

ବାର୍ଷିକ ବିବରଣୀ
ANNUAL REPORT
2008-09



ଓଡ଼ିଶା ମାନବ ଅଧିକାର ଆୟୋଗ
Orissa Human Rights Commission
Bhubaneswar, Orissa

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UNIVERSAL DECLARATION OF HUMAN RIGHTS, (DECEMBER 10, 1948)

PREAMBLE

Whereas 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,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, Whereas it is essential to promote the development of friendly relations among nations, Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge.

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

ARTICLE -1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

ARTICLE -2

1. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
2. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether this territory be an independent trust, non-self-governing territory, or under any other limitation of sovereignty.

**ARTICLE - 3**

Everyone has the right to life, liberty and the security of person.

ARTICLE - 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

ARTICLE - 5

No one shall be subjected to torture or to cruel inhuman or degrading treatment or punishment.

ARTICLE - 6

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

ARTICLE - 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

ARTICLE - 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

ARTICLE - 9

No one shall be subjected to arbitrary arrest, detention or exile

ARTICLE - 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

ARTICLE - 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantee: necessary for his defense.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal 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 the penal offence was committed.

ARTICLE - 12

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

**ARTICLE - 13**

1. Everyone has the right to freedom of movement and residence within the borders of each state.
2. Everyone has the right to leave any country, including his own, and to return to his country.

ARTICLE - 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

ARTICLE - 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

ARTICLE - 16

1. Men and women of full age, without any limitations due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

ARTICLE - 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

ARTICLE - 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

ARTICLE - 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

ARTICLE - 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

**ARTICLE - 21**

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

ARTICLE - 22

Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

ARTICLE - 23

1. Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favorable remuneration insuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

ARTICLE - 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

ARTICLE - 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

ARTICLE - 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.



2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

ARTICLE - 27

1. Everyone has the right to freely participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

ARTICLE - 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.

ARTICLE - 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

ARTICLE - 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.



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) Study treaties and other international instruments on human rights and make recommend for their effective implementation;
- (g) Undertake and promote research in the field of human rights;
- (h) 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;
- (i) Encourage the efforts of non-Governmental organizations and institutions working in the filed of human rights;
- (j) 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 up.

❖ **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 Mischievous 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

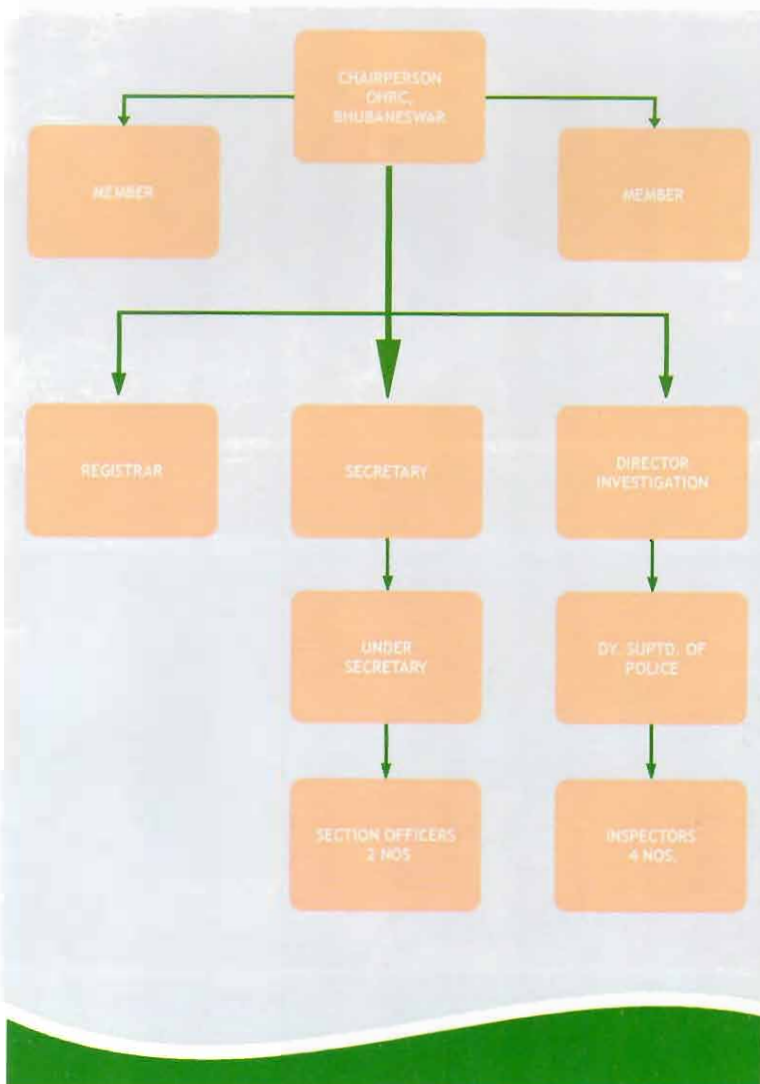


COMPOSITION OF THE COMMISSION 2008-09

		Date of Appointment	Date of retirement
Shri Sudhansu Mohan Patnaik	Member	11.07.2003	10.07.2008
	Acting Chairperson (w.e.f. 03.08.2007 to 01.01.2008)		
Shri Himadri Mohapatra	Member	03.08.2004	02.08.2009
Justice R.K. Patra	Chairperson	02.01.2008	Continuing
Dr. R.N. Bohidar	Member	18.11.2008	Continuing

The staffing pattern of the State Human Rights Commission during the period under report is furnished in the Annexure-1.

ORGANOGRAM



INFORMATION, EDUCATION AND COMMUNICATION ACTIVITIES IN THE STATE

During the year 2008-09, Odisha Human Rights Commission had taken initiative to create awareness about human right issues among the public servants, N.G.Os. and people at large. Interactive Workshops and Seminars were held at Koraput and Baripada where large number of people as well as N.G.Os. were present. The lecturers delivered on the following topics at the workshop held at Koraput

1. SC & ST protection and welfare measures.
2. Measures for the physically handicapped, mentally challenged and socially disadvantaged groups.
3. Health and hygiene, rehabilitation of AIDs victims.
4. Rights to Education
5. Food Securities / measures to prevent starvation death.
6. The seminar at Baripada, deliberated on women trafficking and child labour.



Workshop on Human Rights organised by Orissa Human Rights Commission at Koraput on 28.01.2009 & 29.01.2009



Awareness Camp on 'Human Rights and Tribal youth' sponsored by OHRC & organised by Laxmipur College, Koraput



Workshop on Human Rights on 'Women Trafficking & Child Labour' organised by Odisha Human Rights Commission at Baripada on 25.02.09 & 26.02.09

INTERACTIVE WORKSHOP BY NGOs

During the year 2008-09, the following N.G.Os. have conducted workshop highlighting the human right issues at grass root level.

Sl. No.	Name of the N.G.O.	Grant released
1	Chetana Mahila Sangathan, Nuapada	Rs. 15,000/-
2	Laxmipur College, Koraput	Rs. 25,000/-
3	Citizens' Forum for Human Rights, Saheed Nagar, Bhubaneswar	Rs. 20,000/-
4	Lohiya Jay Prakash Library & Reading Room, Cuttack	Rs. 15,000/-
5	Seven Diamond World Welfare El-Dorado Board Dangarpada, Khordha	Rs. 15,000/-



Awareness programme on Human Rights for 'Rural Women' sponsored by OHRC & organised by Chetana Mahila Sangathan, Nuapada



Workshop organised by Lohia Jayprakash Library & Reading Room, Cuttack



Workshop on 'Sexual Harassment of women at work place' sponsored by OHRC & organised by 'Seven Diamond World Welfare El-Dorado Board, Dangarpada, Khorda



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 2008 till 31 March 2009, the Commission received 2219 number of complaint petitions out of which 948 petitions were dismissed in limini and the balance 1271 were entertained for enquiry by the Commission, which includes 105 number of cases entertained suo-motu for enquiry. During the period under report 276 numbers of cases have been disposed after enquiry in addition to 948 numbers of cases dismissed in limini. The disposed of cases 276 included a large number of instances in which the grievances of the complaints were redressed.

The statement indicating subject-wise classification of cases filed during 2008-09 is furnished in **Annexure-II**. Sou-motu cases filed during the period under report is furnished vide **Annexure-III**. Classification of cases entertained during 2008-09 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.



Brief outline of selected cases disposed of by the Commission

A brief outline of selected cases disposed of during the year under report is furnished below.

Case No. 1061/2007

The death of Bira Singh, an under-trial prisoner, published in the daily "DHARITRI" in its issue dated 17.09.2007 under the caption "BARIPADA JAILRE BICHARADHINA KAIDINKA MRITYU" drew attention of the Commission. As per the news report, Bira Singh was arrested by Jharapokharia police on 22.08.2007 on allegation of sale of illicit liquor. He reportedly fell ill on 07.09.2007 and was admitted in Baripada District Headquarters Hospital. For better treatment he was sent to SCB Medical College and Hospital, Cuttack where he died of kidney failure as ascertained from the hospital sources.

The Commission took cognizance of the matter and called for the report of I.G. of Prisons, Orissa,

Bhubaneswar. The I.G. of Prisons had furnished a report dated 05.02.2008 to which were appended, a report dated 23.01.2008, submitted by the Senior Superintendent, Circle Jail, Baripada, a copy of the admission register and a copy of a report submitted by the Medical Officer, Circle Jail, Baripada.

As per the report from I.G. of Prisons, the deceased was being examined by the Jail Medical officer and adequate medical treatment were given to him. He was diagnosed to be suffering from ACUTE GLOMERULONEPHRITIS (AGN) which subsequently led to renal failure. The Doctor opined that the onset of the said disease was sudden and not a chronic condition. The Commission concluded that there was nothing on record to suggest that there was any medical negligence in treating him.

Case No. 1096/2008

The news item depicting the plight of a young boy aged about 12 years named Ashok Parida, S/o- late Pravat Parida of village Angarkha under Aul Block in Kendrapara district who had been condemned to live a life in the shadowy alleys of the society following the demise of his parents on account of AIDS drew the attention of the Commission. As per the news report, having lost both his parents to AIDS, the young boy, Ashok, who is also suffering from the deadly disease, was stated to be traumatized. The Commission took cognizance of the matter and called upon the Secretary to Govt. in Health & Family Welfare Department to submit a detailed factual report. Pursuant to the said order, the Project Director,

Orissa State AIDS Control Society has submitted report in his letter No. 4671 dated 30.09.2008.

On perusal of the report, the Commission found that Ashok @ Abhisek Parida, aged about 14 years has been orphaned and was tested HIV positive. But his condition was stabilized and showing signs of improvement. He was living with his paternal Uncle Prafulla Parida and Aunty Sebati Parida who are child less. Ashok was made a beneficiary under the Madhu Babu Pension Yojana getting rupees 200/- per month. He is now studying in Class-Xin SKC High School, Patrapur, Aul 4 kms away from his village. He had requested the Collector, Kendrapara for financial support for his education and a bicycle for his communication.



The Commission directed the Collector, Kendrapara to provide a bicycle to him for

facilitating him to attend the school and allotment of I.A.Y. house in his favour.

Case No. 1183/2006

One Sri Mrutyunjaya Sabat, S/o-Bhagaban Sabat, a resident of LC-133/1, Saileshri Vihar, Bhubaneswar filed a petition alleging that he was serving as Electrical Supervisor in M/s. Lingaraj Biscuit Private Ltd., Bhubaneswar, and had been illegally terminated of his service by the employer. He had complained about his illegal termination to District Labour Officer but no action was taken by him.

The Commission took cognizance of the matter and the Labour Commissioner was asked to furnish a report in the matter. It appeared from the allegations made by the petitioner and the

defence adopted by the respondent that the dispute about the petitioner alleging refusal of employment by the employer M/s. Lingaraj Biscuit Pvt. Ltd., Bhubaneswar, was enquired into and conciliated upon by the labour Commissioner. On failure of settlement of the dispute, the Government in Labour & Employment Department vide Letter No. 11706 dated 22.10.2007 have referred the dispute to the Labour Court, Bhubaneswar for adjudication which is presently sub-judice.

In view of the above fact that the matter was sub-judice in court/tribunal the proceeding was dropped.

Case No. 1175/06

One Smt. Sumitra Swain of GGP Colony, Rasulgarh, Bhubaneswar had alleged that on 12.10.2002 at about 6.00 PM at G.G.P. Colony, Rasulgarh, Bhubaneswar, the accused Prabhakar Pal attempted to kill her, for which she lodged an FIR at Mancheswar Police Station. Basing on said report police registered P.S. Case No. 169/02, but took no action against the offender. She had, therefore, sought for the intervention of the Commission with a request to take appropriate action in the matter.

The Commission took cognizance of the matter and called for report to Superintendent of police,

Khurda. The DCP, Bhubaneswar informed that in the said P.S. case after investigation, charge sheet had already been filed against accused Pravakar Pal under section 307 I.P.C. in the Court of S.D.J.M., Bhubaneswar showing him as an absconder. N.B.W. has also been issued and sent to the S.P., Dhenkanal for execution and the last date of production of the accused was fixed to 11.06.2008.

The allegation of the petitioner that the police was not taking any action in Mancheswar P.S. Case No. 169 of 2002 was thus found to be untrue. Since the matter was sub-judice in the court, the case was closed.

Case No. 562/06

A news report under the caption "DAKTARANKA ABAHELARU YUBAKARA MRUTYU" published in the daily "SAMAJ" in its issue dated 29.05.06

indicating the death of Krutibas Mallick aged 24 on account of poisoning drew the attention of the Commission. It was reported that Krutibas belonging to village Netua under Nikirai out post



P.S., Kendrapara having taken poison was brought to Indupur Primary Health Centre for treatment. As intensive care and treatment was necessary, he was referred to Kendrapara District Head-quarter Hospital. On his arrival at Kendrapara Hospital no doctor was allegedly available to attend to him and Krutibas died. The news report revealed a case of negligence in the treatment of patient and utter dereliction of duty on the part of the doctors of District Head-quarters Hospital, Kendrapara which resulted in the death of Krutibas. Accordingly the Commission took cognizance of the matter and called for a report from Govt., Health Department.

The Joint Secretary to Govt., Health & Family Welfare Department furnished the report together with the report of the Joint Director of Health Services (PH) on 18.07.2006. However, the Commission was not satisfied with the report of the Govt. and deputed one Inspector of police working in the Commission office to enquire into the matter.

It was revealed that though Indupur C.H.C. had a sanctioned strength of three doctors only one doctor namely Mirza Babar Baig was available in Indupur PHC who was acting as in-charge Medical Officer of the hospital from 01.05.2006

to 09.03.2007. Dr. Baig was absent in the P.H.C. on 28.05.2006, the day when Krutibas was admitted to the Hospital. He also admitted his absence from the C.H.C. on that date. No document was forthcoming that he availed Casual leave on that day. Had the doctor been present, some treatment could have been given to the deceased. The absence of doctor Mirza Babar Baig, Asst. Surgeon, in-charge Medical Officer of Indupur P.H.C. was prima facie found unauthorized. Secretary, Health and Family Welfare Department was asked to conduct enquiry into the alleged absence of Dr. Mirza on 28.05.2006.

As regards treatment of deceased in District Hospital, Kendrapara, the concerned doctor Dr. D.P. Sutar, who was on Out Door duty on 28.05.2006 was temporarily absent in the Out Door. On his arrival however he examined Krutibas at about 7.00 PM on that day when he found him dead.

In view of the explanation given by Dr. Sutar about his temporary absence from the Out Door having gone to the Blood Bank and his statement that, he attended on the patient, the Commission came to the conclusion that, there was no negligence of Krutibas in District Hospital Kendapara.

Case No.667/07

A news report relating to the custodial death of Sri Bhaskar Behera, son of Sri Rohit Behera of Rajnagar in Athagarh Block in the district of Cuttack, due to assault by Police on 14.6.07 as published in the daily Samaj dated 16.6.07 under the caption "Athagara Police madare jubakara mrutyu" drew the attention of the Commission.

The Commission took cognizance of the matter and the D.G. & I.G. of Police, Orissa was requested to furnish a detailed factual report on the allegation appearing in the Newspaper report. During pendency of the aforesaid case, the Commission received Xerox copy of the Writ Petition WP-C-7399 of 2007 along with affidavit, Misc. cases and copy of the order of



the Orissa High Court dated 18.2.2008 directing the Commission to make an enquiry into the allegations made by Bilasini Behere, mother of the deceased. The Commission examined all parties including the petitioner through her Advocate as well as Medical experts.

After analyzing the evidence mentioned above and having regard to the expert medical opinion, the Commission came to the conclusion that the deceased was not assaulted by the police. The only external injury, abrasion on the left upper eye lid of size 1 cm. x 5 cm., could not have been the cause of his death. Assuming that the deceased had taken alcohol, as per the chemical examination report, (presence of alcohol was evident), the proximate cause of his death was fright caused by the presence of police in the late hours of the night. The police entered into the house of Rohit Behera, father of the deceased without any reasonable cause. The

provision of section 47 of the Code of Criminal Procedure was observed with breach by the police. The right to life and right of privacy of the family members of the deceased were infringed by the police when they failed to offer any ostensible reason for their entry into the house of Rohit Behera in the late hours of the night. The fact that the deceased did not die due to assault by the police, did not mitigate the violation of human right of the deceased and his family members.

Having regard to the circumstances of the case, the Commission directed the State Government under section 18(a)(i) of the Protection of Human Rights Act, 1993 to pay to the parents of the deceased a sum of Rs. 1,00,000/- (Rupees one lakh only) as compensation. The Commission also directed to initiate departmental proceedings against the A.S.I. and Constable of Athagarh P.S. for the misconduct.

Case No.1278/07

The Orissa Human Rights Commission received the case record bearing OJC No. 13963 of 2001 relating to Smt. Sadin Meher Vrs. State of Orissa and others together with the Judgement dated 12.10.07 from the High Court wherein the Hon'ble Court had directed that a fresh enquiry be held into the questions raised in the Writ petition including the circumstances leading to the death of the petitioner's husband. The Court had further directed that a fresh enquiry be conducted by the Orissa Human Rights Commission on the complaints which had been made by the petitioner, not with standing the bar u/s 36(2) of the Protection of Human Rights Act.

The Commission took cognizance of the matter and issued notice to the parties and their Advocates for further enquiry. The records relating to the enquiry conducted by the S.P., Bargarh was also called for.

After detailed examination of the evidences adduced by the complainant as well as the report of the Investigating Officers, it was conclusively established by the Commission that the husband of the complainant, Pahillman, was detained in Barapali P.S. on 15/16.2.2001 night without being informed of the grounds of his detention and without his family members being intimated. He was sent for medical examination on 16.2.2001 and there was no credible evidence that he was released from the police



station. No evidence was adduced as to where Pahiliman went, nor any circumstance placed as to how he could be found hanging in the Pump House. The Commission held that this was a custodial torture leading to death of the deceased and there was suppression of the incident of death of the deceased by the officers working in Barpali police station. The story of suicidal hanging of Pahiliman, as propounded evidently, was without any basis.

Considering all these, the Commission recommended that the State Government should pay Rs. 1,50,000/- as compensation to the petitioner for the death of her husband out of which 50% of the amount awarded shall be in the form of bank deposits with a Nationalized Bank in the names of the children of the petitioner.

Case No. 253 of 2009

A suo motu proceeding was initiated on the basis of a News item published in the daily 'The Samaj' in its issue dated 20.2.2009 under the caption "BONAI SUB-JAIL RE BICHARADHINA KAIDI RO MRITYU".

As per the news item the under trial prisoner Ranjit Dehury was in detention in Bonai Sub-Jail for about 4 months, and about a month before his death, he developed an ulcer in his leg. Due to lack of proper treatment the wound aggravated and on 18.2.2009 he was referred to the Sub-Divisional Hospital, Bonai and was admitted there. He died there while under treatment.

As the news report revealed a case of custodial death, the Addl. D.G.-cum-I.G. of Prisons, Orissa, Bhubaneswar was called upon to furnish a detailed factual report. The I.G. of Prisons, Orissa submitted his report. Perusal of the aforesaid reports including the medical records showed that the UTP - Ranjit Dehury, aged 20

years of village Koira was admitted in Bonaigarh Special Sub-Jail on 6.8.2008. At the time of his admission in Jail, he had a wound in his left foot. As per his complaint, the said UTP was sent to the Sub-Divisional Hospital, Bonai on 19.8.2008 for treatment by Surgery Specialist. He was also examined by the doctor both Medicine Specialist and Surgery Specialist at various times who also prescribed medicines.

On careful perusal of the report of the I.G. of Prisons including the treatment chart, the Commission came to the conclusion that the UTP was being given medical treatment from time to time. Doctors of the Sub-Divisional Hospital, Bonai attended to him as usual. The Commission did not find any specific material to attribute negligence of the treating physicians.

However, the UTP died at the young age of 20 years while detained in the Sub-Jail for trivial offences, The Commission awarded monetary relief amounting to Rs. 50,000/- to the parents of the deceased UTP.



Case No. 568 of 2006.

Pursuant to the publication of a News item in the daily 'Dharitri' in its issue dated 02.6.2006 under the caption "BICHARADHINA KAIDINKA MRUTYU" reporting the death of Hruda @ Banamali Tripathy (70), an UTP lodged in the Special Jail, Bhubaneswar on the night of 31.5.2006, the Commission took cognizance of the matter and called upon the Addl. D.G. of Police-cum-I.G. of Prisons, Orissa, Bhubaneswar to furnish a detailed factual report.

The I.G. of Prisons submitted his report dated 18.7.2006. The Commission perused the reports as well as examined the Jail Medical Officer of Special Jail, Bhubaneswar. The Commission also took assistance of Dr. G.N. Sahu, Professor and Head of the Department, Department of Pulmonary Medicine, SCB Medical College & Hospital, Cuttack .

From the aforesaid enquiry, the Commission came to the conclusion that no medical check up was conducted when the deceased was admitted to Jail. The deceased having been examined for the first time by the Medical Officers of the Jail, 17 days after his admission, proper treatment was not provided to him. The postmortem examination revealed that the deceased was evidently suffering from long

standing pulmonary tuberculosis disease. An inference was inescapable that had he been properly examined soon after he was admitted to the Jail, it would have been possible to provide appropriate treatment much earlier which would have improved his prospect of survival and cure.

The Commission accordingly recommended to the State Government that arrangements for health care and treatment of prisoners in vogue at present be subjected to a comprehensive review with a view to ensuring that no prisoner in custody was denied treatment and health care at the required level of specialization for any reason whatsoever.

Besides, the Commission came to the conclusion that the UTP Banamali Tripathy who was suffering from pulmonary tuberculosis was not given proper care, attention and medical treatment when he was in Jail and ultimately succumbed to death while in custody. Therefore, the Commission awarded payment of compensation of Rs.50,000/- (Rupees fifty thousand only) to the heirs/dependants of deceased Banamali Tripathy by Government in Home Department.

Case No. 319/08

The news report depicting an incident of ragging in Synergy Institute of Engineering and Technology, Dhenkanal resulting in serious injuries to 20 engineering students, following the alleged ragging by senior students of the institution which occurred on the night of 11.03.2008 and continued till the morning of 12.03.2008 as published in the "New Indian

express" in its issued dated 13.03.2008 under the caption "20 engineering students hurt after ragging," drew the attention of the Commission.. The Commission took Suo-Motu cognizance of the matter and Director General of Police, Orissa was requested to cause an enquiry into the alleged incident and furnish a detailed factual report.

Pursuant to the said notice the Addl. Director General of Police, HRPC, Orissa, Cuttack sent to



the Commission a report annexing a copy of the enquiry report by Dy. S.P., HRPC.

On perusal of the inquiry report, it appeared that Synergy Institute of Engineering and Technology is situated at Banamaliprasad, Dhenkanal. On 11.03.2008 at about 9.00 P.M., B.Parthasarathi, a student of 2nd year Electrical Engineering of the Institute came to the college hostel inside the college campus to drop a boarder. B.Parthasarathi was not a boarder and was staying in a private mess outside. While making entry into the hostel through the narrow gate, he brushed with a senior student. This led to a clash between the two groups of students. The IIC Town Police Station arrived immediately after the incident. The Principal of the Institute also prevailed upon the students to desist from the affray. As a result, the clash did not assume any serious proportion.

From the above, the Commission came to the conclusion that on the date of occurrence, there was clash between two groups of students and neither of the two groups, consisted exclusively

of students of any particular year. The clash was between two groups of students one of which consisted students residing in the hostel of the college and the other, of students residing in a private mess outside the college. The Institute with a view to maintaining discipline conducted an administrative enquiry and the students who were found guilty were penalized and they were also warned. The concerned students realized the mistake and assured the principal that they would maintain peace and cordiality among them. The Principal in his written response had stated that there was no further occurrence of group clash between the students and at present peace and study atmosphere prevails in the campus.

In view of the fact that the college authorities had taken adequate measures in punishing the erring students and there was no further recurrence of such event, the Commission hoped that the college authorities should keep constant vigil over the activities of the students and should not hesitate to punish any erring student who commits nuisance.

Case No. : 181/08

A new item captioned "CHHA MASA HELA PIPE PANI BANDH, KUA POKHARI BHARASA" which appeared in the daily "SAMBAD" in its issue dated 12.02.2008 came to the notice of the Commission. It was stated in the news paper report that a piped water supply project was implemented in 1999 for supply of potable water to seven villages of Benapanjari G.P. in Jatni Block. However water supply was being frequently disrupted for which the local people

were facing difficulties. The Commission took suo motu cognizance the matter and directed the Commissioner-cum-Secretary to Government, Rural Development Department for a factual report on the statements and allegations made in the news item.

The Secretary, Rural Development Department furnished the report, enclosing a copy of the report of the Chief Engineer, RWS & S. It appeared from his report that the piped water supply scheme at Benapanjari and Tirumal with



its adjoining villages is working smoothly at present. There are 63 numbers of running tube-wells. Out of total 74 numbers of stand posts, 11 numbers of stand posts in Ward No. 7 & 8 have become dysfunctional because of laying of cement concrete road and they could not be replaced due to the public resistance to cut the C.C. road. There are 10 number of running tube-wells in Ward No. 7 & 8 which cater to the daily need of safe water which is being supplied from 6.00 a.m. to 8 a.m. and

4.00 p.m. to 5 p.m. everyday. The water supply system is being operated under the direct supervision of the Gram panchayat and J.E. RWS & S technically supervises the function. The Jr. Engineer who is stationed at Jatni closely monitors functioning of the stand posts and tube-wells.

Considering the report, the Commission was satisfied that at present there is no dislocation of water supply in the area.

Case No. 255/08

The suo-motu proceeding was initiated on the basis of a news item published in the daily "SAMBAD" in its issue dated 28.02.2008 under the caption "COMBING ALARE NIRIHANKU CRPF RA MADA". As per the news paper report, on the pretext of conducting combing operation, the CRPF personnel assaulted and harassed innocent residents of Pedabalda Panchayat of Bandhugaon Block in the district of Koraput. As news paper report prima facie disclosed violation of human rights, the Commission while taking cognizance of the matter called upon the Collector and District Magistrate, Koraput to cause and enquiry into the allegations and submit a detailed factual report. In obedience to the said order, the Collector & D.M., Koraput in his letter No. 997 dated 11.07.2008, had sent a detailed enquiry report. The Commission perused it. The allegation that the CRPF personnel misbehaved and assaulted the villagers was denied in the report. As per the report, on 27.02.2008 one unit of SOG of Koraput district

was performing combing operation against Naxalites in village Kutukibalsa. The police party could know that some Nazalites were concealing in the said village and while search was being conducted, villagers numbering about 20 of Kutukibalsa including ladies attacked the police party with lathis, bows and arrows. They also pelted stones and assaulted SOG constable Ranjit Kumar Samal mercilessly. In this connection, Narayanpatna P.S. Case NO. 20 dated 27.02.2008 had been registered. It was specifically stated in the report that the CRPF personnel from Andhra Pradesh were not present with the SOG staff at the time of combing operation. Since CRPF personnel were not present, question of hurting by them to four males did not arise. It was claimed in the report that the villagers of Kutukibalsa were giving shelter to the Naxalites and when the police party went for patrolling, they protested against the police.

In view of the report and in the absence of any other material to the contrary, the Commission held that the news item published in the daily "SAMBAD" was not based on actual facts.

**Case No.958/07**

One Smt. Laxmi Sahu, wife of Krupasindhu Sahu of village Podasahi, PS- Odagaon, Dist. Nayagarh alleged that some persons namely Subas Behera, Keshab Dalbehera, Prasan Pradhan and Prafulla Nayak had attempted to construct a village road encroaching on her plot No. 24/503 measuring Ac. 1.72 dec. without any consideration. When the petitioner raised protest, the persons complained against her and threatened to kill her. The persons also complained against her in a Village Committee to ostracize the petitioner and destroyed her paddy crop valued at Rs. 10,000/-. The petitioner brought this matter to the notice of OIC, Odagaon and S.P., Nayagarh but no action was taken.

The Commission took cognizance of the matter and called for a report from the SP, Nayagarh. The report of SP was also sent to the petitioner for her response. On perusal of the report of the S.P. as well as the response of the petitioner, the Commission held that the petitioner had refused to leave a portion of the land measuring Ac.1.72 dec. pertaining to plot No. 24/503 in Mauza Podasahi for construction of the connecting road. In view of her reluctance, the villagers had decided not to proceed further in the matter and had moved the Collector Nayagarh for construction of a bridge over the Nala. As the dispute primarily arose from refusal to vacate a portion of land possessed by the petitioner and in view of the decision of the villagers not to proceed further, intervention by the Commission was not called for.

Case No. 435/2003

One Smt. Hemalata Sethi of village Biswanathpur, P.S. Balipatna, Dist. Khorda filed a complaint petition alleging assault of her husband Sri Brundaban Sethi, by one Bijaya Sahu as a result of which he died some months later. She also alleged that although she had lodged an FIR in local police station with regard to the incident, instead of taking action against the person complained against, the police arrested the complainant's husband and son. In view of such allegation, the Commission took cognizance of the matter.

On being ordered, the DSP, attached to the Commission conducted an enquiry and submitted a report holding inter-alia that there was a case and counter case between the rival groups which had been charge sheeted. Besides

the death of Brundaban Sethi, the husband of the complainant was not due to the incident which took place on 23.10.98, the date on which her husband sustained injury due to assault by Sri Bijay Sahu. The Commission also examined the complainant and her son Biswanath. Besides, the Collector, Khordha and the S.P., Khordha conducted a joint enquiry and a report was filed on their behalf. From the said joint enquiry report it appeared that on 23.10.98 there was some altercation between the families of Bijay Sahu and Prafulla Sahu on one side and Brundaban Sethi and Kasinath Sethi from other side following alleged damage of grass bundles of the Sahu family by the goats of Brundaban Sethi. Separate FIRs were lodged by both parties in Balipatna P.S. in this connection against each other. After completion of investigation, charge sheets were filed and both



the cases were pending in the court of SDJM, Bhubaneswar. The specific allegation of the complainant, that her husband died following injuries which he sustained in the incident dated 23.10.98 had not been confirmed by the medical report. That being the case, the Commission came to the conclusion that the injury said to have been suffered by Brundaban Sethi on 23.10.98 resulting in his death, could not be

conclusively held. There was no threat or harassment to the family of the complainant from any members of the village and Balipatna PS police was keeping a close watch over them as per the joint enquiry report. Besides, the BDO, Balipatna was instructed for sanction of old-age pension/widow pension in favour of the complainant Hemalata Sethi if she was found eligible and rehabilitate the widow within two months.

Case No. 1543/2008

The petitioner Sri Bijay Kumar Pradhan of village Kaunsibahal, under Barkot P.S. of Deogarh district complained against the life convicts Harihar Dehuri and his brother Kashinath Dehuri lodged in Deogarh Jail, that they were collecting money from the persons who came to the Jail to meet the prisoners and specifically on 22.9.2008 at about 4.30 PM when the petitioner went to Deogarh jail to meet some of his relations the convict Harihar Dehuri demanded Rs.50/- from the petitioner and collected the same to make arrangements for the meeting of some of the prisoners.

The matter was sent to the I.G. of Prisons for enquiry and to submit the enquiry report. After examining 24 prisoners besides the convict brothers, the I.G. of Prisons stated in his report that none of them seemed to have confirmed to any of the allegations made by the petitioner. The Jailor-cum Superintendent, Sri Sushant Kumar Routray stated that the petitioner having been lodged in the jail earlier in a case of extortion and being in the rival camp vis-à-vis the Dehuri brothers, there was no love lost between them and the suggestion of the petitioner to have the two brothers shifted from Deogarh Special Sub-jail to Sambalpur Circle Jail

could perhaps indicate that he wanted his rivals out of the town and out of his way. The I.G. of Prisons had further indicated that the petitioner had omitted three important facts in his petition:

- (1) that he himself had been lodged earlier in the prison of Sambalpur and Deogarh in a case of extortion,
- (2) that Harihar Dehuri and Kasinath Dehuri were fellow inmates of the petitioner in the same Deogarh Special Sub-jail,
- (3) that there was a long standing family feud between the petitioner on the one hand and the convict brothers on the other.

With such a background, the Commission came to the conclusion that it was highly unbelievable that the petitioner would have given a bribe of Rs.50/- to the convict brothers and his statement that he was interested in jail reform behind his proposition of shifting the convict brothers from Deogarh Special Sub-jail to Sambalpur Circle jail could not be taken on its face value. The IG of Prisons, however assured the Commission that the Jailor-cum-Supdt. had been advised to keep a strict vigil over the affairs of the jail and take such steps as deemed necessary in the interest of fair and just prison administration.

**Case No. 549/06**

In the petition dated 23.5.06, Sri Raghunath Mahapatra, who retired as Sr. Asst. in Puri Municipality on 31.3.04 had alleged that his pension and gratuity had not been sanctioned even though the relevant papers had been submitted to the Director, Municipal Administration.

On being noticed the Director submitted a report that the pension of Rs. 829/- and gratuity amounting to Rs. 26,060/- was sanctioned in favour of the petitioner. His arrear pensionary dues with effect from 01.4.04 to 28.2.2007 and gratuity have been released. Sanction of pension and gratuity as per the revised Pay Rules, 2006 for municipal employees has also been sent to the Finance Department for concurrence.

Case No. 130/06

News item published in the daily 'SAMBAD' in its issue dated 29.11.05 under the caption 'BHADI TALE ASHRAYA NEICHHI 65 BARSIIYA BUDHUBARI, INDIRA AWASA MILIBA KEBE?', stated that a 65 year old widow living in village Dhauarapali in Kishore Nagar block is kept waiting for a house under the Indira Awas Yojana for the last 7 years.

On being noticed the ADM, Angul forwarded a copy of the report of BDO, Kishore Nagar, which revealed that the Addl. Tahasildar, Kishore Nagar was requested to provide a piece of homestead land to the widow, so that a house under Indira Awas Yojana scheme could be allotted to her. It was further stated in the report that a voluntary organization called 'Swadhara' was contacted

for provision of a shelter home for the widow and the local officers were instructed to maintain vigil on the condition of the widow. A copy of this report was forwarded to the widow for her response. The widow indicated her unwillingness to stay in the Swadhara shelter home. She however admitted being in receipt of a sum of Rs.200/- per month as Old Age pension.

It was further reported by the ADM, Angul that the Addl. Tahasildar, Kishore Nagar had assigned a piece of land in favour of the petitioner by lease and the R.O.R. had already been issued to the petitioner with delivery of the possession of the land. A copy of the ROR along with the format for delivery of possession was enclosed in his report which proves that Budhubari Majhi the widow had already taken physical possession of the land allotted to her.

Case No. 138/06

One Jogi Ganeswar and Smt. Manjulata Jena of village Ektal, Chandpur under Ranpur PS had alleged that their daughter Supriya Jena, aged 15 years, while proceeding to the college for her studies, was forcibly abducted. On the same

night an FIR was lodged in the Chandpur Out Post leading to Ranpur PS case No. 147/05. The petitioner alleged that even though the culprits were identified within two days, the police had taken no steps to rescue the missing girl. In the mean time, one of the persons suspected to be



involved in the incident, had obtained anticipatory bail and made an attempt to attack the family of the petitioner with the help of certain antisocial elements about which a report was lodged in the police but no action had allegedly been taken.

Having considered the complaint, and after receipt of a factual report from the Director, Investigation, the same was forwarded to the DG & IG of Police with a request to depute I.G. of Police CID & CB to the commission for a discussion. The matter was discussed with IG of Police, CID, C.B., Cuttack and he was asked to submit a comprehensive report on the steps taken with regard to the investigation.

Subsequently, Supriya Jena, daughter of the petitioner had submitted a petition that she had escaped from the clutches of her abductors and had returned to her parents on 27.11.2007. In her petition she had narrated a harrowing tale of her kidnapping on 13.9.05 by one Bula alias Balendra Pradhan and Titu alias Arun Sahu of village Kerandatangi, her illegal confinement at different places, physical and mental torture,

sexual assault, infliction of bodily injury, threats to her life and intimidation. During this period she had given birth to a girl child. She stated that her present age was 17 years and eight months which, if found correct on verification, implied that she was a minor at the time when the incident allegedly occurred. She had also alleged that her abductors had forcibly obtained a written statement from her to the effect that she was going with them on her own volition.

After perusal of different reports submitted by the I.G. of Police, CID/CB, Orissa, Cuttack and response of the petitioner in some of them, the Commission held that the investigation conducted in the matter was not satisfactory and the bonafides of the investigating agency was rightly suspected by the petitioner.

It was stated by I.G. CID/CB that charge sheet No. 63 dated 16.4.08 had been filed under different sections of I.P.C. against the accused and the case was subjudice. Besides the I.O. assured the commission that three persons who had been associated with the alleged incident, and who had not been charge sheeted as yet, would also be proceeded against.

Case No. 965/08

The Commission took cognizance of a petition, filed by one Arati Senapati of village Pandarungi, P.S. Basta, Dist. Balasore alleging against the Zamadar - Komila and Havildar-Samal of Basta police station. The petitioner had stated that she along with her husband, Satyaranjan Senapati

and two children lived in village Pandarungi, where their neighbour one Ranjan Das had been harassing them. Previously a complaint was lodged against Ranjan Das and Ratnakar Rout before the then officer in charge of Basta police station who submitted a case and counter case against both the parties. Being aggrieved by



filing of case against them, both Ranjan Das and Ratnakar Rout created trouble. However, the OIC of the Police Station was being misguided by both the Jamadar and Havildar and was not investigating the matter properly.

The S.P., Balasore was called upon to submit a report. On perusal of the report submitted by S.P., Balasore, it appeared their dispute was over one decimal of land pertaining to plot No. 867 pending in the civil court where the petitioner's family and Ranjan Das were litigating against each other. Even criminal cases between the parties were pending investigation. One case vide Basta PS case No. 58 had been registered on the basis of FIR filed

by Banalata Das (married sister of Ranjan Das) against the father-in-law and the husband of the petitioner. A counter case bearing No. 59 had also been registered on the basis of FIR filed by the father-in-law of the petitioner, against Ranjan Das and his supporter Dhaneswar Das. It further appeared that Ranjan Das was a cook serving in a mess near Basta PS and some staff of Basta PS were taking their meals from that mess. During the enquiry conducted by SDPO, none deposed that ASI, Kamila and Havildar Samal were being influenced by Ranjan Das to mislead the investigation. In the circumstances, it seemed that the petitioner had filed this petitioner with some ulterior motive.

Case No. 1187/04

A petition was filed by one Pankaj Kumari Das, wife of Engineer Purna Chandra Das, Gajapati Nagar, Berhampur, addressed to the DIG of Police, Southern Range. The main grievance of the petitioner was against the alleged inaction of the police of Gopalpur PS particularly the OIC, Sri Kishore Chandra Das in taking action against Sriram Sahu, son of late Sasi Sahu who was allegedly running a sex racket in Berhampur Town and had allegedly raped the petitioner's daughter.

The Commission took cognizance of the matter and called a report from DIG of Police (Southern Range). The copy of the report received from DIG of Police (S.R.), Berhampur was sent to

Smt. Pankaj Kumari Das for her response. The petitioner in her response dated 3.9.05 asked the Commission to appoint some independent and impartial agency like CID/CBI to enquire and catch hold the entire sex racket for the larger interest of the public. The petitioner had filed another petition dated 20.6.08 saying that the difference between the parties had been resolved and settled on 9.8.05. It was not known how the petitioner in her response dated 3.9.05, later referred to the above and had asked for independent enquiry. Be that as it may, in the said petition dated 20.6.08, the petitioner had expressed her unwillingness to proceed further in this case and prayed for its closure.

Accordingly the case was closed.



Case No. 834/05

A news item appearing in the daily 'SAMBAD' in its issue dated 01.7.05 under the caption 'BISAKTA KHADYA KHAI DUYI CHHATRA MRUTA, 33 ASUSTHA' had drawn the attention of the Commission. It was reported that in Singarmunda Mission Primary School situated about 15 kms. away from Badagaon P.S. in Sundargarh district, boarders of the hostel numbering 33 had fallen sick, two of whom had died, after taking food served in the hostel. The other ailing students, who were stated to be serious, had reportedly been admitted in Badagaon Hospital. The Commission took cognizance of the matter and called for a report from the Collector and District Magistrate, Sundargarh.

The report of the Collector revealed that 31 students of the Upper Primary Mission School Hostel and the Cook along with his wife and two children, in all 35 persons were affected. Two students were declared dead at the hospital, by the Medical Officer of CHC, Bargaon. After thorough examination, the CDMO, Sundargarh recommended shifting of five of the affected students to District Headquarters Hospital at Sundargarh for better treatment. The report of the Collector revealed that all the students except one were continuing their study in the same school. It was further revealed that, a P.S. case was registered in the Bargaon Police Station vide UD case No. 11 dated 30.2.005. During investigation it could be ascertained that

one Abinash Hasda had mixed organic poison in the cooked food which was to be served to the students of Singarmunda Mission UP School, for which the school children became ill and the aforementioned two students expired. It was further revealed that, Abinash Hasda, the accused had personal grudge against some boys of the school for having ragged him. The Investigating Officer arrested him as well as one Siba Sankar Naik who sold the poison to the minor boy. The District Magistrate had further reported that, the investigation of the case had been completed and the case had been charge sheeted against Abinash Hasda and Siba Sankar Nayak, and the case was subjudice in the court of law.

On perusal of papers available on record, and on consideration of the facts and circumstances of the case, the Commission was of the view that there was little scope for doubt that the authorities of the school failed to ensure service of safe food to the boarders as a result of which 35 persons became ill and two of them expired. On the facts and circumstances of the case, the Commission awarded a sum of Rs. 25,000/- to be paid to the next of kins of each of the students who expired after consuming the food cooked in the school hostel. Copies of the order were sent to the Principal Secretary to Govt., School & Mass Education Department to sanction an amount of Rs.50,000/-, and disbursement to the victims.

**Case No. 960/08**

An incident of molestation and robbery of the valuables from a group of Japanese visitors including five girls, who had come to witness the car festival, shortly after the incident of stampede, as published in the 'TIMES OF INDIA', Bhubaneswar National in its issue dated 8.7.2008, under the caption 'MOLESTERS TARGET JAPANESE TOURISTS DURING PURI RATH' had drawn the attention of the Commission. The news report narrated that when the Japanese girls were trying to pass through a crowded lane to reach Grand Road for a better view of chariots and the deities in the Ratha Yatra, suddenly thirty persons appeared and intentionally blocked their way. One of the miscreants tore the shirt of Junko, a Japanese Tourist who received injuries on her chest, hands and ankles. During the stampede, the Japanese girls were misbehaved and molested and Naoki Jino was robbed of his digital camera and mobile phone. As per the report, all these things happened in the presence of police, who did not protect them. As the news report disclosed serious issues of human rights and colossal negligence of law enforcing agency detailed in the area, the Commission called upon the Principal Secretary to Govt., Home Department to submit a detailed report on the statements and allegations made in the Newspaper. From the report submitted by the Home deptt. it appeared that there was heavy rush of crowd at Lion's gate and Grand

Road, Puri to witness the Rath Yatra. It was a fact that the personal belongings of one Miss Junko and one Jaokijika had been taken away by miscreants during the rush hours. However, since the Japanese Tourists did not lodge any complaint, no action could be taken by the police.

On a reading of the report of the S.P., Puri, the Commission observed that two of the Japanese tourists were misbehaved and robbed of their valuables in the crowd. The refusal by the tourists to file FIR could not be a ground in not making proper investigation. The police could have drawn up a formal FIR on their own knowledge. When a cognizable offence was brought to the notice of the police, it was their duty to make investigation, notwithstanding non-filing of FIR by the victim. The police could not wash away their hands by taking a plea that the FIR was not lodged. The S.P., Puri admitted that two of the Japanese tourists lost their valuables and one was injured in course of protecting the valuables from being robbed. The Car Festival at Puri is a great event when lot of foreigners come to witness it. Any untoward event affecting particularly to foreigners had a great repercussion outside the country. To avoid any such ugly and untoward incident, the police was advised to detail adequate police personnel in future.

With the above observation the case was closed.



ANNEXURE – I

Staffing pattern of OHRC during the year 2008-09

1.	Chairperson	-	1
2.	Member	-	2
3.	Secretary	-	1
4.	Director Investigation	-	1
5.	Registrar	-	1
6.	Joint Secretary	-	1
7.	Dy.S.P.	-	1
8.	Under Secretary	-	1
9.	P.S. to Chairperson	-	1
10.	Inspector of Police	-	4
11.	Section Officer	-	2
12.	Personal Assistant	-	6
13.	Senior Assistant	-	1
14.	Accountant Cum Cashier	-	1
15.	Stenographer	-	5
16.	Constable	-	3
17.	Driver	-	4
18.	Computer Operator	-	1
19.	Despatch Cum Typist	-	2
20.	Jr. Assistant	-	2
21.	Peon / Class IV	-	8

ANNEXURE – II

Subjectwise classification of cases registered & disposed off during year 2008-09

Sl.	Classification of cases	No. of cases
1.	Children	27
2.	Health	56
3.	Jail	35
4.	Anti Social Activities	29
5.	Labour	47
6.	Minorities ST/SC	51
7.	Physically Handicapped	15
8.	Police, Paramilitary force	837
9.	Pollution	21
10.	Religion / Community	149
11.	Service Matter	127
12.	Women	234
13.	Misc.	591
14.	Total No. of cases received during the year 2007-08	2219
15.	Dismissed in limini	948
16.	Entertained during the year 07-08	1271
17.	Cases pending from previous year	3177
18.	Total no. of cases	4448
19.	Disposed of on hearing	276
20.	Total no. of cases pending of the year	4172

**ANNEXURE – III**

Total number of suo motu cases instituted - 105

Sl.No.	Classification of cases	No. of cases
1.	Children	8
2.	Health	5
3.	Jail	29
4.	Anti Social Activities	3
5.	Labour	8
6.	Minorities ST/SC	6
7.	Physically Handicapped	0
8.	Police, Paramilitary force	16
9.	Pollution	2
10.	Religion / Community	0
11.	Service Matter	5
12.	Women	9
13.	Misc.	14
	Total	105

ANNEXURE – IV

Subject wise classification of cases entertained during the year 2008-09

Sl.No.	Classification of cases	No. of cases
1.	Children	27
2.	Health	5
3.	Jail	86
4.	Anti Social Activities	109
5.	Labour	28
6.	Minorities ST/SC	124
7.	Physically Handicapped	13
8.	Police, Paramilitary force	619
9.	Pollution	12
10.	Religion / Community	18
11.	Service Matter	25
12.	Women	68
13.	Misc.	137
	Total	1271

