

**ବାର୍ଷିକ ବିବରଣୀ**  
**ANNUAL REPORT**  
**2018-19**



**ଓଡ଼ିଶା ମାନବ ଅଧିକାର ଆୟୋଗ**  
**ODISHA HUMAN RIGHTS COMMISSION**

**BHUBANESWAR, ODISHA**

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## CHAPTER-1

### INTRODUCTION

1. The Odisha Human Rights Commission was constituted in 2003 under Sub-Section (1) (2) & (4) of Section 21 of the Protection of Human Rights Act, 1993. During sixteen years of existence, the Commission has been making unflinching efforts for effective implementation and enforcement of the Protection of Human Rights Act, 1993 in the State. The Commission has also been making concerted efforts for creating awareness amongst people in understanding the broader meaning of Human Rights relating to life, liberty, equality and dignity of the individual guaranteed by the constitution and embodied in the International Covenants. Human Rights deals with subjects coming under Children, Health, Jail, Criminal Gangs, Labour, Minorities /SC/ST, Physically Handicapped, Police/Paramilitary forces, Pollution, Religious Community, service matter, Women and other miscellaneous matters. During the course of action, the Commission have emphasized on protection of more vulnerable and weaker section of our society which includes children, distress women, people in custody, patients under medical treatment, physically, mentally and socially disadvantaged persons.

The Commission's intervention has resulted in spectacular improvement in many illustrative areas

where human rights and fundamental freedom of individuals or groups are to be safeguarded. It stands for the help of the administration and the people to achieve the social, economic and cultural rights adopted by the General Assembly of the United Nations on 16<sup>th</sup> December, 1996. People are gradually coming to realize that violation of human rights is a matter which can be effectively taken care of by the Human Rights Commission.

In OHRC Case No. 2860 of 2016, the Commission on 09.08.2018 have passed an order in response to the petitions of Sri Manoj Kumar Jena, Chairperson, Human Rights Front (HRF) and six other Human Rights Defenders. The petitioners alleged that on 08.07.2016, 12 people were returning to their village Gumudumaha under Parampanga GP (Baliguda- Kandhamal District) at around 8 PM in an auto rickshaw collecting their wages for working under MGNREGS got bullet injuries said to be during exchange of fire between CRPF Personnel and Naxals in Malapanga Forest under Tumudibandha PS limits just 2 KM away from their village. In the said unfortunate incident five innocent villagers lost their lives and four were injured. The matter was put under a judicial enquiry under the Commission of Inquiry Act by the District and Sessions Judge, Kandhamal and ex-gratia of Rs. 5



lakh to the NOK of each of the deceased persons have been paid out of CM's Relief Fund. Financial Assistance of Rs. 50,000/- to each injured was also paid by the State Government. Besides, the family members of the deceased and injured persons had been allotted houses under Biju Pucca Ghar Yojana, 5 persons had been selected for engagement as Cook-cum-Attendant (CCA) in the nearby Ashram School, eight children of the victim families admitted in Government School along with Rs.20,000/- additional assistance to the said families and granted other facilities to the village also by the State Government.

The Commission had directed the Principal Secretary to Government, Home Department, Bhubaneswar, DG & IG of Police, Cuttack, RDC, SD, Berhampur and the IG of Police, Southern Range, Berhampur to enquire into the incident and submit their reports to the Commission.

After going through all the reports of the above authorities the Commission observed that every citizen has the fundamental right to live and personal liberty guaranteed under the Constitution are to be protected. x x x x Accordingly in the opinion of the Commission, the state and its law enforcing agencies working in its behalf are liable to make good the sufferance to the innocent tribals when there has been blatant failure of the State to Protect its citizens. Over the financial assistance,

by way of ex-gratia paid to the deceased and injured person by the State Government, the Commission in exercise of power Under Section 18 (a)(i) of the Protection of Human Rights Act, 1993 as amended in the year 2006, recommended Government for payment of compensation of Rs.2 Lakh more to each of the next of kin of the 5 deceased innocent persons. The Commission also recommended the Government to Pay Rs. 50,000/- more to each of the injured person over and above Rs.50,000/- that has been paid out of CM's relief Fund. The payment of compensation are to be made within two months time.

The details of the illustrative orders passed by the Commission is given in the Chapter-4.

2. Hon'ble Shri Justice B.K. Misra who assumed the charge of the Acting Chairperson from 18-11-2013 continued as such till 15.08.2018. Hon'ble Shri Justice Raghubir Dash assumed office of the Hon'ble Member on 24.12.2018 and continued as such during the period under report. Shri S.M Narvane, IPS, Addl. D.G of Police, who joined as Director Investigation of the Commission on 23.06.2017 continued as such till 12.02.2019. On transfer of Shri Narvane, Shri Binayananda Jha, IPS, Addl. D.G of Police assumed the office of Director Investigation on 13.02.2019 and is continuing as such. Shri Ananda Chandra Shial, IAS who assumed the office of the Secretary to the Commission on 29.10.2015 continued as such till his



retirement on superannuation on 30.06.2018. Shri Sunil Kumar Nayak, IAS assumed the office of the Secretary to the Commission on 04.08.2018 and is continuing as such during the period under report.

3. During the year 2018-19, the Commission continued its efforts to sensitize people about provisions of the Protection of Human Rights Act, 1993 and relevant regulations by conducting awareness camps through NGOs.

4. The World Human Rights Day was observed by the Commission on 10<sup>th</sup> of December, 2018. As the post of Hon'ble Chairperson and Members were vacant on the day, the occasion was celebrated in a simpler way i.e. in kind of a meeting of the officers and staff members of the Commission with a discussion on Human Rights and their protection. Sri Sunil Kumar Nayak, IAS Secretary to the Commission presided over the meeting and Sri S.M Narvane, IPS, Director Investigation-cum- Addl. D.G of Police graced the occasion as Chief Speaker.

Among the other participants were Ms. Jyoti M. Pradhan, OAS, Joint Secretary to the Commission, Sri A.K Biswal, OPS, Addl. Supdt. of Police, DSPs, Accounts Officer, Inspectors of Police, PA to Hon'ble Chairperson and other staff. Dr. S. K. Nisanka, Accounts Officer delivered a talk on the significance of World Human Rights Day at the outset. Sri Damodar Rath, Cashier-cum-Accountant spoke on the mythological and religious aspects of Human Rights. Sri S.M Narvane, IPS Director Investigation-cum- Addl. D.G of Police, Chief Speaker of the event, spoke on history of protection of Human Rights and its practical aspects at present. Sri S.K Nayak, IAS, Secretary and President of the meeting delivered his presidential remarks pointing out the role of Human Rights Commission. Mrs. Babita Sahoo, Jr. Asst. recited her own Odia poem "ମାନବ ଓ ମାନବିକତା" relating to humanity and human rights and Sri S.R Pattnaik, PA to Hon'ble Chairperson offered vote of thanks at the end of meeting.



## CHAPTER-2

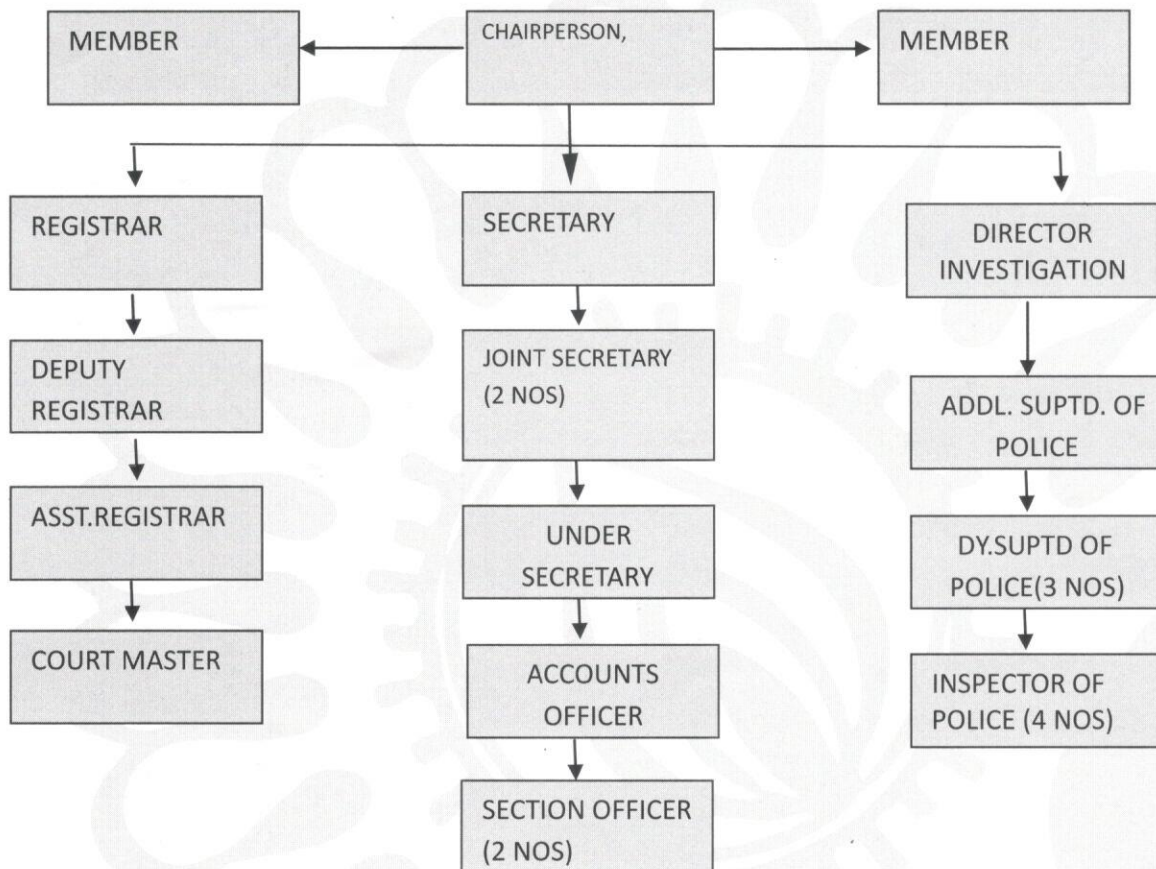
### COMPOSITION OF THE COMMISSION IN 2018-19

	Date of Joining	Date of demitting office
JUSTICE B.K.MISRA, ACTING CHAIRPERSON :-	18.11.2013	15.08.2018
JUSTICE RAGHUBIR DASH, MEMBER :-	24.12.2018	CONTINUING

The Staffing Pattern of the Odisha Human Rights Commission during the period under report is furnished vide

**Annexure-I**

### ORGANOGRAM





## CHAPTER-3

### REGISTRATION AND DISPOSAL 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 Suo Motu has been taking cognizance of reports which prima facie discloses violation of human rights or negligence in the prevention of such violation by the Public Servant.

During the period from 1st April 2018 till 31st March 2019, the Commission received 4246 numbers of Complaint Petitions out of which 1840 complaints were dismissed in limine and the balance 2406 cases were entertained for enquiry by the Commission. During the period under report, 2633 number of Cases were also disposed of after enquiry.

The Statement indicating subject-wise classification of Cases filed during 2018-19 is furnished in Annexure II. Classification of Cases disposed of during 2018-19 is furnished in Annexure-IV.

Complaints in which Commission has taken cognizance related to variety of grievances including allegations of custodial death both in Police Stations, 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, discrimination against Scheduled Caste and Scheduled Tribe persons and denial/delay in grant of livelihood support to deserving persons/ delay in sanction of pensionary and other benefits to retired persons, negligence of Doctors in the treatment of Patients etc.



## CHAPTER-4

### ORDERS PASSED BY THE COMMISSION IN ILLUSTRATIVE CASES

#### OHRC Case No.3197/2017

Prabir Kumar Das and Others .... Petitioners  
Order Date: 6-4-2018

Sri Prabir Kumar Das, Advocate, Orissa High Court and Human Rights Activist, Sri Biswapriya Kanungo and Sri Bijaya Kumar Panda, the two Advocates of Bhubaneswar Bar and Human Rights Activists, Sri Pradipta Nayak, Human Rights Defender and the President, "Rajya Gruharakhi Mahasangha, Odisha" have filed separate petitions drawing the attention of the Commission that four home guards including a lady home guard of Mayurbhanj Police District were made to kneel down by the Reserve Inspector, Home Guarda, Baripada on 25-6-2017 in full public view on the allegation that they reported to duty not on the date fixed, i.e. 24-6-2017, but on 25-6-2017 and they were also not properly dressed. The aforesaid home guards including the other home guards were to be mobilised during the Car Festival in Baripada town. According to the petitioners, asking the home guards to kneel down is a serious violation of the right to life and dignity of the four home guards. The petitioners have also filed paper clippings, i.e. the news item published in the 'New Indian Express' dated 29-6-2017 and the 'Times of India' dated 29-6-2017. Asking the home

guards to kneel down in the office premises is thus said to have affected the fundamental rights of the four home guards and has affected the dignity of the lady home guard and, accordingly, the petitioners have prayed for such violation of the human rights of the four home guards, compensation is to be awarded.

The Commission, while taking cognizance of the allegations made by the petitioners, called for a report from the DG of Police, Fire Services, Home Guards & Civil Defence, Odisha, Cuttack as well as from the Superintendent of Police, Mayurbhanj.

The report of the IG of Police, Fire Services, Home Guards & Civil Defence, Odisha, Cuttack dated 27-7-2017 discloses that on receipt of the complaint that four home guards including one lady home guard were asked to kneel down by the Reserve Inspector of Police, Home Guards, Baripada in front of the office of the Commandant, Home Guards, Mayurbhanj for their inordinate delay in reporting to duty as was flashed out in different news channels on 28-6-2017. The Commandant, Home Guards, Mayurbhanj was directed to submit a detailed report by 30-6-2017. The Commandant, Home Guards,



Mayurbhanj entrusted the matter to the DSP, Sri K.K. Panigrahi to enquire into the matter. During enquiry, the Reserve Inspector, Home Guards, Sri Ashok Kumar Sethi, Havildar Sri Dasaratha Beshra and another Havildar Sri Mahindranath Bindhani admitted the fact of imposing punishment of kneeling down to the erring home guards on the plea that the four home guards were subjected to punishment like kneeling down and running around the parade ground holding a rifle over head is a normal punishment during their service time. Sri Ashok Kumar Sethi, Reserve Inspector, Home Guards, Baripada in his explanation submitted to the Commandant admitted that he punished the four home guards to ensure discipline in the organisation and to save them from major punishment. The Commandant, Home Guards, Mayurbhanj after examining all the materials opined that the punishment awarded to the four home guards in full public view cannot be sustained and such punishment was imposed in violation of the principles of natural justice which amounts to breach of discipline and, accordingly, recommended that Sri Sethi may be reprimanded for his unwarranted and obstinate behaviour. Such recommendation of the Commandant, Home Guards, Mayurbhanj was not accepted by the Commandant General, Home Guards, Odisha, Cuttack and,

accordingly, directed for initiation of departmental proceeding and an adverse entry in the ACR of Sri Sethi be made for his failure in management capabilities.

The report of the SP, Mayurbhanj dated 13-7-2017 shows that HG/458 Sanjay Kumar Mohanta of Jharokharia PS, HG/682 Dumbi Singh of Sarat PS, HG/609 Routsing Deogan of Sarat PS and WHG/32 Urmila Mohanta of Karanjia PS along with other home guards of the district were to be mobilised along with other Police personnel for smooth celebration of Rath Yatra festival in Baripada which was to be held on 25-6-2017. The aforementioned four home guards were directed to report at District Headquarters Office on 24-6-2017 by 10 am positively, but they reported to the reporting officer on 25-6-2017 around 11:30 am and they were also not in proper uniform which were supplied to them. Accordingly, Sri Ashok Kumar Sethi, Reserve Inspector, Home guards reprimanded them and asked them to kneel down in full public view in front of the office of the Commandant, Home Guards. It is reported by the SP, Mayurbhanj that the four home guards were admittedly asked to kneel down, for few minutes and the explanation of the Reserve Inspector, Home Guards that the home guards were the members of the auxiliary Police force and, accordingly, as per the PMR 824, they were subjected to punishment by way of



asking them to kneel down, cannot be accepted as PMR 824 at Serial J, K & L shows that only three kinds of punishment are to be imposed, namely (1) punishment drill, (2) extra guard duty and (3) confinement to quarters for a period not exceeding 15 days. Thus, the PMR 824 nowhere says that the kneeling down is a punishment. The specific report of the SP, Mayurbhanj is that Sri Ashok Kumar Sethi, Reserve Inspector of Police, Home Guards was very harsh in asking the four home guards to kneel down.

In course of hearing, the learned counsels appearing for the petitioners very strenuously urged that the home guards are appointed under the Odisha Home Guards Act, 1961 and they are regulated under such Act and the Odisha Home Guards Rules, 1962. The home guards are not amenable to the Police Act, 1861 as because home guards are not Police Officers within the definition of Police as provided under Section 1 of the Police Act, 1861. The home guards enrolled are governed by the Odisha Home Guards Act, 1961 and Rules framed thereunder and neither the Police Act nor the PMR is applicable to them. Sections 8 & 9 of the Odisha Home Guards Act, 1961 provide for awarding punishment, but there is no such punishment of kneel down. It was also urged before the Commission that Article 5 of the UN Declaration and Article 21 of the Constitution of India

envisages that no person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment and every citizen has his right to life and personal liberty.

The Commission also gave an opportunity to Sri Ashok Kumar Sethi, who was the Reserve Inspector, Home Guards, Baripada on 25-6-2017 to furnish his response regarding the allegations made against him and he was afforded an opportunity of being heard by the Commission. According to the direction of this Commission, Sri Ashok Kumar Sethi, Reserve Inspector, Home Guards, Baripada appeared before the Commission on 16-8-2017. He was heard and he was given opportunity to file his response, if any. In his response dated 6-9-2017, Sri Sethi has taken a plea that besides the four home guards, other home guards did not report to their duty on 24-6-2017, but reported on 25-6-2017 at 11:30 am, for which being annoyed he expressed that he cannot register them. But on their repeated insistence, in a disturbing mood he asked them to wait for some time. But in the meanwhile, the home guards contacted some local journalist friends, who advised to send them some photographs showing that they are being subjected to punishment and, accordingly, the home guards on their own knelt down in front of the office and such pictures were uploaded in the mobile phone which were then sent to the journalist friends. He on



seeing the home guards to have knelt down enquired as to who asked them to kneel down, they replied that they knelt down to save them from any further departmental action. But on the later part of his explanation, Sri Sethi in Para-X admitted that being pressurised by the journalists, he admitted to have asked the home guards to kneel down. Ultimately, Sri Sethi prays that the media people were to be blamed for the entire confusion created and only to harass and humiliate him, such a scandalous attack was made against him and he prayed that if the Commission will not accept his explanation, he tenders his unqualified apology for the mistake he has committed.

After perusing all the materials on record, the plea taken by Sri Ashok Kumar Sethi, who was the Reserve Inspector, Home Guards, Baripada on the alleged date of occurrence, i.e. 25-6-2017, cannot be accepted as the report of the SP, Mayurbhanj reveals that not only Sri Ashok Kumar Sethi, the Reserve Inspector, Home Guards, but also the other two Havildar home guards admitted the fact of kneeling down of four home guards, namely Sanjay Kumar Mohanta, Dumbi Singh, Routsing Deogan and Urmila Mohanta as they were taken to task by the Reserve Inspector as they were not only late in attending to their duty, but also not in proper uniform. There is nothing to disbelieve the report of the IG of Police, Fire Services, Home

Guards & Civil Defence, Odisha, Cuttack dated 27-7-2017 as well as the report of the Commandant, Home Guards and SP, Mayurbhanj dated 13-7-2017.

What is most disturbing in this case is that besides the three male home guards, a lady home guard, namely Urmila Mohanta was also asked to kneel down and the photos published in the newspapers, i.e. the Times of India dated 29-6-2017 and New Indian Express news item dated 29-6-2017 very clearly shows that the four home guards were on their knees. What a pitiable sight? It is something very disturbing that in a disciplined organisation like Police, the uniformed home guards were asked to kneel down and that too in the office premises of the Commandant, Home Guards in full public gaze.

If those four home guards along with others reported to duty on 25-4-2017, but not on the date fixed, i.e. 24-6-2017, administrative action could have been taken against them or they could have been dismissed or discharged from their service. But the Reserve Inspector concerned, Sri Sethi according to his own whims and caprices asked the four home guards to kneel down in full public gaze. Can this be taken as inculcating discipline in the minds of the home guards or it simply shows of the prowess of the Reserve Inspector, Home Guards, Baripada.

Ours is a country governed by rule of law and when there is a failure of rule



of law that leads to anarchy. Ours is not an autocratic country and not ruled by Despots. Our country is ruled by democratically elected Government. The unruly conduct on the part of Sri Ashok Kumar Sethi, who was Reserve Inspector, Home Guards, Baripada, by asking the four home guards including a lady home guard to kneel down, is a slur on the administration.

According to the report of the IG of Police, Fire Services, Home Guards & Civil Defence, Odisha, Cuttack, a departmental proceeding has been initiated against Sri Ashok Kumar Sethi, who was Reserve Inspector, Baripada. Taking into consideration that Sri Sethi had undergone liver transplant surgery and still undergoing treatment, for the alleged gross violation of the human rights of the four home guards including the lady home guard, the State is to pay each of the home guards compensation of Rs.2,500/- (rupees two thousand five hundred) within two months hence as the State is vicariously liable for the action or inaction of its instrumentalities.

Copy of this order be sent to the Additional Chief Secretary, Home Department, Government of Odisha, Bhubaneswar as well as the DG & IG of Police, Odisha, Cuttack with a request to furnish the compliance to the Commission.

#### OHRC Case No.3943 of 2014

Sri Prabir Kumar Das ..... Petitioner

Order Date: 16.04.2018

The petitioner submitted on 25.11.2014 that a Class-X student named Ganesh Jani of Moidalpur High School under Papadahandi Block of Nabarangpur District allegedly attempted suicide on 20.11.2014 by consuming pesticide (Themet) after he failed to fill up forms for the H.S.C Annual Examination, 2015.

It is further alleged that the student Ganesh Jani did not get the stipend for last one year due to not having a bank account. The Commission ordered on 28.11.2014 the Collector and District Magistrate, Nabarangpur for submission of a factual report to the Commission in the matter by 27.02.2015. The Collector submitted his report dated 10.02.2015 stating that initiatives were taken for obtaining order from the Board of Secondary Education, Odisha for allowing Sri Ganeswar Jani of Moidalpur High School to appear in the Annual H.S.C Examination 2015(regular). But as the report of the Collector did not reveal if the stipend which was due to Sri Ganeswar Jani has been disbursed or not and whether any bank account has been opened in his name, he was asked to furnish a further report on the same and action taken against the Head Master(s),



W.E.O, Papadahandi Block, Block Coordinator and District Coordinator under OGIP Scheme.

Reports have been received from the Collector and District Magistrate, Nabarangpur, Addl. District Magistrate, Nabarangpur and District Education Officer, Nabarangpur.

The report of the Additional District Magistrate, Nabarangpur dated 23-9-2016 shows that Sri Ganeswar Jani, son of Chakra Jani had filled up the forms to appear at the Annual High School Certificate Examination, 2015 as a regular student. The District Education Officer, Nabarangpur reports that Sri Ganeswar Jani had appeared in the said examination having Roll No.102DG040 and he has passed the Annual High School Certificate Examination. The District Education Officer, Nabarangpur in his letter dated 26-2-2016 reports that the stipend money which was due to Sri Ganeswar Jani of Moidalpur High School under Papadahandi Block of Nabarangpur district has already been disbursed through his bank account. The Director, Secondary Education, Odisha, Bhubaneswar has been moved to frame charges against Sri Amruta Kumar Choudhury and Sri Prasanta Kumar Hota, the then Headmasters of Moidalpur High School. In the meantime, draft charges relating to Sri Amruta Kumar Choudhury, Senior SES Headmaster has been received and the same has been served on Sri Choudhury on 25-3-2015. In the case of Sri Bibhu Ranjan Mohanty, WEO,

Papadahandi, the Collector, Nabarangpur has moved the Director (ST)-cum-Addl. Secretary to Government for initiation of disciplinary proceeding against Sri Mohanty. All appropriate steps have been taken in the right time to provide relief to the victim, Sri Ganeswar Jani.

The report of the Collector, Nabarangpur dated 10-2-2015 reveals that on receipt of the message regarding the suicide attempt by one student Sri Ganeswar Jani of Moidalpur High School, Moidalpur, a team was constituted comprising the Sub-Collector, Nabarangpur; the ADMO (PH), Nabarangpur and the District Welfare Officer, Nabarangpur. The joint enquiry report dated 21-11-2014 reveals that when they rushed to District Headquarters Hospital, Nabarangpur, found Ganeswar Jani to have been admitted to bed No.48-X. The committee members interacted with the parents of Ganeswar Jani. The statement of Sri Chakra Jani, the father of Ganeswar Jani, reveals that Ganeswar was reading in Class-X in Moidalpur High School, Moidalpur as a day scholar student. During Dussehra, i.e. in the month of October, 2014, the Headmaster of the school asked his son Ganeswar Jani to deposit the examination fee for the HSC examination. But because of his inability due to poverty, the fees could not be deposited at the time of filling up forms, but after 20 days Ganeswar Jani paid Rs.380/- for the purpose. But since



the last date of filling up the forms was over, the Headmaster of the school did not receive the fee and advised Ganeswar Jani to go to Jeypore for filling up the forms. Thus, feeling guilty for non-filling up the forms for HSC examination, Ganeswar Jani on the night of 20-11-2014 had consumed 'Themet', a pesticide and had bouts of vomiting. Seeing Ganeswar vomiting, his father Chakra Jani shifted him to Papadahandi CHC for treatment and after initial treatment, the Medical Officer, Papadahandi CHC referred the patient to DHH, Nabarangpur for better treatment. Ganeswar Jani, the student, also admitted the incident.

The enquiry report further reveals that Ganeswar Jani is a habitual absentee in attending the school and at the time of filling up the forms for HSC examination, i.e. 10-10-2014 he was found absent in the school. On 20-11-2014 around 11:45 am Ganeswar Jani had come to school along with an account payee cheque for an amount of Rs.600/- issued in his name, which was issued through DFO (KL), Nabarangpur under "Aam Admi Bima Yojana" towards financial assistance to the children of Kendu leaf labourers and asked how to encash the said cheque. Sri Amruta Kumar Choudhury, who had joined the school on 30-6-2014, could not identify the student and then Sri Choudhury verified the attendance register of the school etc. and told Ganeswar Jani that he has not opened any bank account

since last year, for which he had not received the last year's stipend and also current year's stipend and he will not get funds for the bicycle also. Sri Choudhury also informed Ganeswar Jani that the cheque cannot be encashed without a bank pass book in his favour. Thus, Ganeswar Jani being deprived of encashing the cheque as well as getting bicycle and stipend, returned to his house and attempted to commit suicide by consuming 'Themet', a pesticide that night.

Perused the report of the Team Leader, OGIP, a DFID supported Project addressed to the Collector & District Magistrate, Nabarangpur dated 3-12-2014. As per the understanding, the Block Coordinator's job is to support the District Welfare Officer (DWO) to implement the programme by way of facilitating the opening of bank accounts containing caste certificates and support in filling applications. The technical team also manages the data of eligible students and submits the same to the DWO for scholarship disbursement. The Coordinators attached to the technical team visit schools and communities to make students and parents aware of the programme and provide other required assistance like orienting students on financial literacy, wall painting on the programme etc. The joint enquiry report further reveals that the representatives of the technical team - District and Block Coordinators had visited the house of



Ganeswar Jani on many occasions to persuade him to attend classes and apply for scholarship, but Ganeswar Jani had neither shown interest to open bank account nor in attending classes. He did not submit any application in the prescribed format. As per his monthly attendance, he is not eligible to receive scholarship. The joint enquiry report also reveals that the student and his parents are responsible for opening his/her bank account and submit the application in prescribed format along with necessary documents such as caste and income certificates.

The report of the Director, SC Welfare, ST & SC Development Department, Government of Odisha reveals that with the commencement of the new academic session 2014-15, the Department has reviewed and finalised the Guidelines for application procedure. Caste certificate is one of the primary documents to be produced along with the application. It has come to the notice of the Department that obtaining caste certificate takes a lot of time in many cases and, accordingly, the Government requested the Collectors of the State for personal intervention. The Revenue Officials were instructed not to hold up the caste certificate of eligible students in order to collect other dues, arrears, land taxes etc. The Collectors are to instruct the concerned Officials, DWO and DEO to coordinate for organising sensitisation camps at the

school or Panchayat level to speed up the process. As disbursement of the scholarship directly to the bank account of the beneficiary students, one of the major tasks is to ensure opening up bank accounts in the name of eligible beneficiary and, therefore, the Bank Managers of the district are to be instructed to cooperate and take initiatives to open bank accounts of eligible students on priority basis. Though the representatives of the Technical Assistance Agency appointed for facilitating implementation of Pre-Matric Scholarship Scheme are extending their support, it is critical that the nodal officers of ST & SC Development Department (DWO) and School & Mass Education Department (DEO) take necessary steps to ensure that Headmasters of the concerned school ensure collection and submission of the beneficiary documents to the Banks, Tahasil Office and WEOs as the case may be for necessary action in time. For the regular monitoring, the progress update on the issuance of caste certificate, bank account opening and submission of PMS applications and the eligible students of the district may be kept as an agenda in the monthly review meetings to expedite the process and resolve any issues reported.

Thus, in view of the clear instruction of the Government in ST & SC Development Department, when admittedly pre-matric scholarship and



bicycle scholarship was not made available to Ganeswar Jani and he having been debarred from filling up the forms because of poor financial condition of his father he was disappointed and in a distressed condition attempted to commit suicide and his non-appearance at the HSC examination further aggravated the situation. The report of the Collector, Nabarangpur dated 10-2-2015 that the Headmaster of the school, Sri Amruta Kumar Choudhury could not identify the student Ganeswar Jani when Ganeswar Jani approached him with money to fill up the form as Mr. Choudhury had joined on 30-6-2014 is a fallacious one. It is something very unfortunate that the Headmaster of the school could not identify his student and thus being harassed and being deprived of appearing at the HSC examination, the student attempted to commit suicide. The instructions of the Government issued by the ST & SC Development Department vide letter No.13691 dated 7-5-2014 communicated to all the Collectors of the State and the instructions contained therein was not at all adhered to. All blame has been shifted to the student Ganeswar Jani, who is a poor tribal boy whose parents live by daily wages though the instructions of the Government clearly show that the Technical Assistance Agency appointed for facilitating implementation of Pre-Matric Scholarship Scheme, the DWO, the DEO,

the Headmaster of Moidalpur High school and the Bank Manager, all have failed to provide necessary assistance to the poor tribal boy in opening the bank account, for which the boy was deprived of getting the financial assistance from the State which were legally due to him. If he had the money to fill up the form and because of the lackadaisical attitude on the part of all concerned of the school, he was denied of filling up the forms and, accordingly, Sri Ganeswar Jani attempted to commit suicide. Hundreds of explanations given by the authorities concerned and the fact that he was allowed to appear at the Annual High School Certificate Examination, has no ground to take a lenient view in the matter. Accordingly, when a poor tribal student was deprived of availing the Government benefits by the Headmaster of the school, the DWO, the DEO and other officials, who are instrumentalities of the State, for such gross violation of the rights of the poor tribal boy to prosecute his education which is fundamental right, the State is to compensate the poor tribal boy. The statements and the reports all appear self-serving in nature and to save one's own skin.

In the premises, the Commission recommends to the State Government in the ST & SC Development Department to pay a compensation of Rs.50,000/- to Sri Ganeswar Jani, son of Chakra Jani of village Aunli under Papadahandi PS limits in the district of Nabarangpur in two



months' time and submit the report of compliance.

Copy of this order be sent to the Commissioner-cum-Secretary to Government, ST & SC Development Department, Odisha, Bhubaneswar and to the Collector & District Magistrate, Nabarangpur for compliance of the aforesaid order.

The Government is to first pay the compensation money as recommended by this Commission under Section 18(a)(i) of the Protection of Human Rights Act, 1993 and may realise the same from the salary of Sri Amruta Kumar Choudhury, Headmaster, Maidapur High School; the DWO, Nabarangpur; the DEO, Nabarangpur and Sri Bibhu Ranjan Mohanty, WEO, Papadahandi

#### **OHRC Case No-140 of 2016**

**Sri Jayanta Kumar Das ..... Petitioner**  
**Order Date : 20.6.2018**

The petition of Sri Jayanta Kumar Das was received from NHRC on transfer. The petitioner has mentioned that one Class-IX student Shankar Dalai died and one Class-VIII student namely Minu Suna sustained severe injuries in a road accident while being engaged in supplying milk to OMFED by the authorities of Missionary Stay Home at Kuntarkhal village under Sadar PS, Jeypore limits in Koraput District. The Commission passed order for causing enquiry into the matter by Collector,

Koraput and to furnish a detailed report .The Commission also called for a report from the S.P., Koraput regarding the fate of the related police case on the matter registered by Jeypore Sadar Police.

The Commission also issued notice to the Collector and District Magistrate, Koraput, S.P., Koraput, DCPO, Koraput and the President, Orissa Missionary Movement Church, Kuntarkhal, Jeypore to appear before the Commission on 20.06.2018 and present their written response in the matter.

Sri K. Sudarshan Chakravarthy, Collector & District Magistrate, Koraput and Sri U.C. Nayaka, Addl. Superintendent of Police, Koraput are present. The S.P., Koraput could not attend the Commission this day in view of the Anti-LWE operations being carried out in Koraput district. The Collector and Addl. S.P., Koraput informed the Commission that over the unfortunate incident that happened in Jeypore town on 9.10.2015 resulting in the death of Shankar Dalai who was staying in Missionary Stay Home at Kunturkhal village under Jeypore Sadar Police Station limit in the district of Koraput and the another inmate of the same Missionary Stay Home namely Minu Suna was injured where they met with an accident after supplying milk in a OMFED Booth.

Prosecution has been launched against the driver of the offending



vehicle vide Jeypore Sadar P.S. case No.212/2015 dated 9.10.2015. The driver Dharma Prakash was arrested and charge sheet was submitted against him under Sections 279, 337, 338, 304-A of I.P.C.

The report of the Addl. S.P., Koraput reveals that on the written report of Nabakrushna Mandal, Legal Probation Officer, District Child Protection Unit, Koraput, Jeypore Sadar P.S. case No. 214/2015 under Section 294, 374 read with Section 34 of I.P.C. as well as under Section 23 of Juvenile Justice (Care & Protection of Children) Act was registered and the case has ended in submission of charge sheet since 29.3.2016 against the accused persons namely Pushpakraj Moses @ Pattnaik, Umesh Ch. Pattnaik and Khirstdas Kanhar all are of Jeypore, P.S. -Jeypore Town under Section 294, 374 read with Section 34 of I.P.C and under Section 23 of Juvenile Justice ( Care & Protection of Children) Act.

The report of the Collector and District Magistrate, Koraput dated 18.6.2018 reveals that one Smt. Gori Dalai the step mother of the deceased Sankar Dalai had filed one case in the MACT, Jeypore and she has received an amount of Rs.2,50,000/- as compensation for the death of his son Shankar Dalai. It is also reported that the mother of the deceased boy also has received ration card under Antodaya Anna Yojana from the Grama Panhayat Office and she was getting monthly

quota of Kerosene and 35 Kgs. of rice. But with regard to the other injured boy namely Minu Suna who was the Pillion rider and had sustained severe injuries, the report of the Collector is silent if any financial assistance was provided. The fact finding report of the Addl. Tahasildar, Jeypore dated 15.12.2017 reveals that Minu Suna who had sustained injury now his health condition is normal and he is attending school regularly but his report is also silent if any financial assistance was extended to him by Odisha Missionary Movement Church, Kuntrukhal under Jeypore Sadar P.S. or any assistance was extended to him by the District Administration. Taking into consideration the admitted facts on record so far as the minor boy Minu Suna who had sustained injuries in the accident, even if he has been cured and attending the school as per the report of the Addl. Tahasildar, Jeypore, the Commission recommends to the Collector-Cum-District Magistrate, Koraput to extent financial assistance of Rs.25,000/- (Twenty Five Thousand) from the Chief Minister's Relief Fund on humanitarian consideration to Sri Kishore Suna father of Minu Suna of village Kamta under Tentulikhunti Police Station in the district of Nabarangpur in two months time. This order has been passed under Section 18(a)(i) of the Protection of Human Rights Act, 1993.



### OHRC Case No-3717 of 2017

**Sri Rama Sankar Patra ..... Petitioner**

**Order Date : 22.6.2018**

The petitioner Sri Rama Sankar Patra on 27.07.2017 files a petition alleging that one labourer Sri Bamadev Bhoi aged about 28 years, S/o- Sagard Bhoi of village- Khilkantia, PO- Bantapur, PS- Brahmagiri, Dist- Puri lost his life on 22.07.2017 by coming in contact with a hanging 11 KV LT conductor while he was returning by a truck after unloading sand along Brahmania- Matalapur road near Janla. The petitioner also alleged that the death of a young man took place due to lack of care and diligence of Energy Department who did not rectify the hanging conductor inspite of several complaints by local people and prayed for compensation of Rs. 5 Lakh to the next of kin of the deceased.

The Commission on 02.05.2018 passed orders for an enquire into the matter by CEO, CESCO, BBSR and Executive Engineer(Elect.) Division, CESU, Puri and to submit report within four weeks.

Perused the report dated 19.6.18. of the CGM (Commerce & Safety) CESU, Bhubaneswar . Perused the entire papers on record including the complaint of the petitioner dated 31.7.17. The complainant has alleged that the 11 K.V live L.T Conductors at Janla in between Brahmania-Matalpur road under Brahmagiri Block were hanging perilously posing danger to the

lives and properties of the villagers though there were oral and written complaints to restore the said sagging live conductors to its original height. The functionaries of the CESU did not rectify the fault and allowed the 11 K.V conductors to hang perilously for which on 22.7.17 around 12 noon when a truck bearing Regd. No.OR-04E-5399 was returning after unloading sand came in contact with the live 11 K.V conductor as a result of which the helper of the truck namely, Bamadev Bhoi aged about 28 years son of Sagard Bhoi of village Khilkantia under Brahmagiri P.S limits was electrocuted. It is alleged that for the alleged unfortunate death of Sri Bhoi the electricity department is totally responsible and is liable to pay compensation of five lakhs of rupees to the next kin of the deceased.

On receipt of the complaint report was called for from the CEO, CESCO, Bhubaneswar, Executive Engineer, Electrical Division, CESU, Puri to furnish their responses in the matter.

Perusal of the report of the CGM(Commerce & Safety) CESU, Bhubaneswar and that of the Executive Engineer(Electrical) CESU PED, Puri and Sub-Divisional Officer, (Electrical) No.II, Puri , it is found that they have all admitted the unfortunate death of Bamadev Bhoi by electrocution as the said truck, in which the deceased was working as a helper on 22.7.17 came in contact with the live 11 K.V LT conductors at Janla . But it is the



specific stand of the CESU that for such electrocution of Bamadev Bhoi CESU cannot be faulted as because when the height of the road was increased at the spot by the concerned department up to 3' to 4' no intimation was sent to CESU. Besides that the victim was sitting on the cabin of the said truck and came in contact with 11 KV conductor and met with the accident.

The report of the Executive Engineer (Electrical ) Puri Electrical Division reveals that the 11 KV Brahmagiri feeder has tripped from the 33/11 KV S/S Sunamuhin . During his field enquiry he found the existing stay wire installed for the newly constructed 11 KV line to have been unauthorizedly cut by the concerned agency engaged for the construction of the road and its retaining wall which resulted in tilting of poles and an usual sagging of the L.T Conductors which was responsible for the unfortunate accident.

Thus finding of the Executive Engineer ( Electrical ) CESU, PED, Puri establishes the fact that the unfortunate incident took place due to tilting of the electric poles and unusual sagging of live conductors at the spot. If the tilting of poles would have been rectified the unusual sagging of the 11 KV conductors would not have been there. Thus for the fault of the concerned department i.e. CESU, a young man aged about 28 years namely Bamadev Bhoi lost his life by coming in contact with the live 11 KV

conductor. CESU cannot absolve itself from its responsibility of maintaining the structures and electric supply lines . Unquestionably CESU is responsible for the maintenance of the electric line and they are duty bound to take protective measures so that live electric wire do not fall on any surface or touch any live object more so, a human being. Had the CESU and its employees exercised proper care and supervision and restored the tilted electric poles to its original position with stay wires the live LT Conductors would not have sagged perilously at the spot and could have maintained its original height. The accident in question could have been averted if the concerned officials of CESU would have carried out inspection of its structures, lines and fittings. Therefore, the irresistible conclusion is that the unfortunate death of the young man was solely due to lack of care and diligence on the part of the CESU and its functionaries.

In the case of M.C. Meheta -Vrs- Union of India (1987) I SCC 395, the Apex Court of the Country going beyond the rules of "Strict liability " held that :

**"where an enterprise is engaged in a hazardous or inherently dangerous activity and harm is caused on any one on account of the accident in the operation of such activity the enterprise is strictly and absolutely liable to compensate those who are affected by the accident, such liability**



is not subject to any of the exception to the principle of strict liability under the rule in "Rylands-V-Flecteher"

In the instant case, death of Bamadev Bhoi is an admitted fact. It is the settled position of law that calculation of amount of the compensation to be so awarded involves some surmise, some hypothetical consideration, some amount of sympathy and all the aforesaid elements have to be viewed with objective standards. (Raj Kumar Vrs. Ajay Kumar (2011) 1 SCC 343).

Thus taking into account the entire gamut situation of the case, the Commission recommends the CEO, CESU, Bhubaneswar and the Executive Engineer (Electrical) CESU PED, Puri to pay a sum of two lakhs of rupees to the next kin of the deceased Bamadev Bhoi in two months time and submit the report of compliance to this Commission.

#### **OHRC Case No.5441 of 2015**

**Shri Jayanta Kumar Das ..... Petitioner**  
**Order Date:03.08.2018**

This relates to the allegation of Shri Jayanta Kumar Das, RTI activist, Puri regarding the electrocution of one lady namely Puspa Dalai on 01.09.2015. It is alleged by Shri Das that the alleged death of the deceased took place when she received electric shock as a 11 KV live LT conductor fell on her. It is alleged by Shri Das that the snapping of the live conductor took place because of lack of

diligence on the part of the Energy Department, Government of Odisha and its functionaries and accordingly Shri Das has prayed for payment of Rs.10 Lakh as compensation to the next of kin of the deceased Puspa Dalai. Shri Das has enclosed a newspaper clipping to his petition which reveals that when the villagers of Jhankarapara under Hiraakud Police Station limit staged a 'Rasta Roko' at Sakti Nagar on the unfortunate death of Puspa Dalai, the WESCO Authority assured to pay Rs.50,000/- as compensation to the family members of the deceased. Out of the promised amount of Rs.50,000/-, Rs.30,000/- was paid immediately and the rest amount of Rs.20,000/- was assured to be paid within seven days.

A report from the CEO, WESCO Utility was called in the matter. The WESCO Utility entered appearance through its advocate Mr. B.K. Nayak. On 06.07.2018 Mr. Kanhu Charan Nath, Dy. Manager, WESCO Utility, Burla, Sambalpur and Shri B.K. Nayak, Advocate WESCO Utility appeared before the Commission and filed a memo stating therein that the WESCO management had already paid compensation of Rs.50,000/- to the father of the deceased and photocopy of the receipt was filed showing such payment to one Ganesh Dalai on 16.09.2015. It is stated by Mr. Nayak that Ganesh Dalai happens to be the father of the deceased Puspa Dalai.



Perused the written response of the Chief Executive Officer, WESCO in response of the petitioner Shri Das. In the said response in Para-3 it has been clearly mentioned that one L.T. Conductor which emanated from 200 KVA Substation was passing through village Jhankarapada got snapped at 10:30 AM on 02.09.2015. The conductor got snapped as the same was broken due to overloading of current and at that time the victim who was bathing below the L.T. Line came in contact with the electrically charged wire which fell on her for which the electrocution took place. The victim was taken to the hospital immediately where she was declared dead by the doctor. The matter was also intimated to the Electrical Inspector on the same date in the prescribed format as well as to the Inspector-In-Charge of Hirakud PS. It has been specifically admitted that the accident took place because of the overloading of the current. The conductor got broken and snapped. There was no negligence on the part of the management of the WESCO in maintaining the supply system. Therefore, the management is not liable to pay any compensation as has been claimed by the petitioner.

The S.D.O., Electrical, Hirakud WESCO, Sambalpur during his field inspection found that the 200 KVA Substation is having an electric circuit which was emanated from the Substation through L.T. fuse wire. The

size of the conductor was 35 MM 2 ACSR which carries 210 Amp in the peak load hour per phase. As the Conductors got snapped around 10:30 AM being broken due to overloading of current, the same fell on the victim who was taking her bath just below the LT line and got electrocuted. Therefore, the entire occurrence has been admitted by WESCO Utility Company.

Also Rs.50,000/- was paid as compensation for the electrocution of Puspa Dalai to her father Ganesh Dalai on 16.09.2015.

The amount which has been paid appears to be a mere pittance as the deceased Puspa Dalai at the time of her death was only 35 year old.

Law is quite well settled that when an organization is engaged in a dangerous/hazardous operation or activity it is incumbent upon the organization to look to the proper maintenance of the machineries and structures. Supply of electric energy is definitely a hazardous job. As a precautionary measure to guard against snapping of live LT. Conductors periodical inspections should have been carried out and safety measures like tripping system should have been installed. But in the instant case the report of the S.D.O., Electrical, Hirakud as well as that of the ESO, Hirakud-II and the written response of the Chief Executive Officer, WESCO filed through his Advocate Mr. B.K. Nayak remains



completely silent if any safety measures have been provided to check such type of snapping of live L.T. Conductors by installing the Tripping devices and breakers. Taking into consideration of the age of the deceased and the amount of compensation which has already been paid to the father of the victim, the Commission recommends to the Chief Executive Officer, WESCO Utility Burla, Sambalpur and Executive Engineer (Electrical), WESCO, Hirakud/Burla to further pay a sum of Rs.1 Lakh (One Lac of rupees) to the next of kin of the deceased Puspa Dalai of village Jhankarpada under Hirakud Police Station limit in the District of Sambalpur, in eight weeks time from the date of the receipt of this order.

Copy of this order be sent to the Principal Secretary, Government of Odisha, Energy Department, Bhubaneswar and CEO, WESCO Utility, Burla, Sambalpur and Executive Engineer (Electrical), Hirakud, WESCO, Sambalpur for submitting the compliance report in eight weeks time.

#### **OHRC Case No-2860 of 2016**

**Sri Manoj Jena and 6 Others .....Petitioners  
Order Date: 09-08-2018**

Sri Manoj Jena, Chairperson, Human Rights Front (HRF) along with six other Human Right Defenders filed a petition before this Commission on 11-7-2016 alleging therein that the security forces killed and injured the innocent

tribals in Malapanga forest under Tumudibandha Police Station limits while they were returning to their village Gumudumaha under Parampanga GP after receiving their wages under MGNREGS through bank. The deceased persons were identified as Kukala Digal (male) aged 50 years, who was ex-Naib Sarpanch of Parampanga GP, Luta Digal (male) aged 25 years, Timari Mallik, Bringuli Mallik and Midiali Mallik, all women aged 40 years and one Giheji Digal, a 2 year old child. It is alleged that on 8-7-2016, 12 people were returning to their village around 8 pm in a van after collecting their wages for working under MGNREGS. The unfortunate incident happened when the villagers were about two kilometres away from their village. The innocent persons fell to Police bullets in the name of fake encounter and it was given a colour that the auto rickshaw carrying the villagers came in between the exchange of fire in between CRPF personnel and Naxals. Thus, alleging that killing of unarmed innocent people is a serious violation of right to life under Article 21 of the Constitution, the State is to pay Rs.25 lakh each to the deceased family and Rs.10 lakh each to the injured persons as compensation and to institute a judicial probe into the incident besides initiating stringent action against the perpetrators of the crime for man slaughter, i.e. under Section 302 of the IPC.

On receipt of the petition, the Commission directed the Principal



Secretary to Government, Home Department, Bhubaneswar; the DG & IG of Police, Odisha, Cuttack; the Revenue Divisional Commissioner, Southern Division, Berhampur and the IG of Police, Southern Range, Berhampur to enquire into the incident and submit their respective reports to the Commission. The Commission has received the report of the Government in Home Department, the report of the RDC, Southern Division, Berhampur and the report of the IG of Police, Southern Range, Berhampur.

A conspectus reading of all the reports submitted by the aforementioned authorities unequivocally establishes the fact that on 8-7-2016 at 9:30 pm some of the villagers, who were travelling in an auto rickshaw sustained bullet injuries on their person which resulted in the death of five persons and four other persons were injured and resulted in registration of Baliguda PS case No.109/2016. The Government also taking into consideration the magnanimity of the unfortunate incident, appointed a Judicial Commission of Inquiry under the Commission of Inquiry Act, 1952 and appointed the District & Sessions Judge, Kandhamal as the Commission of Inquiry to enquire and report within three months under the following terms and reference:

1. The sequence of events and situation leading to the incident

of Police firing at village Gumudumaha under Baliguda Police Station limits in the district of Kandhamal which occurred on 8-7-2016.

2. Whether the Police firing was justified and valid in law and whether the extent and use of fire, i.e. firing of the bullets was justified under the circumstances.
3. Any other matter connected with and incidental there to as the Commission may consider appropriate including steps to be taken to avoid occurrence of such incident in future.

When there is already a Judicial Commission, which is enquiring into the death of five tribals and injuring four other tribals, the Commission is not competent to decide whether it is a cold blood murder/a fake encounter or they came accidentally when exchange of fire was going on between the paramilitary forces and the Naxals.

Needless to mention here that the district of Kandhamal has been identified as a left wing extremist affected district over a period of years and to contain the Maoist activities in the difficult hill terrain, the State Government has mobilized SOG personnel, DVF personnel and also CRPF.

The report of the RDC, Southern Division, Berhampur reveals that on 8-7-2016 around 9:30 pm anti-naxal



operation was going on by Special Assault Team No.58 of SOG group in Gumudumaha forest under Baliguda PS limits in Kandhamal district. There was heavy exchange of fire between the banned outfit of CPI (Maoist) and Police personnel and during such exchange of fire, one auto rickshaw came in between and got stuck in the wet mud of the 'Kutcha' road leading to Gumudumaha village. The passengers travelling in the ill-fated auto rickshaw and precisely nine persons sustained bullet injuries. Five of them died at the spot and four others were treated for their injuries in the hospital. The deceased persons were identified as Kukala Digal (SC), aged about 50 years, Bidimbuli Mallik (ST), wife of Petranga Mallik, aged about 45 years, Kimari Mallik (ST), wife of Bibi Mallik, aged about 40 years, Midiali Mallik (ST), wife of Dapala Mallik, aged about 45 years and Giheji Digal (SC), son of Luta Digal, aged about 2 years, all of Gumudumaha village. The dead bodies were taken to District Headquarters Hospital, Phulbani for post-mortem. The RDC, Southern Division, Berhampur has categorically observed in his report that all the deceased persons were innocent persons and the incident of firing was due to mistaken identity. The report of the RDC, Southern Division reveals that during his interaction with the personnel of Special Assault Team No.58 of SOG, the team leader admitted that immediately after the firing stopped, he did not have the courage to inspect the

spot early to provide humanitarian assistance to the injured for taking care of the casualty, if any. The team leader of the Special Assault Team No.58 of Special Operation Group (SOG) involved in the operation on 8-7-2016 at Gumudumaha, namely Sri Nilakantha Kanhar stated that as a preventive measure before carrying out the combing operation, the road was not blocked on either side. The family members of the deceased and the auto rickshaw driver disclosed before the RDC, Southern Division during his enquiry that around 10 am on 8-7-2016, 12 persons boarded the auto rickshaw owned by one Jahon Majhi of village Gumudumaha to go to Baliguda for drawal of wages under MGNREGS from the bank. Around 4 pm they left the bank for purchase of household commodities from the local market and were returning to their village on the same auto around 5:30 pm. Persons of nearby villages also accompanied them. Thus, in all 10 ladies, 8 male and 3 children were travelling in the auto rickshaw when the firing took place. Around 8:15 pm one passenger got down at village Balimaha. Around 8:30 pm the auto rickshaw got stuck in the muddy road at a distance of approximately 200 meters from the village Gumudumaha. The passengers travelling in the auto rickshaw got down and helped the auto driver in giving stone packing to make the auto rickshaw move while some of the women had started walking down the uphill road



towards the village. When the auto rickshaw was taken out from the mud, the driver asked the passengers to sit and during that process, firing started from the left side from a close distance and before the innocent persons could realize anything, casualties had taken place. The innocent persons cried aloud claiming themselves to be the common villagers of Gumudumaha village, but firing continued despite their appeal. There was a commotion and when they started running towards the village, they found four of the villagers not with them while the mother of Giheji Digal, who was running with the child in her arms, herself being injured by gunshot discovered that her child to have succumbed to the bullet injury. On further interaction with the villagers, it was ascertained that the firing lasted for 10 to 15 minutes and it came from the left side only and they did not hear any firing sound until the auto rickshaw which got stuck to the muddy road was removed from the mud. At point No.8.4, the RDC, SD has clearly and categorically stated that immediate medical care after the injury/firing has not been provided to the affected persons and there has been inordinate delay. Point No.8.5 reveals that no prior information was given to the local Police about the operation, as a result of which the local Police could not keep track of the operations and the event took place.

The report of the IG of Police, Southern Range, Berhampur discloses

that when an auto rickshaw carrying passengers came in between the firing of Police and the Maoist, some passengers were trapped in the cross firing when the auto rickshaw got stuck in the wet mud and sustained bullet injuries. Five persons had succumbed to the bullet injuries and seven persons were injured. All the injured persons were admitted into Sub-Divisional Hospital, Baliguda, namely Luta Digal, Banamali Mallik, Tambula Mallik, Gadishi Digal, Sauli Mallik, Sumitra Digal and Anjali Mallik. From Sub-Divisional Hospital, Baliguda, injured Luta Digal, Tambula Mallik, Gadishi Digal and Banamali Mallik were referred to MKCG Medical College & Hospital, Berhampur. Banamali Mallik was referred from MKCG Medical College & Hospital, Berhampur to SCB Medical College & Hospital, Cuttack for better treatment. Injured Sauli Mallik, Anjali Mallik and Sumitra Digal were discharged from Sub-Divisional Hospital, Baliguda after due treatment. One SOG personnel, namely Madhab Sabar had also received injury on his person and admitted to CHC, Baliguda, but after preliminary treatment he was referred to MKCG Medical College & Hospital, Berhampur for better treatment and he was discharged from the hospital on 12-7-2016.

Thus, the State admits that five innocent tribals while returning to their village after receiving their wages under MGNREGS and only 200 meters away from their village on the night of 8-7-



2016 in an auto rickshaw, they received bullet injuries and succumbed to such bullet injuries and seven persons were injured. All the reports reveal that immediately after the incident, the State Government notified a judicial enquiry under the Commission of Inquiry Act and the District & Sessions Judge, Kandhamal was appointed to head the Commission and ex-gratia of Rs.25 lakh @ Rs.5 lakh to the next of kin of each of the deceased persons have been paid out of the Chief Minister's Relief Fund. Financial assistance of Rs.2 lakh @ Rs.50,000/- to each civilian injured persons have been paid out of the CMRF. As per the present scheme of the Government vide GA Department, Government of Odisha letter No.24502/Gen dated 13-10-2006, ex-gratia benefits @ Rs.2 lakh have been paid to the family members of the deceased. The family members of the deceased and the injured persons have been allotted a house under Biju Pucca Ghar Yojana. Dulara Digal, Petranga Mallik, Bibi Mallik, Dapala Mallik and Luta Digal have been selected for engagement as cook-cum-attendant (CCA) in the new 100 seated hostel/Ashram school on payment of consolidated remuneration of Rs.7480/- per month until further orders. Eight children of the affected families, namely Rina Mallik, Riha Mallik, Sibant Digal, Jakshya Digal, Satya Mallik, Jitu Mallik, Chumuki Digal and Sukanti Mallik have been admitted in Government High

School, Badagaon, Bataguda Ashram School and Kurtamagarh Asram School.

The report of the RDC, SD, Berhampur further reveals that one of the eligible affected families has been provided with additional assistance of Rs.20,000/- under NFBS. Steps have been taken to repair the damaged auto rickshaw and repay the EMI of bank loan availed by the owner till the auto rickshaw is handed over to him in running condition and the driver of auto rickshaw is also being provided with compensation for loss of his livelihood. Steps have been initiated to provide immediate road, electricity and other infrastructural requirements as well as health services to the village Gumudumaha under the direct supervision of a State level monitoring committee.

The RDC, SD, Berhampur also recommended in his report that the villagers of Gumudumaha had to go to Baliguda as there is no banking institution in and around their village and the nearest banking institution available is at a distance of more than 20 kilometres, for which they had to go to Baliguda in an auto rickshaw to draw their wages which they are entitled under the MGNREGS. Had there been a banking institution located at a reasonable proximity to their village, they would not have travelled that far in an auto rickshaw and would not have faced such an accident. Accordingly, the



RDC, SD, Berhampur recommended to the Government to open one banking institution in close proximity to village Gumudumaha or may develop some kind of a mechanism to deliver banking facility at the door steps of the poor tribals of village Gumudumaha and other adjoining villages. The Commission is in full agreement with the recommendations of the RDC, Southern Division, Berhampur.

The report of the IG of Police, Southern Range, Berhampur reveals that after the incident the Government has constituted a Special Investigation Team for investigating into the case and DG & IG of Police, Odisha, Cuttack formed the SIT, who are investigating into Baliguda PS case No.109 dated 9-7-2016 registered under Sections 147, 148, 307, 302, 120-A, 120-B, 124-A, 149 of the IPC as well as under Sections 25 & 27 of the Arms Act, 17 of the Criminal Law Amendment Act and 16, 18 & 20 of the UAP Act. The entire case records have been handed over to the SIT on 17-7-2016.

Thus, from the available materials on record, the Commission finds that the Government in its anxiety had rendered not only monetary assistance to the next of kin of the deceased persons, but also had extended other benefits like covering the affected persons under the special BPGY package, providing Government land for house site to four eligible

affected families, providing them with additional assistance of Rs.20,000/- under the NFBS and admitting the children in different schools.

The Commission, after applying its judicial mind and conscience to the fact situation of this unfortunate incident, observes that every citizen has the fundamental right to live and personal liberty guaranteed under the Constitution are to be protected. Violation of human rights appear tell tale in the facts and circumstances of this case. When the RDC, SD, Berhampur reports that the poor tribals, who were travelling in the ill-fated auto rickshaw received injuries because of firing, they were left unattended to by the paramilitary forces engaged in carrying out the combing operation and no immediate medical care and treatment was provided to the injured persons and there was inordinate delay. Had the persons, who sustained bullet injuries, would have been immediately rescued and shifted to the hospital, such a large number of casualties probably would not have occurred. Independent of the question whether the deceased persons and the injured persons sustained injuries are self inflicted or in course of exchange of fire in between the Maoist and paramilitary forces and it is an established fact that the bullet injuries could not have been self inflicted.

Article 6 of the International Covenant on Civil and Political Rights



(ICCPR) states that "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". The State's failure to abide by the principles and measures protecting the right to life is evident in their failure to properly handle the situation. The International Covenant on Economic, Social & Cultural Rights (ICESCR's) General Comment 14 states "the creation of conditions which would assure to all medical service and medical attention in the event of sickness, both physical and mental, includes the provision of equal and timely access to basic preventive, curative, rehabilitative health services and health education.

Accordingly, the State and its law enforcing agencies working on its behalf are liable to make good the sufferance of the innocent tribals when there has been blatant failure of the State to protect its citizens. The deceased persons and the injured persons though have been provided with financial assistance, i.e. by way of ex-gratia, but the Commission independently has the power to recommend to the Government for payment of compensation under Section 18(a)(i) of the Protection of Human Rights Act, 1993 as amended in the year 2006.

Thus, what has been paid to the next of kin of each of the deceased

persons out of the Chief Minister's Relief Fund and ex-gratia as per the GA Department letter No.24502/Gen dated 13-10-2006 amounting to in all Rs.7 lakh, the Commission recommends the State to pay Rs.2,00,000/- (Rupees Two Lakh) more to each of the next of kin of the deceased persons.

Perusal of the injury reports of Banamali Mallik, Luta Digal, Gadishi Digal and Tambula Mallik show that they had received bullet injuries and also on vital parts of the body, the Commission recommends the Government to pay Rs.50,000/- (Rupees Fifty Thousand) more to each of the injured persons named above over and above Rs.50,000/- which has been paid out of the CMRF.

The recommendations with regard to the payment of compensation made above are to be complied with in two months' time and compliance report is to be furnished accordingly.

Let copy of this order be sent to the Additional Chief Secretary, Home Department, Government of Odisha, Bhubaneswar as well as to the Revenue Divisional Commissioner, Southern Division, Berhampur and the Collector & District Magistrate, Kandhamal to comply with the aforesaid directions of the Commission and furnish the compliance report in two months' time from the date of receipt of this order.



**OHRC Case No. 1232 of 2014**

**Sri Prabir Kumar Das .....Petitioner**

**Order Date: 14.08.2018**

This order arises out of the petition filed by Sri Prabir Kumar Das, Advocate and Human Rights Activist before the National Human Rights Commission, New Delhi. The National Human Rights Commission sent the petition to this Commission for disposal under section 13 (6) of the Protection of Human Rights Act, 1993.

In his Petition dated 03-03-2014 Sri Das stated that the tragic death of a 4 year old boy named Sibananda Dehuri, S/O- Dushasan Dehuri was due to collapse of the iron gate of Patnasahi Primary School at Pokatunga Village under Batala PS in Angul District on 02-03-2014. The petitioner further alleges that due to substandard construction of the wall and the iron gate by the authorities they collapsed on the child causing his death and prayed for grant of adequate compensation (Rs. 10 lakh) to the bereaved parents of the deceased child. The Commission ordered Collector Angul for submission of a status report in the matter indicating action taken by the District administration on the matter.

Perused the order dated 23-03-2015 and report of the Collector and District Magistrate, Angul, dated 21-03-2015. The report of the Collector, Angul reveals that Sri Jagabandhu Sahoo who

was the Headmaster of Pokatunga Patnasahi Primary School has retired from Government service on attaining the age of superannuation on 30-11-2013. The provisional pension was sanctioned including gratuity, unutilized leave and final pension, gratuity, the pension papers were submitted to the Controller of Accounts, Odisha, Bhubaneswar by the BEO, Angul. Accordingly, no departmental proceeding could be initiated against Sri Jagabandhu Sahoo for the defective construction of brick pillar and fixing of iron gates which collapsed and fell on the four year old boy namely Sibananda Dehuri, S/O- Dushasan Dehuri causing his death.

The report of the Sub-Collector, Angul reveals that Sibanand Dehuri, S/O- Dushasan Dehuri was crushed to death on 02-03-2014 due to collapse of iron grill gate along with brick constructed pillar at Patnasahi Primary School at Pokatunga and the accident occurred on Sunday around 5.45 P.M. while Sibanand was playing with other children in the School premises of Pokatunga Patanasahi Primary School. It is also reported by the Sub-Collector, Angul that since the gate of the school remains unlocked, children quite often play with iron grill gate from both the ends by swinging. Since the grill gate was not supported with RCC Column it got weak in the preceding three years for which the accident took place. The report



reveals that the parents of the deceased was provided financial assistance of Rs. 20,000/-. It is also reported that the asbestos sheet class room appears to be unsafe for which the B.E.O., Angul was directed to take steps to shift the students to the RCC building to the nearby Rajib Gandhi Seva Kendra immediately in consultation with the B.D.O., Angul until new class rooms are constructed. Similarly, the DPC, SSA, Angul was also directed to take necessary effective steps for construction of new class room to accommodate the students of Patnasahi Primary School keeping in view of the report of the technical personnel of SSA, Angul.

Having gone through the report of the Sub-Collector, Angul it is beyond dispute that the collapsed iron grill gate which was in a precarious condition, a poor four year old boy died. The Commission in the light of the Judgement of the Hon'ble High Court of Orissa in W.P. (C) No. 12328/2012 as reported in 2013 (1) OLR at page 154 Praveen Kumar Das- Versus- State of

Odisha and Ors. was of the view that the Government is duty bound to provide safety to the students reading in the School and under no circumstances it can shift responsibility. Since in this case failure of the Government in providing safety to the students is clearly established and because of lack of maintenance of school building and also sub-standard construction work, the Commission recommends the Government to pay compensation of Rs. 3 lakh to the parents of the deceased child Sibananda Dehuri, S/O- Dushasan Dehuri of village Pokatunga under Batala PS jurisdiction in three months time from the date of receipt of this order. Copy of this order along with the copy of the order dated 23-03-2015 be sent to the Principal Secretary, School and Mass Education, Govt. of Odisha, Bhubaneswar and Collector and District Magistrate, Angul for submission of the compliance report.

The above order is passed under Section 18(a)(i) of the Protection of Human Rights Act, 1993.



## CHAPTER-5

### Compensation awarded to victims during the year 2018-19.

Sl. No.	OHRC case No.	Name of the petitioner	Date of award	Award amount.	Cause of violation	Compliance by the public authority
1	3197/2017	Prabir Kumar Das & others	06-04-2018	Rs. 10,000/- (Rs, 2500x4)	The Commission recommends the state to pay each of the four Home Guards compensation of Rs. 2500/- each namely Sanjaya Kumar Mahanta, Dumbi Singh, Routsing Deogan and Urmila Mahanta as they are compelled to kneel down in front of Police Reserve Office, Baripada by the Reserve Inspector on 25-06-2017.	The Compensation amounting to Rs. 2500/- has been given to each of the four home guards in shape of cheque on 05-05-2018 as reported by the Directorate General, Fire Services, Home Guards and Civil Defence, Odisha, Cuttack dated 16-05-2018
2	3943/2014	Sri Prabir Kumar Das	16-04-2018	Rs. 50,000/-	The Commission recommends to the State Govt. in ST & SC Development Department to pay a compensation of the Rs. 50,000/- to Sri Ganesh Jani, S/o- Chakra Jani, a class X student of Maidapur High School of village Aunli under Papadahandi PS limits in the district of Nawarangpur who attempted to commit suicide on 20-11-2014 due to want of required examination fees	The Collector and District Magistrate Nawarangpur in letter no 4336/ Jud11-136/2018, dated 28-07-2018 intimated that the compensation amount of Rs. 50,000/- has already been paid by account transfer to Acct- No- 84015350726 of Sri Ganesh Jani.



Sl. No.	OHRC case No.	Name of the petitioner	Date of award	Award amount.	Cause of violation	Compliance by the public authority
3	140/2016	Jayanta Kumar Das	20-06-2018	Rs. 25,000/-	The Commission recommends to the Collector and D.M, Koraput to extend financial assistance of Rs. 25,000/- from the Chief Minister's Relief Fund to Kishore Suna father of injured Milu Suna who sustained severe injuries in a road accident while engaged in supplying milk to OMFED by the authorities of Missionary Stay Home at Kuntarkhal village under Sadar PS. in Jeypore under Koraput district on 09-10-2015.	The amount of Rs. 25,000/- has been disbursed by the Tahasildar Boriguma on 06-08-2018 to Kishor Suna as intimated by the ADM, Koraput in letter no-2608, dated 21-08-2018.
4	3717/2017	Rama Sankar Patra	22-06-2018	Rs. 2,00,000/-	The Commission recommends to the CEO, CESU, Bhubaneswar and the Executive Engineer Electrical CESU, PED, Puri to pay a sum of Rs. 2,00,000/- to the next of the kins of the deceased Bamadeva Bhoi who died of electric shock on 22-07-2017 at Brahmania- Matalapur Road near Janla, Puri District.	As per letter No- 7656, dated 05-09-2018 of the Addl. Secretary, Govt. of Odisha, Department of Energy, the compensation amount of Rs. 2,00,000/- has already been paid to Smt. Madhei Bhoi the wife and NOK of deceased Bamadeva Bhoi on 28.08.2018 by cheque No. 214043 of IDBI Bank, Puri by CESU authorities.



Sl. No.	OHRC case No.	Name of the petitioner	Date of award	Award amount.	Cause of violation	Compliance by the public authority
5	5441/2015	Jayanta Kumar Das	03-08-2018	Rs. 1,00,000/-	- The Commission recommends to Chief Executive Officer, WESCO UTILITY, Burla, Sambalpur and the Executive Engineer (Electricals) WESCO, Hirakud/ Burla to pay Rs.1,00,000/- to next of kin of the deceased Smt. Puspa Dalei, Jhankarpada under Hirakud Police Station in the district of Sambalpur who lost her life by electrocution on falling of live conductor on her, over the amount of Rs.50,000/- paid earlier.	The compensation amount has been paid to Sri Ganesh Dalei, H/o- Late Puspa Dalei as intimated in letter no 3924, dated 14-05-2019 of Addl. Secretary to Govt., Department of Energy.
6	2860/2016	Manoj Jena and others	09-08-2018	Rs.10 Lakh (Rs.2Lakh x 5) + Rs.2,Lakh (Rs.50,000 x 4)	The Commission recommended the State to Pay compensation of Rs. 2, 00, 000/- to each of the next of kin of the deceased persons who were returning to their village Gumudumaha under Baliguda Subdivision in Kandhamal District on 08-07-2016 in an Auto Rickshaw and died on firing by the Para-	As per letter No- 8641, dated 26-02-2019 a sum of Rs. 2,00,000/- has been drawn towards compensation to four injured namely Banamali Mallik, Luta Digal, Kempu Mallick and Gadish Digal of Kandhamal District as monetary compensation of Rs. 50,000/- each. The said amount has



Sl. No.	OHRC case No.	Name of the petitioner	Date of award	Award amount.	Cause of violation	Compliance by the public authority
					Military forces. The Commission also recommended the State to pay compensation of Rs.50,000/- to each of the four persons who also received injuries by the said firing.	already been paid through cheque on 16-04-2019 as reported by SP, Kandhamal in his letter dated 16-04-2019 case posted to 22.10.2019. The Commission is yet to receive information regarding payment of Rs.10,00,000/- i.e. Rs.2,00,000/- to the NOK of each of the five deceased persons.
7	1232/2014	Sri Prabir Kumar Das	14-08-2018	Rs. 3,00,000/-	The Commission recommends the Govt. to Pay Compensation of Rs. 3, 00,000/- to the parents of the deceased child Sibananda Dehuri, S/O- Dushasan Dehuri of village Pokatunga under Bantalal PS jurisdiction in the district of Angul who died due to collapse of Iron gate of Patnasahi Primary School on 02-03-2014.	The Collector and District Magistrate Angul intimated in letter no 978, dated 07-03-2019 that the compensation amount of Rs. 3, 00,000/- has already been paid to Smt. Sumati Dehuri Mother of the deceased Sibananda Dehuri. The case is posted to 05.09.2019 as report of Collector, Angul is awaited regarding correct name the father of the deceased and the reason of deposit of the compensation amount in the mother's Bank account while the order was to pay to both the parents.



## CHAPTER-6

### DETAILS OF SANCTIONED AMOUNT TOWARDS GRANTS / FINANCIAL ASSISTANCE TO NGOs /INSTITUTIONS FOR THE YEAR 2018-19.

During the year 2018-19, Odisha Human Rights Commission, Bhubaneswar had taken the initiative of creating awareness about Human Rights issues and subjects through different NGOs & Institutions by releasing grants as mentioned below:

SI No.	Name of the Organisation/Institution	Amount Released
1	Human Rights Front, 298, Ganga Nagar, Unit – IV, Bhubaneswar – 751001	Rs. 20,000/-
2	Citizens' Forum for Human Rights, Bhubaneswar.	Rs. 40,000/-
3	Srima Aurovinda Seva Sanstha, Raitundi, Panasudha, Kendrapada	Rs. 35,000/-
4	Utkalika, Bidanasi, Nuasahi, Cuttack	Rs. 35,000/-
5	Mayur Seva Sangathan, Ward No. 12, Baripada, Mayurbanj	Rs. 20,000/-
	<b>Total</b>	<b>Rs. 1,50,000/-</b>



### Awareness Programmes on Protection of Human Rights organized by different NGOs.



Programme organized by Citizens' Forum for Human Rights, Bhubaneswar



Programme organized by Human Rights Front, Bhubaneswar



Programme organized by  
Srima Aurovinda Seva Sanstha, Kendrapada



Programme organized by  
Utkalika, Cuttack

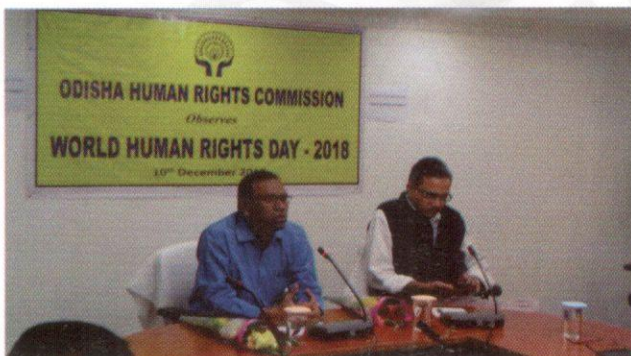


## CHAPTER-7

### COMMISSION OBSERVES WORLD HUMAN RIGHTS DAY ON 10.12.2018

The World Human Rights Day was observed by the Commission on 10<sup>th</sup> of December, 2018. As the post of Hon'ble Chairperson and Members were vacant on the day, the occasion was celebrated in a simpler way i.e. in kind of a meeting of the officers and staff members of the Commission in which different aspects of Human Rights were discussed. Sri Sunil Kumar Nayak, IAS Secretary to the Commission presided over the meeting and Sri S.M Narvane, IPS, Director Investigation-cum- Addl. D.G of Police graced the occasion as Chief Speaker. Among the other participants were Ms. Jyoti M. Pradhan, OAS, Joint Secretary to the Commission, Sri A.K Biswal, OPS, Addl. Supdt. Of Police, DSPs, Accounts Officer, Inspectors of Police, PA to Hon'ble Chairperson and other staff. Dr.

S. K. Nisanka, Accounts Officer delivered a talk on the significance of World Human Rights Day at the outset. Sri Damodar Rath, Cashier-cum-Accountant spoke on the mythological and religious aspects of Human Rights. Sri S.M Narvane, IPS Director Investigation-cum- Addl. D.G of Police, Chief Speaker of the event spoke on history of protection of Human Rights and its practical aspects at present. Sri S.K Nayak, IAS, Secretary and President of the meeting delivered his presidential remarks pointing out the role of Human Rights Commission. Mrs. Babita Sahoo, Jr. Asst. recited her own Odia poem "ମାନବ ଓ ମାନବିକତା" relating to humanity and human rights and Sri S.R Pattnaik, PA to Hon'ble Chairperson offered vote of thanks at the end of the meeting.



(Left) Shri Sunil Kumar Nayak, IAS, Secretary to the Commission (President) and (Right) Shri S. M. Narvane, IPS, Director Investigation-cum-Addl. D. G. of Police (Chief Speaker) on the dais.



Other Officers of the Commission attending the meeting on the occasion of World Human Rights Day on 10.12.2018



Officers and staff of the Commission participating in the meeting on 10.12.2018





2018-19

## CHAPTER-8

### BUDGET AND FINANCE OF THE ODISHA HUMAN RIGHTS COMMISSION DURING 2018-19

- (I)(a) Government of Odisha provided a sum of Rs.3,30,93,000/- in the State Budget under "Demand No.4-2014-Administration of Justice-Non Plan-103-Special Court-1348-State Human Rights Commission Establishment" to meet the administrative expenditures of Odisha Human Rights Commission for the Financial Year 2018-19.
- (b) Government of Odisha provided a sum of Rs. 30, 00,000/- in the State-Plan Budget under "Demand No-4-2014-Administration of Justice-State Plan-State Sector-103-Special Court-1348-State Human Rights Commission Establishment" to meet the Programme expenditures of Odisha Human Rights Commission for the Financial Year 2018-19.
- (ii) (a) The savings available under some Units of Expenditure under Non Plan ( Administrative Expenditure) Sector were utilized by way of re-appropriation with the concurrence of Finance Department of the State Government to meet the requirement on other units of expenditure. A total expenditure of Rs. 2,94,37,945/- was made which was 89% of the Budgetary provision of the year 2018-19. As a result the amount surrendered was Rs. 36,55,055/- during the said year attributed to various reasons.
- (b) The total Budget provision under State Plan was ( Programme Expenditure) Sector was Rs.30, 00,000/- and the expenditure incurred was of Rs. 18,87,186/- as such, surrender to the tune of Rs. 11,12,814/- was made to Government during the year 2018-19.
- (iii) Unit wise provisions made in the State Budget, amount augmented by way of re-appropriation, the expenditures incurred and amount surrendered for the Financial Year 2018-19 under Non-Plan ( Admin. Expenditure) and State Plan (Prog. Expenditure) are indicated in the statements at Annexure V & VI respectively.



## CHAPTER-9

### RIGHT TO INFORMATION ACT, 2005

Sri Bimalendu Satapathy, Deputy Superintendent of Police is working as Public Information Officer and Sri Asisa Kumar Majhi, Section Officer is working as Asst. Public Information Officer of this Commission to take care of the applications received from the public and to furnish the requisite information to them under the Right to Information Act, 2005. Sri Ananda Chandra Shial, IAS, Commissione-cum- Secretary functioned as the 1<sup>st</sup> Appellate Authority of this Commission from 01.04.2018 to

30.06.2018, after his retirement Ms. Jyoti M. Pradhan, OAS(S), Joint Secretary functioned as 1<sup>st</sup> Appellate Authority of this Commission from 01.07.2018 to 03.08.2018 and thereafter Sri Sunil Kumar Nayak, IAS, Secretary to the Commission continued as 1<sup>st</sup> Appellate Authority of this Commission during the rest of the period under report.

The details of applications and appeals received under the Act during the year 2018-19 are indicated below:

#### Details of RTI Applications

2018-19

1	No. of Applications Received	78
2	No. of Applications disposed of within 30 days	30
3	No. of Applications pending but disposed of beyond one month	42
4	No. of Applications pending but are within one month	03
5	No. of Applications transferred to other Departments/Organisation	03

#### Details of 1<sup>st</sup> Appeal

1	No. of Appeals received by the Appellate Authority	09
2	No. of such Appeals disposed of within one month	08
3	No. of Appeals pending	01

#### Details of 2<sup>nd</sup> Appeal with S.I.C

1	No. of notices received from S.I.C	02
2	No. of hearing attended by PIO / Appellate Authority	02
3	No. of hearing in respect of which compliance submitted to SIC	02
4	No. of hearing in respect of which compliance not submitted to SIC	NIL



## ANNEXURE-I

### Occupancy Position of OHRC during the year 2018-19

Sl No	Post/Designation	Sanctioned	In position	Vacancy
1	Chairperson	1		1
2	Member	2	1	1
3	Secretary	1	1	-
4	Director Investigation	1	1	-
5	Registrar	1	-	1
6	Joint Secretary	2	1	1
7	Addl. Suptd of Police	1	1	
8	Under Secretary	1	-	1
9	Deputy Registrar	1	-	1
10	Assistant Registrar	1	-	1
11	Deputy Suptd of Police	3	2	1
12	Court Master	1	-	1
13	Accounts Officer	1	1	-
14	Private Secretary	2	-	2
15	Inspector of police	4	2	2
16	Section Officer	2	2	-
17	Personal Assistant	6	2	4
18	Senior Assistant	2	1	1
19	Assistant Section Officer	5	3	2
20	Accountant Cum-Cashier	1	1	-
21	Senior Stenographer	2	1	1
22	Junior Stenographer	3	-	3
23	Computer Operator	1		1
24	Junior Assistant	2	2	0
25	Dispatcher Typist	2	1	1
26	Constable	8	8	-
27	Driver	4	4	
28	Peon/Class-IV	8	7	1
		<b>69</b>	<b>42</b>	<b>27</b>



## ANNEXURE-II

### Subject-wise Classification of cases registered and disposed of during year 2018-19.

SI No	Classification of Cases	No. of Cases
1	Children	13
2	Health	55
3	Jail	-
4	Anti Social Activities	
5	Labour (Bonded)	-
6	Minorities ST/SC	24
7	Physically- Handicapped	-
8	Police, Paramilitary Force	1605
9	Pollution	16
10	Religion/ Community	25
11	Service Matter	310
12	Women	1070
13	Miscellaneous	1128
	<b>Total No of cases received during the year</b>	<b>4246</b>
1	Total Number of cases dismissed in limine	1840
2	Total number of cases taken up for hearing	2406
3	Total numbers of cases pending from previous year	15453
4	Total number of cases pending for disposal during the year	17859
5	Total number of cases disposed of on hearing	2633
	<b>Total No of cases pending at the end of the year 2018-19</b>	<b>15226</b>



### ANNEXURE-III

#### Classification of cases taken up Suo-Motu during 2018-19

SI No	Classification of cases	No. of cases
1	Children	-
2	Health	-
3	Jail	-
4	Anti Social Activities	-
5	Labour (Bonded)	-
6	Minorities ST/SC	-
7	Physically- Handicapped	-
8	Police, Paramilitary Force	-
9	Pollution	-
10	Religion/ Community	-
11	Service Matter	-
12	Women	-
13	Miscellaneous	-
	Total No. of cases disposed of	-
	Total No. of cases pending from the last year 201 7-18	49



## ANNEXURE-IV

### Subject-wise Classification of cases disposed of during the year 2018-19

SI No	Classification of cases	No. of cases
1	Children	06
2	Health	21
3	Jail	-
4	Anti Social Activities	-
5	Labour (Bonded)	1855
6	Minorities ST/SC	-
7	Physically Handicapped	13
8	Police, Paramilitary Force	364
9	Pollution	04
10	Religion/ Community	-
11	Service Matter	10
12	Women	203
13	Miscellaneous	157
	<b>Total</b>	<b>2633</b>



## ANNEXURE - V

**SURRENDER STATEMENT OF ODISHA HUMAN RIGHTS COMMISSION UNDER DEMAND NO. 4-2014-ADMINISTRATION OF JUSTICE - NON - PLAN - 103- SPECIAL COURT - 1348 - FOR THE YEAR 2018-19 ( Administrative Expenditure)**

MAJOR HEAD - 2014 - ADMINISTRATION OF JUSTICE - 103 - SPECIAL COURT									
MAJOR HEAD	SUB MAJOR HEAD	C. NO.	DETAILS / DESCRIPTION	B.E. FOR 2018 19 (Rs.)	SUPPLEMENTARY / REAPPROPRIATION FOR 2018-19 (Rs.)	TOTAL PROVISION FOR 2018-19 (Rs.)	DETAILS OF SURRENDER FOR THE YEAR 2018-19 (Rs.)	TOTAL EXPENDITURE FOR THE YEAR 2018-19 (Rs.)	REASONS FOR SURRENDER
855	1348	01003	ARREAR PAY	359000	0	359000	264384	94616	No claims
136	1348	01003	PAY	17363000	(+) 2100000 S	19463000	197819	19265181	Due to transfer of Sri A C Pahi,DSP, Sri B C Sahu,
156	1348	01003	DA	2084000	(+) 300000 S	2384000	535800	1848200	
403	1348	01003	HRA	2084000	0	2084000	1110074	973926	
516	1348	01003	RCM	300000	0	300000	17811	282189	Insp and Retirement of
523	1348	01003	OA	1165000	0	1165000	159375	1005625	Sri Justice B K Misra , Hon'ble Acting Chairperson
0	1348	01004	SALARIES FOR CONSOLIDATED PAY POSTS	1938000	0	1938000	253060	1684940	Due to regularization of 3 peons and payment of their salary from "Pay " head
0	1348	06001	TE	525000	0	525000	317445	207555	
0	1348	07001	LTC	450000	0	450000	227984	222016	
74	1348	08001	ELECTRICITY DUES	780000	0	780000	300873	479127	
149	1348	08001	WATER CHARGES	0	0	0	0	0	
154	1348	08001	TEL. CHARGES	263000	0	263000	76881	186119	
397	1348	08001	MOTOR VEHICLE	1100000	0	1100000	87711	1012289	Due to vacant posts of Secy, Members vehicles are less used
506	1348	08001	OTHER CONTINGENCIES	1145000	0	1145000	26228	1118772	Due to no printing of Annual Magazine.



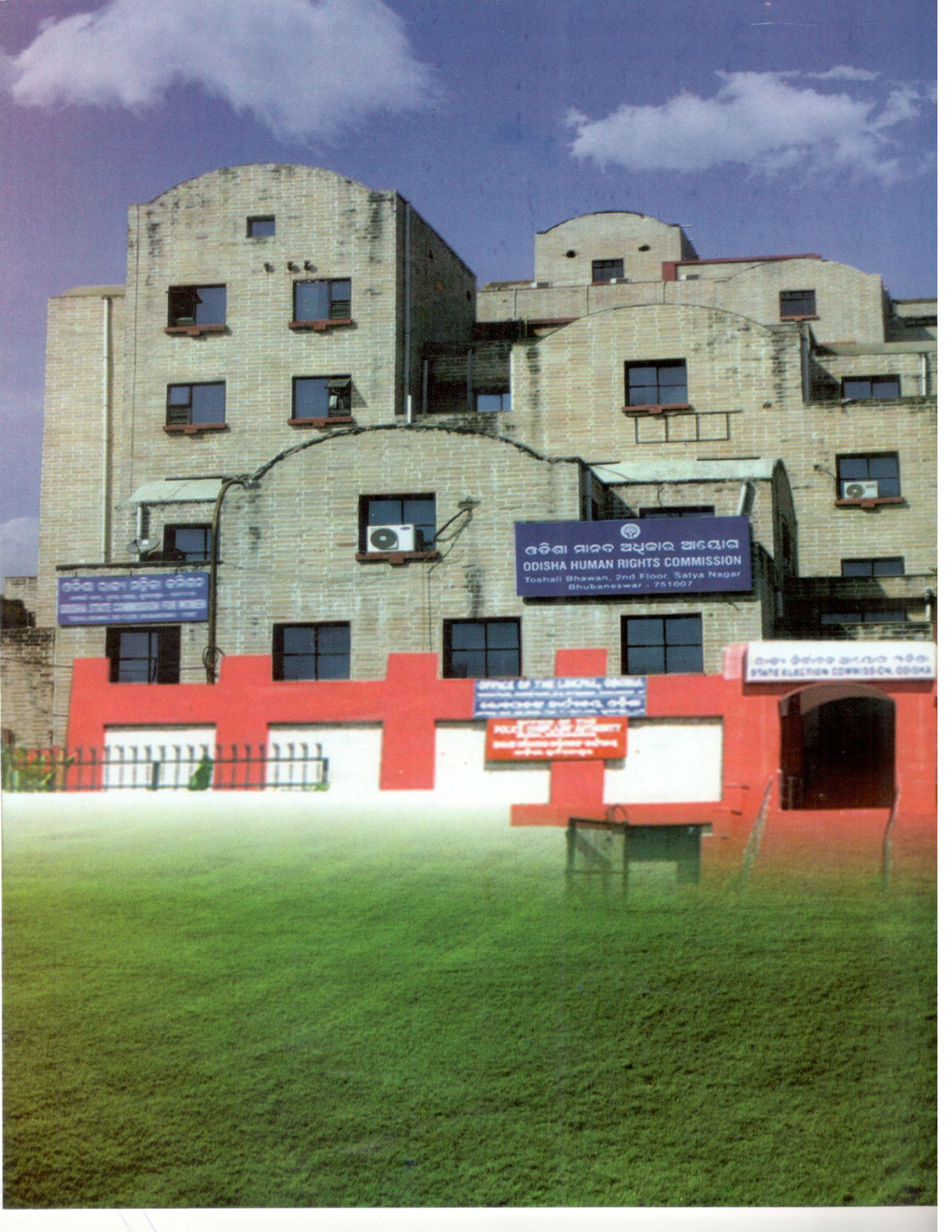
MAJOR HEAD	SUB MAJOR HEAD	C. NO.	DETAILS / DESCRIPTION	B.E. FOR 2018-19	SUPPLEMENTARY / REAPPROPRIATION FOR 2018 -19	TOTAL PROVISION FOR 2018 - 19	DETAILS OF SURRENDER FOR THE YEAR 2018-19	TOTAL EXPENDITURE FOR THE YEAR 2018 -19	REASONS FOR SURRENDER
0	1348	30001	PURCHASE OF MOTOR VEHICLE	0	0	0	0	0	
0	1348	78118	UP -GRADATION OF COMPUTER FACILITY	100000	(+) 100000 R	200000	10	199990	
0	1348	78012	COMPUTER CONSUMABLES	70000	(-) 50000 R	20000	2600	17400	
0	1348	33011	SPARES & SERVICES	80000	(-) 50000 R	30000	10900	19100	
0	1348	12001	CONSULTING CHARGES	30000	0	30000	30000	0	No development of software
0	1348	12006	PAYMENT FOR PROFESSIONAL & SPECIAL SERVICES	600000	(+) 107000 S	707000	36100	670900	Due to resignation of Mr. I. Hussain, Legal Consultant
0	1348	20002	OTHER CHARGES	0	0	0	0	0	
918	1348	41048	GRANT IN AID GENERAL(NON SALARY)	150000	0	150000	0	150000	
			<b>TOTAL</b>	<b>30227000</b>		<b>33093000</b>	<b>3655055</b>	<b>29437945</b>	
2052-0808-LAW DEPTT.			FESTIVAL ADVANCE	180000	(+) 60000 S	240000	80	239920	



## ANNEXURE - VI

SURRENDER STATEMENT OF ODISHA HUMAN RIGHTS COMMISSION UNDER DEMAND NO. 4-2014-ADMINISTRATION OF JUSTICE - STATE - PLAN - 103- SPECIAL COURT - 1348 - FOR THE YEAR 2018-19 (Programme Expenditure)

MAJOR HEAD - 2014 - ADMINISTRATION OF JUSTICE - 103 - SPECIAL COURT									
MAJOR HEAD	SUB	C. NO.	DETAILS DESCRIPTION	B.E. FOR 2018-19 (Rs.)	SUPPLEMENTARY / REAPPROPRIATION FOR 2018-19 (Rs.)	TOTAL PROVISION FOR 2018-19 (Rs.)	DETAILS OF SURRENDER FOR THE YEAR 2018-19 (Rs.)	TOTAL EXPENDITURE FOR THE YEAR 2018-19 (Rs.)	REASONS FOR SURRENDER
506	1348	08001	OTHER CONTINGENCIES	3000000	0	3000000	1112814	1887186	Due to Non receipt of bill from NIC
			<b>TOTAL</b>	<b>3000000</b>	<b>0</b>	<b>3000000</b>	<b>1112814</b>	<b>1887186</b>	



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