

ବାର୍ଷିକ ବିବରଣୀ
ANNUAL REPORT
2006-07



ଓଡ଼ିଶା ମାନବିକ ଅଧିକାର ଆୟୋଗ
Orissa Human Rights Commission
Bhubaneswar, Orissa

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CONTENTS

1.	International Covenant on Civil and Political Rights	1
2.	Functions and powers of the Commission under the Protection of Human Rights Act, 1993	13
3.	Provisions of the OHRC (Procedure) Regulation, 2003	15
4.	Classification of the incidents leading to complaints / Suo-motu action	17
5.	Composition of the Commission	19
6.	Organization of Commission	19
7.	Registration of the cases	20
8.	Important Decisions of the Orissa Human Rights Commission	21
9.	Annexure	
	i) Annexure - I (Staff Position of Human Rights Commission)	29
	ii) Annexure - II (Classification of Cases filed during 2006-07)	29
	iii) Annexure - III (Classification of Cases filed suo-motu during 2006-07)	30
	iv) Annexure - IV (Classification of cases entertained during 2006-07)	30



INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, 1966

Adopted and opened for signature, ratification and accession by General Assembly Resolution 2200A (XXI) of 16th December 1966

Entry into force 23rd March 1976, in accordance with Article 49

PREAMBLE

The states parties to the present covenant, Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of states under the charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present covenant,

Agree upon the following articles :

PART-I

ARTICLE -1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case, may a people be deprived of its own means of subsistence.
3. The states parties to the present covenant, including those having responsibilities for the administration of non-self-governing and trust territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the charter of the United Nations.

PART-II

ARTICLE -2

1. Each state party to the present covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Where not already provided for by existing legislative or other measures, each state party to the present covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present covenant.
3. Each state party to the present covenant undertakes:
 - (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity:



- (b) To ensure that any person claiming such a remedy shall have his right thereto, determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the state, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.

ARTICLE -3

The state parties to the present covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present covenant.

ARTICLE - 4

1. In time of public emergency which threatens the life of the nation and the existence of which is official proclaimed, the States parties to the present covenant may take measures derogating from their obligations under the present covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.
2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.
3. Any state party to the present covenant availing itself of the right of derogation shall immediately inform the other states parties to the present covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

ARTICLE -5

1. Nothing in the present covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present covenant.
2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any state party to the present covenant pursuant to law, conventions, regulations or custom on the pretext that the present covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART-III

ARTICLE -6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present covenant and to the convention on the prevention and punishment of the crime of genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.
3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any state party to the present covenant to derogate in any way from any obligation assumed under the provisions of the convention on the prevention and punishment of the crime of genocide.
4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.
5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.
6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any state party to the present covenant.



ARTICLE -7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

ARTICLE -8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude.
3.
 - (a) No one shall be required to perform forced or compulsory labour;
 - (b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;
 - (c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:
 - (i) Any work or service, not referred to in subparagraph (b), normally required of a person, who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;
 - (ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;
 - (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
 - (iv) Any work or service which forms part of normal civil obligations.

ARTICLE -9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.
4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.
5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

ARTICLE -10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
2.
 - (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;
 - (b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.
3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

ARTICLE -11

No one shall be imprisoned merely on the ground of inability to fulfill a contractual obligation.

**ARTICLE -12**

1. Everyone lawfully within the territory of a state shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.

ARTICLE -13

An alien lawfully in the territory of a state party to the present covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

ARTICLE -14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him or of his rights and obligations in a suit of law, everyone shall be entitled to a fair and public hearing of a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or where the interest of the private lives of the parties so requires, or the extent strictly necessary in the opinion of the court in the special circumstances where publicity would prejudice the interests of justice; but, any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.
2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:
 - (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
 - (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
 - (c) To be tried without undue delay;
 - (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
 - (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
 - (g) Not to be compelled to testify against himself or to confess guilt.
4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.
6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person, who has suffered



punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

ARTICLE -15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by the law for the imposition of the lighter penalty, the offender shall benefit thereby.
2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

ARTICLE -16

Everyone shall have the right to recognition everywhere as a person before the law.

ARTICLE -17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

ARTICLE -18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The states parties to the present covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

ARTICLE -19

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may, therefore, be subject to certain restrictions, but these shall only be such as are provided by law and are necessary;
 - (a) for respect of the rights or reputations of others;
 - (b) for the protection of national security or of public order (ordre public), or of public health or morals.

ARTICLE -20

1. Any propaganda for war shall be prohibited by law.
2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

**ARTICLE -21**

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public) the protection of public health or morals or the protection of the rights and freedoms of others.

ARTICLE -22

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.
3. Nothing in this article shall authorize states parties to the International Labour Organization convention of 1948 concerning Freedom of Association and Protection of Right to organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that convention.

ARTICLE -23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
2. The right of men and women of marriageable age to marry and to found a family shall be recognized.
3. No marriage shall be entered into without the free and full consent of the intending spouses.
4. States parties to the present covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

ARTICLE -24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the state.
2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality.

ARTICLE -25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions;

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

ARTICLE -26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

ARTICLE -27

In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.



PART-IV

ARTICLE -28

1. There shall be established a Human Rights Committee (hereafter referred to in the present covenant as the committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.
2. The committee shall be composed of nationals of the states parties to the present covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.
3. The members of the committee shall be elected and shall serve in their personal capacity.

ARTICLE -29

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the states parties to the present covenant.
2. Each state party to the present covenant may nominate not more than two persons. These persons shall be nationals of the nominating state.
3. A person shall be eligible for renomination.

ARTICLE -30

1. The initial election shall be held no later than six months after the date of the entry into force of the present covenant.
2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with article 34, the Secretary-General of the United Nations shall address a written invitation to the states parties to the present covenant to submit their nominations for membership of the committee within three months.
3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the states parties which have nominated them, and shall submit it to the states parties to the present covenant no later than one month before the date of each election.
4. Elections of the members of the committee shall be held at a meeting of the states parties to the present covenant convened by the secretary General of the united nations of the Headquarters of the United Nations. At that meeting, for which two-thirds of the States parties to the present covenant shall constitute a quorum, the persons elected to the committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of the states parties present and voting.

ARTICLE -31

1. The committee may not include more than one national of the same state.
2. In the election of the committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

ARTICLE -32

1. The members of the committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the chairman of the meeting referred to in article 30, paragraph 4.
2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present covenant.

**ARTICLE -33**

1. If, in the unanimous opinion of the other members, a member of the committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary General of the United Nations, who shall then declare the seat of that member to be vacant.
2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

ARTICLE -34

1. When a vacancy is declared in accordance with article 33, and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the states parties to the present covenant, which may within two months submit nominations in accordance with article 29, for the purpose of filling the vacancy.
2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the states parties to the present covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present covenant.
3. A member of the committee elected to fill a vacancy declared in accordance with article 33, shall hold office for the remainder of the term of the member who vacated the seat on the committee under the provisions of that article.

ARTICLE -35

The members of the committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from the United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the committee's responsibilities.

ARTICLE -36

The Secretary General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the committee under the present covenant.

ARTICLE -37

1. The Secretary-General of the United Nations shall convene the initial meeting of the committee at the headquarters of the United Nations.
2. After its initial meeting, the committee shall meet at such times as shall be provided in its rules of procedure.
3. The committee shall normally meet at the headquarters of the United Nations or at the United Nations office Geneva.

ARTICLE -38

Every member of the committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

ARTICLE -39

1. The committee shall elect its officers for a term of two years. They may be re-elected.
2. The committee shall establish its own rules of procedure, but these rules shall provide, inter alia that;
 - (a) Twelve members shall constitute a quorum;
 - (b) Decisions of the committee shall be made by a majority vote of the member present.

ARTICLE -40

1. The states parties to the present covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights;



- (a) Within one year of the entry into force of the present covenant for the states parties concerned;
 - (b) Thereafter whenever the committee so requests.
2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present covenant.
 3. The Secretary-General of the United Nations may, after consultation with the committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.
 4. The committee shall study the reports submitted by the states parties to the present covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the states parties. The committee may also transmit to the economic and social council these comments along with the copies of the reports it has received from the states parties to the present covenant.
 5. The state parties to the present covenant may submit to the committee observations on any comments that may be made in accordance with paragraph 4 of this article.

ARTICLE -41

1. A state party to the present covenant may at any time declare under this article that it recognizes the competence of the committee to receive and consider communications to the effect that a state party claims that another state party is not fulfilling its obligations under the present covenant. Communications under this article may be received and considered only if submitted by a state party which has made a declaration recognizing in regard to itself the competence of the committee. No communication shall be received by the committee, if it concerns a state party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure.
 - (a) If a state party to the present covenant considers that another state party is not giving effect to the provisions of the present covenant, it may, by written communication, bring the matter to the attention of that state party. Within three months after the receipt of the communication, the receiving state shall afford the state which sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter.
 - (b) If the matter is not adjusted to the satisfaction of both states parties concerned within six months after the receipt by the receiving state of the initial communication, either state shall have the right to refer the matter to the committee, by notice given the committee and to the other state.
 - (c) The committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.
 - (d) The committee shall hold closed meetings when examining communications under this article.
 - (e) Subject to the provisions of the subparagraph (c), the committee shall make available its good offices to the states parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present covenant.
 - (f) In any matter referred to it, the committee may call upon the state parties concerned, referred to in subparagraph (b), to supply any relevant information.
 - (g) The states parties concerned, referred to in sub-paragraph (b), shall have the right to be represented when the matter is being considered in the committee and to make submissions orally and / or in writing.
 - (h) The committee shall, within twelve months after the date of receipt of notice under sub-paragraph (b), submit a report:



- (i) If a solution within the terms of sub-paragraph (e) is reached, the committee shall confine its report to a brief statement of the facts and of the solution reached;
 - (ii) If a solution within the terms of sub-paragraph (e) is not reached, the committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the states parties concerned shall be attached to the report. In every matter, the report shall be communicated to the states parties concerned.
2. The provisions of this article shall come into force when ten states parties to the present covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the states parties with The Secretary-General of the United Nations, who shall transmit copies thereof to the other states parties. A declaration may be withdrawn at any time by notification to The Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any state party, shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

ARTICLE -42

1. (a) If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;
(b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-third majority vote of the Committee from among its members.
2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States Parties concerned, or of a State not party to the present Covenant, or of a State Party which has not made a declaration under article 41.
3. The Commission shall elect its own Chairman and adopt its own rules of procedure.
4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.
5. The secretariat provided in accordance with article 36, shall also service the commissions appointed under this article.
6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States parties concerned to supply any other relevant information.
7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:
 - (a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter.
 - (b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached.
 - (c) If a solution within the terms of sub-paragraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;



- (d) If the Commission's report is submitted under subparagraph (c), the States parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.
8. The provisions of this article are without prejudice to the responsibilities of the Committee under article 41.
9. The States parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.
10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of the article.

ARTICLE -43

The members of the Committee, and of the ad hoc Conciliation Commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the privileges and Immunities of the United Nations.

ARTICLE -44

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the Conventions of the United Nations and of the specialized agencies and shall not prevent the States parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

ARTICLE -45

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

PART-V

ARTICLE -46

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

ARTICLE -47

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART-VI

ARTICLE -48

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.
2. The present Covenant is subject to ratification Instrument of ratification shall be deposited with the Secretary-General of the United Nations.



3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations, shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

ARTICLE -49

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
2. For each State ratifying the present covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

ARTICLE -50

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

ARTICLE -51

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States parties to the present Covenant in accordance with their respective constitutional processes.
3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

ARTICLE -52

1. Irrespective of the notifications made under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:
 - a. Signatures, ratifications and accessions under article 48;
 - b. The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

ARTICLE -53

1. The present covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.



POWER AND FUNCTIONS OF THE COMMISSION

Definition of Human Rights in the protection of Human Rights Act, 1993

In terms of Section 2 of the Protection of Human Rights Act, 1993 (hereafter referred to as Act), "human rights" means the rights relating to life, liberty, equality and dignity of the individual guaranteed under the Constitution or embodied in the International Covenants and enforced by courts in India:

"International Covenants" means the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted by the General Assembly of the United Nations on the 16th December, 1966.

Functions assigned to the commission under the Act

The commission shall, perform all or any of the following functions, namely:-

- (a) Inquire, on its own initiative or on a petition presented to it by a victim or any person on his behalf, into complaint of -
 - (i) Violation of human rights or abetment thereof; or
 - (ii) Negligence in the prevention of such violation by a public servant;
- (b) Intervene in any proceeding involving any allegation of violation of human right pending before a court with the approval of such court;
- (c) Visit, under intimation to the State Government, any jail or any other institution of the State Government, where persons are detained or lodged for purposes of treatment reformation or protection for the study of the living condition of the inmates and make recommendation thereon to Government.
- (d) Review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation
- (e) Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures;
- (f) Undertake and promote research in the field of human rights;
- (g) Spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media seminars and other available means;
- (h) Encourage the efforts of non-Governmental organizations and institutions working in the filed of human rights;
- (i) Such other functions as it may consider necessary for the protection of human rights.

Powers of the commission relating to inquiries

While inquiring into complaints under the Act, the Commission shall have all the power of court trying a suit under the Code of Civil Procedure, 1908, and in particular the following matters

- (a) Summoning and enforcing the attendance of witnesses and examining them on oath
- (b) Discovery and production of any document;
- (c) Receiving evidence on affidavits;
- (d) Requisitioning any public record or copy thereof from any court or office;
- (e) Issuing commissions for the examination of witnesses or documents;
- (f) Any other matter which may be prescribed.

Investigation team of the Commission

The Commission has its own investigating staff headed by a Director Investigation for investigation into complaints of human rights violations. Under the Act, it is open for the Commission to utilize the services of any officer or investigation agency of the State Government.

Autonomy of the Commission

The autonomy of the Commission derives, inter-alia, from the method of appointment of its Chairperson and Members, their fixity of tenure, and statutory guarantees thereto, the status they have been accorded and the manner in which the staff responsible to the Commission including its investigative agency - will be appointed and conduct themselves. The financial autonomy of the Commission is spelt out in Section 32 of the Act.

The Chairperson and Member of the Commission are appointed by the Governor on the basis of recommendations of a Committee comprising the Chief Minister as the Chairperson, the Home Minister, the speaker of the Assembly and the Leader of Opposition in the Assembly as members.

**Procedure for inquiry into complaints**

The Commission while inquiring into complaints of violations of human rights may call for information or report from the State Government or any organization subordinate thereto, within such time as may be specified by it; provided if the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint on its own; on the other hand, if, on receipt of information the Commission is satisfied either that no further inquiry is required or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly.

Steps open to the Commission after inquiry

The Commission may take any of the following steps upon the completion of an inquiry.

- (1) Where the inquiry discloses commission of violation of human right or negligence in the prevention of violation of human rights by a public servant, it may recommend to concerned Government or authority the initiation or proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons;
- (2) Approach the High Court concerned for such directions, orders or writs as that Court may deem necessary;
- (3) Recommend to the concerned Government or authority for the grant of such immediate necessary relief to the victim or the members of his family as the Commission may consider.

Language of the complaint

They may be in Oriya, English or Hindi. The complaints are expected to be self-contained. No fee is charged on complaints. The Commission may ask for further information and affidavits to be filed in support of allegation wherever considered necessary. The Commission may in its discretion, accept telegraphic complaints and complaints conveyed through FAX or by e-mail. Complaints can also be made on mobile telephone number of the Commission.

Kind of Complaints not entertained by the Commission

Ordinarily, complaints of the following nature are not entertained by the Commission.

- (a) In regard to events which happened more than one year before the making of the complaints;

- (b) With regard to matters which are sub-judice;
- (c) Which are vague, anonymous or pseudonymous;
- (d) Which are of frivolous nature;
- (e) Which pertain to service matters.

Responsibility of the authority/State/Governments to which reports/recommendations have been sent by the Commission.

The authority/State Government has to indicate its comment/action taken on the report / recommendations of the Commission within a period of one month in respect of general complaints.

Issues on which complaints have been received

Since its inception, the Commission has handled a variety of types of complaints. Lately the major types of complaints have been:

- In respect of police administration
- Failure in taking action
- Unlawful detention
- False implication
- Custodial violence
- Illegal arrest
- Other police excesses
- Custodial deaths
- Encounter deaths
- Harassment of prisoners; jail conditions
- Atrocities on SCs and STs
- Bonded labour, child labour
- Sexual harassment and indignity to women, exploitation of women
- Numerous other complaints which cannot be categorized, have also been taken by us.

Focus of the Commission's Working

Inquiring into complaints is one of the major activities of the Commission. In several instances individual complaints have led the Commission to the generic issues involved in violation of rights and enabled it to move the concerned authorities for systemic improvements.

However, the Commission also actively seeks out issues in human rights which are of significance either suo-motu, or when brought to its notice by the civil society, the media, concerned citizens expert advisers. Its focus is to strengthen the extension of human rights to all sections of society in particular, the vulnerable groups.



PROVISIONS OF OHRC (PROCEDURE) REGULATIONS, 2003

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 25th September, 2003 and came into force with effect from the 15th September, 2003. 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 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.



ORISSA HUMAN RIGHTS COMMISSION
SUBJECT-WISE CLASSIFICATION OF INCIDENTS LEADING TO
COMPLAINTS/ SUO MOTU ACTION

Major Head	Sub Head
Children	Child Labour Child Marriage Child Prostitution Exploitation of Children Human Sacrifice Immoral Traffic in Children Cruelty to Children Neglect of Children
Health	Exploitation of the mentally retarded Public Health hazards Malfunctioning of medical institutions/ Medical professionals
Jail	Custodial death Custodial rape Exploitation of child prisoners Denial of required medical facilities to prisoners Deprivation of legal aid Harassment of prisoners Irregularities in jail Non supply of prescribed diet to prisoners Unlawful solitary confinement
Criminal Gangs	Harassment by Gangs Mischief or harassment by anti-social elements
Labour	Bonded Labour Exploitation of Labour Forced Labour Hazardous employment Slavery Traffic in human labour
Minorities/ SC/ ST	Discrimination against minorities Discrimination against SC/ ST
Physically handicapped	Exploitation of Physically handicapped Cruelty to Physically handicapped Discrimination against physically handicapped Neglect of physically handicapped
Police/ paramilitary forces	Arbitrary use of power Abduction / kidnapping



	<ul style="list-style-type: none">Abuse of powerAttempted murderCustodial deathCustodial rapeCustodial tortureCustodial violenceDeath in firingDeath in encounterFailure in taking lawful actionFalse implicationsIllegal arrestOutraging of modesty in custodyPolice motivated incidentsRapeUnlawful detentionVictimization
Pollution	<ul style="list-style-type: none">Ecological disturbancesPollution affecting surroundingsEnvironmental pollutionMisuse of scientific and technological developments
Religion community	<ul style="list-style-type: none">Communal violenceEthnic conflictGroup clashesRacial discriminationDisparities in employment opportunitiesNon payment of pension/ compensationOther service disputes
Women	<ul style="list-style-type: none">Abduction, rape and murderDiscrimination against womenDowry death or attemptDowry demandExploitation of womenGang rapeIndignity of womenImmoral trafficking of womenRapeSexual harassment
Miscellaneous	<ul style="list-style-type: none">DisappearanceUnlawful actions of public servantsUnlawful evictionResidual matters

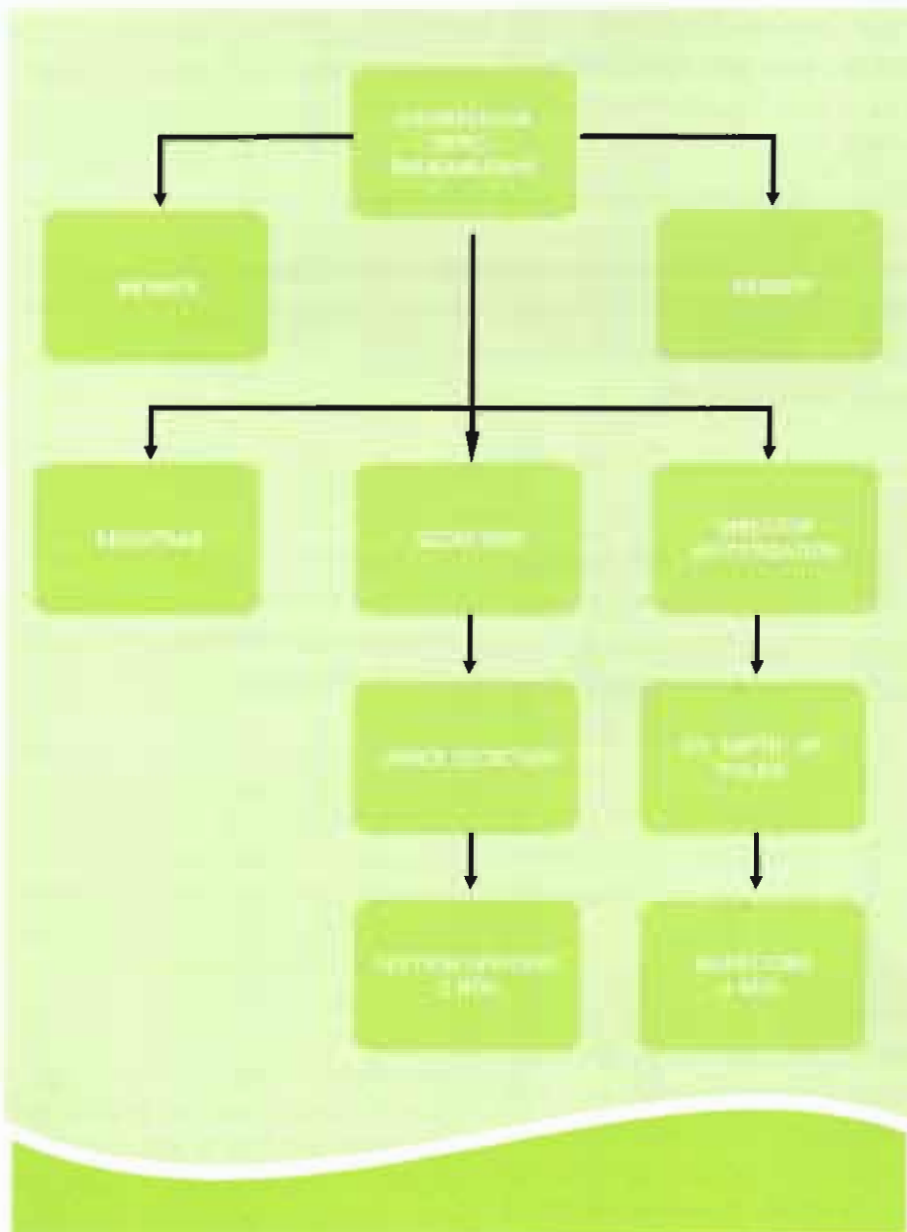


COMPOSITION OF THE COMMISSION 2006-07

Hon'ble Justice Shri D. P. Mohapatra	Chairperson	91-11-23387328 (O)
Shri Sudhansu Mohan Patnaik	Member	91-11-23385069 (O)
Shri Himadri Mohapatra	Member	91-11-23387244 (O)

The details of the staff position of the State Human Rights Commission during the period under report is furnished in the Annexure-1.

ORGANOGRAM





REGISTRATION OF CASES

Since its inception, the Commission has been receiving complaints alleging violation of human rights from all districts on a variety of subjects. Besides, newspaper reports published in leading newspapers are being scrutinized on regular basis and the Commission has been enquiring suo-motu of reports which prima facie disclose violation of human rights or negligence in the prevention of such violation by the public servant.

During the period from 01 April 2006 till 31 March 2007, the Commission received 1413 number of complaints out of which 738 were dismissed in limini and the balance 675 were entertained for enquiry by the Commission, which include, 106 number of cases entertained suo-motu for enquiry. During the period under report 187 numbers of cases have been disposed after enquiry in addition to 738 numbers of cases dismissed in limini. The disposed of cases (187) included a large number of instances in which the grievances of the complainants were redressed.

The statement indicating subject-wise classification of cases filed during 2006-07 is furnished in **Annexure - II**. Suo-motu cases filed during the period under report is furnished vide **Annexure-III**. Classification of cases entertained during 2006-07 is furnished in **Annexure-IV**.

Complaints taken cognizance by the Commission, related to the variety of grievances including allegations of custodial death both in police stations and in jails, custodial torture, starvation death, arbitrary use of power and failure in taking lawful action by Police, child labour, cruelty to children, trafficking in human beings, environmental pollution, indignity to women, gang rape, discrimination against physically handicapped and discrimination against scheduled caste and scheduled tribe persons.



OHRC Case No. 276/2006

Smt. Prbasini Sahoo, wife of Raj Kishore Sahoo of village Kamaladiha, P.S. Narsinghpur, Dist. Cuttack at present residing in her father's house in village Kanpur, P.S. Kanpur, Dist. Cuttack filed a petition before the Commission wherein she averred that after being deserted by her husband, Raj Kishore she was leading a miserable life along with her small child due to abject poverty. As the dispute between her and her husband was not resolved by amicable settlement, she filed a case against her husband alleging dowry torture in the local court and the court was pleased to send her complaint to Kanpur PS for investigation. It was alleged by her that the Kanpur Police having been bribed by Raj Kishore, the husband of the petitioner, made perfunctory investigation in the case and feeling aggrieved she brought the matter to the notice of S.P., Women Commission, H.R.P.C. and D.G. of Police but to no avail. On these premises, she had sought for an enquiry into the matter. She had also demanded maintenance for herself and the child.

Considering the complaint received from her, the Commission called for a report from the S.P., Cuttack. The later forwarded a copy of the enquiry report dated 17.10.2006 of the SDPO, Athagarh.

From the enquiry report it is revealed that on the allegation made by the complainant in the Kanpur PS, a case No. 85 dated 27.10.2005 u/s 498(A)/341/323/294/354/506/34 IPC was registered, that the case was treated as S.R. vide Cuttack district S.R. No. 401/2005; that in course of investigation the I.O. arrested the accused Raj Kishore Sahoo alias Kathia and Brajakishore Sahoo alias Brajabandhu alias Matia on 27.10.2005 and forwarded them to the court and that he had seized the dowry articles from the house of Raj Kishore Sahoo on 5.11.2005 and left the same in the zima of the complainant. It was further revealed from the enquiry report that after completion of the investigation, the I. O. had submitted the charge sheet No. 44 dated 5.6.2006 u/s 498(A)/341/323/294/406/506/34 IPC and 4 of D.P. Act against the accused persons.

Since the grievance of the petitioner as stated in the complaint related to the alleged inaction of the police in properly investigating into the matter and now that the investigation has been completed and charge sheet filed in the court, the Commission was of the view that its further intervention in the matter was not necessary. The case was, therefore, closed.

OHRC Case No. 1123 /2006

A news report on starvation death published in the daily 'Dharitri' dated 2.11.2006 under the caption "KHYUDHARE MALE PANDIYA, MIRTUY APEKSHYARE TARA" about the death of Pandiya Bhoi (45) of village Nuagaon within Jamarsuan Panchayat of Sadar block, Puri had drawn the attention of the Commission.

A report was called for from the Collector, Puri on the news item above who submitted a report to the Commission on 2.1.07. The report of the Collector indicated that the statements and allegations appearing in the newspaper report were enquired into by the ADM, Puri, BDO, Puri Sadar and Tahasildar, Puri. Enquiries revealed that Sri Pandiya Bhoi was living with his wife Tara Bhoi (41) and son Sarat (20). It was reported that Pandiya Bhoi was suffering from cold, cough and diarrhoea for the last six months and was receiving treatment from the Balipur dispensary. It was also reported that Pandiya Bhoi was a BPL card holder and lifted rice from the local PDS retail centre twice and that the local Sarapanch had provided 30 kg. of rice to

him. Both the son and wife of late Pandiya Bhoi were able to work. It was further reported that the deceased Pandiya Bhoi was addicted to ganja and his death was on account of prolonged illness and addiction.

Besides, the report indicated that the widow pension of Rs.200/- per month had been sanctioned in favour of Tara Bhoi, wife of the deceased. The Tahasildar, Puri was advised to provide a piece of land to her and the BDO, Puri Sadar had been advised to provide a house under IAY to her.

Considering the report of the Collector, Puri and having regard to the fact that the local administration had taken appropriate action to provide succour to Tara Bhoi, widow of the deceased, further intervention of the Commission was considered unnecessary and the case was closed with direction that expeditious action should be taken to consider her case for allotment of a piece of homestead land and sanction of a house under IAY in favour of Tara Bhoi.

**OHRC Case No. 300/2004**

On perusal of the news paper report captioned "SARAKARANKA 'FEEL GOOD' RA NAMUNA: BIDHABA SAILABALA EBE ANAHARA MRITYU APEKHYARE" published in the daily "Sambada" in its issue dated 03.03.2004, the Commission took cognizance of the matter suo-motu and called for a factual report from Collector, Puri.

In pursuance of the said order the Collector, Puri reported in his letter dated 10.6.04 that the BDO, Gop had decided to cover Sailabala under O.W.P. and to provide financial help to her under NFBS. Considering the said report, the Commission asked the Collector, Puri to apprise the Commission with particulars relating to sanction of O.W.P. assistance

and financial help under NFBS to the petitioner. In compliance to the said order, the Collector, Puri submitted a report on 13.2.2007 in which it was inter-alia stated that Smt. Sailabala Swain, the petitioner had been provided with widow pension by the BDO, Gop. She had also been provided Antodwaya rice and the Sub-Collector; Puri had sanctioned assistance of Rs.10, 000/- under NFBS to the petitioner.

In view of the arrangements made by the district administration for her sustenance, there was no basis for apprehension that Sailabala Swain was likely to die of starvation. Hence, the Commission considered that further intervention in the matter by the Commission was unnecessary. The case was, therefore, closed.

OHRC Case No. 1206/2004

Following publication of a news item in the daily 'Sambad' in its issue dated 28.10.2004 that one Gurubari Paraja belonging to village B. Maliguda in Jeypore Block was ailing and facing starvation death, the Commission took cognizance of the matter and a preliminary report was called for from the Collector, Koraput.

In pursuance of the said order, the ADM, Koraput forwarded a copy of the joint enquiry report of the Sub-Collector, Jeypore and the BDO, Jeypore vide his letter No.1303 dated 24.12.2004. It was revealed from the joint enquiry report that Gurubari was covered under the NOAP scheme. She was given 10 kgs. of rice in G.R. card on 23.9.2004 and on 30.10.2004. She was paid a sum of Rs.100/- per month. It was further revealed in the report of the BDO that Gurubari Paraja was conservative in mind and did not receive cooked food prepared by others. As such, the neighbours were entrusted to look after her. On 30.10.2004, the M.O., PHC

Ramanguda, the Sub-Collector, Jeypore and the BDO, Jeypore attended her. She was found in an emaciated condition and was administered ORS after her health was examined by a team of doctors of Ramanguda PHC. Her condition became worse and on being advised by the M.O., she was admitted to the S.D. Hospital, Jeypore on 01.11.2004. As there was none to attend her, the PEO-cum-VLW attended her with a view to saving her life as none of her relatives were willing to take care of her. On improvement of her condition she was discharged from S.D. Hospital on 02.11.2004. At the time of admission in the Hospital, she was paid Rs.500/- out of the Red Cross Fund by the Sub-Collector. She died on 10.12.2004 due to polities and old age.

On examination of the report, it was revealed that there was no negligence on the part of the District Administration in attending to Gurubari Paraja and taking care of her health. The case was accordingly closed.

OHRC Case No. 182/2006

Considering the news report captioned "ATHASAHA TANKARE ATHAMASARA SISU - KANYA BIKRI" published in the daily newspaper 'the Samaja' in its issue dated 4.3.2006, the Commission took cognizance of the matter suomotu and called for a report from the District Magistrate and Collector, Deogarh. The Collector in his letter dated 25.5.2006 sent a report enclosing the statement of Sri Bijay

Baral and his wife Kanak Baral dated 23.3.2006, the statement of Ranjit Mukhi his wife Fula Mukhi and other villagers of Hatisalapada of Deogarh, and the joint enquiry report of Revenue Officers as well as the Medical Officer of district Headquarters Hospital, Deogarh.

The Commission took notice of the statement made by Bijay Baral and his wife Kanak Baral who categorically denied the story of sale of their 8 months' old girl child. They stated that that child



was the only issue of the couple & that Smt. Kanak Baral was under treatment at the district Headquarters Hospital, Deogarh as an indoor patient from 9.3.2006. In view of her prolonged illness, as there was no one to take care of the child Smt. Fula Mukhi, wife of Ranjit Mukhi of ward No. 6, Deogarh Municipality came forward to take charge of the maintenance of the girl child and Bijay Baral and his wife merely agreed to the proposal. No consideration was paid in the transaction. It was also understood that the girl child would be taken back after Kanak's recovery from illness. But unfortunately, however, Kanak Baral succumbed to her illness on 24.3.2006. The Commission also observed that when Bijay Baral asked for financial help for treatment of his wife Kanak, a sum of Rs.2000/- was given to him from the District Red Cross Fund on 23.3.2006 as a compassionate measure.

The Commission observed that the whereabouts of the girl child was not known after the death of Kanak Baral who was to get the custody of the girl child on her recovery. The Commission called for a further report from D.M. & Collector, Deogarh regarding the whereabouts and well being of the 8 months' girl child.

It was reported by the Collector on 13.12.2006 that the girl child was residing with Smt. Fula Mukhi, wife of Ranjit Mukhi following the death of Kanak Baral. Besides, the girl child was accepted by Smt. Fula Mukhi and was being well nourished by her and her husband since the date of taking her to home and the child was in good health with charming manners and normal grade and immunized with vaccine as admissible for her age and the medical check up of the child was being done. It was also stated in the letter that the present guardian of the girl child wanted to retain the child with care and provide necessary protection.

Therefore, after receiving the report of the Collector, Deogarh, the Commission felt that there was not truth in the insinuation in the news item that Smt. Kanak Baral and her husband had sold their daughter for a consideration of Rs.800/- to Smt. Fula Mukhi and Ranjit Mukhi. On careful consideration of the facts and circumstances of the case, the Commission felt that there was no need for further proceeding in the matter.

The case was, therefore, closed.

OHRC Case No. 593/2006

A news report appearing in the daily "Sambad" in its issue dated 22.6.06 under the caption "SWAMINKA CHIKITSHA PAIN PANCHAJI HAJARA TANKARE INDIRAABAS BIKRI" drew the attention of the Commission. It was reported in the press clipping, that one Hrudananda Meher, husband of Krutanjali of village Balapur in Huma Panchayat of Maneswar Block in the district of Sambalpur had been suffering from sickle-cell disease since the year 2000 passed away in March, 2006. It was further reported that for meeting the cost of treatment of her husband, Krutanjali the wife, had to sell her Indira Awas house constructed at a cost of Rs. 20,000/- for Rs.5,000/- only. After the death of her husband, Krutanjali worked as a labourer in order to bring up her children. She was issued with a BPL card but she could hardly afford to purchase the essential commodities. As a result she and her minor children aged between 6 to 14 years were stated to have been living in near starvation condition. It was apprehended in the news item that unless the widow pension papers were processed and pension released early, the widow and her children were in imminent danger of starvation death.

The Commission perused the news item and called upon the Collector and D.M., Sambalpur to furnish a report to the Commission indicating the relief provided to the family of Krutanjali, the widow.

In accordance with the orders of the Commission, the Collector and D.M., Sambalpur had furnished a report basing the enquiry report of the Sub-Collector wherein it was inter-alia stated that the widow pension had been sanctioned to the wife of late Hrudananda Meher and she had been getting the said pension with effect from 01.6.2006. It was further reported that Sarpanch, Huma was directed to provide gratuitous relief to the widow and 125 kgs. of rice in total was made available to the family for consumption. Steps had already been taken for restoration of the land mortgaged in OLR case No. 36/2006. As regards the alleged distress sale of the IAY house reported in the newspaper, the enquiry report revealed that the house was verbally sold to Jitu Bhoi, the nephew of late Hrudananda. The relationship between the two families was cordial. While the youngest daughter had been receiving her food from Anganwadi Centre, Goudapali, the widow of late Hrudananda had agreed to admit her two other daughters in the Balashram.



Having considered the news report and the reported submitted by Collector & D.M., Sambalpur dated 23.9.06, the Commission was of the view that the family left behind by Hrudananda had been assisted by the public authorities and she was sharing the IAY house with her nephew who had cordial

relationship with her. There appeared to be no apprehension of starvation of the family of late Hrudananda. In the facts and circumstances, the Commission considered that no further enquiry was necessary and the case was accordingly closed.

OHRC Case No.561/2006

A news report captioned "MAA JAILRE, SURAKSHYAPAIN TINI BAPACHEUNDANKA NIBEDAN" published in the daily "Samaj" dated 29.5.2006 caught the attention of the Commission. Accordingly, the Collector and S.P., Sambalpur were asked to report on the statements and imputations made in the news report. The A.D.M., Sambalpur sent a report vide his letter dated 10.7.2006. From the report it was revealed that on the FIR lodged by one Suresh Rao, Burla PS case No.75/06 was registered against Babuli Swain u/s 294/452/324 and 506 IPC and Babuli Swain was arrested and forwarded to the Court. On the FIR lodged by Babuli Swain against Surendra Biswal, Bhaba Panigrahi, Gandhi Pradhan and Basanta Pradhan, Burla PS case No. 74/06 u/s 294/506/306/34 IPC was registered and Basanti Jena and Suresh Rao were arrested and forwarded to the Court. It was further revealed from the report of the ADM, Sambalpur that in the mean time both Babuli Swain and Smt. Basanti Jena had been released on bail. Smt. Basanti Jena stated

in her statement that Babuli Swain was no more coming to her house and was not giving any threat to her and that all her children were in her house when she was in jail. It was further stated in the report that at that point of time, there was no risk to the life of Smt. Basanti Jena and her children.

Since both the parties to the dispute had filed FIRs at the local PS and cases had been registered on the basis of such FIRs, it was expected that the matter would be investigated thoroughly and further steps should be taken in accordance with law. Regarding the statement relating to apprehension of risk of life of the three children the same no more subsisted in view of the subsequent development when their mother was released on bail and she had herself stated that Babuli Swain who was alleged to have been holding out such threats was no more coming to her house any more and not giving any threats to her and her children. Hence the Commission thought that no further intervention by the Commission was necessary. Accordingly the case was closed.

OHRC Case No.572/2006

A news item captioned "ANNAHARA MRUTYU APEKHYARE BRUDHA DAMPATI" appeared in the daily 'Dharitri' in its issue dated 8.6.06 caught the attention of the Commission. The Commission took cognizance of the news item suo-motu and called upon the Collector and D.M., Bolangir to furnish a detailed report as to the condition of health of Narayan Podh and his wife Kalabati and indicate therein the steps taken for treatment of Narayan and rehabilitation of the old couple. In compliance to the order of the Commission dated 14.6.06, the Collector, Bolangir furnished a report on the said news item vide his letter No.1425 dated 10.8.06. The report indicated that the Executive Officer, Bolangir Municipality and Tahasildar, Bolangir visited Narayan Podh and his wife Kalabati on 8.6.06 and provided them with certain food-stuffs along with cash assistance of Rs. 500/-. On receipt of the notice of the Commission, a team of officers consisting the District Social Welfare Officer, Bolangir, Chief District Medical Officer, Bolangir and a Medical Officer visited the couple to assess their problem

and to provide suitable assistance. It was reported that both Narayan Podh and his wife Kalabati aged about 92 years and 90 years respectively were residing in a Cabin near Munshiram Biseswarlal Dharmasala, Bolangir. Both Narayan Podh and Kalabati were receiving old age pension of Rs.400/- per month. Their son was not supporting the parents. The CDMO, Bolangir also requested the couple to take admission in the hospital for proper health check up and treatment but they did not agree to get themselves admitted to the District Headquarters Hospital, Bolangir. The Sub-Collector, Bolangir, Tahasildar, Bolangir and Executive Officer, Bolangir Municipality visited the old couple and financial help and nutritional support had been provided. The CDMO, Bolangir was also advised to send a doctor at regular intervals for their health check up till such time that they agree to move to the old age home. The Secretary, District Red-cross Branch, Bolangir had also been advised to provide medicines as may be required by the couple from the Red-cross fund. The Sub-Collector, Bolangir, Chairperson, Bolangir Municipality and Councilor of



the concerned ward had been requested to motivate the couple to move to the old age home.

Considering the facts stated in the report of the Collector, Bolangir, the Commission felt that the

required action had been taken by the concerned authorities to redress the difficulties of the couple. Thus, it was not necessary to proceed further in the case. Accordingly, the case was closed.

OHRC Case No. 394/2006

A news item under the caption "4 prisoners hurt in clash" published in 'The New Indian Express' in its issue dated 17.05.2006 has drawn the attention of the Commission. The news paper report revealed that in the evening of 15.05.2006 two group of prisoners, one led by Azad Parvez, and the other led by Tanmay Panda, being armed with iron rods fought with each other and sustained grievous injuries inside the premises of Balasore District Jail over a minor issue of shifting a television set from one cell to another. The news paper report quotes Shri R.N.Singh, Asst. Jailor who was present in the office rushed to the sport and found four prisoners including three under trials injured seriously in the group clash. The news paper report further revealed that while the three prisoners having minor injuries were treated inside the jail, others having serious injuries were admitted in the District Head-quarters Hospital, Balasore and were discharged on the next evening.

The reported incident had a bearing on the safety and security of the prisoners. Accordingly, the Commission considered it appropriate to have a preliminary enquiry conducted as to the circumstances leading to the clash between the two groups of prisoners, the nature of injuries sustained, treatment given and the action taken under law against perpetrators of offences committed. Accordingly, the I.G. of Prisons, Orissa, Bhubaneswar was called upon to have a thorough

enquiry into the incident and furnish a report to the Commission under proviso to Regulation 25 of the OHRC (Procedure) Regulations, 2003.

In pursuant of the said order a report was received from the I.G. prisons, Orissa vide his letter dated 13.06.2006 enclosing a copy of the enquiry report of the DIG, Prisons Orissa. The Commission called for a further report from the said authority regarding the steps taken or proposed to be taken on the basis of the report submitted by the DIG of Prisons, Orissa. Pursuant to the said order, the DIG Prisons submitted a further report dated 03.10.2006 wherein it was stated that the accused Animesh Ghosh was now confined in a cell; that Azad Parvez who was with U.T.P.s had returned to convict ward; that all other persons involved have been kept in different wards and under close watch; that new superintendent and Jailor are in position and that six home guards have been deployed against five vacancies in the rank of warders.

The incident which took place in the Balasore District Jail on 15.05.2006 was due to a clash between two groups of prisoners. The said incident was enquired into and after receipt of the report of the D.I.G. of prisons, Orissa on 18.05.2006 certain corrective steps have been taken.

On perusal of the papers on record and on consideration of the matter, the Commission considered that further intervention of Commission was not necessary. Accordingly the case was closed.

OHRC Case No. 66/2006

A news item published in the daily SAMBAD in its issue dated 18.01.2006 under the caption "DAKTARAKHANARE ADIBASI MAHILANKA SABARA AKHI, KANA GAIB, SUNDARGARHRE UTEJANA" alleging mutilation of the dead body of Satyabati @ Saita Majhi, who died in the District Head Quarters Hospital, Sundargarh on account of poisoning while her body was consigned to the morgue being guarded by her sons, drew the attention of the Commission. Accordingly a report was called for from the CDMO, Sundargarh to indicate the circumstances under which the mutilation of the dead body took place. In pursuance of the direction, the CDMO, Sundargarh furnished his report stating

that one Saita Majhi, w/o late Gopal Majhi of village Jharmunda under Bargaon PS of Sundargarh district was admitted in the District Headquarters hospital, Sundargarh for treatment of suspected poisoning. Although treatment was given to her, she expired at 5.30 PM on the same date due to Cardio-respiratory failure. After her death, two sons of the deceased, stayed with the body throughout the night. According to their statement, they dozed off during latter part of the night. It was further reported by the CDMO that for the entire night, the door of the morgue house was kept closed and latched, although it was not locked. The body was kept on the floor of the morgue loosely covered by a piece of cloth. On the next day, about 6 AM, the



elder son of the deceased discovered that the left ear of the deceased was missing and the right eye seems to have been injured. The report of CDMO further revealed that a joint enquiry into the incident was conducted by the Collector, S.P. and the C.D.M.O, Sundargarh.

The R.D.C., Northern Division, Sambalpru also visited the hospital and made enquiries. The injuries noticed on the dead body as per the version of the RDC were possibly caused by some small animals, such as, Chuchundra, rats and ants. During the inquiry of the RDC on 20.01.2006 certain deficiencies were noticed and pursuant to the findings in the enquiry, the Collector, Sundargarh

took action to renovate the morgue to a full-fledged mortuary besides improving the hygiene of the Hospital.

Having perused the joint enquiry report, the enquiry report of the RDC (North Division), Sambalpur and the action taken report, the Commission felt that adequate measures have been taken to prevent recurrence of such incidents in the morgue which is intended for the safe keeping of the dead bodies. The injuries caused to the dead body are not due to foul-play. With these findings, it was considered unnecessary to prolong the intervention any further. Accordingly, the case was closed.

OHRC Case No. 576/2006

The news item under caption "No light at the end of tunnel for them" published in 'The New Indian Express' dated 06.06.2006 drew the attention of the Commission. It was reported therein that under the Blindness Control Programme two eye specialists and three assistant ophthalmologists were posted in the 15 years old Head-quarters hospital at Jagatsinghpur by the Government. While one of the specialists passed away a year back, another was reportedly on leave on health grounds. Absence of doctors, lack of infrastructure, non-organisation of the eye camps and non holding of any operation despite availability of infrastructure were alleged to have contributed to the rise in the number of partially blind persons in the district. As per the report, the Government provided lenses, medicines, goggles and free food while the NGOs received a sum Rs.175/- per patient towards treatment expenses. However, as per the report four persons have lost their vision in Ersama Block in Jagatsinghpur district in the past few days. A scheme to examine the school children had also been severely affected.

The Commission felt inclined to take cognizance of the news items suo-motu and called upon the Principal Secretary to Government, Health and Family Welfare Department to furnish the report.

The Principal Secretary to Government, Health Department furnished a report, wherein it was stated that Dr. Pradhan, who was in-charge-of Programme Manager of the Blindness Control Society in the district, suffered from Hepatitis and was on leave from 17.02.2006 to 04.07.2006. On recovery he had joined his duty on 05.07.2006. Moreover, Dr. Bratati Mohanty had been posted as Specialist in Ophthalmology against the vacant post. Two posts of Ophthalmic Assistant had been created for the district and they were working in the District Head-quarters Hospital. The report furnished further contained a denial as to non-organisation of eye camps and also an assertion that as many as 175 cases had been operated in the year 2005-06.

In view of the statement appearing in the report, the Commission held that the allegations in the news report in its issue dated 06.06.2006 had not been substantiated. Accordingly the case was closed.

OHRC Case No. 773/2006

The news item in published daily "SAMBAD" in its issue dated 07.08.2006 under the caption "ADIBASI CHHATRAMANE SIKHYAYATRI GHARE GOTI KHATUCHHANTI ! MOHANA KALYAN BIBHAGA UCHA BIDYALAYA CHHATRA BASA" had drawn the attention of the Commission. It was alleged therein about misutilization of services of the students of a tribal school situated in Mohana Block by a lady teacher of the same school in engaging them to perform her domestic chore, such as, cleaning of clothing and utensils and collection of water.

The Commission vide its order dated 07.08.2006 took suo-motu cognizance of the matter and called

upon the Secretary to Govt., ST & SC Development Department, Bhubaneswar to furnish a report within four weeks. In pursuance of the said order, the ST & SC Development Department furnished a report including a copy of the factual report submitted by Collector, Gajapati. In the report, it was stated that the boarders of the Junior Hostel of Govt. High School (SSD), Mohana were being engaged by Smt. Sandhyarani Padhy, Science Teacher of the School for domestic work since 2003 but they never brought it to the notice of the Headmaster or any other teacher. It was further stated in the report that Shri Minosi Bhuyan, Carpentry Teacher, though well aware of the prevalence of such practice in the



school had never brought it to the notice of the Headmaster nor raised the matter in the staff meeting, or in any other occasion. It was also stated in the report that on receipt of the enquiry report of the C.I. of the School, (SSD) Sourther Zone, Berhampur Smt. Sandhyarani Padhy had been placed under suspension and disciplinary proceeding had been initiated against her. Considering the fact

that the concerned teacher, Smt. Sandhyarani Padhy had been placed under suspension and disciplinary proceeding had been initiated against her, the Commission felt that its further intervention in the matter was not necessary and with the direction that the proceeding against the concerned teacher be followed up and brought to the lawful conclusion expeditiously, the case was closed.

OHRC Case No. 1109/2004

The news item captioned "ANANDPUR DAKTARKHANARE ROGINKA DURDASA: GANDHI JAYANTIRE GANA ANASHAN" appeared in the daily "SAMAJ" in its issue dated 01.10.2004. The news paper report indicated that patients were facing serious difficulties owing to vacancy in the post of specialist in Orthopaedics and Anaesthetist in the Sub-Divisional Hospital at Anandpur. It was alleged that urgent surgeries were not being performed owing to absence of the Anaesthetist. It was further alleged that owing to inadequacy of conservancy staff, garbage had accumulated within the premises of the Hospital and the environment was being polluted owing to congestion in the drains, as a result of which patients did not consider it safe to stay in the Female Ward, Surgery Ward and O&G Ward. It was also alleged that there was no urinal in the O & G Ward resulting in serious inconvenience to the patients.

A copy of the news item was forwarded to the Principal Secretary to Govt., Health and Family Welfare Department, for an enquiry under proviso to Regulation 25 of the Orissa Human Rights Commission (procedure) Regulations, 2003 and for submission of a report on the facts stated and allegations made in the news item.

In compliance to the direction of the Commission, a preliminary report was submitted by the Director of Health Services but the Commission was not satisfied with this replay and the Principal Secretary, Health was called for to attend personally and explain the position.

The Health Secretary attended personally and explained that there was acute shortage of doctors with post-graduate qualification in Anestheology and Pathology in the State, on account of which a large number of posts in the two disciplines were lying vacant. Though it had not been possible to post doctors with specialized qualifications in these subjects in Anandapur Sub-Divisional Hospital, arrangement had been made for the Anaesthesiologist attached to the District Headquarters hospital, Keonjhar to attend duties in Anandpur Sub-Divisional Hospital once a week

and similarly the Pathologist attached to the D.H.H Keonjhar was directed to attend to duty in Anandpur Sub-Divisional Hospital twice a week; in addition, two Asst. Surgeons had been posted in Anandpur Sub-Divisional Hospital of whom one was discharging his duties in the hospital and the other had proceeded on leave after joining in the hospital. The Principal Secretary also stated that the toilet attached to the O & G Ward had been made functional and being used by the patients; arrangements had also been made for construction of a containment area for disposal of hospital waste and the work would likely to be completed very soon. The Principal Secretary was asked to submit a further report stating the position relating to the shortcomings in the hospital.

A further report was submitted by the Joint Secretary, Health and Family Welfare Department, which indicated that two Asst. Surgeons posted to SDH, Anandpur had joined. The lavatory facility in O & G Ward for female patients had been available since last five months. Besides the construction of containment area would be completed by March, 2006. The work of major O.T. had been since been completed with temporary power supply and the unit had been taken by the SDMO, Anandpur in the mid December, 2005 and presently in use. The regular power supply and other minor facilities would be extended by 28th of February, 2006 after charging of the dedicated transformer. Water supply to the Hospital complex and to the new staff quarters has been extended under Orissa Health System Development Project and that renovation of minor work of O.T. would be completed by 31.01.2006. Regarding construction of boundary wall the report mentioned that the boundary wall was under construction by the P.W.D.

Considering reports of the authority concerned the Commission felt that the considerable improvement had been made in providing essential health care facilities in the S.D. Hospital at Anandpur and certain other developmental projects which had been taken in hand were likely to be completed very soon. As such the Commission felt that further intervention of the Commission in the matter was not necessary and the case was closed.

**OHRC Case No. 356/2005**

A petition was received from Smt. Manju Lata Sahu daughter of late Raghunath Sahu, resident of Markendeswar Sahi under Puri Town P.S. in the district of Puri, wherein she had alleged physical assault, torture and harassment by her husband Sri Dillip Kumar Sahu son of Rabi Sahu of village Sandhera, Po- Balliguda, P.S. Satyabadi in the district of Puri and his father and mother in connection with non-fulfillment of demand for dowry. She further alleged that though she lodged report about the incident at the Satyabadi P.S., no action was taken by police on such report.

The commission took cognizance of the matter and called for a report from the S.P., Puri, who furnished a report dated 03.12.2005 in which it was inter alia stated that all the dowry articles except cash were

seized and given it zima to Manju Lata Sahu and the case was likely to be charge sheeted. S.P., Puri was again requested to send a further report stating whether the charge sheet had been filed in the case. The S.P., Puri submitted a further report dated 24.08.2006 informing the Commission that charge sheet no. 121 dated 25.11.2005 under section 498 (A)/34 I.P.C/4 D.P.Act had been filed in Satyabadi P.S. case No. 104 dated 31.08.2005 against the accused person Rabindranath Sahu, Dillip Kumar Sahu, Jamuna Sahu and the case was sub-judice.

Considering the report received from S.P., Puri, the Commission was of the view that since the case which was registered on the report of the petitioner had been charge sheeted and was pending in the competent court, further intervention of the commission in the matter was not necessary. The case was therefore closed.

OHRC Case No. 95/2003

This proceeding was initiated by the Commission suo-motu on perusal of the news report published in the daily 'SAMBAD' dated 22.08.2003 under the caption "SABU THANA CHANDARE, ABHIJUKTANKA KHAIBA KHARCHA ABHIJOGAKARINKA POCKETRU". In the said news report it was inter alia, stated that the Government allotment towards daily allowance per detainee in police custody was a meager sum of Rs. 2/- which was very much inadequate for meeting the expenses for providing food to the detainees; that under such compelling circumstances the police are collecting money from different sources and in different manners.

Considering the news report the Commission vide its order dated 02.09.2003 took cognizance of the matter suo-motu and called for a factual report from the Secretary to Government, Home Department. After a series of correspondences with the Home Department, it finally submitted a compliance note on the observation of the Commission in its letter dated 23.02.2007 to explain the basis for the difference of daily diet allowance of the persons detained in police custody under sections 149/151, Cr.P.C. and those detained in police custody in specific criminal cases. In the compliance report it was, inter alia, stated that persons arrested under sections 149/151, Cr.P.C. were detained for a few hours and they were released after the occasion was over which was normally over by evening and that the experience was that the period of such detention was about 6 to 9 hours; that taking into account the short period of detention, provision of one meal had been made in such cases, whereas Rs.30/- per day had been provided for those detained in police custody in specific criminal cases since they were detained for interrogation purposes which normally was time consuming. For the paper available on record, it is revealed that feeding charges for person detained in police custody under

sections 149/151, Cr.P.C. has been enhanced to Rs. 20/- (one meal only) and for those detained in police custody in specific criminal cases, the same has been enhanced to Rs. 30/- per day.

Regarding the other allegations made in the news report, expenditure on POL in police stations has been fixed at 250 liters of Diesel/Petrol per month in urban areas, 150 liters of Diesel/ Petrol per month in rural areas, 200 liters of Diesel / Petrol per month in Naxalite affected areas respectively for seep of a police station and 20 liters of petrol per month for motor cycle of a police station in Naxalite affected areas. As regards reimbursement of mobile telephone bills, it has been fixed at Rs. 400/- per month in respect of police stations in urban areas and Rs. 200/- per month in respect of police stations in rural areas. Similarly dead body carrying charges has been fixed at Rs. 1000/- for police stations in urban areas, Rs. 1500/- for police stations in rural areas and Rs. 2000/- in special cases. Similarly allotments in respect of forms, stationeries and other contingency charges and imprest money for police stations in urban areas and rural areas has been considerably enhanced. Besides, the scale of diet for prisoners of Jails in Orissa including morning diet, midday meal and evening meal and special diet on national and religious holidays have been specified.

From these papers it was clear that the different statements/allegations made in the news report published in the daily 'SAMBAD' dated 22.08.2003 have been attended to and improvement has been made in the scales of daily diet allowance in respect of persons kept in police custody for different purposes and also in respect of inmates of jails throughout the state. The Commission was satisfied that the State Government have taken steps for remedying the problems/ short comings pointed out in the aforementioned news report. In the circumstances, the Commission considered that further intervention of the matter was unnecessary and therefore, the case was closed.



ANNEXURE – I

Staff position of OHRC during the year 2006-07

1.	Chairperson	-	1
2.	Member	-	4 (vacant 2)
3.	Secretary	-	1 (Law Secy in addition to own duty)
4.	Director Investigation	-	1
5.	Register	-	1
6.	Joint Secretary	-	1
7.	D.S.P	-	1
8.	Under Secretary	-	1 (vacant 1)
9.	PS to Chairperson	-	1
10.	Inspector of Police	-	4 (vacant 2)
11.	Section Officer	-	2 (vacant 1)
12.	Personal Assistant	-	6 (vacant 4)
13.	Senior Assistant	-	1
14.	Accountant cum Cashier	-	1
15.	Stenographer	-	5 (vacant 1)
16.	Constable	-	3 (vacant 1)
17.	Driver	-	4
18.	Computer Operator	-	1 (vacant)
19.	Despatcher cum Typist	-	2 (vacant 1)
20.	Jr. Asst	-	2 (vacant 1)
21.	Peon/class IV	-	8

29

ANNEXURE – II

Subjectwise classification of cases registered & disposed off during year 2006-07

1.	Children	-	19
2.	Health	-	35
3.	Jail	-	31
4.	Anti Social Activities	-	28
5.	Labour	-	29
6.	Atrocities on ST/SC	-	21
7.	Physically Handicapped	-	11
8.	Complaint Against Police	-	513
9.	Pollution	-	8
10.	Religion / Community	-	3
11.	Service Matter	-	120
12.	Women	-	63
13.	Misc.	-	532
14.	Total No. of cases	-	1413
15.	Dismissed in limini	-	738
16.	Entertained during the year 06-07	-	675
17.	Cases pending from previous year	-	2026
18.	Total no. of cases	-	2701
19.	Disposed of on hearing	-	187
20.	Total cases pending of the year	-	2514

**ANNEXURE – III****SUBJECT WISE CLASSIFICATION OF SUO-MOTU CASES
ENTERTAINED DURING THE YEAR 2006-07**

1.	Children	-	10
2.	Health	-	6
3.	Jail	-	25
4.	Anti Social Activities	-	5
5.	Labour	-	4
6.	Atrocities on ST/SC	-	7
7.	Physically Handicapped	-	2
8.	Complaint Against Police	-	19
9.	Pollution	-	3
10.	Religion / Community	-	0
11.	Service Matter	-	6
12.	Women	-	7
13.	Misc.	-	12
14.	Total	-	106

ANNEXURE – IV**SUBJECT WISE CLASSIFICATION OF CASES ENTERTAINED DURING
THE YEAR 2006-07**

1.	Children	-	7
2.	Health	-	2
3.	Jail	-	36
4.	Anti Social Activities	-	14
5.	Labour	-	18
6.	Atrocities on ST/SC	-	5
7.	Physically Handicapped	-	12
8.	Complaint Against Police	-	457
9.	Pollution	-	9
10.	Religion / Community	-	0
11.	Service Matter	-	48
12.	Women	-	38
13.	Misc.	-	29
14.	Total	-	675

