part time basis. On being satisfied with the report, the Commission concluded its intervention with a request to the Collector, Boudh to keep the Commission informed if Smt. Satyabhama Danayak has been paid exgratia assistance under the Government scheme.

#### 19. OHRC Case No. 105/04

On receipt of a complaint of Keshab Pradhan S/o: late Panchanan Pradhan of village Kundhaigola in Kundhegola P.S. regarding police inaction in investigating into an incident of assault, rioting and attempt to murder in respect of which an FIR was lodged, a report was called for from the Director General of police, Orissa on the statements and allegations made in the petition. In response to the order of the Commission, reports were obtained from the S.P. Deogarh & Addl. DGP, HRPC and it transpired as per the report of the Addl. DGP, HRPC that investigation of the case has culminated in submission of charge-sheet against the accused persons under Sections 342/323/324/325/506/294/34, I.P.C as per the charge-sheet dated 30-1-2004. The grievance of the petitioner in regard to inaction having been mitigated and the case having become sub-judice on submission of charge-sheet, the Commission concluded its enquiry on intimation to the petitioner.

#### 20. OHRC Case No. 750/04

Petitioner Sri Daitari Charan Bindhani, Headmaster of Govindabindha Primary School, alleged that Govinda Ch. Naik, who is none other than the father of his daughter-in-law, lodged a false report against their family members at Simulia P.S. and on receipt of the said report the Police Officer of the aforesaid



P.S. called the petitioner to the police station, where he was abused and threatened to transfer one 'Mana' of land in favour of Govinda Ch. Naik, otherwise he will be forwarded to jail. On receipt of the allegations, the Commission called for a report from the S.P., Balasore, who conducted enquiry through the DSP(A), Balasore and sent the report. The enquiry report of the DSP(A) revealed that there was no abuse or threat. On the other hand, the report revealed registration of a criminal case and forwarding of the accused to the Court of J.M.F.C., Soro. The petitioner in his response admitted that a criminal case U/s. 498-A, I.P.C. is pending trial.

Taking into account the report of the D.S.P.(A), Balasore and the own admission of the petitioner with regard to pendency of a criminal case, the Commission felt it unnecessary to proceed further in the matter. Accordingly, the case was closed with the observation that it is open to the petitioner to put forth his grievance before the Court where the case is subjudice.

21. OHRC Case No. 969/04:

Petitioner Abhimanyu Bhoi, who was working as a Helper in GED, Cantonment Section, Division-II, Cuttack, alleged that on 4-9-2004 Bijaya Kumar Samantaray, Jr. Engineer of the said Division, insulted him by taking the name of his caste and using some vulgar words at him. On the report of the petitioner Cantonment P.S. case No.89/04 was registered but no action was taken against the accused. In view of the above allegations, a report was called for from the S.P., Cuttack. When the matter was pending enquiry, the petitioner filed a petition stating that the dispute between him and the Jr. Engineer has been amicably settled. On consideration of the petition filed by the petitioner, the Commission felt



that further intervention in the matter is unwarranted. As such, the case was closed.

22. OHRC Case No.335/04:

Smt. Arundhati Mohanty D/o: Anirudha Mohanty, a resident of Plot No. 4848, Mausima square, Vivekananda Marg, P.S. Lingaraj, Bhubaneswar, alleged that she filed a complaint case bearing 1CC No. 630/03 in the Court of the S.D.J.M., Bhubaneswar and the Court was pleased to send her complaint to Lingaraj P.S. for investigation under Section 156(3), Cr.P.C. Basing on the complaint police registered Lingaraj P.S. case No. 52/03 and sent the FIR to Court, which was subsequently numbered as G.R. Case No. 1111/03. The petitioner alleged that the police after registering the case neither arrested the accused Sithal Ku. Panda @ Biju nor filed a charge-sheet against him. In view of the allegations made, a preliminary report was called for from the S.P., Khurda, who in turn submitted the report stating that charge-sheet has already been submitted on 20-9-04 after completion of investigation and that the case is subjudice. The petitioner, on the other hand, in her response submitted that some of the accused persons have been excluded from the charge-sheet for which she filed a protest petition before the Court and the Court on merit rejected it. Being aggrieved, she preferred a criminal revision bearing No. 68/04 before the Court of the Sessions Judge. The petitioner also prayed for closure of the case.

Taking into account the report of the S.P., Khurda and the pendency of the criminal revision in Court and the prayer of the petitioner, the Commission felt it unnecessary to proceed further in the matter. Accordingly, the case was closed.



It may be seen from the foregoing paragraphs that the Commission amidst constraints of resources and manpower and despite recalcitrance of public authorities to the interim orders and directions of the Commission, the Commission has forged ahead in securing promotion and protection of human rights of the people of the State including the children, physically handicapped, and persons old and disabled. Other than individual complaints lodged from time to time, the Commission has profited by making use of news paper and media publications in detecting cases of violation of human rights Sou motu and securing protection of the victims. The simplicity of the procedure being adopted, the fairness of the enquiry and the fast redressal of the grievances to the satisfaction of the people has aroused confidence amongst them which is testified in the increasing number of applications being received in the Commission. The awareness of the people to issues of human rights which the Commission promotes, together with an increased responsiveness of the police and public authorities would go a long way in fulfilling the cherished goal of protecting and preserving the human rights of the people of the State.

CHAIRPERSON

MEMBER

MEMBER



**ANNEXURE - A**  
**Staff position of Orissa Human Rights Commission during the period under report**

1	Chairperson	01
2	Member	04(Vacant - 02)
3	Secretary	01(Law Secretary in addition to own duty)
4	Director, Investigation	01
5	Registrar	01
6	Joint Secretary	01(Vacant)
7	D.S.P	01
8	Under Secretary	01(Vacant)
9	P.S. to Chairperson	01(Vacant)
10	Inspector of Police	04(Vacant)
11	Section Officer	02(Vacant - 01)
12	Personal Assistant	06(Vacant - 04)
13	Sr. Assistant	01
14	Accountant-Cum-Cashier	01
15	Stenographer	05(Vacant - 03)
16	Constable	03(Vacant)
17	Driver	03
18	Computer operator	01(Vacant)
19	Despatcher-Cum-Typist	02(Vacant - 01)
20	Jr. Assistant	02(Vacant - 01)
21	Peon/Class - IV	08



## ANNEXURE-B

### SUBJECTWISE CLASSIFICATION OF SUO MOTU CASES DURING THE YEAR 2004 - 2005

Children	Health	Jail	Anti social activities	Labour	Atrocities on Sc/Sts	Physically Handicapped	Complaints against police	Pollution	Religion/ community	Service Matters	Women	Misc	Total
16	1	11	0	6	1	1	17	1	6	4	0	63	127



**ANNEXURE-C**  
**DISTRICTWISE AND SUBJECTWISE CLASSIFICATION OF CASES DURING THE YEAR 2004 – 2005**

Sl. No.	Name of the District	Children	Health	Jail	Anti social Activities	Labour	Atrocities On SC/ STs.	Physically Handicapped	Complaint Against Police	Pollution	Religion	Service Matter	Women	Misc.	Dist. Total	Dismissed	Entered	Disposed on Hearing
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
1	Angul	1		1		1		1	11			8	1	7	31	6	25	0
2	Bolangir	2		1		5			8			5	2	10	33	9	24	1
3	Baragarh				1				13				2	7	23	17	6	0
4	Balasore	2		2		1			35			7	1	19	67	8	59	3
5	Boudh				1				3					2	6	3	3	3
6	Bhadrak		1		1			1	9			21	7	16	56	2	54	
7	Cuttack	2	1	1	1				33		1	33	4	57	133	29	104	4
8	Dhenkanal				2				10			2	1	9	24	3	21	
9	Deogarh	1							2			2		2	7	2	5	
10	Gajapati	1							4			5	1	9	20	9	11	
11	Ganjam			7	6			2	24			44	2	31	116	22	94	2
12	Jagtsingpur	1	1				1		14	1	1	5		11	35	9	26	1
13	Jaipur			1					17			38	1	17	74	10	64	
14	Jharsuguda								3			1		6	10	3	7	
15	Khurda	3		4	4	3	1	1	50	1	17	47	6	150	287	77	210	4
16	Kalahandi						1	1	3			11	1	12	29	10	19	2
17	Kendrapara	1	1		1				33			19	1	24	80	21	59	3
18	Kandhamal			2					5			4	1	9	21	4	17	2
19	Keonjhar			3					6	1		11		13	35	8	27	1
20	Koraput	3							13			9		7	29	4	25	1
21	Malkangiri								1					3	4	2	2	2
22	Mayurbhanj	1	1	2		1			4			5		16	30	7	23	
23	Nuapara	1		1	1		1		2			1		10	16	3	13	
24	Nayagarh			1		1			19			4	3	21	50	15	35	3
25	Nawarangpur	1							4			1		3	9	2	7	
26	Puri	1		3	1	7			42			9		28	91	15	76	2
27	Rayadaga	3		1					8			4		3	19	6	13	
28	Sundargarh	1		1					8			8	1	14	33	12	21	3
29	Sonepur				1				3					3	7	2	5	
30	Sambalpur								11			8		6	25	11	14	1
31	Others	2						1				1		4	8	2	6	1
	Total	25	5	31	20	19	4	7	398	3	19	313	35	529	1408	333	1075	39



## ANNEXURE-D

### DISTRICTWISE AND SUBJECTWISE CLASSIFICATION OF CASES ENTERTAINED DURING THE YEAR 2004 – 2005.

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	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1	Angul	1	1				1	9				7	66	25	
2	Bolangir	2	1		4			8				4	4	24	
3	Baragarh			1				3				2		6	
4	Balasore	1	2					35				5	16	59	
5	Boudh							2					1	3	
6	Bhadrak			1			1	8				21	15	54	
7	Cuttack	1	1	1				29	1			27	40	104	
8	Dhenkanal			2				10				2	6	21	
9	Deogarh	1						2				1	1	5	
10	Gajapati	1						2				4	3	11	
11	Garjam			3			1	24				40	20	94	
12	Jagatsingpur	1						11	1			3	8	26	
13	Jaipur							15				36	11	64	
14	Jharsuguda							2				1	4	7	
15	Khurda	2	4	1	3	1	1	38	1	17		30	109	210	
16	Kalahandi					1		2				5	10	19	
17	Kendrapara	1		1			1	24				17	14	59	
18	Kandhamal							3				4	9	17	
19	Keonjhar	1						5				9	11	27	
20	Koraput							11				7	7	25	
21	Malkangiri												2	2	
22	Mayurbhanj	1	2		1			2				5	11	23	
23	Nuapara	1		1				2				1	8	13	
24	Nayagarh				1	1		16				3	11	35	
25	Navarangpur	1						3					3	7	
26	Puri	1	3	1	7			37				5	22	76	
27	Rayadaga	3	1					7				1	1	13	
28	Sundargarh							6				8	6	21	
29	Sonepur			1				2					2	5	
30	Sambalpur							10				2	2	14	
31	Others	1			1		1						3	6	
	Total	20	4	13	17	4	6	328	2	19	248	24	366	1075	

**ANNEXURE - E****DISTRICTWISE AND SUBJECTWISE CLASSIFICATION OF CASES DISMISSED IN LIMINI DURING THE YEAR 2004 - 2005.**

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	200	300	400	500	600	700	800	900	1000	1100	1200	1300	
		3	4	5	6	7	8	9	10	11	12	13	14	15	16
1	Angul					1			2			1	1	1	6
2	Bolangir					1						1	1	6	9
3	Baragarh								10					7	17
4	Balasore	1				1						2	1	3	8
5	Boudh				1				1					1	3
6	Bhadrak								1				1	1	2
7	Cuttack	1							4			6		17	29
8	Dhenkanal													3	3
9	Deogarh											1		1	2
10	Galapati								2			1		6	9
11	Ganjam			3	3			1				4		11	22
12	Jagtsingpur		1						3			2		3	9
13	Jajpur								2			2		6	10
14	Jharsuguda				3				1					2	3
15	Khurda	1							11			16	3	43	77
16	Kalahandi								1			6		3	10
17	Kendrapara			1					9			2	1	9	21
18	Kandhamal			2					2				1		4
19	Keonjhar								1	1		2		2	8
20	Koraput								2			2			4
21	Malikangiri								1					1	2
22	Mayurbhanj								2					5	7
23	Nuapara			1										2	3
24	Nayagarh								3			1	1	10	15
25	Nawarangpur								1			1			2
26	Puri								5			4		6	15
27	Rayadaga								1			3		2	6
28	Sundargarh	1							2				1	8	12
29	Sonepur								1					1	2
30	Sambalpur								1			6		4	11
	Others													1	2
	Total	4	1	7	7	3	0	1	69	1	0	64	14	165	333