

ବାର୍ଷିକ ବିବରଣୀ



ANNUAL REPORT 2016-17

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 fourteen 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 drastic improvement in many illustrative areas where human rights and fundamental freedom of individuals or groups are to be safeguarded. It is there 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 16th 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 No2765/2015, the Honb'le Commission under Section 18 (a) (i) of the Protection of Human Rights Act, 1993 had recommended compensation of Rs. 4 Lakh (Rupees Four Lakh) only to Smt. Durmila Bag, widow of the deceased Goutam bag of Jurabandh under Kantabanjhi PS, District Bolangir who died on 11.07.2015 while on police custody at Kantabanjhi Police Station for his involvement in Maoist activities.

In the peculiar fact situation of the case and keeping in mind the age of the deceased to be 35 years, the Commission recommended to the Government in the Home Department, Odisha, Bhubaneswar to pay monetary Compensation of Rs. 4,00,000/- (rupees four lakh) to Smt. Durmila Bag within 2 months from the date of receipt of the order. Out of the total amount, Rs. 3 Lakh (rupees three lakh) shall be kept in fixed deposit in a local Nationalised Bank for a period of 5 years in the name of the widow Durmila Bag, while the interest accruing thereon shall be paid to her every year. The balance amount of Rs. 1 Lakh (rupees one lakh) shall be paid to Smt. Bag in Cash. Accordingly, S.P, Bolangir has intimated vide Letter No. 3060/HRPC dt. 17.12.2016 regarding deposit of Cash Rs. 3 Lakh in the name of widow Durmila Bag at Bank of India, Kantabanjhi as Fixed Deposit and Rs. 1 Lakh in her SB Account at the same bank on 29.11.2016.

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

2. Hon'ble Shri Justice B.K. Misra assumed the charge of the Acting Chairperson from 18-11-2013 and is continuing as such. Sri Manoj Kumar Chhabra, IPS has been continuing as Addl. D.G. of Police-Cum-Director Investigation



from 25.02.2016. Shri Ananda Chandra Shial, IAS who assumed the office of the Secretary of the Commission on 29-10-2015 is also continuing as such during the period under report

3. During the year 2016-17, 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 and Collectors of different districts. Camp Courts were also held by the Commission for prompt redressal of the grievances of the petitioner.

The World Human Rights Day was observed by the Commission on 10th of December, 2016. Instead of observing the World Human Rights Day in traditional manner, the Commission observed the same this time by

reaching out people requiring protection of their rights. Accordingly, the Commission decided to observe it at Capital Hospital, Bhubaneswar and Mission Ashra (NGO), Jaanla, Khordha. At Capital Hospital, four numbers of Patients' Trolley (Stretcher) having facilities like Oxygen Stand, Saline Stand etc. were donated by the Commission to the Hospital Authorities. At Mission Ashra, Khordha, an NGO giving shelter and care to destitute mentally disabled women, the Hon'ble Acting Chairperson distributed bed sheets to as many as 200 inmates and interacted with them along with Collector, Khordha and other dignitaries. The inmates were also provided lunch by the Commission on the occasion. "The Peoples Beacon", the Annual Magazine of the Commission was also released on the occasion by the Hon'ble Acting Chairperson.





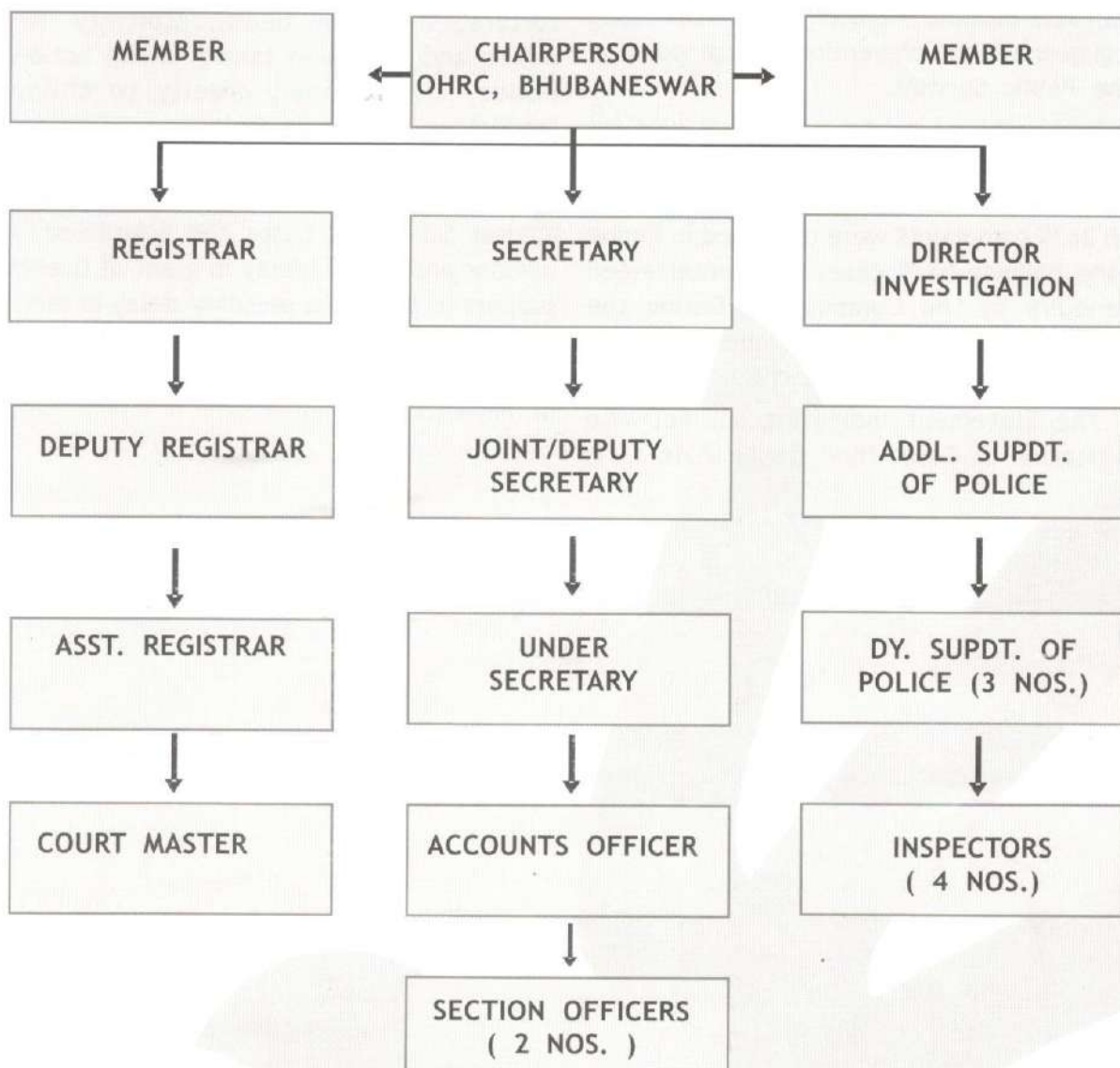
CHAPTER - 2

COMPOSITION OF THE COMMISSION IN 2016-17

		<u>Date of Joining</u>	<u>Date of Retirement</u>
Justice B.K Misra	Acting Chairperson	18-11-2013	Continuing

The Staffing pattern of the State Human Rights Commission during the Period under Report is furnished in the 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 disclose violation of human rights or negligence in the prevention of such violation by the Public Servant.

During the period from 1st April 2016 till 31st March 2017, the Commission received 8558 numbers of Complaint Petitions out of which 2679 complaints were dismissed in limine and the balance 5879 cases were entertained for enquiry by the Commission. During the period under report, 2368 number of Cases were also disposed of after enquiry.

The Statement indicating subject-wise classification of Cases filed during 2016-17 is

furnished in Annexure II. Classification of Cases disposed of during 2016-17 is furnished in Annexure-IV.

Complaints in which Commission has taken cognizance related to variety of grievances include allegations of custodial death both in Police Stations and in Jails, Custodial torture, starvation death, arbitrary use of power and failure in taking lawful action by police, child labour, cruelty to children, trafficking in human beings, environmental pollution, indignity to women, discrimination against physically handicapped, 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. 209/2015

Petitioner Sangita Swain, HRD

Order Date : 28.06.2016

Perused the report of the Additional District Magistrate, Dhenkanal dated 06.06.2016 as well as the enclosures thereto. Perused also the complaint of Mrs. Sangita Swain, Secretary, Human Rights Watch, Angul drawing the attention of the Commission to the fact that a Primary School girl, namely Minu Behera was severely injured on 28.11.2014 when a portion of the school building caved in on her. Such a petition was sent to the National Human Rights Commission, New Delhi and the NHRC in its turn has sent the petition to this Commission for disposal under Section 13 (6) of the Protection of Human Rights Act, 1993.

The Commission on receipt of such a complaint desired to have a report from the Collector, Dhenkanal and the Collector, Dhenkanal in response to such direction of this Commission has furnished a report admitting therein that the spot enquiry revealed that the building in question situates within the premises of Badasahi Project UP School which was constructed by the Panchayati Raj Department under the supervision of BDO, Kankadahad. It is also reported that on 28.11.2014 during recess hours the victim girl while passing by the side of the said building all of a sudden the roof slab of the window caved in, for which the girl was taken aback and fell on a big stone out of fear and sustained injury. It is reported by the ADM, Dhenkanal that without any loss of time the Headmaster of the school took the girl to the hospital in an ambulance and the girl was discharged after medical treatment and is regularly attending to her studies. Perused

the photocopy of the report of the ABEO, Kankadahada, the statement of Sri Narayan Behera, the Headmaster of Badasahi Upper Primary School so also the statement of the mother of the victim girl and that of the victim Minu Behera.

The admitted fact is that the victim Minu Behera, a student of class-VI had sustained injury on 28.11.2014 as the slab of the window caved in on her, for which the victim sustained injuries and was moved to the hospital for treatment. The victim and her mother allege that even if the victim has been discharged from the hospital, but she complains of pain on her waist. The report of the ADM, Dhenkanal reveals that the construction work of the alleged school building was taken up departmentally and the report of the ABEO, Kankadahada shows that Badasahi Project UP School was constructed by the Panchyati Raj Department including the alleged building which is a part of Badashai Project UP School.

The Hon'ble Supreme Court in the case of Paschim Banga Khet Mazdoor Samit and others vrs. State of West Bengal and another reported in AIR 1996 SC 2426 held that "the Constitution envisages the establishment of a welfare State at the federal level as well as at the State level. In a welfare State, the primary duty of the Government is to secure the welfare of the people." Article 21 of the Constitution imposes an obligation on the State of safeguard the right to life of every person. Preservation of human life is, thus, of paramount importance.

Thus, the victim being a poor class-VI girl student, who suffered due to the negligence of the State and its functionaries, there can be no hesitation or difficulty in holding that the State should be as much



liable for tort in respect of a torturous act committed by its agencies within the scope of employment. The immunity of the Crown in the United Kingdom was based on the old feudalistic notions of justice, namely, that the king was incapable of doing a wrong and, therefore, of authorizing or instigating one and that he could not be sued in his own courts. In India ever since the time of East India Company, the sovereign has been held liable to be sued in tort or in contract and the common law immunity never operated in India (State of Rajasthan vrs. Mst. Vidhyawati, AIR 1962 SC 933). In Rudul Shah vrs. State of Bihar and another, AIR 1983 SC 1086, the Hon'ble Supreme Court observed that in appropriate cases, orders for payment of money in the nature of compensation consequent upon deprivation of a fundamental right to life and liberty of a person, Court discharging constitutional duties can pass orders and the State must repair the damage done by its Officers to such person's right.

In the instant case, the victim suffered injury for no fault of her, but for the faulty construction work, which probably was never supervised by any of the officers of the Panchyati Raj Department much less by any of the officers of the district administration, Dhenkanal. It is fortunate that the little girl has recovered and suffered from no serious ailment, but for the trauma she had undergone and still undergoing, the Commission feels it appropriate to recommend to the Government, i.e. the Panchyati Raj Department, who had undertaken the construction work of the alleged building of Badasahi, Project Upper Primary School to pay monetary compensation of Rs. 20,000/- (Rupees Twenty Thousand only) to Smt. Khulana Behera, the mother of the victim girl Minu Behera of village Badasahi under Parjang PS limits in the district of Dhenkanal.

The Collector, Dhenkanal is to see that the payment of financial assistance which is recommended to be paid to the mother of the victim is complied with within a period of two months hence.

The Commissioner-cum-Secretary to Government, Panchyati Raj Department as well as the Collector, Dhenkanal are to furnish their action taken report within two months hence.

Dt : 04.11.2016 Compliance by the Public Authority :

Pursuant to the direction of the Commission dated 28.06.2016, reports have been received from the Deputy Secretary to Government, Panchayati Raj Department and the ADM, Dhenkanal. On perusal of the above reports, it is seen that the monetary compensation of Rs.20,000/- has been paid to Smt. Khulana Behera, the mother of the victim girl Minu Behera of village Badasahi under Parajang PS limits in Dhenkanal District.

OHRC Case No-259/2015

Petitioner Tarakanta Jena

Order Dated: 19.08.2016

The petitioner Shri Tarakanta Jena of village Tina under Binjharpur Police Station limits in Jajpur district alleged that his son named Pintan Jena, aged about 8 years, who was reading in Class-III of Tina Nodal UP School, Binjharpur and went to the School on 07.01.2015 was found lying unconscious at about 1.30 PM in a field nearer to the School and ultimately he was declared brought dead by the doctor of the District Headquarter's Hospital, Jajpur. The petitioner prayed for conducting a proper enquiry into the matter, fixing the responsibility on the persons who are found guilty for such an unfortunate death of his son and awarding him appropriate compensation in this case.

Perused the reports as submitted by the Commissioner-cum-Secretary to Government, School and Mass Education Department, Odisha, Bhubaneswar and that of the Collector, Jajpur. Also perused the report of the Block Development Officer, Binjharpur and the District Education Officer, Jajpur which they have submitted to the Collector and Addl. District magistrate, Jajpur in their letter



No.162 dated 08.01.2015 and No. 3335 dated 27.04.2015 respectively.

The report of the DEO, Jajpur discloses that on that day, Pintan Jena without taking his mid-day meal left the school with a half-piece boiled egg for his house without being noticed by anyone in the School and later on one Biswajit Jena, a student of Class-VIII found him lying unconscious in a field close to the School. Although Pintan Jena was immediately taken to the CHC, Binjharpur and thereafter to the district Headquarters' Hospital, Jajpur, he was declared brought dead by the doctor. As per the postmortem report, the death of Pintan Jena was due to shock caused by viral Myomrditis. While the DEO, Jajpur was of the opinion that Shri Basant Kumar Sethy, Headmaster of the School cannot be held responsible for the death of the concerned student as death was not due to taking mid-day meal as no other student who had taken the mid-day meal was found to have any health problem. Such a view of the DEO, Jajpur does not carry any meaning as he in his report has mentioned that the deceased student had not taken the mid-day meal on that fateful day. Therefore, the pleas that mid-day meal was free from any contamination or toxic material has nothing to do in this case. However, the DEO, jajpur clearly observed that Basanta Kumar Sethy, Headmaster of the School has failed to control the students within the School campus during the recreation time of the School.

On the contrary, the report of the B.D.O., Binjharpur speaks that the deceased student after taking the mid-day meal, left the School holding an egg in his hand while all teaching staff including the Headmaster were present in the School. The BDO, Binjharpur in his report has recorded that neither the headmaster nor any other teaching staff could explain satisfactorily the circumstances under which the deceased student Pintan Jena left the School campus during the School hours without their knowledge which ultimately

culminated in his death. The BDO, Binjharpur has categorically opined that due to lack of responsibility, proper monitoring and negligence in duty on the part of Shri Basnata Kumar Sethy, Headmaster and other teaching staff, the life of Pintan Jena came to such a tragic end. The BDO, Binjharpur has further observed that had proper supervision and monitoring could be done at the time of distribution of mid-day meal, such an incident could have been avoided.

The common view as expressed in both the reports clearly suggest that lack of control and supervision on the part of School authorities during the School hours have led to an abrupt end of the life of a teenaged student. Admittedly during the School hours, it is the exclusive responsibility of the Headmaster and other teachers to keep a watchful eye on the movement of students as they are left entirely to the care and custody of theirs. In the instant case, how the deceased student Pitan Jena could move out of the School premises without being noticed is a serious lapse on the part of the teachers in general and the Headmaster in particular.

The Commission while expressing its grave concern over the death of Pitan Jena at the very primary state of his schooling is of the opinion that sheer negligence and lack of proper vigilance on the part of the teachers as a whole gave a scope to the deceased student of sneak out of the school premises during the lunch hour. In such a situation, a little foresight could have reasonably anticipated that laxity in keeping the students within the sight of the teachers would prove disastrous. Thus, there is no scintilla of doubt that Headmaster as well as other Teachers have miserably failed in discharging their responsibilities and, therefore, they are all equally accountable for the loss of life of an innocent child at its very budding stage.

No doubt, the passing away of the deceased student is an irreparable loss to his family and any amount of money that would



be given to the petitioner as compensation would be inadequate to recoupe his loss. However, taking into consideration the magnitude of loss suffered by the parents on account of death of their son, in the opinion of the Commission it would be just and appropriate to pay a compensation of the order of Rs. 3,00,000/- (Rupees Three Lakh) only to the petitioner over and above the amount of Rs.10,000/- which has already been paid to him out of Red Cross funds. Accordingly, the Commission recommends that the Government in School and Mass Education Department, Odisha, Bhubaneswar should pay the compensation of Rs. 3,00,000/- to the petitioner within two months and report compliance thereof.

OHRC Case No.893/2014

Petitioner Sangita Swain

Order Dt: 25.11.2016

Sangita Swain, Secretary, Human Rights Watch based at Angul in Angul district enclosing a press clipping of the Odia daily 'The Samay' dated 7.3.14 on the caption "**Bhul Injection Jogu Mahilaanka Hata Katila**" petitioned to the Commission that on 6.3.14 one Smt. Ranjeeta Sahu, wife of Pradip Kumar Sahu of village Kumarpur under Soro Police Station limits in Balasore district had undergone Laparoscopic Sterilisation Operation on 28.1.14 at a camp organised at Agarpada CHC being accompanied by one ASHA Smt. Aditi Behera in which she was administered an injection on the upper part of her left palm and that due to the reaction of such injection, she complained of experiencing excruciating pain and the fingers of her left hand turning black before the doctor, but the concerned doctor could not properly diagnose the problem, for which ultimately her left hand had to be amputated at the SCB Medical College & Hospital, Cuttack which detected it to be a case of acute gangrene.

Perused the report of the CDMO, Bhadrak dated 25.8.14.

His report speaks that one LHV Smt. Pramoda Nayak had given injection (Inj.Pentazocin 30 mg. + Inj.Phenergan 25 mg) through IV route to the victim woman and others as a measure of pre-medication. The concerned LHV has a long experience in giving the said injection through IV route to 218 cases without any problem or complication whatsoever.

Smt. Ranjita Sahu, the victim on 30.1.14 came to Agarpada CHC with the complaint of experiencing pain and discomfort in her left hand where she was admitted and treated with antibiotic and analgesic and some local ointment. She was duly attended by the Surgery Specialist as well as Medical Officer on duty at the CHC. When it was found that there was no improvement in the treatment at the CHC level, she was referred to the District Headquarters' Hospital, Bhadrak from where she was further referred to the Department of Cardio-Thoracic & Vascular Surgery of the SCB Medical College & Hospital, Cuttack on 1.2.14 through an Ambulance with free of transport cost where ultimately the amputation of her left hand was conducted.

The report further speaks that on receipt of her complaint on 12.3.14, the matter was discussed in detail in DQAC meeting under the Chairmanship of Collector, Bhadrak on 4.4.14 and it was decided that as per the Family Planning Indemnity Scheme all the bills and vouchers in original are required to be submitted by the victim for availing the claim as admissible under the Scheme. Although the victim was asked to submit such documents vide letter No.184 dated 11.3.14, she did not submit the same. However, her proposal was sent to the Director, Family Welfare, Odisha, Bhubaneswar for sanction but due to non-submission of original bills and vouchers her case could not be considered for sanction of her claim vide letter No.2132 dated 29.3.14.

Pursuant to the direction of the Commission dated 10.11.14, Superintendent, SCB Medical College & Hospital, Cuttack, Dr.



Nirmal Chandra Mohapatra, Associate Professor, Orthopaedic, SCB Medical College & Hospital, Cuttack, Dr. Ramesh Chandra Mohanty, CDMO, Bhadrak, Dr. Muralidhar Padhi, DCMO, Bhadrak, Dr. Pradeep Kumar Rath, Medical Officer in-charge, Agarpada CHC, Bhadrak and the victim lady Smt. Ranjita Sahu appeared before the Commission on 20.2.15 and were heard. Perused the written statement of the victim Smt. Ranjita Sahu dated 6.1.15 and other documents relevant to the case. The Commission specifically sought a report from the Superintendent, SCB Medical College & Hospital, Cuttack as to whether there was any delay in taking up the treatment of the patient Smt. Ranjita Sahu and whether such delay led to amputation of her left hand.

Perused the report of the Superintendent, SCB Medical College & Hospital, Cuttack dated 1.5.15 in conjunction with the report of Dr. N.C.Mohapatra, Associate Professor, Orthopedics, SCB Medical College & Hospital, Cuttack which say that soon after the admittance of the patient Smt. Ranjita Sahu, her operation was conducted immediately in the Department of Cardio-Thoracic Surgery to restore the blood supply to her left upper limb. But as the gangrene had already set in by the time she arrived at the Medical College & Hospital, it was difficult to save the limb from a full-fledged gangrene, and amputation being inevitable, it was conducted in the Department of Surgery. Had amputation not been done then the gangrene would have spread further and thereby jeopardised the life of the patient.

While supplying the report of Dr. N.C.Mohapatra, Associate Professor of Orthopaedics, SCB Medical College & Hospital, Cuttack dated 15.4.15 as well as the written statement of the victim woman Ranjita Sahu filed on 6.1.15 along with other documents attached thereto to Dr. Pradeep Kumar Rath, Medical Officer in-charge of Agarpada CHC, Bhadrak, he was asked to submit his response on the same, if any.

Perused the response of Dr. Pradeep Kumar Rath, Medical Officer in-charge, Agarpada CHC, Bhadrak dated 25.7.15 which says that on 28.1.14 Smt. Ranjita Sahu had undergone laparoscopic bilateral tubal ligation operation at the CHC, Agarpada by Dr. M.D.Padhi, O & G Specialist. According to Dr. M.D.Padhi, the operation was normal and without any complaint from Smt. Ranjita Sahu at that point of time, for which she was sent back to her home like all other patients in the same afternoon. But, on 30.1.14 Smt. Ranjita Sahu got herself admitted into the CHC, Agarpada with the complaint of pain in her left hand and accordingly, she was under treatment of Dr. M.D.Padhi and on the following day, Dr. B.K.Rout, Medicine Specialist also examined her case. After the patient met the Medical Officer in-charge on 1.2.14, he examined her condition and suspected it a case of impending gangrene and accordingly he made up of his mind to refer her to the SCB Medical College & Hospital, Cuttack for immediate intervention but initial reluctance on the part of the attendants of the patient stood in the way of her immediate shifting to Cuttack. However, the Medical Officer in-charge finally succeeded in convincing the attendants of the patient about the urgent need of taking her to the SCB Medical College & Hospital, Cuttack in the Ambulance of the Hospital by meeting the cost from the RKS funds at his disposal. Although the brother of the patient had created a ruckus and threatened the CHC authorities to take the matter to other forums like media and court, it did not deter them to send the patient to Cuttack. After the patient was discharged from the SCB Medical College & Hospital, Cuttack, her brother was requested by the Medical Officer in-charge to submit the vouchers towards the expenditure incurred for the treatment of the patient for necessary reimbursement of the same as per the provision of government, he rather than submitting the vouchers exhibited a belligerent attitude. However, after a lot of persuasion,



he submitted the vouchers and ultimately an amount of Rs.25,000/- (Rupees twenty five thousand) was paid to Smt. Ranjit Sahu on 29.9.14 vide Account No. 3448058734 through Central Bank of India, Brahmani Sahi Branch, Balasore.

As regards the allegation that Smt. Ranjita Sahu was lured to agree to such an operation on the plea of issuance of a Green Card in her favour was not at all a fact as the said Scheme has since been stopped by government with effect from 8.11.2012 and moreover this fact being well within the knowledge of all ASHAs, it was not believable that they could have done such a thing. As regards the other allegation that she was dragged for undergoing the operation is not at all fact either as it seems not possible to do so in the present scenario and that too in a camp being organised by the governmental effort. As for the allegation that the victim woman was given the wrong injection, it was clarified by the Medical Officer in-charge, CHC, Agarpada that the same batch of injections had been administered to all the 15 patients who were operated upon on that day by the same senior Lady Health Visitor.

In the concluding part of his report, Dr. P.K.Rath, M.O. in-charge, CHC, Agarpada expressed his deep shock over the incident and held the view that such an unfortunate instance is nothing short of a warning call to all the doctors and it is also a lesson for them to remember for all time to come. He also expressed the view that the complication that was found with the patient after the injection was administered to her as per the medical practice seems to be a rare and tragic one as her hand could not be saved.

Although a copy of the response of Dr. P.K.Rath, Medical Officer in-charge, CHC, Agarpada dated 25.7.15, the report of Dr. N.C.Mohapatra, Associate Professor of Orthopaedics, SCB Medical College & Hospital, Cuttack dated 15.4.15 and the written statement of the victim woman Smt. Ranjita

Sahu dated 6.1.15 were made available to the petitioner Smt. Sangita Swain in this case seeking her response to the same, if any, she did not respond.

On 11.9.15 Shri Ajaya Kumar Jena, Advocate, Orissa High Court appeared before the Commission on behalf of the victim woman Smt. Ranjita Sahu and prayed for some more time to place the complete facts in support of the case of his client, for preferring a claim of compensation of Rs.10.00 lakh for the loss of her left hand without any fault of hers.

On 15.9.15, the husband of the victim woman Smt. Ranjita Sahu was present along with his counsel Shri Sanjay Kumar Das and heard.

It is quite clear from the materials on record that after the victim came to the CHC, Agarpada on 30.1.14 with the complaint of pain in her hand for treatment, the doctors attending to her were found guilty of deficiency in service and medical negligence. As it appears, both the doctors namely Dr. MD Padhi, O & S Specialist and Dr.B.K.Rout, Medicine Specialist who attended the patient at the CHC, Agarpada had failed to report the matter to Dr. P.K.Rath, Medical Officer in-charge about the condition of the patient. As Dr. P.K. Rath has himself mentioned in his report that it is after the patient herself met him on 1.2.14, he could come to know about her health problem and by that time clear two days have already elapsed and thereby the condition of the patient worsened. Moreover, the plea taken by Dr. P.K. Rath, Medical Officer in-charge that the attendants of the patients did not cooperate with the CHC authorities in shifting the patient to the SCB Medical College & Hospital, Cuttack is not at all convincing as there was a further delay of one more day in sending the patient to Cuttack. In the considered opinion of the Commission when the Medical Officer in-charge after examining the patient observed the light bluish colourization of the fingers and suspected it as a case of impending gangrene, and felt



it expedient to shift the patient to Cuttack, he could have easily done that by sending the patient in the manner he arranged to her to Cuttack after delay of one more day and thereby could have helped in not allowing the matter going out of traction. Thus, the delay of two days caused at the level of aforementioned two doctors and a delay of one more day on the part of the Medical Officer in-charge in sending the patient to Cuttack became responsible in aggravating the condition of the patient. Those three days, i.e. right from the day the patient came to the CHC till she was sent to Cuttack were very crucial moment in the life of the patient. The plea taken that the attendants were found reluctant and uncooperative was not at all a serious problem to tackle. From the trend of events, it is crystal clear that the CHC authorities failed to rise to the occasion and failed to take the proper course of action to avert such an impending problem. This clearly shows the slackness and lack of sense of responsibility on the part of the doctors of the CHC, Agarpada as a whole, for which the victim woman had to lose her hand till her death. The negligence and delay on the part of the doctors who attended the victim woman is no doubt an unpardonable mistake. The way the case of the victim woman was handled by them smacks of their utter carelessness and negligence in paying proper and timely attention to her case.

It is an undeniable fact that the role of a housewife in the day to day management of domestic chores is much greater than that of male member. The poor victim woman after loss of her hand had become permanently crippled and would no longer be in position to perform her duties as before. The loss of her hand would always affect her mentally and physically till the rest of her life.

The most distressing fact which came to the notice of the Commission that there is complete mismatch of fact between the report of the CDMO, Bhadrak with that of the Medical

Officer in-charge, CHC, Agarpada. While on the one hand, the report of the CDMO, Bhadrak says that after the condition of the patient did not improve at CHC, Agarpada she was brought to the District Headquarter's Hospital, Bhadrak and thereafter to the SCB Medical College & Hospital, Cuttack, on the other hand, the report of Dr. P.K.Rath, Medical Officer in-charge, CHC, Agarpada says that after three days stay of the patient at the CHC, Agarpada, the Medical Officer in-charge realising the threat to the life of the patient arranged to send her to Cuttack in their Ambulance, the defrayed cost out of RKS funds. These facts being divergent from each other's report, the Commission fails to understand as to which facts are actually correct. Be that as it may, the poor woman suffered a heavy loss throughout her life and became incapacitated to function properly.

While Commission is convinced of the fact that while there was delay in taking up treatment at the SCB Medical College & Hospital, Cuttack, there has been a clear delay of three days at the level of CHC, Agarpada, which led to amputation of the left hand of the victim woman.

Since in this case there was gross medical negligence and apathy on the part of the treating doctors of the CHC, Agarpada towards a patient whose condition became serious in the wake of post laparoscopic sterilisation operation, the prayer of the victim woman for awarding suitable compensation is worthy of consideration. Records reveals that a paltry amount of Rs.25,000/- has been reimbursed to the patient towards the cost of her treatment. Therefore, in the considered opinion of the Commission, there is absolute justification to consider the prayer of the victim woman for payment of appropriate compensation and there can never be adequate compensation for the victim woman who has lost her left arm. Above all, there is a need to avoid a feeling among the patients as a whole that they are not being provided with



proper and timely treatment which has become very common in many of cases, the Commission has come across.

From the totality of the material available on record, the only irresistible conclusion which can be drawn in this case is that there is no dispute that the complaint of the victim woman was not properly diagnosed nor any prompt action taken to send her to the SCB Medical College & Hospital, Cuttack for timely treatment.

Therefore, the Commission is inclined to recommend a financial assistance of Rs.3.00 lakh (Rupees three lakh) only to be paid to Smt. Ranjita Sahu, the victim woman, who suffered an irreparable loss in her life. The action of the concerned doctors of the CHC, Agarpada in this case resulted in violation of human rights of the concerned victim woman in terms of Section 18(a)(i) & (e) of the Protection of Human Rights Act, 1993. Accordingly, it is recommended that the State is to pay Rs.3.00 lakh (Rupees three lakh) to Smt. Ranjita Sahu, wife of Shri Pradeep Kumar Sahu of village Kumarpur under Soro Police Station limits in Balasore district within eight weeks and a compliance report be sent to the Commission for its record. The Commission further desires that the said amount of compensation be recovered from the all three doctors namely; Dr. MD Padhi, Specialist, O & G, Dr. B.K.Rout, Medicine Specialist and Dr. P.K.Rath, Medical Officer in-charge, CHC, Agarpada.

Compliance by the Public Authority :

Pursuant to the direction of the Commission, the Commissioner-cum- Secretary to Government, H& FW Department in his Letter dt. 24.06.2017 has reported that the compensation amount of Rs. 3 Lakh has been paid to the victim Smt. Ranjita Sahu, wife of Pradeep Kumar Sahu of village Kumarpur under Soro P.S. limit in Balasore District.

Thus, when the compensation has already been disbursed to the victim, the Commission

feels that there is no need to proceed further in the matter.

Accordingly, further proceeding in this case stands closed.

OHRC Case No.1148/2015

Petitioner Prabir Kumar Das

Order dated 15.12.2016

Shri Prabir Kumar Das, Advocate, Orissa High Court through a petition alleged that on 31.3.14, a four-year-old boy named Pankaj Mallick, son of Rameswar Mallick of village Ratanga under Phiringia Police Station limits in Kandhamal district was playing near the iron grill gate of Ratanga Gram Panchayat Office, it fell on the child and he being grievously injured was finally taken to the MKCG Medical College & Hospital, Berhampur for treatment, but it succumbed to death on the way. The petitioner further alleged that in order to suppress the matter, no post-mortem examination was done and the dead body of the child was cremated. The petitioner prayed for paying a compensation of Rs.10,000,00/- (Rupees ten lakh) to the bereaved parents and also taking appropriate action against the concerned officials who were responsible for the death of the child.

Perused the reports of the Collector, Kandhamal dated 18.6.15, 30.8.16 and 28.11.16. All the reports taken together reveal that on 31.3.14, the mother of the victim child Smt. Tapasya Mallick who is a Ward Member of Ratanga Gram Panchayat had come to Panchayat Office with her child to attend a meeting. While she was busy attending the meeting, the child was playing outside and he went near the grill gate of the Panchayat Office which was kept at a place after being found unfit for use and unfortunately it fell on him, and as a result of which he became unconscious. While the treatment provided at Phiringia hospital as well as in the District Headquarters Hospital at Phulbani did not show any improvement in the condition of the child, he was referred to the



MKCG Medical College & Hospital, Berhampur, but as ill-luck would have it, the child before reaching Berhampur had passed away on the way. While an amount of Rs.10,000/- has only been paid to the concerned victim's parent by the Panchayat, the district administration has assured the family to look after the educational needs of their eldest son who is reading in 10th Class in the local High School.

The report further speaks that after the iron grill became worn out, it was removed and kept aside. Since it was kept in a vertical position, it fell on the child and proved fatal for him.

The Commission expresses its concern that apart from paying a paltry amount of Rs.10,000/-, nothing more has been given to the victim's family. From the reports of the Collector, it is conclusively proved that due to carelessness and negligence on the part of Sarpanch as well as the Panchayat Executive Officer, such a tragedy could fall on the family who lost their child at a budding age.

On an overall consideration of the matter, the Commission is of the considered view that the victim's family needs to be paid some more compensation on a compassionate ground to help them to overcome the grief on account of tragic loss of their child.

In this view of the matter, the Commission is inclined to recommend a compensation of Rs,2,00,000/- (Rupees two lakh) only to be paid to the deceased child's family on humanitarian consideration because lack of vision of the functionaries of the Ratanga Panchayat, such a thing came to pass and eventually led to the death of the child. As has been rightly mentioned in the report of the Collector, Kandhamal, had the decrepit iron grill been kept in a horizontal position, such a tragedy would not have happened. The child was so grievously injured that he did not survive despite the treatments provided to him. In a welfare State like ours, it is the responsibility of the State to protect the human rights of its citizens in terms of

Section 18 (a)(i) & (e) of the Protection of Human Rights Act, 1993. Accordingly, it is recommended that the State is to pay Rs. 2.00 lakh (Rupees two lakh) to the parents of the deceased child Pankaj Mallick within eight weeks and a compliance report be sent to the Commission for its record.

This order be communicated to the Principal Secretary to Government, Panchayati Raj Department, Odisha, Bhubaneswar as well as District Magistrate & Collector, Kandhamal for appropriate action in the matter.

Compliance by the Public Authority

Pursuant to the direction of the Commission dated 12.05.2017, The Collector and District Magistrate, Kandhamal in his Letter dated 27.06.2017 has reported that the compensation amount of Rs. 2,00,000/- (Rupees Two Lakh) has been disbursed to Rameswar Mallik, the father of deceased child Pankaj Mallik of village Retanga under Phiringia PS limit in Kandhamal district and a copy of the stamped money receipt as proof thereof has been enclosed to the report.

Thus, when the compensation has already been disbursed to the parents of the deceased child, the Commission feels that there is no need to proceed further in the matter.

Accordingly, further proceeding in this case stands closed.

OHRC Case No.1276/2015

Petitioner Prabir Kumar Das

Order Date: 29.08.2016

The petitioner Shri Prabir Kumar Das, Advocate in enclosing a copy of the press clipping of the English daily 'The Orissa Post' dated 2.4.2015 alleged that a Class-VII girl student named Manika Raita of TR Colony Ashram School under R Udaygiri Block in Gajapati district was bitten by a stray dog in the School premises and eventually succumbed to the bite on 13.3.2015. According to the petitioner since the School had no boundary wall, it could be possible for the dog to bite the concerned girl student which resulted in



her death. The petitioner prayed for grant of compensation to the bereaved parents of the deceased student.

Perused the report of the Collector, Gajapati dated 27.5.2015 wherein it has been mentioned that after Manika Raita, a student of Class-VII was bitten by a street dog on 13.3.2015, she was given immediate medical treatment in the nearby PHC and thereafter she was administered three doses of anti-rabies injection on 14.3.15, 17.3.15, 21.3.15 and the last dose was due on 11.4.15. Since the health condition of the concerned girl deteriorated, she was referred to the District Headquarters' Hospital at Paralakhemundi on 31.3.15 and from there she was taken to the MKCG Medical College & Hospital, Berhampur for higher treatment vide OPD Ticket No.16932 dated 31.3.15. While on the advice of the treating physician of the Medical College & Hospital, the patient was taken to Vishakhapatnam for treatment on the next day, i.e. on 1.4.2015, she breathed her last on the way to Vishakhapatnam.

As regards the allegation of the petitioner that the Ashram had no boundary wall, it has been refuted in the report that a portion of the compound wall of the Ashram School had to be broken to facilitate the transportation of construction materials required for the construction of 100 seated Boys' Hostel of the School.

Further, it has been mentioned in the report that the father of the deceased girl student has admitted that abundant care was taken to provide all possible treatment to her daughter by the School authorities. Furthermore, an ex-gratia amount of Rs.1,00,000/- (Rupees one lakh) has already been sanctioned and paid to the father of the deceased student vide Cheque No.956599 dated 14.5.2015.

On a careful perusal of the report of the Collector, Gajapati, the Commission is of the opinion that since a portion of the School compound was dismantled in order to facilitate the transportation of construction materials

into the School premises, there was enough scope for a street dog to enter the School premises, and the concerned girl student who was bitten by a street dog inside the School compound finally succumbed to the dog-bite. Evidently, the compound wall erected around the School was of no use as opening of a small passage without any arrangement particularly to prevent intrusion of any animal into the School premises had enabled the stray dog to enter the School premises and ultimately it became the cause of death of the concerned girl student. In the facts and circumstances of the case, it leaves no doubt that due to carelessness and negligence on the part of the School authorities such an unfortunate incident could at all take place. Therefore, the School authorities cannot totally absolve themselves from the responsibility for the loss of life of the concerned girl student though, they have taken all necessary steps to save her life.

In the considered opinion of the Commission a mere ex-gratia amount of Rs.1,00,000/- paid to the parents of the deceased student would fall short of the compensation which seems to be reasonable in this case. Therefore, the Commission strongly recommends that a further amount of Rs.2,00,000/- (Rupees two lakh) only should be paid to the parents of the deceased girl as they have not only lost their child for ever but also the entire expenses incurred and the care taken by them for bringing up of the child have gone down the plughole. Accordingly, the Commissioner-cum-Secretary to Government, ST & SC Development Department, Odisha, Bhubaneswar is directed to pay a compensation of Rs.2,00,000/- (Rupees two lakh) only to the parents of the deceased girl student named Manika Raita within three months and report compliance thereof.

Date: 17.12.2017 Compliance by the Public Authority

Pursuant to the direction of this Commission the Director (ST)-cum- Special



Secretary to Government, ST & SC Development Department in his letter dated 21.11.2017 has reported that the compensation amount of Rs. 2 lakh has been paid to Indramani Raita and a copy of the stamped money receipt as proof thereof has been enclosed with the report.

Accordingly, further proceeding in this case stands closed.

OHRC Case No.2318/2016

Petitioner Himansu Sekhar Panda

Order Date: 22.03.2017

The petitioner Himanshu Sekhar Panda of village Talakurunia under Khantapada Police Station area in Balasore alleged that on 27.7.2013, his father Surendra Panda who inadvertently came in contact with a 33 KV electric power line which was hanging precariously proved distrastrous to his life and despite a long and expensive treatment at SCB Medical College & Hospital, Cuttack and also in SUM Hospital, Bhubaneswar, he became crippled life-long as his right leg is completely paralysed and two of the fingers of his left leg have been amputated. The petitioner also alleged that though the NESCO authorities of Balasore held out assurance to bear the cost of treatment of his father and also to provide a job to a member of his family, nothing has been done.

Perused the enquiry report of the IIC, Khantapada Police Station which has been sent by the S.P., Balasore in its letter dated 26.9.16 which speaks that on 24.7.13 at about 9.30 AM, one Surendra Panda, father of the petitioner was going to the cultivable land with seed packets (paddy sapplings) on his head on the village road, he unknowingly came in contact with 33 KV conductor which was hanging at a low height and received serious burn injuries on his person. Initially, he had undergone treatment in the District Headquarters' Hospital, Balasore and thereafter he was shifted to the SCB Medical College & Hospital, Cuttack and lastly to the SUM Hospital, Bhubaneswar.

On the report of one Jogendra Panda, cousin brother of the injured, Khantapada PS Case No.301/2013 was registered and the case ended in Final Report being true. Following a public out-cry over this incident, the higher authorities of the NESCO gave an assurance to meet the cost of treatment of the injured and also to offer a job to a member of his family as the injured was the only bread winner of the family. However, such assurances have not yet been carried out by the NESCO authorities.

The IIC, Khantapada PS, who conducted an enquiry into matter on the instruction of the S.P., Balasore observed that the petitioner is a poor boy and has been finding it difficult to provide necessary treatment to his father as also to maintain the family. The NESCO authorities are apparently not showing any serious consideration to the plight of the petitioner, for which he has been going without any kind of help from them over the last three years.

Also perused the report of the Executive Engineer (Electrical), Soro Electrical Division, Soro, Balasore dated 17.12.16. According to its report, when the accident victim Surendra Panda was passing under the 33KV line near Jhadta carrying paddy seeds in a sac on his head, it came in contact with live 33 KV sagging line and thereby sustained injuries. Such a thing could happen as some miscreants had cut/damaged the 33 KV Stay wires which led to sagging of the overhead conductor. In other words, due to such action of the miscreants, the overhead conductor could not retain the earlier position and swayed to a side with pressure bending down with the weight of the pole.

It is contended in the report that while the Electricity Department takes the entire responsibility for periodic check and maintenance, it is equally the responsibility on the part of the general public to bring to the notice of the Department in case of any problem for suitable remedial action. It is also



contended that since the sagging of the electric wire was quite visible on that fateful day, the victim could have avoided to pass under it until action is taken by the Department to restore the line to its proper position. It has been held that such an accident could take place not because of any negligence on part of the Department but because of negligence of the victim concerned. Accordingly, the Executive Engineer (E), Soro Electrical Division, Soro held the view that neither the State nor the licensee is accountable for such an accident and hence not liable to pay any further compensation.

Perused the treatment papers as well as the Handicap Certificate of Surendra Panda, the father of the petitioner.

The petitioner has submitted that as against an amount of Rs1,04,000/- spent towards the medical treatment of his father, only an amount of Rs.12,000/- has been given by Shri Ashok Kumar Mohanty, General Manager, Electrical Section, Gopalpur. The petitioner further submitted that an amount of Rs.2,000/- is being spent every month for the treatment of his father since his return from the Hospital.

The Commission heard both Shri Bhupendranath Sahu, Executive Engineer (Electrical), Soro Electrical Division and Shri Pradeep Kumar Dash, Junior Manager (Electrical), Gopalpur (Electrical) Section on 23.2.17 when both of them appeared before the Commission on notice. Though both the officials have in no uncertain terms admitted that Surendra Panda had suffered injuries owing to his coming into contact with 33 live KV line that resulted in amputation of two fingers of his left leg and paralysis of his right leg, they contended that due to his own fault Surendra Panda met with such an accident and the Electricity Department is in no way responsible for the same and hence the prayer of the petitioner has no merit for consideration.

The alibi taken by the Department that if information could have been given to the Department, immediate action could have been taken either to stop the power supply or to repair same is hardly acceptable. It implies that as long as no information has been received from any source, the Electricity Department would have nothing to do in the matter and anybody who comes in direct contact with the live wire is himself responsible for the consequences which is attributable to his negligence. From such two things, it is clearly evident that he who suffers injuries or gets crippled due to such injuries are left to fend for himself and the Department would not take any responsibility whatsoever in such a situation. Since the Department is aware that accidents of such a nature is sure to cause potential risk to human lives, as in the present case, it cannot evade its responsibility in mitigating the incalculable loss sustained by the victim and his family as well. It is quite natural, no one would knowingly welcome his disaster, or for that matter death. In the present case, if the victim could have a slightest knowledge or information that the power line is hanging, he would have definitely not stepped into the death-trap.

Therefore, the stand taken by the Executive Engineer (E), Soro Electrical Division, Soro that neither the State nor its instruments are responsible for loss caused to the victim is not at all acceptable. It is immaterial for whose action the power line sagged, but the fact remains that the power line belongs to the Department and hence any person who is injured or crippled or dead being in direct contact with the live wire deserves compensation as his Right to Life was either seriously threatened or extinguished.

It is pertinent to refer to the observation of the Apex Court of the country made in the case of *M.C. Meheta Vrs. Union of India (1987) 1 SCC 395* which says that "*where an enterprise is engaged in a hazardous or inherently dangerous activity and harm is*



caused on anyone 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 exceptions to the principle of strict liability under the rule in Ryelands vrs. Fletcher."

Thus, the well-settled position of law is that when any organisation is engaged in any trade which is hazardous in nature, it is incumbent upon the organisation to guard against any possible hazards impacting the life of any person. Since the job of power supply by the Electricity Distribution Company is undoubtedly a hazardous trade, proper periodic checking and maintenance of the system is to be ensured under all circumstances to avoid any accident. As it appears, in the instant case, the authorities have not given serious attention towards periodic checking of the overhead LT conductor and its maintenance. In this context, it is apt to say that "Stitch in time saves nine".

In the instant case, the physical disability of Surendra Panda which is being certified to be 55% by the competent medical authorities has been clearly admitted both by Shri Bhupendranath Sahu, Executive Engineer (Electrical), Soro Electrical Division and Shri Pradeep Kumar Dash, Junior Manager (E), Gopalpur (Electrical) Section before the Commission on 23.2.2017.

It is the settled position of law that efforts should always be made to provide adequate compensation not only for the physical injury and treatment but also for the pain, suffering and trauma caused due to the accident and inability to lead a normal life and enjoy amenities.

The Commission taking into consideration the socio-economic condition of the victim's family, the permanent incapacitation of the victim to do any work and he, himself, being a burden to the family till the rest of his life, and in terms of the provision of 18(a)(i) of

the Protection of Human Rights Act, 1993 recommends the Electricity Distribution Company, i.e., NESCO to pay an amount of Rs.3 lakh (Rupees three lakh) as compensation to the victim Surendra Panda, the father of the petitioner within two months.

Dt: 04.11.2016 Compliance by the Public Authority :

Pursuant to the direction of this Commission, the Executive Engineer, Soro Electrical Division, Soro in his letter dt: 04.01.2018 has intimated that the compensation amount of Rs. 3 lakh has been paid to the victim Surendra Panda and a copy of the money receipt as proof thereof has been enclosed with the report.

Thus, when the compensation has already been disbursed to the victim, it seems that the order of the Commission has been fully complied with and there is no need to proceed further in the matter.

Accordingly, further proceeding in this case stands closed.

OHRC Case No.1212/2016

SUO MOTU

Order Dated 05.11.2016

The Commission after taking Suo Motu cognizance of the news item published in the "The Samaj" dated 30.03.2016 under the caption "Kholilani Daktarakhana Duar: Prasaba Gruha Bahare Janamanela Santana: Hajigala Manabikata" sought for a detailed report from the Principal Secretary to Government, Health and Family Welfare Department, Odisha, Bhubaneswar and CDMO, Mayurbhanj.

According to the news report, one Smt. Rina, wife of Kartika Singh of village Ratanpur under Bhimida GP in Mayurbhanj district was brought to Manitri Hospital in the midnight for delivery purpose, but the door of the hospital was not opened despite all requests made, the patient gave birth to a female-baby under the open sky with the help of ASHA Karmi and one Manju Singh, the Samiti



Member, who had accompanied the patient to the hospital. Worse, although Staff Nurse was very much present inside the hospital during her night shift duty, she did not move an inch and rather suggested the attendants of the patient to take her to Badasahi Hospital. However, after the child-birth the attendants arranged to shift the mother and the baby to Badasahi hospital with the help of 108 Ambulance. This sort of unhelpful and insensitive attitude of the Staff Nurse of Manitri Hospital in the dead of the night evoked a strong reaction from the people at large.

Perused the joint report of Medical Officer in-charge Barasahi CHC and the Chairman, Panchyat Samiti, Barasahi. Arun Kumar Pati, Attendant of Manitri hospital also admitted that though he wanted to open the hospital gate to allow the patient to come inside, he was instructed by the Staff Nurse not to open the gate, for which the patient went unattended to.

Ashish Kumar Behera, HW (M) of Sorisokotha Sub-center on night duty at the relevant period of time stated that the Staff Nurse did not attend the patient and advised the attendants of the patient to take her to Barasahi CHC.

Dr. Sukanta Patra, Medical Officer, Manitri hospital who has stated to be on leave on 27.03.2016 and was supposed to return to the headquarters in the evening, could not reach because of some unavoidable reason. However, he had instructed the HW (M) to remain present in the hospital during the night hours.

On a careful examination of the statements of the aforesaid three persons, it is conclusively proved that Smt. Chandrakanti Mohakud, Staff Nurse not only not performed her own duty but also prevailed upon them to toe her line.

However, both the Staff Nurse and the Attendant have been placed under suspension and disciplinary proceedings have been initiated

against them as is evident from Order No. 2647 and No. 2650 dated 11.04.2016 respectively.

In this context, perused the report which has been received from the Joint Secretary to Government, Health & FW Department, Odisha, Bhubaneswar dated 07.10.2016. It is which has been submitted by the CDMO, Mayurbhanj dated 19.04.2016 together with other relevant documents. The report reveals that when Smt. Rina Singh, the patient was brought to Manitri Hospital with active labour pain on 28.03.2016 at half past twelve at night being accompanied by ASHA Karmi and Panchyat Samiti Member of Bhimada GP, the hospital gate was closed. The hospital staff those who were available then in the hospital instead of opening the gate advised to take the patient to Barasahi CHC as the doctor was not present. Although, the patient delivered a female baby outside the hospital gate, the staff Nurse even did not attend the patient for primary treatment. However, the attendants after being turned away had moved to Barasahi CHC where necessary treatment was provided to the mother and the new-born baby.

On verification, it was found Smt. Chandrakanti Mohakud, Staff Nurse, Ashis Kumar Behera MPHW(M) and Arun Kumar Pati were on duty on that particular night.

Being confronted, Smt. Chandrakanti Mohakud, Staff Nurse clearly admitted not to have opened the hospital gate for admitting the delivery patient as there was no doctor available at that point of time. She also admitted not to have attended the patient even after her delivery though she herself was trained in SAB. Even, another delivery patient who also came to the hospital close on the heels of the instant case, she too also found herself in the same boat. Observed with dismay that the report from the concerned Administrative Department was received after much delay. The content of the report is nothing but reiteration of the same facts as



mentioned in the joint report referred to above.

Having gone through the reports, the Commission is convinced of the fact that Smt. Chandrakanti Mohakud, Staff Nurse has deliberately and willfully neglected in performing her duties which is a serious lapse on her part. The alibi taken by her that no doctor was available then, she feared to admit delivery patient does not stand to reason since after the delivery of the baby outside the hospital, she could have at least come forward to provide the primary treatment to the mother and the baby as needed. But she was so callous, negligent and unmoved that, she even did not render any medical assistance to the patient. This is glaring instance of her abdication of responsibility and the Commission is afraid that the medical staff who are always expected to rise to the occasion and dedicate themselves to the need of the hour in providing the required medical assistance and care to the patients should not display such temperament and shirk their responsibilities in such a situation. As it appears, the concerned Staff Nurse has miserably failed to perform her duty even though she was very much present in the hospital being assisted with two other male staff. While, it is true that she became different to tackle the situation in the absence of the doctor, there is nothing to worry about in opening the hospital gate and providing some space to the patient in the labour room so that such an incident like the present one that occurred in the case would not have arisen. It is proved beyond doubt that Staff Nurse exhibited her hard-heartedness and insensitivity in refusing entry to the patient into the hospital.

The Commission feels that punishing the errant staff will in no way remove the hardship suffered by the patients and her attendants in this case. Therefore, the Commission taking into consideration the difficulties encountered by the attendants at the hospital's gate in the dead of the night has severely affected their

human rights as because they were not treated as human beings but only as something else, to say animals.

In this view of the matter, the Commission is inclined to recommend a compensation of Rs. 50,000/- (Rupees Fifty Thousand) only to be paid to Smt. Rina Singh, the patient, who suffered untold hardship being denied of her right to be treated in a government hospital particularly when she is writhing with active labour pain involving potential risk to her own life as well as that of the baby in her womb on a humanitarian ground. The action of the concerned Staff Nurse shows her total apathy, negligence and carelessness towards the patient, and the State is bound to come to the aid and assistance of the concerned patient as it amounts to violation of human rights in terms of Section 18 (a)(i) & (e) of the Protection of Human Rights Act, 1993.

Accordingly, it is recommended that the State is to pay Rs. 50,000/- (Rupees Fifty Thousand) to Smt. Rina Singh, wife of Kartik Singh of village Ratanpur within eight weeks and a compliance report be sent to the Commission for its record. The Commission further desires that the said amount of compensation be recovered from Smt. Chandrakanti Mohakud, Staff Nurse so that she would not behave in such an irresponsible manner in future.

This order be communicated to the Principal Secretary to Government, Health & FW Department, Odisha, Bhubaneswar as well as Chief District Medical Officer, Mayurbhanj for appropriate action in the matter.

Compliance by the Public Authority

As per order, Chief Medical Officer, Mayurbhanj has paid an amount of Rs. 50,000/- (Rupees Fifty Thousand) only to Smt. Rita Singh, W/o- Kartika Singh of village Ratanpur, Dist- Mayurbhanj on 27.03.2017 bearing Cheque No-133591 dt. 27.03.2017 and has submitted a copy of the stamped money receipt as proof thereof.



Action has been taken to recover the amount from the concerned Staff Nurse Smt. Chandrakanti Mahakud as well as departmental proceeding has been drawn, vide Office Order No. 4173 dt. 21.05.2016 of CDMO, Mayurbhanj, Baripada.

Since the compensation money has already been disbursed to the victim, the Commission feels that there is no necessity in continuing further with this case.

Accordingly the cases stands closed.

OHRC Case No.2756/2014

Petitioners 1. Zahid Parwez
2. DVN Murty
3. Diptimayee Sahoo
4. Patralekha Pattnaik
students of Human Rights,
PG Department of Law,
Utkal University,
Bhubaneswar.

Order Date: 28.02.2017

Students of Human Rights, P.G. Department of Law, Utkal University, Bhubaneswar under the leadership of Zahid Parwez, DVN Murty, Diptimayee Sahu and Patralekha Pattnaik through a petition dated 23.8.2014 enclosing a press clipping of 'The New Indian Express' dated 14.8.2014 under the caption "**Pregnant woman made to wait for 20 hours, left unattended**" approached the Commission with a prayer to take suo motu action in a case in which the human rights of a pregnant woman namely; Mamata Sahu, wife of Sudhansu Sahu, a resident of village Baghabarahipatna under Baliana Police Station limits in Khordha district, who had come to the Capital Hospital, Bhubaneswar for her delivery was not only violated for not being provided with immediate medical assistance to give birth but also violated the human right of a baby for being deprived of taking its birth.

The petitioner students have, in brief, narrated that when Mamata Sahu was brought to the Capital Hospital, Bhubaneswar at 2.00

AM on 13.8.14 for delivery, she had remained unattended in the Hospital and at about 5 PM, her attendants were told to get her sonography test conducted in a particular private diagnostic centre located outside the Hospital since such facility is not available in the Capital Hospital. After the Hospital authorities from such a test could come to know that the foetus is already dead, and the condition of the patient is deteriorating sharply they at about 10.30 PM asked the patient's attendant to shift her to Cuttack. But as a matter of fact, the patient was transferred to Cuttack in the next morning.

The petitioner students have raised four questions with regard to the way the authorities of the Capital Hospital have handled the case of Mamata Sahu which ultimately resulted in the death of the foetus, which are reproduced as below :

- (i) Why Mamata Sahu was made to wait till 2.00 PM although she was admitted in the early hours of about 2.00 AM?
- (ii) Why have they not referred Mamata Sahu to Cuttack immediately when they had accommodation problem at the OT and when they also knew that Mamata is quick with the child and needs a Caesarean?
- (iii) When it was evident that Mamata Sahu needed caesarean why have they sent her for ultra sonography and that too in a particular private diagnostic centre?
- (iv) What is the purpose of referring Mamata Sahu to Cuttack after the sonography report revealed about the death of the foetus?, and why have they not operated upon her and taken out the dead foetus in the Hospital itself?

The petitioner students alleged that such lackadaisical attitude on the part of the concerned doctors of the Capital Hospital have played havoc with the life of both the patient and the foetus and in the long run, the foetus was deprived to see the light of the day. It is further alleged that the carelessness,



negligence and inhuman torture shown towards Mamata Sahu by the concerned Hospital authorities have not only violated Article 5 of Universal Declaration of Human Rights but also Article 16 of the said Rights in as much as the Hospital authorities denied the rights of Mamata Sahu and her husband to have their baby born to them by not attending her on time which culminated in the death of the foetus. Besides that, it also led to violation of Article 21 of the Constitution of India as the foetus which was awaiting to come out has a Right to Life and the same has also been clearly denied by the doctors and other staff as a whole due to their combined failure in timely attending Mamata Sahu whose delivery was imminent and the consequent death of the foetus is nothing but a cold-blooded murder.

The petitioner students while praying for a proper enquiry into the matter also prayed for awarding compensation to the victim lady for her sufferance and the loss of the foetus.

The Commission perused the report of the Director, Capital Hospital, Bhubaneswar dated 25.10.14.

The report speaks that Smt. Mamata Sahoo, 24 years HF of village Baghabarahipatna under Balipatna PS, a 3rd gravida lady with history of two previous LSCS was admitted into the Capital Hospital, Bhubaneswar on 13.8.14 at 3.00 AM vide IPD Regd. No.27317 dated 13.8.14. Her expected date of delivery (EDD) was calculated to be on 01.10.2014. She was not in labour pain, but had complaint of back-ache. The general condition of the patient was found to be stable and Foetal Heart sounds were present. The patient was managed conservatively and was advised Ultra Sonography. At 3.30 PM on 13.8.14, Foetal Heart sound could not be heard by the examining doctor. USG was done. As per the Ultra Sonography report, I.U. Foetal Death, Amniotic fluid was almost absent and a right adnexal mass was found. As the operation at

this stage would have been difficult, the same fact was explained to the attendants of the patient and at 10 PM, it was decided to refer the patient to the SCB Medical College & Hospital, Cuttack for better management of her case. But the attendants refused to agree to such a proposal. Since the patient's condition was stable and emergency LSCS was not indicated, CS was advised next day morning at 7.00 AM. At about 8.30 AM, the patient developed hematuria on putting a Catheter. Since the patient took some biscuits at 8.30 AM, the Anaesthetist advised to wait for another five hours as there was risk in administering anaesthesia. However, at 9.50 AM, patient's attendants refused to sign the high risk bond for operation. At 10.20 AM, they agreed to take the patient to the SCB Medical College & Hospital, Cuttack and finally the patient was referred to Cuttack at 10.45 AM. Since there was a large fibroid tumour and scanty amniotic fluid with hematuria, it might have led to sudden foetal death, and the condition became grave enough to refer the patient to the SCB Medical College & Hospital, Cuttack. There was no deliberate attempt to make the patient wait for 20 hours. Initially, the attendants of the patient showed reluctance to take the patient to the SCB Medical College & Hospital, Cuttack, but when they refused to sign a risk bond in such a high risk case of their patient, they agreed to the proposal of referring the patient to SCB Medical College & Hospital, Cuttack.

The Commission heard Dr. Biswa Bhusan Patnaik, Director, Dr. Chittaranjan Patra, O & G Specialist, Dr. Ramarani Dei, Specialist attached to PP Centre, Dr. Sandeep Das, Specialist in Anaesthesiology and Dr. Sriram Chandra Das, Anaesthetist of Capital Hospital, Bhubaneswar and the petitioners on 18.11.14. For proper adjudication of the matter, the Commission supplied a copy of the report of the Director, Capital Hospital, Bhubaneswar dated 25.10.14 as well as a copy of the petition to all the doctors who attended the Commission for their study and response. The



Director, Capital Hospital, Bhubaneswar who submitted before the Commission to produce his enquiry report shortly was directed to produce the original bed head ticket of the patient Mamata Sahu forthwith.

Perused the enquiry report of the Director, Capital Hospital, Bhubaneswar which was conducted by him on 21.8.14.

Also perused the statements of Dr. Chittaranjan Patra, O & G Specialist, Dr. Ramamani Dei, O & G Specialist, Dr. Sandeep Das, Anaesthetist and Dr. Sriram Das, Anaesthetist of the Capital Hospital as forwarded by the Director, Capital Hospital, Bhubaneswar in its letter dated 1.12.14.

The copies of the enquiry report of the Director, Capital Hospital, Bhubaneswar as also the statements of the concerned doctors were supplied to the petitioners for their response, if any.

Perused the response of the petitioners dated 13.12.14 to the report of the Director, Capital Hospital, Bhubaneswar dated 25.10.14, and that of the statements of the team of doctors of the Capital Hospital who were involved in the treatment provided to the patient Mamata Sahu.

In the first place, the petitioners have termed the report of the Director, Capital Hospital, Bhubaneswar as fictitious and false in all respects and said that attempts have been made to hush up their culpability.

In the second place, the petitioners said that as admitted in the report, the general condition of the patient along with the foetus was healthy and stable. But, as admitted, the foetus died at 3.30 PM which was noticed by the doctors only after the death of the foetus. Thus, from these facts, it is amply clear that the patient and the foetus were not given any treatment for 12 hours and there was also no report as to what has exactly happened during those 12 hours which ultimately led to the death of the foetus. It is further alleged that hospital staff had awakened only after the death of the foetus. It could be further

inferred that the patient was never kept under proper care and vigil continuously for first 12 hours of her admission in the Hospital. Thus, it clearly establishes the negligence on the part of the doctors, who have allegedly not provided the patient any proper and timely treatment, for which it led to the death of the foetus.

In the third place, the petitioners submitted that reduction of amniotic fluid is never sudden and it is slow in process. It never increases or decreases suddenly within few hours. The petitioners have contended that had the Ultra Sonography been done much earlier, the foetus could have been saved through appropriate medication. Since there was a delay of clear 12 hours in this case, it led to the death of the foetus. Thus, it is a clear case of gross negligence by the doctors and the hospital.

In the fourth place, the petitioners raised a pertinent question as to why the Capital Hospital has advised Mamata Sahu to get USG done outside particularly when such a facility is very much available in the Hospital itself. The petitioner have pointed out that the Director of the Capital Hospital through his hand written enquiry report dated 21.8.14 has said that **“Doctor was not efficient enough for Ultra Sound examination at O &G Ward-sent for such an examination from outside.”** The petitioners are at a loss to understand that even though all the machineries are available in the Hospital, no efficient staff is available to operate the same. The petitioner have further stated that on perusal of the hand written report of the Director, Capital Hospital, it reveals that the Director has himself contradicted his own statement at a later stage which says that at about 8.30 AM on 14.8.14 USG was again done at the Hospital itself. From this very fact, it is not understood how the Director has himself stated there was no efficient staff to run the USG machine. According to the petitioners, the Director has given a false statement in order to escape themselves from



their liability as to why they have referred to the patient for USG outside when such facilities are very much available in the hospital itself. The petitioner urged the Commission to conduct an enquiry to verify the fact whether actually there was dearth of any efficient staff to handle such medical equipments.

In the fifth place, the petitioner contended that if Mamata Sahu being herself an indoor patient could have been given the right kind of advice as to the diet to be taken by her, then it could not have been possible on her part to take the biscuits, for which the anaesthetist advised to wait for five hours as there was risk to administer anaesthesia to her. It is a well-known fact that diet is supplied to all in-door patients by the hospital itself and if she has taken biscuits, then it leaves no manner of doubt that she was supplied biscuits by the hospital staff. This is yet another instance of negligence on the part of the hospital staff who could not know whether the patient has taken biscuits prior to the operation and this fact was alone came to light after the anaesthetist came to know from the patient herself at the OT table, for which all preparation for the operation became infructuous. The petitioner vehemently contended that this fact has laid bare the gross negligence on the part of the hospital as to the procedure to be followed prior to the operation as mandated by the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 and there is palpably a serious lacuna in properly advising the patient.

In the sixth place, the petitioners have stated that though the hospital authorities claim that there was no deliberate attempt to make the patient wait for 20 hours, but the fact remains that they have made the patient to wait for 20 hours without any fool-proof treatment irrespective of the nature of the attempt. This long delay in providing the required treatment to the patient resulted in the death of the foetus.

In the seventh place, the petitioners said that as per the report, the patient was at high risk, but the high risk was not the matter when the patient got admitted rather she was simply diagnosed with backache. The high risk factor came to light when the foetal heart sounds were not heard and ultra sonography was conducted at 3.30 PM. It was only then the complications such as low amniotic fluid, fibroid tumor, adnexal mass etc were found with the patient. This high risk can clearly be attributed to the negligence and careless attitude of the hospital authorities which is clearly evident from their statements in the report. Thus, their culpability is in no way pardonable and the liability has to be fixed on them.

In the eighth place, the petitioners claim that when it was known that the fetus is dead at about 3.30 PM then the doctors on duty terming it to be a high risk case referred the patient to the SCB Medical College & Hospital, Cuttack and upon refusal of her attendants, the doctors describing her condition to be stable advised for LSCS on the next morning. Here, a question comes to the mind of the petitioners that if the condition of the patient was stable then where was the need to refer the patient to the SCB Medical College & Hospital, Cuttack and if at all the patient was high risk then why have they postponed the operation to the next day rather than operating immediately on the same day itself. Be that as it may, the doctors were no doubt found to be acting in a vacillating manner and resultantly, the brazen negligence was crystal clear.

In the ninth place, the petitioners made a scathing attack on the issue of missing of the Bed-head ticket of the patient Mamata Sahu. The petitioners held the view that when the report of Dr. Bijaya Panda, HOD of O&G Department dated 20.11.14 discloses that all the bed-head tickets of the patients were missing since or prior to 10.11.14, how the Director, Capital Hospital, Bhubaneswar could



produce a copy of the bed-head ticket of 18.11.14 of the patient when on such date he was not in possession of the same. The petitioners further held that either the copy of the bed-head ticket submitted before the Commission was fabricated, false or the report was knowingly withheld with an ulterior motive as there are some serious discrepancies in the bed-head ticket of Mamata Sahu which if submitted in original will expose the negligence of the doctors. Thus, it is clearly seen that the Director, Capital Hospital has tried to mislead the Commission in order to hush up the actual state of affairs.

In the tenth place, the petitioners have stated that as per relevant provisions of the Indian Council (PCE&E) Regulation, 2002 **“every physician shall maintain the medical records pertaining to his/her indoor patients for a period of three years from the date of the commencement of the treatment.....”** and **“if such records are not maintained for three years then they shall be liable for disciplinary action”**. However, the Director, CH, Bhubaneswar in its letter No.7615 dated 22.11.14 simply issued a warning to Smt. Sumitra Kumari Mohanty, Staff Nurse I/C, O&G-I, Capital Hospital, Bhubaneswar which appears to be an afterthought and apparently no action has been taken against Dr. Bijay Panda, HOD, O&G Department, Capital Hospital, Bhubaneswar who can never be absolved of the culpability as because he is more responsible than the Staff Nurse. However, such a thing was done following the personal appearance of the Director, CH, Bhubaneswar before the Commission on 18.11.14.

In the eleventh place, the petitioners have mentioned that filing of an FIR before the IIC, Capital Police Station, Bhubaneswar vide No.7607/CH dated 22.11.14 is also an afterthought which raises a question as to why such an FIR was not filed earlier. However, such a thing was done following the personal appearance of the Director, CH, Bhubaneswar before the Commission on 18.11.14.

The petitioners in their prayer, among other things, prayed for awarding a compensation of Rs.10 lakhs to the victim, who for the sheer negligence and carelessness of the treating doctors had to undergone such a harrowing experience in life.

The petitioners in support of their case have referred to two cases namely; K.Murugesan vrs. Sarala Devi I (1999) CPJ 542 (Chennai) and Union of India vrs. Susheela Mathai and Anr., 2007, W.P. (C) 9676, Delhi High Court. Perused the same.

Considering the prayer of all the three petitioners, who were present in the Court on 2.1.15 notices were issued to Dr. Arati Satpathy, Dr. Pratibha Jena and Dr. Ashok Das, all O & G Specialists of the Capital Hospital, Bhubaneswar, who had attended the patient Mamata Sahu on the night of 12th August, 2014 and at 3 AM of 13.8.14 as is evident from the photocopy of the bed-head ticket so produced by the Director, Capital Hospital, Bhubaneswar to appear before the Commission on 13.8.14 to explain about the kind of treatment given to the patient Mamata Sahu, who was reportedly carrying 8 months and was complaining of back-ache. The Commission also directed Dr. Ramamani Dei, O & G Specialist who also attended the patient to appear along with the aforementioned doctors. Similarly, as prayed for by the petitioners, the Superintendent, SCB Medical College & Hospital, Cuttack was asked to produce the bed-head ticket of the patient Smt. Mamata Sahu, wife of Shyamsundar Sahu of village Baghabarei Patna under Balipatna PS limits in Khordha district, who was admitted into the Department of O & G of the SCB Medical College & Hospital, Cuttack on 14.8.14 through an authorised person on 19.1.15 in the Court. The Commission acceding to the requests of the petitioners supplied them the bed-head ticket of the patient Mamata Sahu.

In response to the notice issued by the Commission, a group of doctors comprising Dr. Arati Satpathy, Dr. Pratiba Jena, Dr.



Ramamani Dei, all of O & G Specialist of the Capital Hospital, Bhubaneswar and Dr. Ashok Kumar Das, ex-Specialist, O & G of Capital Hospital and presently posted at the Sub Divisional Hospital, Banki attended the Court on 19.1.15. The Commission heard the petitioners as well as the doctors, who had attended the patient Mamata Sahu in the Capital Hospital, Bhubaneswar.

As prayed for by the petitioners, a copy of the Discharge Certificate and the Bed-head ticket of the patient Mamata Sahu as furnished by the Superintendent, SCB Medical College & Hospital, Cuttack were supplied to them and were specifically told to file their written submission, if they so like in a reasonable period of time.

Perused the written response of the petitioners dated 3.2.15 to the submissions made by the doctors before the Commission on 19.1.15.

The petitioners have mentioned that on perusal of the referral slip of Balipatna CHC dated 13.8.14, it appears that the patient Mamata Sahu was in labour pain when she was referred to the Capital Hospital, Bhubaneswar. The petitioners while dealing with this particular issue have stated that despite a clear-cut mention of the fact that the patient was in labour pain in the said referral slip, the referred hospital authorities have not given her any treatment for nearly twelve hours nor went for any clinical investigation and simply kept her waiting for the entire period of 12 hours till the fact of the death of the foetus was confirmed from the USG done outside the hospital at about 3.30 PM. This clearly manifests the wilful negligence on the part of the doctors attending Mamata Sahu.

The petitioners have further submitted that the original bed-head ticket of the patient Mamata Sahu which would have disclosed the fact mentioned above, the same has been stated to have been lost and submitted a photocopy of the so-called original bed-head

ticket with a lot of manipulations and interpolations which is nothing but an afterthought. The petitioners strongly contended that in the absence of original bed-head ticket, a xerox copy does not have any legal significance.

Perused the photocopy of the bed-head ticket and discharge certificate of Mamata Sahoo as received from the Superintendent, SCB Medical College & Hospital, Cuttack dated 16.1.15. The patient who was undergoing treatment in the Department of O & G, SCB Medical College & Hospital, Cuttack was discharged on 24.8.15 after remaining for ten days in the Hospital and her condition was stated to be satisfactory.

On a careful study of the reports and counter submissions of the petitioners, the Commission feels that the patient Smt. Mamata Sahu was left unattended to by the doctors of the Capital Hospital, Bhubaneswar for clear 12 hours since her admission although it is a fact that the doctor of the CHC, Baliana referred her to the Capital Hospital, Bhubaneswar with the observation that she was in labour pain. It is an admitted fact that by the time the patient was admitted into the Capital Hospital, Bhubaneswar her condition was found to be stable and fetal heart sounds were present. It is a fact that without any loss of time, the patient could have been advised to do an Ultra Sonography since such a facility could not be admittedly provided to her because of lack of trained manpower to operate it. Hence, the long delay in advising the poor patient to go in for an Utra Sonography at private diagnostic centre in all fairness proved fatal to her foetus. It is crystal clear that even though Ultra Sonography facilities were there in the Capital Hospital itself, nobody perhaps could be prepared to take the burden of doing the said test in the Capital Hospital on the simple plea of non-availability of the efficient hand which is very much evident from the report of the Director, Capital Hospital, Bhubaneswar



that on the next day, i.e. on 14.8.14 USG of the patient was done at 8.30 AM in the Capital Hospital itself. From this very fact, it is clearly established that although USG facility was very much available in the Capital Hospital and could have been easily provided to the patient, the same was not done apparently due to careless and negligent attitude on the part of the doctors. It is proved beyond doubt that the poor patient who had run all the way to the Capital Hospital with a great expectation to be a proud mother had suffered immensely due to complete apathy and callousness of the doctors. Secondly, even though the doctor of the Capital Hospital became sure that operation of the patient would not be advisable and in their opinion, shifting of the patient to the SCB Medical College & Hospital, Cuttack is inevitable, they should have somehow arranged to send the patient to Cuttack without succumbing to the demands of the relatives of the patient, who were reportedly found unwilling to see the reason, and in fact, such an action would have been a right thing. Had that thing been done, there would have been no problem in the next day, for which the patient was turned away from the OT by the Anaesthetist on the ground that the patient had taken some biscuits. However, as submitted before the Commission by the Anaesthetist, in such a case of grave nature, anesthesia could have been administered to the patient without waiting for five hours.

As it appears, from the very moment of the admission of the patient till she was referred to the SCB Medical College & Hospital, Cuttack, her case was not handled without any care and diligence.

On a careful perusal of the counter submission of the petitioners, the Commission is convinced that medical negligence on the part of the Capital Hospital authorities is tell-tale.

Since the patient became an ultimate loser in this case because of the callous attitude of the doctors of the Capital Hospital

who are the instruments of the State, the State is vicariously liable for acts of their omission and commission. she needs to be compensated by the State for the negligence of the doctors of the Capital Hospital, Bhubaneswar.

While analysing the whole gamut of issues, it is an inescapable truth that upon arrival of Mamata Sahu in the Capital Hospital seeking necessary medical care and treatment, it was a mistake on the part of the doctors of the O & G Department of the Capital Hospital, Bhubaneswar for not attending to the patient for a long period of 12 hours. Therefore, such a mistake which would tantamount to negligence cannot be pardoned as because gross medical mistake will always result in a finding of negligence, and in this case too medical negligence is proved beyond doubt. Had the doctors taken the case of patient Mamata Sahu with all seriousness, then there would have no chance of the death of the foetus, which was very much alive as detected by the doctors soon after arrival of the patient in the Capital Hospital. Negligence was also visible when the doctors took the patient to the OT without having prior consultation with the Anaesthetist, for which, the patient was turned away from the OT as she had taken some biscuits and thereby the operation was postponed to another five hours. Even if the expert opinion of the Anaesthetist says that there is nothing wrong to go ahead with the operation, the operation was postponed at the eleventh hour, apparently due to lack of proper coordination among the doctors and the Anaesthetist. Even though the patient was ultimately referred to the SCB Medical College & Hospital, Cuttack for better treatment, it was only after the death of the foetus. It is an undeniable fact that the agony of the patient would remain so long as she remain alive for the loss of the foetus resulting from the long delay in providing her the requisite treatment., and therefore, the patient deserves to be compensated for mental agony suffered by her.



Since medical negligence in this case is conclusively proved, the Commission is inclined to recommend a financial assistance of Rs.1 lakh (Rupees One lakh) to be paid to Smt. Mamata Sahu, the patient, who not only lost the foetus for being deprived of getting timely medical treatment in the Capital Hospital, Bhubaneswar but also will continue to suffer from untold mental agony for her such loss. In the opinion of the Commission, it is indeed grave violation of the human rights of Mamata Sahu, the patient, and the award of Rs.1 lakh as compensation can only be termed as a token reparation. Accordingly, it is recommended that the State is to pay Rs.1 lakh (Rupees One lakh) to Smt. Mamata Sahu, wife of Shyam Sundar Sahu, a resident of village Baghabarahipatna under Balipatna PS limits in Khordha district within eight weeks and a compliance report be sent to the Commission for its record.

This order be communicated to the Commissioner-cum-Secretary to Govt., Health & Family Welfare Department, Bhubaneswar as well as the Director, Capital Hospital, Bhubaneswar for appropriate action in the matter.

Date : 27.03.2018 Compliance of the Public Authority:

Pursuant to the direction of the Commission, the Director, Capital Hospital, Bhubaneswar in his letter dated 19.03.2018 has reported that the compensation amount of Rs.1, 00,000/- (Rupees One Lakh) has been disbursed to the victim Smt. Mamata Sahu on 12.01.2018 and a copy of the stamped money receipt as proof thereof has been enclosed with the report.

Thus, when the compensation has already been disbursed to the victim, the Commission has been complied with fully and there is no need to proceed further in the matter.

Accordingly, further proceeding in this case stands closed.

OHRC Case No.2764/2015

Petitioner Souman Banerjee

Order Date : 02.11.2016

This case originated on the filing of a petition dated 13.7.15 by Shri Souman Banerjee, Advocate of Cuttack wherein it was mentioned that on 7.7.2015 some persons being armed with lethal weapons had combinedly attacked one Khirod Mishra of village Raghobapali under Sadar Police Station of Bolangir district in which both the hands of Shri Mishra were cut down. The petitioner further alleged that though one Dilip Pradhan working in the Police Department was named as one of the accused persons in the FIR, he was neither arrested nor even a copy of the FIR was supplied to the Complainant.

Against this background, the Commission asked the Collector and the S.P., Bolangir as well as Superintendent, SCB Medical College & Hospital, Cuttack to submit their respective reports on the points raised by the Commission.

The Commission first received the report of the SDPO, Sadar, Bolangir, who had conducted an enquiry into the matter being directed by the S.P., Bolangir. Perused the report of the SDPO, Sadar, Bolangir dated 7.8.15. With regard to the allegation of non-supply of a copy of the FIR to the complainant as alleged by the petitioner, it has been mentioned in the report that based on the complaint of Shri Radhakanta Mishra, father of the victim Khirod Mishra, Sadar PS Case No.157 dated 7.7.15 under Section 147/148/341/326/307/379/149 of the IPC was registered against the accused persons namely; Ananda Bhoi, Lakhsyana Bhoi, Gopinath Bhoi, Chintamani Biswal, Kampal Biswal, Ajit Biswal, Magiram Ghivela, Jubaraj Ghivela, Deubraj Ghivela, Dillip Pradhan and Shankar Pradhan who belong to the same village Raghobapali, and a copy of the FIR was given to one Subala Hota on the very day, who happens to be son-in-law of the complainant Radhakanta Mishra with due acknowledgement as the complainant had himself indicated to hand over the copy



of the FIR to his son-in-law because of the urgent need of accompanying his injured son to the Hospital for treatment. Therefore, the allegation of the petitioner on this count appears unbelievable.

It has also been mentioned that till the report was prepared, of all the accused persons, six of them have been arrested and forwarded to the Court, and they are in jail custody. Besides that, raids are being conducted at probable places for arresting the absconding accused persons who had managed to flee away from the village soon after the occurrence of the crime. Moreover, one section of police force are being stationed at the village Raghavapalli to maintain peace in the locality and also to arrest the abscondee in case they are sighted.

While refuting the allegation of the petitioner in regard to non-examination of the father, mother and sister of the victim Khirod Mishra, it has been mentioned in the report that they have all been examined by the I.O. in this case on 7.7.15.

Also perused the report of Professor & HOD, Department of Burns, Plastic & Reconstructive Surgery, SCB Medical College & Hospital, Cuttack dated 11.2.16. According to the report, Khirod Mishra, the patient was admitted at 5.35 PM of 7.7.15 in the Medical College & Hospital and immediately thereafter he was taken to the Plastic Surgery OT where a team of doctors examined the possibility of re-plantation of the amputated parts of the body. Upon examination, it was found that the amputated parts have been grossly contaminated due to its exposure to grass and mud and also had multiple cuts at different levels. The team of doctors was of the opinion that the amputated parts not being properly preserved were not worthy of any salvage and accordingly, the same were not suitable for re-plantation. However, treatment of the patient continued and finally he was discharged from the Hospital on 6.2.16 after myoelectric upper limbs were handed over to

him on 3.2.16. According to the opinion of the treating doctors, with the installation of the prosthetic limbs, the patient would be able to do the works like brushing of teeth, taking food and drinks and even writing. Hopefully, the patient's condition will improve with more co-ordination exercise and physiotherapy.

While so, the petitioner came up with another petition dated 27.6.16 in which he further alleged that even though government sanctioned an amount of Rs.6.00 lakhs for procuring the artificial hands for the victim being donated by the Hon'ble Chief Minister, the same soon became non-functional and was delivered back to the concerned doctor who has reportedly sent it to Mumbai for necessary repairs. The petitioner further alleged that when the victim asked for the bills and warranty of the prosthetic limbs, neither does the doctor concerned nor the Managing Director of the organisation which had manufactured and supplied such artificial limbs responded to the calls of the victim. The petitioner also mentioned that the victim hails from a poor family and is the only earning member of the family consisting of four members who are exclusively dependent upon him. The petitioner also prayed that considering the poverty of the victim's family, a compensation of Rs.5.00 lakhs may be given to the victim to enable him to look after his needs as well as that of others who are dependent on him. The petitioner also prayed that the Superintendent, SCB Medical College & Hospital, Cuttack may be asked to submit the bills and warranty card of the artificial limbs provided to him.

Also perused the report of the Collector, Balangir dated 9.8.16. The Collector, Balangir while giving a detailed account of the entire incident relating to deadly attack made against Khirod Mishra and his post-treatment condition, mentioned that a financial assistance to the tune of Rs.30,000/- (Rupees thirty thousand) only has been paid to the victim out of Chief Minister's Relief Fund.



The Commission while lauding the efforts of different government officials in saving the life of the poor victim, feels that an amount of Rs.30,000/- given to the victim as financial assistance is not only a pittance but also it would in no way help the victim to run his life after suffering such a grave misfortune. Given the intensity of brutalities heaped on him by the assailants, it leaves no doubt that the victim having lost both of hands has become permanently crippled and incapacitated and naturally would find it extremely difficult to do any work to support himself, let alone the other members of his family who were being looked after by him hitherto. In view of the trouble detected with the functioning of the artificial limbs as pointed out by the petitioner, it is also doubtful, how far such a gadget would be helpful to the victim in his day to day life. In the circumstances, it is anybody's guess how the poor victim would be able to sail the life of his boat in a choppy sea ahead of him with such a precarious condition.

On an overall consideration of the matter, the Commission is of the considered view that the victim needs to be paid some compensation on a compassionate ground to help him to tide over the situation and live the rest part of his life with some hope and confidence. Otherwise, it would not be wrong to say that he would continue to feel like dying in every moment of his life. Certainly, in a welfare State like ours, it is the bounden duty of Government to extend some source of regular livelihood to the victim including sanction of PWD pension.

In this view of the matter, the Commission is inclined to recommend a compensation of Rs,2,00,000/- (Rupees two lakh) only to be paid to the victim on humanitarian consideration as the State failed to protect a poor citizen who suffered grievous injuries and consequently lost his both the upper limbs. The State cannot abdicate its responsibility to protect the citizens as it tantamounts to violation of human rights in terms of Section 18 (a)(i) & (e) of the

Protection of Human Rights Act, 1993. Accordingly, it is recommended that the State is to pay Rs. 2.00 lakh (Rupees two lakh) to the victim Khirod Mishra within eight weeks and a compliance report be sent to the Commission for its record.

The District Magistrate & Collector, Balangir is advised to consider the plight of the victim Khirod Mishra and treat him as a BPL category person, if they have not already done so. Further, all other rehabilitation assistance may also be extended to the victim to enable him to live with some dignity, who still suffer the trauma and would continue to suffer the same till the end of his life.

This order be communicated to the Principal Secretary to Government, Home Department, Odisha, Bhubaneswar as well as District Magistrate & Collector, Balangir for appropriate action in the matter.

Date: 02.06.2017 Compliance by the Public Authority

Pursuant to the direction of the Commission, the Superintendent of Police, Bolangir in his letter dated 10.04.2017 has reported that the compensation amount of Rs.2 Lakh has been paid to the victim Khird Mishra of village Raghobapali under Sadar PS limits in Balangir district and a copy of the stamped money receipt as proof thereof has been enclosed with the report.

Thus, when the compensation has already been disbursed to the victim, the Commission feels that there is no need to proceed further with the case.

Accordingly, further proceeding in this case stands closed.

O.H.R.C CASE NO.2765 OF 2015

Prabir Kumar Das & Biswapriya Kanungo

..... Petitioners

Order date : 02.09.2016

Shri Prabir Kumar Das, Advocate & Human Rights Activist so also Mr. Biswapriya Kanungo and Bijay Kumar Panda, learned Advocates of Bhubaneswar in their separate



petitions by drawing the attention of the Commission to various news reports published in different Odia dailies alleged that one Goutam Bag, son of Laxmidhar Bag of village Jurabandh under Kantabanji Police Station limits in the district of Bolangir was in Police care and custody but while in such protective custody, he died on 11.07.2015. It is alleged that to cover up the incident, the plea of the Police was Goutam Bag committed suicide in the toilet around 7 AM on 11.07.2015. The petition of Shri Prabir Kumar Das further reveals that one alleged woman Maoist namely Nirmala and the deceased, who was accompanying the said Maoist Nirmala when alighted from the train in Titilagarh Railway Station on 08.07.2015, they were taken into custody. It is also stated that Nirmala, who is a resident of Chhatisgarh was returning along with Goutam Bag from Visakhapatnam since Nirmala was undergoing treatment there as she had sustained some injuries. Goutam Bag, after being interrogated by Police Officers and when his identity was confirmed, he was allowed to go to his village Jurabandh under Kantabanji Police Station limits on 09.07.2015. Though Police had a plan to nab more Maoists, when they would be coming to the deceased's house to snatch away Nirmala from the house of the deceased but it could not materialize as the arrest of the woman Maoist Nirmala was known to the other ultras. Goutam Bag having perceived threat to his life as a Police informer, proceeded to Kantabanji Police Station on 11.07.2015, where he was allegedly kept in the Police barrack and his dead body was found in the toilet, which is situated near the barrack. According to the petitioners, when admittedly the deceased was in protective custody of the Police and he having died in Police custody, the State has utterly failed to ensure the safety of an individual and, accordingly, for such custodial death of the deceased, the State is to pay monetary compensation to the next of kin of the deceased and for appropriate action against the errant Police Officers.

The Commission on receipt of the complaint called for a report from the DIG of Police, Northern Range, Sambalpur. The report of the DIG of Police, Northern Range, Sambalpur specifically reveals that on 10.07.2015, information was received by Police that a lady Maoist cadre involved in different cases is coming to Titilagarh by train from Visakhapatnam. Accordingly, as per the direction of the SP, Bolangir, the SDPO, Patnagarh proceeded to Titilagarh and verified the information. Shri P.K.Mohapatra, SDPO, Patnagarh was accompanied by other Police Officers. They detained two persons namely a male and a female and on verification, the male person disclosed his identity as Goutam Bag, son of Laxmidhar Bag of Jurabandh under Kantabanji Police Station limits of Bolangir district but the woman did not disclose her identity in detail for which both were taken to Titilagarh Police Station. Since the identity of Goutam Bag was established, he was allowed to go but the lady Maoist cadre was taken to Kantabanji Police Station for further interrogation by a team of Police Officers, where her identity was established as Nirmala, a Maoist cadre of Bolangir Platoon of CPI(M). Nirmala was arrested by Shri P.K.Mohapatra, SDPO, Patnagarh at 6.30 PM on 10.07.2015 in connection with Khaprakhol PS Case No.127 of 2012 under Sections 147,148,121,121(A),124 of the IPC read with Section 149 of the IPC as well as under Sections 25 & 27 of the Arms Act and under Section 16(1)(a),18(b) and 20 of the UAP Act as well as under Section 17 of the Criminal Law Amendment Act. Nirmala was forwarded to the Court of SDJM, Patnagarh on 11.07.2015. The report of the DIG of Police, Northern Range, Sambalpur further reveals that on 11.07.2015 at 5.30 PM, Goutam Bag, the deceased came to Kantabanji Police Station and reported that he is being threatened by Maoists as Police had arrested one of the lady cadres and seized arms and ammunitions. It is also revealed by Goutam Bag that he has taken Nirmala to Visakhapatnam for treatment out of fear of



Maoists as she needed urgent medical attention. Since Goutam Bag was depressed after receiving life threat from the Maoists, the IIC, Kantabanji Police Station calmed him down, assured him of full help and security from the Maoists and sent him to the residential barrack to take rest. Around 7.30 AM, it was found that Goutam Bag had attempted to commit suicide in the toilet of the barrack, where he has been sent to take rest. Finding Goutam Bag in an unconscious condition, he was immediately shifted by the IIC, Kantabanji Police Station and others to Kantabanji CHC from where he was referred to the Titilagarh Sub-Divisional Hospital for treatment. However, the Medical Officer of Titilagarh Sub-Divisional Hospital declared him (Goutam Bag) dead. Over the death of Goutam Bag, Titilagarh PS UD Case No.16 dated 11.07.2015 has been registered and is under inquiry. The doctors, who conducted postmortem over the dead body of the deceased, opined that death was caused because of Asphyxia due to pressure on neck. The conclusion of the DIG of Police, Northern Range, Sambalpur shows that from examination of the members of the victim's family, relatives and others as well as the Police personnel and based on perusal of documents, the possibility of foul-play over the death of Goutam Bag is a remote possibility.

The Commission on receipt of the petitions of the petitioners had also directed the Addl. DG of Police, HRPC, Odisha, Cuttack to cause an inquiry and report about the death of Goutam Bag in Police custody. The report of the Addl. DG of Police, HRPC, Odisha, Cuttack dated 20.08.2015 reveals that he had entrusted the inquiry to Shri Srikrishna Behera, Addl. SP of Police, State HRPC, Odisha, Cuttack and had enclosed the report of Shri Behera. On perusal of the report of the Addl.SP of Police, State HRPC, Odisha, Cuttack, the Commission finds that Goutam Bag was in Police barrack of Kantabanji Police Station on 11.07.2015 as the deceased appeared at 5.30 AM at Kantabanji Police Station out of fear

and reported about the threat to his life from the Maoists and he expressed his inability to stay in his village and was panic stricken. Goutam Bag was calmed down and assured protection and rehabilitation in other place by the Police and as per his wish, he took rest temporarily in Police barrack located in Kantabanji Police Station premises along with AN Cell personnel, who were also taking rest in the barrack. It is also reported that around 7.15 AM, Goutam Bag proceeded to the toilet and attempted to commit suicide by hanging with his "Gamuchha" (Towel) inside the toilet. He was rescued in a unconscious state and shifted to Kantabanji CHC immediately, where the Medical Officer, Dr. Dillip Sahu attended him and provided preliminary treatment and referred him to the Titilagarh Sub-Divisional Hospital, where he was declared dead.

The report of the Addl.SP, State HRPC, Odisha, Cuttack reveals that Goutam Bag, the deceased and Hemant Mishra of AN Cell had gone to the twin toilets of the barrack and though Hemant Mishra returned after attending the call of nature and waited for Goutam Bag but since Goutam did not return and did not respond, he forcibly pushed the door and found Goutam Bag unconscious and hanging from the skylight iron rod.

Thus, the entire report of the Addl. SP of Police, State HRPC, Odisha, Cuttack is also in the line of the report of the DIG of Police, Northern Range, Sambalpur. After having such reports, the Commission also noticed Shri Pradip Kumar Mohapatra, SDPO, Patnagarh as well as Shri J.Bhukta, IIC, Kantabanji Police Station to appear before the Commission along with the papers relating to the arrest of Maoist cadre Nirmala of Bolangir Platoon of CPI(Maoist).

After perusing all the materials on record, the Commission thought it prudent to have the response of Shri P.K.Mohapatra, SDPO, Patnagarh as well as Shri J.Bhukta, IIC, Kantabanji Police Station in the matter, when



pursuant to the direction of the Commission, they appeared in person on 20.11.2015.

Shri Pradip Kumar Mohapatra, who is the SDPO, Patnagarh in his written response in connection with the arrest of Nirmala @ Manjula @ Urmila Majhi in Khaprakhol PS Case No.127 of 2012 states that he has investigated into Khaprakhol PS Case No.127 of 2012 and also other Maoist related cases arising out of Khaprakhol PS jurisdiction. He also further states that on 10.07.2015 while he was at Patnagarh received information that a lady Maoist cadre, who was involved in different Maoist related cases of Bolangir district coming to Titilagarh by train and, accordingly, he discussed the matter with the SP, Bolangir and after getting permission proceeded to Titilagarh to verify the truth or otherwise of the information and to take follow up action. On arriving at Titilagarh Police Station at 10.50 AM, informed the IIC, Titilagarh Police Station about the information, which he had received and requested him to depute some officers to assist him. He also informed the SDPO, Titilagarh and, accordingly, at 11 AM he along with the SDPO, Titilagarh, WSI Anjali Kumbar, SI of Police P.R. Mohanty, ASI of Police, Hadu Behera, Constable 240 G.Chand proceeded to Titilagarh Railway Station and during verification, they found one woman aged about 25-35 years was following a man suspiciously and, accordingly, they detained them. On being asked, the male person disclosed his name as Goutam Bag, son of Laxmidhar Bag of village Jurabandh under Kantabanji PS limits of Bolangir district but the woman did not disclose her detail identity except disclosing her name as Urmila. Accordingly, both Goutam and Urmila were taken to Titilagarh Police Station and when the identity of Goutam Bag was confirmed and established, he was allowed to go to his native place at 1.30 PM but since the identity of Urmila could not be established, for further interrogation after informing the SP, Bolangir, she was taken to Kantabanji Police Station.

During interrogation at Kantabanji Police Station, Urmila confessed about her involvement in the murder of Murali Meher of Rengali in the year 2012 and other Maoist cases of Bolangir district and, accordingly, he arrested her on 10.07.2015 at 6.30 PM in Khaprakhol PS Case No.127 of 2012 and while she was in Police custody led to the house of Goutam Bag in village Jurabandh and gave recovery of one country-made Mouzer Pistol with Magazine, 4 numbers of ammunition of 7.65 mm bore kept in a yellow colour carry bag along with other articles from the house of Goutam Bag in his absence. After medical examination, accused Nirmala @ Manjula @ Urmila Majhi was forwarded to the Court of SDJM, Patnagarh on 11.07.2015.

The IIC, Kantabanji Police Station namely Shri J. Bhukta in his response stated before the Commission in writing that on 11.07.2015 at 5.30 AM, Goutam Bag, son of Laxmidhar Bag of village Jurabandh under Kantabanji Police Station limits appeared before the Diary Charge Officer namely ASI of Police, R.N.Tripathy and wanted to meet him to pass on some urgent information. The said fact was entered in the Station Diary Entry Book of Kantabanji Police Station vide Station Diary Entry No.214 dated 11.07.2015 at 5.30 AM (Annexure-1). In his response, Shri Bhukta further stated that on getting information from ASI of Police Shri R.N.Tripathy, he arrived at the Police Station and met Goutam Bag, who disclosed before him that due to arrest of one lady Maoist cadre namely Nirmala @ Manjula @ Urmila Majhi, whom he had taken to Visakhapatnam for urgent medical treatment, he was being threatened by Maoists for which he apprehends danger to his life. Since Goutam Bag was under tension and was depressed, Shri Bhukta assured him of full help and security and rehabilitation at another place and, accordingly, as per the wish of Goutam Bag, he was allowed to take rest in the Police residential barrack in the Police Station premises along with Anti-Naxalite Cell



personnel Hemanta Mishra and others. The said fact has been recorded in the Station Diary Entry Book vide Station Diary Entry No.215 dated 11.07.2015 at 5.50 AM (Annexure-2). The response further reveals that around 7.30 AM, APR Havildar K.B.Rana of Striking Force Guard informed him of raising of hullah from the barrack toilet. They rushed to the toilet and on arrival near the frontage of the toilet, found Goutam Bag in an unconscious condition being carried from the toilet by Hemanta Mishra, APR Constable 461 S. Naik and others. Goutam Bag was shifted to CHC, Kantabanji, where he was attended to by Dr. Dillip Kumar Sahu, who referred him to higher center and, accordingly, Goutam Bag was shifted to Sub-Divisional Hospital, Titilagarh, where he was received dead. Mr. Bhukta further mentioned in his response that on the death of Goutam Bag, Titilagarh PS UD Case No.16 dated 11.07.2015 was registered and was being enquired into by Inspector of Police Shri S.Ch.Ray, IIC Titilagarh Police Station. The family members of Goutam Bag were informed through local Gram Rakhi and, accordingly, they had attended the inquest process and the dead body of Goutam Bag was handed over to them after the post-mortem examination was over.

There are ample materials on record to show that the deceased Goutam Bag was in the protective custody of Kantabanji Police and he was allowed to take rest in the Police barrack inside the Police Station premises along with other Anti-Naxalite Cell personnel.

Mr. Biswapriya Kanungo and Mr. Prabir Kumar Das, learned Advocates very vociferously submitted before the Commission that the conduct of the Police Officers appears to be highly suspicious and it can be safely be concluded that only to cover up their guilt even if Goutam Bag was in their custody, they managed to manipulate the Police records to show that Goutam Bag, who was also nabbed along with Nirmala @ Manjula @ Urmila Majhi,

a Maoist cadre from Titilagarh Railway Station was allowed to leave Kantabanji Police Station, when his identity was established that he is a man from village Jurabandh under Kantabanji Police Station limits. Besides that it was also very strenuously urged that when as per the disclosure statements of accused Nirmala @ Manjula @ Urmila Majhi, she led Police and the witnesses to the house of Goutam Bag and gave recovery of a Mouzer Pistol loaded with Magazine and 4 numbers of live ammunition of 7.65 mm bore along with other articles, it appears something very strange that Police did not proceed legally against Goutam Bag for having abated in the commission of the crime by accused Nirmala who is involved in a case of murder and other Maoist related cases. Perusal of the disclosure statement recorded by SDPO, Patnagarh dated 10.07.2015 i.e. of Nirmala @ Manjula @ Urmila Majhi reveals that the loaded Mouzer was seized along with other articles, which were kept in a yellow colour carry bag which had been concealed under a cot of the house of Goutam Bag and such seizure took place at 7.45 PM and that fact was also clearly and categorically mentioned in the Case Diary maintained in connection with Khaprakhol PS Case No127 of 2012.

Thus, it was contended that the story which is advanced by the Police authorities that Goutam Bag committed suicide is nothing but to cover up the latches that Goutam was in Police custody since 10.07.2015 and even if it is assumed that Goutam Bag appeared at Kantabanji Police Station early in the morning i.e. at 5.30 AM and disclosed before the IIC that he apprehends danger to his life from the Maoists after arrest of Nirmala @ Manjula @ Urmila Majhi for which he was kept in the Police barrack, it is difficult to believe that he chose to commit suicide in the premises of the Police Station but not in his own house and had traversed a long way in the Maoist infested area to come to Kantabanji Police Station in the wee hours of 10/11.07.2015.



Law is very well settled that it is the bounden duty of the Police to take all precautions to see that an accused in custody should not get any scope to commit suicide. Admittedly, Goutam Bag was in protective Police custody and was kept in the barrack, where AntiNaxalite Cell Police personnel were taking rest. There is no material on record to show if Kantabanji Police and especially the IIC of Kantabanji Police Station had taken any steps to prevent Goutam Bag from committing any desperate act. In umpteen number of cases, the Apex Court have consistently held that Police authority has got a greater responsibility to ensure that an accused, who is a citizen of this country in custody is not deprived of his right to life. He must be afforded with minimum necessities of life. (2013 (Supp.-1) OLR-664 Ritima Dehury Vrs. State of Orissa and others). There is no material on record much less the family members of the deceased has come forward to say that the deceased had ever complained of receiving of any threats from the Maoists. In State of Madhya Pradesh Vrs. Shyamsundar Trivedy (AIR 1995 SCW 2793), the Apex Court had observed that death in custody “ is not generally shown in the records of the lock-up and every effort is made by the Police to dispose of the body or to make out a case that the arrested person died after he was released from custody. The Police lockup, where generally torture or injury is caused is away from the public gaze and the witnesses are either Police men or co-prisoners, who do not like to appear as prosecution witnesses due to fear of retaliation by the superior officers of the Police. It is often seen that when a complaint is made against torture, death or injury, in Police custody, it is difficult to secure evidence against the Policemen responsible for resorting to third degree methods, since they are in charge of Police Station records which they do not find difficult to manipulate. Even assuming that the plea of the Police that the deceased committed suicide, it is very difficult to accept that in

absence of any ill-treatment and mental torture, the deceased committed suicide in the toilet of the Police barrack.

Article 21 of the Constitution of India is a part of the scheme for fundamental rights which occupies a place of pride in the Constitution which mandates that no person shall be deprived of his life and personal liberty except according to the procedure established by law. Therefore, the cry for justice becomes louder and warrants immediate remedial measures. The vulnerability of human rights assumes a traumatic torture when functionaries of State fails to protect the citizens. There is responsibility on the Police or Prison authorities to ensure that the citizen in its custody is not deprived of his right to life. Duty to care on the part of the State is strict and admits of no exceptions. Thus, where there is infringement of fundamental right is established, the Commission cannot stop by giving a mere declaration but it must proceed further and give compensatory relief not by way of damages as in a civil action but by way of compensation under the public law jurisdiction for the wrong done due to breach of public duty by the State in not protecting the fundamental rights of the citizens. Monetary or pecuniary compensation is an appropriate and indeed an effective and sometimes perhaps the only suitable remedy for redressal of the established infringement of right to life of a citizen and the State is vicariously liable for its act. In the assessment of compensation, emphasis has to be on the compensatory and not on the punitive element. The objective is to apply balm to the wounds and not to punish the transgressor or the offender. The quantum of compensation will of course depends on the peculiar facts of the case and no strait-jacket formula can be evolved in that behalf. The amount of compensation so to be recommended by this Commission and paid by the State is only to redress the wrong done.



In the peculiar fact situation of the case and keeping in mind the age of the deceased to be 35 years, the Commission recommends to the Government in the Home Department to pay monetary compensation of Rs.4,00,000/- (Rupees four lakh) to Smt. Durmila Bag, widow of the deceased Goutam Bag under Section 18(a)(i) of the Protection of Human Rights Act, 1993 within two months from the date of receipt of this order. Out of the total compensation amount, Rs.3,00,000/- (Rupees three lakh) shall be kept in Fixed Deposit in a local nationalized bank for a period of five years in the name of Smt. Durmila Bag, while the interest accruing thereon shall be paid to her every year. The balance amount of Rs.1,00,000/- (Rupees one lakh) shall be paid to Smt. Durmila Bag in cash.

A copy of this order be sent to the Principal Secretary to Government in the Home Department, Odisha, Bhubaneswar for necessary compliance of the recommendation of the Commission within the stipulated period of two months and compliance/action taken report from the Principal Secretary to Government, Home Department.

Put up on 07.11.2016 awaiting compliance/ action taken report from the Principal Secretary to Government, Home Department.

Compliance by the Public Authority:

As per order a sum of Rs. 4,00,000/- (Rupees Four Lakh) has been paid to Smt. Durmila Bag. Out of Rs.4,00,000/- (Rupees Four Lakh), Rs. 3,00,000/- (Rupees Three Lakh) has been fixed deposited in the name of Durmila Bag in the United Bank of India, Kantabanjhi for a period of 5 years and a sum of Rs.1,00,000/- (One Lakh) has also been deposited in the SB Account 1846010023180 of Smt. Durmila Bag in the same United Bank of India, Kantabanjhi Branch on 29.11.2016 by SP, Bolangir reported vide Letter No. 3063/HRPC dt. 17.12.2016 and has submitted copies of relevant bank

documents vide vt. No.12 (II) 16 of S.P., Bolangir as proof thereof.

Since the compensation amount has already disbursed to the next of kin of the deceased, the Commission feels that there is no need to proceed further in the matter.

Accordingly, further proceeding in this case stands closed.

OHRC Case No.3460/2014

Petitioner Rajkishore Raulo

Order date: 31.10.2016

The facts of this case in brief is that the petitioner Raja Kishore Roul, son of Panchanan Roul of village Bilikana under Barachana Police Station limits in Jajpur district in his petition addressed to the NHRC, New Delhi alleged that his brother Braja Kishore Roul working as a Male Health Worker in Ghanteswar PHC in Bhadrak district while returning from Camp duty on 13.6.14 complained of his sudden illness to his accompanying Female Health Worker namely; Urmila Majhi, and she without taking any prompt action for arranging his treatment, left him at the riverside and subsequently, the 108 Ambulance personnel who reached at the site declared him dead. The petitioner further alleged that after he came to know that his brother was under treatment at Ghanteswar PHC, he rushed there, but actually, he was shocked to find the dead body of his brother kept under the lock and key of the post-mortem room of Chandabali CHC, Bhadrak district and the post-mortem was done on the next day. The petitioner strongly alleged that the death of his brother had in fact occurred at Panchukriti riverghat due to want of timely intervention. According to the petitioner, Banshada Police has registered a case vide Banshada PS UD Case No.16 dated 14.6.14.

This petition was subsequently transferred by the NHRC, New Delhi to this Commission for taking necessary follow-up action in the matter.



In this connection, perused the report of the CDMO, Bhadrak vide dated 18th April, 2015 which says that apart from the enquiry being conducted by the the Medical Officer, CHC, Chandbali, he himself also enquired into the matter and had opined that when the deceased along with Ms Urmila Majhi, Multi-purpose Health Worker(F) were returning after attending an Immunisation Programme conducted in the village Khamarshai, he suddenly fell ill and wanted to take rest for a while under a tree beside the riverbank. Ms. Urmila Majhi who was also with him took all possible steps for his treatment. However, after 108 Ambulance reached the spot on being called by her, he was declared dead by the Ambulance personnel and thereafter, his deadbody was carried to the CHC, Chandbali with due information to the local police. The post-mortem report of the deceased disclosed that he died due to heart failure and accordingly the family of the deceased was informed of the unfortunate death of Braja Kishore Roul. Further, it was gathered from the family sources of the deceased that late Roul was suffering from Haemoptysis for the last five years and was under treatment at the SCB Medical College & Hospital, Cuttack. It has also been mentioned in the report that since no legal heir certificate of the deceased has been made available to the Medical Officer, CHC, Chandbali, it could not be possible to draw and deposit the salary of the deceased for the period he worked as such from the date of his joining. The CDMO, Bhadrak in his report has also said that in consideration of the statements of the Medical Officer and staff, the allegation of delay in the treatment of the deceased is not at all a fact and rather the female MPH, who was all along present with the deceased was not found wanting in coping with the situation which arose out of sudden illness of the deceased.

Also perused the statements of Dr. R.N.Pramanik, Medical Officer, Dr. Guru Charan Sahu, Medical Officer (AYUSH), Shri Krushna Chandra Sethi, MPH (M), Ms. Urmila Majhi,

MPHW(F), Ghanteswar PHC. Ms. Mallilata Rout, MPH(F) of Ghanteswar PHC. It appears from their statements that they are in agreement with each other by saying the same things.

While making available a copy of the report of the CDMO, Bhadrak alongwith the statements of concerned officials to the petitioner, he was specifically asked to offer his response on the same. The petitioner's response dated 25.5.15 was received and perused. The petitioner in his response expressed that he was unable to accept the report of the CDMO, Bhadrak as the death of his brother is shrouded with mystery and he urged to entrust the enquiry to the CBI or the Crime Branch of State Police.

The CDMO., Bhadrak who was subsequently asked to clarify as to whether any doctor had gone to the spot where the deceased was lying unconscious and if so, whether he after examining him declared him dead and if not, whether a male supervisor other than a qualified doctor declare a man dead. Secondly, to name the person who informed the police about the declaration of death of Braja Kishore Roul. Perused the report of the CDMO, Bhadrak dated 24th November, 2015 in which he stated that no doctor had gone to the spot where the dead body of Shri Roul was lying, but it was brought to CHC, Chandabli in a private vehicle. Thereafter, Dr. Asutosh Sahoo informed the IIC, Chandbali Police Station on 13.6.2014 at 11 PM about the circumstances leading to the death of Braja Kishore Roul. Since the death of Shri Roul occurred within the jurisdiction of Bansada Police Station, the case was registered at Bansada PS.

While so, the Principal Secretary to Government, Health & FW Department, Odisha, Bhubaneswar was requested to enlighten the Commission whether there is any provision for providing any financial assistance to contractual employees, who dies in harness and if so, is there any upper limit for the same. Perused the letter of the Health



& FW Department dated 17.9.16. Sadly, it took nearly a year for the Department to furnish the information as sought for by the Commission. In the said letter, it has been mentioned that though Odisha Group-C and Group-D posts (Contractual Appointment) Rules, 2013 came into force with effect from 12.11.2013, the GIS benefit under the said Rules is made available to such contractual employees with effect from the date of issue of Finance Department Resolution No.30669/F dated 01.12.2015. Accordingly, as the death of Braja Kishore Rout occurred on 13.6.14, his case could not come for consideration under the purview of the aforementioned Resolution.

Also perused the petition of Shri Panchanan Roul dated 16.8.14, the father of the petitioner in which he, among other things, stated that with the death of his son Braja Kishore Roul, his financial condition has totally crumbled and he has lost the source of his financial support. He has also stated that as his deceased son had no family of his own, the case of his eldest daughter-in-law who after doing the ANM Nursing training course is currently going without a job may be considered for offering her a suitable job so that the grave misfortune that visited his family and completely ruined his financial condition can to some extent be overcome. He also prayed for paying him a hefty compensation as he feels that the life of his son was pushed to the jaws of death due to utter negligence on the part of his own medical fraternity.

The Commission taking into consideration the fact that a government employee whether regular or contractual, if they lose their lives in the course of performance of their duties, their families deserve all compassion to get over the distress. Although Odisha Group-C and Group-D posts (Contractual Appointment) Rules, 2013 came into force with effect from 12.11.2013, the grant of benefit to such employees has been given effect to after lapse of two years of framing of such a Rule,

for which the deceased was deprived of getting the same benefit.

However, taking into consideration of the fact that the deceased died in harness and his death has caused an irreparable loss to his parents and others who were said to be dependent on him, the Commission feels that the interest of justice, a compensation of Rs.2,00,000/- (Rupees Two Lakh) only should be recommended to be paid to the next of kin of the deceased as he was the lone bread winner of the family. Accordingly, it is ordered that the compensation as recommended supra should be paid to the next of kin of the deceased within eight weeks .

Date: 13.07.2017 Compliance by the Public Authority

The CDMO, Bhadrak in his letter dated 01.06.2017 has reported that the compensation amount of Rs. 2 Lakh has been paid to Panchanan Roul, the father of the deceased Brajakishore Roul of vill- Bilikana under Barachana PS limits in Jajpur district.

Thus, when the compensation has already been disbursed to the next of kin of the deceased, the Commission feels that there is no need to proceed further in the matter.

Accordingly, further proceeding in the case stands closed.

OHRC Case No.3566/2015

Petitioner T. Duryodhan Reddy

Order Date: 27.12.2016

This petition was received from the NHRC, New Delhi on transfer.

The petitioner alleges that while one Sarita Padhy of village Limapadar under Gunupur Block in Rayagada district had undergone Tubectomy operation at the CHC, Ramnaguda on 27.12.14, the doctor conducting the operation had cut the Oesophagus of the patient instead of Fallopian Tube.

Perused the report of the Chief District Medical Officer, Rayagada dated 5.11.16. According to his report, after the Tubectomy operation, the patient was kept under



observation for 5 hours and was then discharged. Following some complication, the patient was taken to the Sub Divisional Hospital, Gunupur from where she was referred to the MKCG Medical College & Hospital, Berhampur and ultimately she was taken to Manipal Hospital, Vishakhapatnam in Andhra Pradesh on 29.12.15. She was operated upon at Manipal Hospital on the very day of her admission there and was finally discharged on 6.2.15. The entire expenditure on account of treatment of the patient at Manipal Hospital amounting to Rs.4,98,449/- was borne by the Collector, Rayagada out of Chief Minister's Relief Fund. Subsequently, the patient was referred to the CARE Hospital, Vishakhapatnam on 2.4.15 and the medical expenses so incurred were met out of State Treatment Fund. In the report, it has been categorically admitted that the Intestine of the patient was inadvertently got injured during the course of sterilisation operation, for which she experienced health complication and after her treatment outside the State, she does not have any complaint and leading a normal life.

In the facts and circumstances of the case, the Commission feels that Smt. Sarita Padhy was not only made to suffer till she was provided with the required treatment outside the State but also continues to remain in a shocked state of mind for the rest of her life for having experienced such an horrible trauma. Therefore, in the considered opinion of the Commission, she deserves some solace by way of financial assistance from government for the ordeal she had to face due to inept handling of her case. Hence, the State is primarily responsible for compensating the victim in this case. Accordingly, the Commission recommends that a sum of Rs,50,000/- (Rupees fifty thousand) only be paid to Smt. Sarita Padhy as per the provision contained under Section 18(a)(i) of the Protection of Human Rights Act, 1993 within two months from the date of receipt of this order.

A copy of this order be sent to the Commissioner-cum- Secretary to Government,

Health & F.W. Department, Bhubaneswar and C.D.M.O., Rayagada for necessary compliance of the above recommendation of the Commission within the stipulated period of two months.

Date: 11.09.2017 Compliance by the Public Authority

Pursuant to the direction of the Commission, the CDMO, Raygada in his Letter No.5843 dated. 08.09.2017 has reported that the compensation amount of Rs. 50,000/- has been credited in the S.B Account No. 30249485013 of Smt. Sarita Padhy by E-Transfer on 07.09.2017 and has submitted a copy of the Letter vide No.5842 date. 07.09.2017 to the Chief Manager SBI Main Branch, Rayagada as proof thereof.

Thus, when the compensation has already been disbursed to the victim, the Commission feels that there is no need to proceed further in the matter.

Accordingly, further proceeding in this case stands closed.

Case No.3870/2014

Case No.1155/2015

Petitioner Prabir Kumar Das

Order Date: 07.10.2016

Since both the cases relate to one and the same incident, they are being clubbed together and disposed of by this common order.

The petitioner Shri Prabir Kumar Das, Advocate appeared before the Commission on 20.11.2014 and presented a petition alleging therein that while two students namely; Aju Naik and Kajal Munda reading in Class-V and Class-VII respectively of Jarki Project Upper Primary School of Sarakana Block in the district of Mayurbhanj district were sitting on the windowsill of the kitchen of the School, all of a sudden the concrete slab of the window came crashing down on them and consequently they were fatally injured. While Kajal Munda could be treated at the District Headquarters' Hospital at Baripada, the health condition of



Aju Naik being extremely critical, he was shifted to the SCB Medical College & Hospital, Cuttack for higher treatment. The petitioner prayed for causing an enquiry into the matter and awarding compensation to both the students and also taking appropriate action against the persons who were found guilty.

Perused the report of the Commissioner-cum-Secretary to Government, School & Mass Education Department, Bhubaneswar dated 17.6.2015. According to the report, on 26.9.2014 around 10.15 a.m. while Aju Naik, a student of Class-V was trying to hold the 'Chaja' of the semi constructed kitchen shed, the same along with the lintel beam fell on his head causing grievous injury on his person. Another girl student namely; Kajal Munda, reading in Class-VII who was then standing nearby also received injury in her legs. Both the injured students were immediately taken to the DHH, Baripada for treatment. But Aju Naik who was seriously injured was referred to the SCB Medical College & Hospital, Cuttack for special treatment and the cost of their treatment was borne by the district administration.

The most important fact as mentioned in the report was that Shri Pramod Kumar Mohanta, Headmaster of the said School has executed the construction work without taking technical assistance of the Technical Consultant concerned, for which such a mishap could occur. While the Headmaster Shri Mohanta has been placed under suspension by the Collector, Mayurbhanj, the services of the Technical Consultant of Sarasakana Block has since been withdrawn.

Also perused the response of the petitioner as submitted by him on 3.2.2016 to the above report of the Commissioner-cum-Secretary to Govt., School & ME Department, Bhubaneswar as well as the Disability Certificate as issued by the CDMO, Mayurbhanj.

The petitioner in his response has mentioned that as admitted in the report of

the the Commissioner-cum-Secretary, School & ME Department, Shri Pramod Kumar Mohant, Headmaster of the School was solely responsible for occurrence of a mishap of such a magnitude as he executed the construction work without taking the technical assistance of the Technical Consultant and this was purely an unauthorised work on his part. Therefore, according to the petitioner occurrence of such an incident was mainly attributed to the negligence and highhandedness of the Headmaster concerned and it is conclusively proved that he is directly responsible for such an unfortunate incident.

The petitioner has vehemently contended that in the report of the Commissioner-cum-Secretary, School & ME Department, the real truth has been suppressed inasmuch as Aju Naik was actually not shifted to the SCB Medical College & Hospital Cuttack from the DDH, Baripada, but to the Kalinga Hospital, Bhubaneswar where he was treated from 26.4.2014 to 14.10.2014 in the Department of Neurosurgery and there only Aju was diagnosed as having 'Cervical Spinal Cord Injury/Quadriplegia as is evident from the medical document issued by the Kalinga Hospital, Bhubaneswar. Subsequently, Aju Naik was referred to the Regional Spinal Cord Injury of the SCB Medical College & Hospital, Cuttack on 14.10.2014 and was finally discharged on 2.11.2014. The discharge certificate dated 2.11.14 so issued by Medical College & Hospital also confirms it a case of Cervical Spinal Cord Injury/Quadriplegia. The photocopy of the Disability Certificate of Aju Naik states that his physical impairment in relation to both of his legs and arms is 100%.

The petitioner in his response also mentioned that Aju Naik since his discharge from the SCB Medical College & Hospital, Cuttack on 2.11.2014 has been lying down on the bed as he is suffering from complete paralysis of the body from the neck down without any treatment. As it seems, the State government as well as the district administration have completely forgotten his



case and virtually he is presently in a vegetative state. The petitioner has furnished photograph of Aju Naik which shows that how his poor fate changed his life upside down. Perused the documents which has been supplied by the petitioner along with his response. The petitioner has urged the Commission to explore the possibility of providing continuous and sophisticated treatment to Aju Naik anywhere outside the State in order to extricate him from his present condition of health. The petitioner has also prayed for providing necessary rehabilitation to Aju Naik as his father being a poor tribal has no means to look after him and also paying him adequate monetary compensation to the tune of Rs.10,000,00/- (Rupees ten lakh).²¹

The petitioner also prayed for paying a compensation of Rs.2,00,000/- to the other student namely; Kajal Munda for the injury sustained by her in her legs.

As it appears, report of the Commissioner-cum-Secretary, School & ME Department is nothing but a mere reiteration of facts as mentioned in the letter of the District Education Officer, Mayurbhanj addressed to the Joint Secretary to Govt., School & ME Department, Odisha, Bhubaneswar. The DEO, Mayurbhanj who has mentioned that Aju Naik was shifted to SCB Medical Colleged & Hospital, Cuttack from the DDH, Baripada for treatment is not all based on facts as Aju Naik was actually admitted into the Kalinga Hospital, Bhubaneswar on 26.4.2014 and stayed there for about two weeks.

From the totality of the material available on record, the only irresistible conclusion which can be drawn is that due to unauthorised and wilful negligence on the part of Shri Pramod Kumar Mohant, Headmaster of the concerned School, such a catastrophe could visit the poor tribal boy which has totally devastated his life beyond repair.

The present case is governed by the legal maxim "respondent superior" and thus

the State is liable for the wrong done by its employees.

Considering the magnitude of the plight of Aju Naik and his parents as well, the Commission recommends that a compensation of Rs.5,00,000/- (Rupees five lakh) only be paid to the father of Aju Naik who had faced such a traumatic situation at a crucial hour of his academic life. Accordingly, the Commissioner-cum-Secretary to Government, School & Mass Education Department is to release the recommended financial assistance by way of compensation in favour of the victim student Aju Naik and submit a compliance report to the Commission within eight weeks hence. At the same time, appropriate action should taken against the errant Headmaster so that it would give a signal for others to be careful in future.

Similarly, it is recommended that a financial assistance of Rs.25,000/- is to be extended by government to Kajal Munda, a student of Class-VII of Jerkey Project Upper Primary School who had sustained injuries on her legs when the 'Chaja' along with lintel of the window caved in within 8 weeks' time.

xxx xxx xxx

Date: 27.02.2018 Compliance by the Public Authority:

Pursuant to the direction of this Commission, the Deputy Director, Directorate of Elementary Education, Odisha, Bhubaneswar in this Letter dated 03.02.2018 has reported that the compensation amount of Rs. 5 lakh has been paid to the victim student Aju Naik S/o- Uma Prasad Naik of village Jerking under Jharpokharia PS limits in Mayurbhanj district.

Accordingly, further proceeding in this case stands closed.

OHRC Case No.4090/2014

Petitioner Amarbar Swain

Order Date : 07.11.2016

The petitioner Amarbar Swain of village Dhinkia under Abhayachandpur Police Station limits in Jagatsinghpur district alleged that



the doctors of Biju Memorial Hospital, Atharabanki, Paradeep in Jagatsinghpur district who conducted the delivery of his wife on 30.5.2013 had pulled out the baby from uterus by fixing its head with a clamp in a faulty manner, for which the baby-boy received serious head injury. The petitioner further alleged that despite his inability to pay any money because of his poverty, the doctors demanded an amount of Rs.2,000/- from him and he finally paid the money so demanded with much difficulty. The petitioner also alleged that his request to the Hospital authorities to provide him an ambulance for shifting the new-born baby to Sishu Bhawan, Cuttack fell on deaf ears. The petitioner also mentioned that even though the baby was kept in the Sishu Bhawan for about 15 days, there was no improvement in its condition. The petitioner has specifically alleged that due to carelessness and negligence of the doctors of Biju Memorial Hospital, the new-born baby has become permanently crippled and he has spent a huge amount of money, i.e., Rs.2,68,000/- for the treatment of his child.

Perused the joint enquiry report of the three doctors of the District Headquarters Hospital, Jagatsinghpur which has been forwarded by the CDMO, Jagatsinghpur vide its letter dated 8.6.15. The report discloses that the new-born baby was referred to SVPPG Institute of Paediatrics (Sishu Bhawan), Cuttack on the same day of its birth, i.e. on 30.5.13 as it was found to be suffering from birth asphyxia where he was diagnosed as a case of Term SGA (small for gestational age) with MAS (Meconium Aspiration Syndrome) HIE-II (Hypoxic Ischaemic Encephalopathy stage-II) with EOS (Early onset of Sepsis). Again the baby was admitted into Sishu Bhawan, Cuttack on 19.10.13 and diagnosed as HIE sequel with CP (Cerebral Palsy) MR (Mental Retardation) microcephaly, craniosynostosis with seizure disorder as is evident from the discharge certificate. Further, as per the opinion of Dr. A.B.Nayak, Paediatrics Specialist and Dr.

S.K.Dalai, O & G Specialist of DHH, Jagatsinghpur, the baby had perinatal asphyxia which was the root cause of all complications the baby had developed and the exact cause of asphyxia could not be ascertained and also there was IUGR with some congenital anomaly.

It was also clearly mentioned in the said report that no forcep or ventouse was applied at the time of delivery as per the records and statements of the doctors and staff who conducted the delivery. Moreover, there was no such mention particularly any mark of injury on the head of the baby as alleged by the petitioner in the Bed Head Ticket of the baby at Sishu Bhawan, Cuttack.

Further, it has been mentioned in the report that the patient's mother Smt. Sunita Swain had received Rs.250/- as transportation charges towards free referral transport under JSSK on 30.5.13 as there was no ambulance service available at that point of time.

Heard Dr. S.K.Satpathy, HOD, Paediatrics & Superintendent, SVPPG Institute of Paediatrics, Cuttack, who personally appeared before the Commission on 28.9.15 being noticed and perused the Bed Head Ticket of the new-born baby vide Regd. No.697 showing the date of admission of the baby on 30.5.13 and its discharge on 19.6.13 and also the Bed Head Ticket vide Regd. No.9218 which showed that the baby was again admitted into the Sishu Bhawan on 19.10.13 and discharged on 29.10.13 as produced by him. Also Perused the report dated 8.10.15 which was later submitted by him. In his report, the Superintendent, Sishu Bhawan, Cuttack has stated that the baby was admitted to the hospital on 30.5.13 in a critical condition and was diagnosed as a case of Term AGA, MAS, HIE-II & EOS. The baby was treated for encephalopathy and its complications. The baby's head had a caput which could be due to prolonged labour or even normal. There was no external marks of injury or cephalohaematoma was documented at Sishu Bhawan. The cranial ultrasonology of the baby



which was done twice during the period of its hospitalization showed the evidence of hypoxic ischaemic changes. There was no documentation evidencing skull fracture of the baby. Since the baby was observed to be in clinically stable condition, he was discharged with advice for medication and follow-up.

The baby was readmitted on 19.10.13 when he was about four-months old with a diagnosis of HIE sequelae, seizure disorder, cerebral palsy and mental retardation. The case of the patient was of Term SGA with perinatal asphyxia and HIE as documented by the doctors of Biju Memorial Hospital, Paradeep as well as Sishu Bhawan, Cuttack. Although, the patient improved from asphyxia and hypoxic ischaemic encephalopathy, he developed sequelae (seizure disorder, developmental delay and cerebral palsy) which is mostly possible due to ischaemia resulting from asphyxia. However, the patient was discharged after improvement with necessary medications and was advised for follow-up physiotherapy at the SCB Medical College & Hospital, Cuttack.

Also heard Dr. Prafulla Chandra Dikhit, Medical Officer in-charge, Biju Memorial Hospital, Paradeep as well as Dr. Boblina Mohanty, Senior Medical Officer, RHC, Jagatsinghpur who appeared in person before the Commission on 28.9.15 being noticed. Dr. P.C. Dikhit produced the Bed Head ticket of the patient Smt. Suniti Swain, wife of the petitioner who was admitted into Biju Memorial Hospital, Paradeep on 30.5.13 and was discharged on the same day after her delivery vide IPD Regd. No.827 dated 30.5.13. Dr. Boblina Mohanty submitted before the Commission that it would be desirable to summon Dr. K.C.Sahu, Surgery Specialist, who admitted the patient Suniti Swain and conducted her delivery as he can explain as to how he handled the case and followed surgical procedures and what was the condition of the baby then with reference to the Bed Head ticket of the patient.

The Commission appreciating the submission of Dr. Boblina Mohanty issued notice to Dr.K.C.Sahu, Senior Medical Officer and Surgery Specialist of DHH, Jagatsinghpur and pursuant to the direction of the Commission dated 28.9.15, Dr.K.C.Sahu appeared in person before the Commission on 26.11.15 after a reminder was issued and prayed for a fortnight's time to submit his response in the matter. Copies of the bed-head ticket of Biju Memorial Hospital now re-christened as CHC, Paradeep as well as photocopies of the bed-head ticket of SVPPGIP (Sishu Bhawan), Cuttack, joint enquiry report of the team of doctors as submitted by the CDMO, Jagatsinghpur were supplied to Dr. Sahu for enabling him to furnish his response.

Pursuant to the direction of the Commission, Dr.K.C.Sahu, Senior M.O. and Surgery Specialist, DHH, Jagatsinghpur submitted his response dated 8.12.15. Perused the same along with the enclosed documents. Dr. K.C.Sahu in his response submitted that on the day, i.e. on 30.5.13 when Smt. Suniti Swain, the wife of the petitioner Amarbar Swain was admitted into Biju Memorial Hospital/CHC, Paradeep with prime labour pain, there was no O & G Specialist available in the hospital and he was the only doctor available then. On being alerted by the Staff Nurse Mrs. Mina Mohapatra, he examined the patient at 8.00 AM and found her to be in active labour pain and she was expected to deliver within a short period. In order to facilitate delivery without harming the baby and the mother, left mediolateral episiotomy was done at 2.05 PM, and she delivered a full term male baby. The baby was resuscitated and it cried just after its delivery. After left mediolateral was closed (stitched), the patient was given injections, antibiotics, IV fluids and the baby was given breast feeding. However, after some time, he noticed that the baby was becoming lethargic, crying in feeble voice and not found eager for breast feeding. To tackle the situation, Oxygen was administered



to the baby and necessary paper work were immediately done and the patient was discharged with referral and at the time of discharge she was given a Cheque bearing No.243471 dated 30.5.13 for an amount of Rs.1,400/- for Janani Surakshya Yojana and a further amount of Rs.250/- towards the cost of transport charges vide Receipt No.238 dated 30.5.13 which was received by the patient herself. Although, such type of patients are usually discharged after 48 hours of their delivery, in this particular case, the patient was discharged soon as it was felt imperative to refer the baby to the SVPGI, Cuttack as there was no Pediatric Specialist present in the Hospital to take care of the baby. Dr. K.C.Sahu expressed his regret that he failed to mention referral in the bed head ticket of the patient. However, the petitioner and his wife instead of going to Sishu Bhawan, Cuttack rightaway consulted with a Pediatric Specialist at Kujang namely Dr. Abharani Pattanaik which is about 15 kms away from the CHC, Paradeep, and she, in turn, advised them to take the baby to Sishu Bhawan, Cuttack and heeding to her such advice the petitioner took the Baby to Sishu Bhawan, Cuttack and got it admitted in the evening of the same day. Dr. K.C. Sahu has denied to have used any instrument to cause any harm either to the mother or the baby. He has also categorically denied to have used any ventouse or forcep. He also made it clear that he had not demanded any money from the petitioner for the delivery of his wife, much less of receiving it. Dr. Sahu also hinted that incidence of asphyxia at birth in India is about 3 to 5 per cent in every 100 child births.

A copy of the written statement of Dr. K.C.Sahoo along with its enclosures were made available to the petitioner as he himself wanted to study the same and furnish his response.

On 25.4.16, the petitioner was present and submitted his counter response on the written statement of Dr. K.C.Sahoo. Perused the counter response so submitted by the petitioner in which the petitioner has stated

that Dr. K.C.Sahu has told blatant lies that delivery was done by him without harming the baby and the mother and without putting clamp on the head of the baby in order to drag it out from the uterus. The petitioner has further mentioned that one of his female relative called as her 'Mausi' (aunt) who was herself present in the delivery room had in fact objected the manner in which Dr. K.C.Sahu and other staff were trying to pull out the baby from the uterus with the help of the clamp. The petitioner also mentioned that a proper study of the photocopies of the entire treatment records of his son submitted by him would clearly disprove the statement of Dr. K.C.Sahu. The most startling part of his response reveals Dr. K.C.Sahu and his friends had offered him Rs.2 to 3 lakhs with a view to weaning him away from proceeding against them. However, the petitioner spruned such offer of Dr. K.C.Sahu as he has taken shelter under the protective umbrella of the Commission. The petitioner has held Dr.K.C.Sahu solely responsible for causing such irreparable damage to the life of his child. The petitioner has also submitted a detailed account of the entire matter in a chronological order right from 30.5.2013 till 13.1.16 for better appreciation. Perused the same.

The petitioner appeared before the Commission along with his wife Suniti Swain and their three-year old mentally retarded son. Having seen the condition of the child, the Commission expressed its profound shock and was convinced of the fact that the petitioner has shown exemplary patience and courage in continuing the treatment of his son entailing heavy expenditure which is not ordinarily possible on the part of any person of his standard.

Though the reports furnished by the Superintendent, Sishu Bhawan, Cuttack discloses the fact that the patient's (the baby-son of the petitioner) condition improved from asphyxia and hypoxic ischaemic encephalopathy, he developed sequela (seizure disorder, developmental delay and cerebral palsy) which



is mostly possible due to ischaemia resulting from asphyxia, the allegation of the petitioner is that it is because of use of clamp on the head of the baby by Dr. K.C.Sahu, Surgery Specialist was mainly responsible for creating such a huge life-long problem for the child as well as to them.

The Commission is of the view that in the absence of a O & G Specialist, attending to a patient admitted for child-birth by a Surgery Specialist is itself a difficult task as the latter is not strictly a Specialist in that branch of treatment. The Commission fails to understand as to what prevented Biju Memorial Hospital to immediately requisition the services of a O & G Specialist to attend such a patient and had this been done, then the matter would have been different. Although a team of doctors was constituted by the CDMO consisting of a O & G Specialist to cause a probe into the whole matter, it could not help much to remove the doubt which has already taken shape in the mind of the petitioner. The petitioner has consistently taken the view that due to faulty and inept handling of the case by Dr. K.C.Sahu, his child fell a victim to such a serious health problem which any parents could normally afford to bear with the situation. The allegation of the petitioner that one of his female relatives, i.e., Mausi was present in the delivery room and stood witness to the entire operation had objected the methodology adopted by Dr.K.C.Sahu and Dr. Sahu being upset or enraged asked her to quickly go out of the room. There is no mention anywhere in the report countering the veracity of such an allegation of the petitioner. In the absence of any refutation of this allegation, the Commission is persuaded to believe that 'Mausi' (aunt) of the petitioner was actually driven out of the room and it led credence to the allegation that actually forcep or ventouse was used. It is equally too difficult to believe the statments of Dr. K.C.Sahu and that of Mina Kumari Mohapatra, Staff Nurse that no forcep or ventouse was used . Besides that, Dr. K.C.Sahu in his written response has

admitted that he failed to mention referral in the bed head ticket of the patient.

Another important aspect which cannot be lost sight of is that the patient Suniti Swain who was in active labour was admitted into Biju Memorial Hospital, Paradeep on 30.5.13 at 8 AM as is seen from the original Bed Head Ticket, but the delivery was done at 2.05 PM. The Bed Head Ticket is totally silent as to how many times the condition of the patient as well as the baby was checked in between 8 AM and 2.05 PM. As it appears, with a view to covering up the latches and negligence in a post-haste manner it has been mentioned towards the end of the reverse side of the Bed Head Ticket, that the "baby cried after delivery and suckled the breasts". Most probably those entries were made to give an impression that baby was a normal one having no complication. If at all the baby was quite normal as is evident from the Bed Head Ticket, then what was the need to refer it to Sishu Bhawan, Cuttack is a moot question that comes to the mind. On the contrary, the Bead Head Ticket of the Sishu Bhawan, Cuttack dated 22.5.13 shows that the baby did not cry after delivery and had other problems too.

Hence the Commission is led to believe that because of the negligence of Dr. K.C.Sahu and other staff of Biju Memorial Hospital, Paradeep, the baby is leading a vegetative life and thereby has become an enormous burden to its parents.

On an overall analysis of the entire issue, the Commission is convinced that the petitioner has left no stone unturned for providing the required treatment for his son and mentioned to have spent a huge amount of the order Rs.2,68,000/- which was completely a stupendous task for him.

Considering the financial as well as mental condition of the petitioner and his wife Suniti Swain over the years since the birth of their son, Omkar, the Commission feels that they deserve some compensation as



the treatment and care of his disabled son is a huge liability upon him as according to him, the medical negligence on the part of Dr. K.C.Sahu, Surgery Specialist of Biju Memorial Hospital, Paradeep has largely contributed in permanently crippling the child.

In this view of the matter, the Commission is inclined to recommend a compensation of Rs,2,00,000/- (Rupees two lakh) only to be paid to the petitioner on humanitarian consideration who was exposed to a life-long problem of taking care and treatment of his son which resulted from the medical negligence and carelessness of the doctor concerned, the State is bound to come to the aid and assistance of the petitioner as it amounts to violation of human rights in terms of Section 18 (a)(i) & (e) of the Protection of Human Rights Act, 1993. Accordingly, it is recommended that the State is to pay Rs. 2.00 lakh (Rupees two lakh) to the petitioner Amarbar Swain within eight weeks.

Date: 02.06.2017 Compliance by the Public Authority:

Pursuant to the direction of the Commission the Commissioner-cum-Secretary to Government, Health and Family Welfare Department in its Letter dated 24.04.2017 has reported that the compensation amount of Rs. 2 lakh has been paid to the petitioner Amarbar Swain of village Dinkia under Abhayachandrapur PS limits in Jagatsinghpur District.

Thus, when the compensation has already been disbursed to the petitioner, the Commission feels that there is no need to proceed further with the case.

Accordingly, further proceeding in this case stands closed.

OHRC Case No. 4178/2014

Petitioner Sri Jayanta Kumar Das
Order Dated : 31.08.2016

This petition was received from the NHRC, New Delhi on transfer for its disposal.

The petitioner Jayanta Kumar Das of Satya Nagar (Sidhamahavir Patana) in Puri district alleged that after taking contaminated food served to the hostel borders of Kendua Ashram School under Ranapur Block of Nayagarh district while one girl student died on the way to the Hospital, 60 other girl students were found seriously ill.

Perused the report of the Collector, Nayagarh dated 29.06.2015. In the said report, it has been mentioned that the boarders of the girls' hostel of Kendua Ashram School after taking their dinner on the night of 30.08.2014 were taken ill and they were all immediately brought to the Tangi CHC by the Head Sevak and other staff of the School on the next morning after giving drugs available in the hostel. Unfortunately one girl student namely Mini Majhi, daughter of Joseph Majhi of village Gunjuruba under Mohana Block of Gajapati Block died on the way to the hospital.

On getting the information the Collector, ADM, CDMO, Sub Collector and ADMO (PH) Nayagarh all rushed to Tangi CHC to ensure proper treatment of the affected students. Out of 35 students admitted into the Tangi CHC the condition of three girl students being serious, they were all shifted to the Capital Hospital, Bhubaneswar and thereafter to Sishu Bhawan, Cuttack for better treatment, and the rest other students were subsequently brought to the DHH, Nayagarh for better treatment. All the affected students after being discharged from the hospitals were again sent to the hostel of the Ashram School.

As regards the deceased student, her dead body was handed over to its parents and sent to her native village in a vehicle arranged by the district administration. Besides, a sum of Rs.24,000/- was given to the parents of the deceased, out of district Red Cross fund and subsequently an amount of Rs. 1,00,000/- was given as ex-gratia to the parents of the deceased as per government norm.

Apart from that, while Head Sevak and Sevika-cum- Assistant Superintendent were



placed under suspension on 31.08.2014, the Cook-cum- Attendant was temporarily disengaged for their negligence in duties. On enquiry, it was found that though the Sevika-cum- Assistant Superintendent who was in-charge of the hostel was very much available in the School till the evening of 30.08.2014, she did not take any step for medical treatment of the borders in the near-by hospital though the symptoms of their illness were very much imminent in the morning of 30.08.2014.

On a careful perusal of the report of the Collector, Nayagarh , it is evident Head Sevak was absent from the School since the afternoon of 29.08.2014 till the morning of 31.08.2014 and similarly, the Sevika-cum- Assistant Hostel Superintendent though was very much available in the School did not rise to the occasion in providing the immediate treatment to the students. Therefore, both of them were squarely responsible for occurrence of such an incident.

In the opinion of the Commission, a mere ex-gratia amount of Rs. 1,00,000/- given to the parents of the deceased student is nothing but a pittance considering the loss sustained by them on account of death of their daughter. Therefore, the Commission strongly recommends that an amount of Rs. 2,50,000/- (Rupees Two Lakh and Fifty Thousand) only should be paid to the parents of the deceased student as compensation in addition to the amount already paid to them. Accordingly, the Commissioner-cum-Secretary to Government, ST & SC Development department, Odisha Bhubaneswar who was asked to submit a report to the Commission in the matter did not submit its report till now is directed to pay the compensation amounting to Rs. 2, 50,000/- to the parents of the deceased within two months and report compliance thereof. At the same time, the Commission should be apprised of the action taken against the Head Sevak and Head Sevika-cum- Assistant Hostel Superintendent

of Kendua Ashram School within the stipulated time.

Order Dated 03.11.2016

Perused the report of the Commissioner-cum-Secretary to government ST & SC Development Department dated 19.10.2016. In the said report, it has been brought to the notice of the Commission that on the selfsame matter, one Sri Manoj Jena had filed a case before the National Human Rights Commission, New Delhi bearing NHRC Case No. 3526/18/31/2014 and the Department has already submitted its reply to the NHRC in its letter dated 10.02.2016. It has also been specifically mentioned in the report that State Government has already paid an amount of Rs. 50,000/- as ex-gratia to the next of kin of the deceased student as per the direction of the NHRC.

In view of this fact, the Commissioner-cum-Secretary has prayed the Commission to exempt the State Government from payment of any additional ex-gratia as the same has already been paid to the next of kin of the deceased as per the orders of NHRC in this case being filed by another petitioner.

Since the Commission desires to know the full details of the case referred to above matter in the report, let the Commissioner-cum-Secretary to Government, ST & SC Development Department be requested to depute a senior officer of his department, who is well conversant with the case, to appear before the Commission on 05.12.2016 at 11.30 am and apprise the Commission about the matter.

Order Dated : 05.12.2016

As per above order Miss Pranati Patra, Deputy Director-cum- Deputy Secretary ST & SC along with Mr. Satyabrata Dash, Welfare Officer of the same department present. Miss Patra produces the photo copy of the order of the National Human Rights Commission passed in NHRC Case No. 3526/18/31/2014/SCN-M-3 dated 1st January 2016.



Perused the said order of the NHRC, New Delhi. The case was registered basing on the petition received from Sri Manoj Jena and that of Sri Jayanta Kumar Das complaining about the death of a student namely Mina Majhi of Kendua Sevashram under Ranpur Police Station limits in the district of Nayagarh and 60 other girl students including a Teacher and a school watchman after consuming contaminated food Rs. 1,00,000/- was paid to the father of the deceased student Mina Majhi and Rs. 24,000/- each were paid to the students who had undergone treatment after consuming contaminated good items by the government. The National Human Rights Commission not being satisfied with the financial assistance extended by the state government directed that an additional amount of Rs. 50,000/- is to be paid to the NOK of the victim Mina Majhi and monetary relief of Rs. 25,000/- each to be paid to the victim who were admitted and treated in the hospital for violation of their human rights. Besides that, a direction was also issued to the Collector, Nayagarh to sent reports about the water and food sample test along with the exact cause of death of Mina Majhi and sickness of the boarders besides other direction about the departmental proceeding which was initiated against the head Sevak Sri Kishore Chandra Sahoo.

In view of the aforesaid direction of the NHRC, this Commission now call upon the officers who are present to produce the receipt showing actual disbursement of the financial assistance to the next of the kin of the deceased Mina Majhi as well the other persons who were admitted and treated in the hospital for their treatment after the alleged incident. The Officers present are asked to produce such documents before the Commission by 15.12.2016.

Order Dated : 15.12.2016

Perused the letter of the Government in the ST & SC Development Department dated 14th December 2016 as well enclosures thereto. It has been brought to the notice of the

Commission by the government that for the subject matter of this case Hon'ble National Human Rights Commission, New Delhi took cognizance of complaints received from Sri Manoj Jena of an NGO so also other activists namely R.H Bansal, Subash Mohapatra and Jayant Das etc. alleging therein that one girl student died while sixty other students of Kendua Sevashram suffered illness after consuming contaminated food and of them one girl student namely Mina Majhi, daughter of Joseph Majhi, a resident of village Gunjuruba, Mohana Block in the district of Gajapati died while being shifted to the hospital.

The National Human Rights Commission called for reports from the Collector and District Magistrate, Nayagarh and after perusing all the papers observed that the financial assistance of Rs.1,00,000/- which has been extended to the father of the deceased girl was inadequate and therefore recommended payment of additional payment of Rs. 50,000/- to the next of kin of the deceased Mina Majhi and monetary relief of Rs. 25,000/- each to be paid to the victims who were admitted and treated in the hospital for violation of their human rights, over and above the amount of Rs.24,000/- released from the District Red-Cross Funds as financial assistance. This order was passed by the NHRC on 1st January 2016 as appear from the photocopy of the order passed in National Human Rights Commission Case No. 3526/18/31/2014/SCN-M-3, L.F.3581/18/31/2014, 3527/18/31/2014 AND 3528/18/31/2014. The photo copy of the letter of the D.S.O., Nayagarh has been filed showing payment of an addition sum of Rs. 50,000/-, over and above the amount of Rs. 1,00,000/- which has already been paid to Joseph Majhi, father of the deceased Mina Majhi, so also payment of Rs. 25,000/- each to Hemanta Majhi father of Ambika Majhi, Lunisa Majhi father of Priyanka Majhi and also Rs. 24,000/- paid to Joseph Majhi father of late Mina Majhi.



Thus, on perusal of the order of the National Human Rights Commission, it appears that the said order was passed prior to the order passed by this Commission in this case on 31.08.2016. But unfortunately the said order of the National Human Rights Commission dated 1st January 2016 was not brought to the notice of the Commission by the concerned department of the government. Thus when for the self-same cause of action the National Human Rights Commission has already passed an order and when the same has been complied with by the government in fully the order passed by this Commission dated 31.08.2016 is hereby recalled.

OHRC Case No.3942/2014

In enclosing a copy of the press clipping of 'The Samaj' dated 23.11.2014, the petitioner Prabir Kumar Das, Advocate of Bhubaneswar alleged that due to negligence of the Anganwadi worker named Sushama Jena of Sangrampur Anganwadi Centre under Nilgiri Block in Balasore district on 21.1.2014 a four-year-old child accidentally fell into a cooking vessel containing hot curry and received burn injury. Further, it was alleged that the said Anganwadi worker did not arrange any immediate treatment of the injured child.

Perused the report of the Child Development Project Officer, Nilgiri dated 25.2.15 in conjunction with the report of the Collector, Balasore dated 27.3.15 which has been addressed to the NHRC, New Delhi. Both the reports appear to be more or less the same. It emerges from those two reports that while on 21.11.2004 Susamamanjari Jena, Anganwadi worker of Sangrampur AWC was serving cooked meal to the pre-school children, one of such children namely Raghunath Mallick, son of Sridhar Mallick accidentally fell into the cooking vessel wherein the hot curry was there, as a result of which, he received burn injury in his right hand. Soon thereafter, the concerned Anganwadi worker accompanied the father of the child to the hospital for his treatment and also bore the cost of treatment.

However, the child, within a week got fully recovered from the burn injury.

It is revealed from the reports that in addition to the financial assistance of Rs.2000/- given by the staff of ICDS, the Sub Collector, Nilgiri has given Rs.3000/- to the father of the victim child. Thus, a total financial assistance to the tune of Rs.5,000/- has been given to the victim's family. Apart from that, all the Anganwadi workers have been adequately sensitized to pay proper attention towards the safety of pre-school children against any possible hazards.

On a careful examination of the reports, the Commission is of the opinion that lack of proper attention on the part of the concerned Anganwadi Worker had led to such a situation where a small child had narrowly escaped from a more fatal injury. Needless to say, it is one of the important responsibilities of a Angawadi worker to remain ever vigilant about the safety of the children as they are totally left to her care and custody during their period of stay in the Centre. In case any kind of mishap occurred to any child during the period when they are under the care and custody of the Anganwadi worker, she would be squarely responsible for the same. In the instant case, the Commission is of the clear view that due to carelessness and negligence of Susamamanjari Jena, Anganwadi worker, the child had to face such an accident. Therefore, the Commission taking into consideration the misery suffered by the child arising out of burn injury as also the resultant mental agony suffered by his parents, recommends that a compensation of Rs.30,000/- be given over and above the amount already given to the parents of Raghunath Mallick as he survived from an impending danger to his life and thereby violating his human rights.

The Commission in its orders passed in OHRC Case No.948/2016 has directed that government to formulate an detailed guidelines for all the Schools where mid-day meals are



being served to the students to keep the students free from any mishap arising out of any activities related to cooking and other things done in the kitchen. Since, in the Anganwadi Centre, similar system of cooking is in place, suitable arrangements need to be made to avert any situation playing havoc with the life of the small children as it happened in the present case.

Let a copy of this order be sent to the Commissioner-cum-Secretary, Women & Child Development Department, Odisha, Bhubaneswar to initiate immediate necessary action in this regard and furnish a compliance report to the Commission within two months hence.

Date: 31.01.2017 Compliance by Public Authority

Pursuant to the direction of the Commission, the Director, Social Welfare and Ex-officio Joint Secretary to Government, WCD Department in its Letter dated. 30.01.2017 has reported that the compensation amount of Rs. 30,000/- (Rupees Thirty Thousand) has already been deposited by the CDPO, Nilagiri in the joint account of Mrs. Minati Mahalik and Mr. Sridhar Mahalik, the parents of the victim boy Sri Raghunath Mahalik.

Thus, when the compensation amount has already been disbursed to the parents of the victim boy, the Commission feels that there is no need to proceed further in the matter.

Accordingly, further proceeding in this case stands closed.

OHRC Case No.3930/2015

Petitioner Prabir Kumar Das, Advocate
Order Dated: 25.03.2017

The petitioner has mentioned that in the wake of torrential rain lasting the Capital city of Bhubaneswar in the afternoon of 26.08.2015 when the rain water has started flowing in the storm water drain passing through the Behera Sahi in Nayapalli area, Bhubaneswar to its full capacity, a boy student

of Class-IV named Papun Biswal returning home along with his mother from the tuition class has accidentally fell into the swirling water of the drain right unless the nose of his mother on the drain at that particular point was not covered with the concrete slab and soon swept away. The petitioner has alleged that because of negligence and callousness on the part of BMC, the concrete slab, which were temporarily removed for desiltation purpose were not put back at its position for which the small boy, who was completely unaware of such death trap lurking ahead all at once slipped into the swollen drain and met his end. As soon as the news of sad death of the boy spread in the locality the people have resorted to an agitation and put the entire blame on the BMC, Bhubaneswar for leading to the emergence of such catastrophe.

The petitioner has prayed that at least Rs. 10,00,000/- (rupees ten lakh) should be paid as compensation to the bereaved family and stern action should also be taken against the errant persons for whose negligence and fault the life of a small innocent boy has vanished in trice.

The record is put up to-day along with a photocopy of the order No. 1936/R & DM (SR) dated 1st June, 2015 of Revenue and Disaster Management Department (Special Relief). In the said order among the list of disasters, drowning (other than during flood) has been declared as one of such disasters and the admissible assistance that is ex-gratia payment to families of the deceased person under this category of disaster has been fixed at Rs. 4.00 lakh per deceased person out of State Disaster Relief Fund (SDRF).

Admittedly, in the instance case, following a torrential rain in Bhubaneswar in the afternoon of 26.08.2015; its low-lying areas were covered with a large sheet of water and while the deceased student was returning from his tuition class being accompanied by his mother was unfortunately swept away in the currents of the storm water drain in the same evening.



Soon after the news of such an incident was telecast in different news channels, the local people, all of a sudden took to the streets.

The report of the Commissioner, Bhubaneswar Municipal Corporation shows that General Administration Department, Odisha, Bhubaneswar had sanctioned Rs. 1,00,000/- for payment as ex-gratia assistance to the parents of the deceased student namely, Papun Biswal aged about 10 years, son of Muna Biswal of village Biridi in Jagatsinghpur and a resident of Nuasahi of Nayapalli, Bhubaneswar, who had lost his life in such a tragic incident.

Shri Prabir Kumar Das, the petitioner contended that in view of the orders of government dated 01.06.2015, the parents of the deceased student Papun Biswal who met his watery grave being washed away in the storm water drain on that fateful evening should have been paid Rs. 4.00 Lakh out of State Disaster Relief Fund since it falls within the category of drowning (other than during flood). Admittedly, this contention of the petitioner carried substantial force.

The Commission having gone through the relevant order of the government with regard to the norms of assistance to be given to the deceased persons under drowning (other than during flood) as well as the circumstances under which the death of the deceased boy occurred in the instant case, is in agreement with the petitioner that the parents of the deceased student are very much entitled to get Rs. 4.00 Lakh as assistance out the State Disaster Relief Fund.

Accordingly, the Commission recommends that the Revenue & Disaster Management Department (Special relief), Odisha, Bhubaneswar is to pay a further sum of Rs. 3,00,000/- (Rupees Three Lakh) only to the parents of the deceased Papun Biswal as already amount of Rs. 1,00,000/- has been paid to Shri Muna Biswal, the father of the deceased boy.

A copy of this order be sent to the Principal Secretary to government Revenue and Disaster Management Department (Special Relief), Odisha Bhubaneswar for compliance of the orders of the Commission within eight weeks hence.

Date: 18.12.2017 Compliance by the Public Authority:

Pursuant to the direction of this Commission, the Deputy Relief Commissioner and ex-officio Deputy Secretary to Government, Revenue and Disaster Management Department, Government of Odisha in his letter dated 24.11.2017 has reported that the ex-gratia assistance to the tune of Rs. 4 Lakh has been paid to Smt. Rani Biswal. The mother of the deceased student Papun Biswal.

Thus, when the ex-gratia assistance has already been disbursed to the next of kin of the deceased student, the Commission does not consider it necessary to proceed further in the matter.

Accordingly, further proceeding in this case stands closed.



CHAPTER - 5

COMPENSATION AWARDED DURING 2016-17

As mandated under section 18 (a) (i) of the Protection of Human Rights Act, 1993, the Commission recommended Compensation/relief to the victim or the members of his/her family to be paid by different Government authorities. The details of the Compensation/relief awarded during 2016-17 are indicated below :

Sl No	Case No	Name of the Petitioner/ Suo-Motu	Date of Award	Amount	Cause of Violation	Compliance by Public Authority
1.	2765/2015	Prabir Ku. Das	02-09-2016	Rs. 4,00,000/-	To be paid to Smt. Durmila Bag due to death of her husband Goutam Bag while in Kantabanji Police Custody under Bolangir District.	Out of the Compensation amount of Rs. 4,00,000/-, amount of Rs. 1, 00,000/ has been deposited in the SB account number 1846010023180 of Smt. Durmila Bag in United Bank of India, Kantabanji and Rs. 3,00,000/- has been fix deposited in her name in the said Bank by the Home Department, Govt. of Odisha as per letter no 3060, dated 17-12-2016 of SP, Bolangir.
2.	2764/2015	Soumen Banerjee	02-11-2016	Rs. 2,00,000/-	Due to cut down of both hands of one Khirod Mishra of Ragharpalli, PS- Bolangir Sadar, Dist- Bolangir	The compensation amount has already been disbursed to the victim Khirod Mishra by SP, Bolangir on 03-04-2017 as per letter no 1019, dated 10-04-2017 of SP, Bolangir.
3.	1148/2015	Prabir Ku. Das	15-12-2016	Rs. 2,00,000/-	Due to fall of Iron Grill gate of Ratanga Grama Panchayat Office on one child namely Pankaj Mallik S/o- Rameswar	The compensation amount has already been disbursed to Rameswar Mallik, F/o- deceased



Sl No	Case No	Name of the Petitioner/ Suo-Motu	Date of Award	Amount	Cause of Violation	Compliance by Public Authority
					Mallik of village Ratanga, PS-Firingia, District-Kandhamal	Pankaj Mallik on 11-05-2017 as per letter no 648/ judicial, dated 18-06-2017 of Collector & D.M., Kandhamal.
4.	3566/ 2015	T.Duryodhan Reddy	27-12-2016	Rs. 50,000/-	To be paid to one Sarita Padhi of village Nimapadar under Gunupur Block in Rayagada district due to wrong treatment by the Medical Officer, CHC Ramanaguda.	The compensation amount has been credited in the savings Bank account of victim Smt. Sarita Padhi on 08-09-2017 by the CDMO, Rayagada as per letter no-5843 dated 08-09-2017.
5.	2318/ 2016	Himanshu Sekhar Panda	22-03-2017	Rs. 3,00,000/-	To be paid to the victim Surendra Panda who came in contact with a 33 KV electricity supply line at TalaPurunia, PS-Khantapada, District- Balasore.	The compensation amount has already been paid to the victim in shape of cheque no-243258, dated 17-07-2017 of the Executive Engineer, Soro, Electrical Division.
6.	3460/ 2014	Rajkishore Raul	31-10-2016	Rs. 2,00,000/-	To be paid to next of kin of the deceased Braja Kishore Raula who died due to electric shock.	As per letter No. 4705, dated 1-05-2017 of the CDMO, Bhadrak, the Compensation amount of RS. 2 Lakh has been paid to Panchanan Raul, father of the deceased Braja Kishore Raul.
7.	3942/ 2014	Prabir Ku. Das	19-08-2016	Rs. 30,000/-	To be paid to the parents of the victim Raghunath Mallik who fell into a vessel containing hot curry at Sangrampur Anganwadi Centre under Nilagiri Block of Balasore District on 21-01-2014.	The compensation amount has already been deposited by the CDPO, Nilagiri in the Joint Account of Smt. Minati Mahalik and Raghunath Mahalik on 20-01-2017



Sl No	Case No	Name of the Petitioner/ Suo-Motu	Date of Award	Amount	Cause of Violation	Compliance by Public Authority
8	4090/2014	Amarabara Swain	07-11-2016	Rs. 2,00,000/-	To be paid to the petitioner Amarabara Swain because of faulty operation/treatment by Medical Officer of Biju Memorial Hospital, Atharbanki, Paradeep	The compensation amount has already been paid to the petitioner Amarabara Swain on 21-04-2017 as revealed from the letter no 10944/H, dated 24-04-2017, Govt. of Odisha, Health and Family Welfare Department.
9	209/2015	Sangita Swain	28-06-2016	Rs. 20,000/-	Compensation amount of Rs. 20,000/- to be paid to the Smt. Khulana Behera, mother of the victim Minu Behera of village Badasahi, a class-VI student due to fall of roof slab on the said girl student in the premises of Badasahi Project UP School which was constructed by the Panchayatraj Department under the supervision of BDO, Kankandahada	The compensation amount has already been paid to the mother of the victim girl as reported in the letter no 27394/PR, 24-09-2016 of PR. Department,
10	893/2014	Sangita Swain	25-11-2016	Rs. 3,00,000/-	To be paid to Smt. Ranjita Sahu the victim woman due to faulty treatment of Agarpada Family Welfare Centre, District Bhadrak	The compensation amount has already been disbursed to the victim Ranjita Sahu, W/o- Pradip Kumar Sahu of village Kumarpur, PS- Soro, Dist- Balasore as intimated in the letter no 16603/H, Dated 24-06-2017 of the Govt. of Odisha, Family Welfare Department.
11	1276/2015	Prabir Ku. Das	29-08-2016	Rs. 2,00,000/-	To be paid to the next kin of the deceased Monika Raita, Student of TR Colony Ashram School under R. Udaygiri Block in Gajapati	The compensation amount of Rs. 2 lakh to Indramani Raita, father of deceased girl



Sl No	Case No	Name of the Petitioner/ Suo-Motu	Date of Award	Amount	Cause of Violation	Compliance by Public Authority
					District due to her death being bitten by a stray dog in the school premises on 13-03-2015.	student Monika Raita and intimidated by the Director (ST) - Cum- Spl. Secretary to Govt. ST & SC Development Department in his letter dated 27-11-2017.
12	2756/2014	Jaheed Parveg & Others	28-02-2017	Rs. 1,00,000/-	To be paid to Smt. Mamata Sahu, wife of Shyam Sundar Sahu who lost the Foetus for being deprived of getting medical treatment at Capital Hospital, Bhubaneswar.	The compensation amount of Rs.1,00,000/- has already been disbursed to victim Smt. Mamata Sahu on 12-01-2017 as reported by the Director, Capital Hospital, Bhubaneswar in letter dated 19-03-2018.
13	3930/2015	Prabir Ku. Das	25-03-2017	Rs.3,00,000/-	To be paid to the parents of the deceased Papun Biswal who was unfortunately swept away in the current of the Storm water drain in the evening of 26-08-2015 as intimated by the Deputy Relief Commissioner and Ex-Officio Deputy Secretary to Govt., Revenue and Disaster Management Department dated 24-11-2017.	The compensation amount has already been paid to Smt. Rani Biswal, the mother of the deceased Papun Biswal.
14	1212/2016	Suo-Motu	15-11-2016	Rs. 50,000/-	Recommended for payment of compensation of Rs. 50,000/- to Smt. Rina Singh, wife of Kartika Singh of village Ratanpur under Bhimida GP in Mayurbhanj District.	Due to Medical negligence and carelessness action of a Staff Nurse of Manitri Hospital while she was writhing active labour pain involving potential risk to her own life as well as to that of the baby in her womb.



Sl No	Case No	Name of the Petitioner/ Suo-Motu	Date of Award	Amount	Cause of Violation	Compliance by Public Authority
15	3870/2014	Prabir Ku. Das	07-10-2016	Rs. 5,25,000/-	Recommended Compensation of Rs. 5,00,000/- to be paid to the victim student Aju Naik a student of Class V and Rs. 25,000/- to Kajal Munda A student of Class VII of Jorkey Project UP school due to crashing down of concrete slab of the window of the said school as they fatally injured.	The compensation of Rs. 5,00,000/- has already been paid to the victim student Aju Naik.
16	4178/14	Jayanta Ku. Das	31.08.2016	Rs.2,50,000/-	Recommends compensation of Rs. 2,50,000/- (Rupees Two Lakh Fifty Thousand) only to be paid to the parents of the deceased girl student and other victims who were seriously ill and admitted and treated in the hospital due to consumption of contaminated food at Kendua Sevashram, PS Ranpur of Nayagarh District.	The commission's order dated 31.08.2016 is recalled on 15.12.2016 after perusal of the order passed by NHRC prior to the date 31.08.2016 in the same case for award of compensation but not brought to the notice of OHRC by concerned Department in time

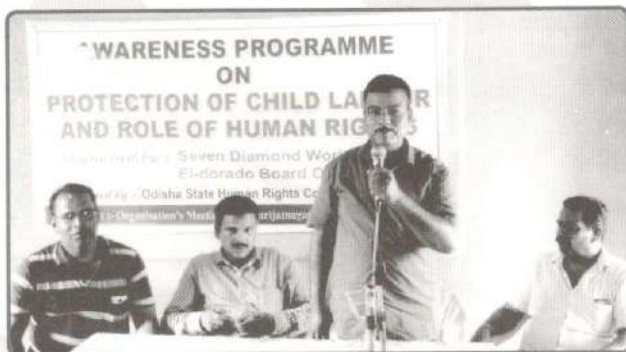


CHAPTER - 6

DETAILS OF SANCTIONED AMOUNT TOWARDS GRANTS / FINANCIAL ASSISTANCE TO NGOs / INSTITUTIONS FOR THE YEAR 2016-17

During the year 2016-17, Odisha Human Rights Commission, Bhubaneswar had taken different NGOs & Institutions by releasing the initiative of creating awareness about grants as mentioned below :

Sl. No.	Name of the Organisation / Institution	Amount released
1	Social Human Action for Rural Poor, At- Nizigarh, Po- Narasinghpur, Dist- Cuttack.	Rs.30,000/-
2	Citizens' Forum for Human Rights, Bhubaneswar.	Rs.25,000/-
3	Indian Institute of Public Administration, Unit-1, Bhubaneswar.	Rs. 20,000/-
4	Srima Aurovinda Seva Sanstha, Raitundi, Panasudha, Kendrapada	Rs. 20,000/-
5	Yuga Bharati Seva Youth and Social Dvelopment, Chhaliapada, Mohisara, Jajpur	Rs. 20,000/-
6	Seven Diamond World Welfare EL-Dorado Board Organisation, Parijatnagari, Goda, Khurdha	Rs. 20,000/-
7	Utkalika, Bidanasi, Nuasahi, Cuttack	Rs. 15,000/-
	Total	Rs. 1,50,000/-







CHAPTER - 7

COMMISSION OBSERVES WORLD HUMAN RIGHTS DAY

The Commission decided to observe the World Human Rights Day, 2016 by reaching out people requiring protection of their rights, instead of observing the events in traditional manner. Accordingly the Commission visited the Capital Hospital, Bhubaneswar on 10.12.2016 at 10.30 AM and also the NGO Mission Ashra, Jaanla, Khurda at 12.30 PM.

At Capital Hospital, Hon'ble Acting Chairperson of the Commission, Shri Justice B.K Misra donated four numbers of Patients' Trolley (Stretcher) of size 210L x 56W x 82H-cm having facilities of brake, Cylinder and saline carriage in presence of the officers and staff of OHRC, Bhubaneswar, Collector, Khordha, Dr. N.M Rath, Professor of Psychiatry, SCB Medical College and Hospital, Cuttack and authorities and staff of Capital Hospital, Bhubaneswar on occasion of World Human Rights Day on 10.12.2016.

From Capital Hospital, the team of the Commission led by Hon'ble Acting Chairperson Shri Justice B.K Misra, moved to Mission Ashra

at Jaanla- a NGO giving shelter and care to destitute mentally disabled women. Hon'ble Acting Chairperson personally interacted with inmate women and authorities of the institution in presence of Sri N. Sahoo, Collector, Khordha, Dr. N.M Rath, Professor of Psychiatry, SCB Medical College and Hospital, Cuttack, Sri M.k Chhabra, IPS, Director Investigation-cum- Addl. DG of Police, OHRC, Shri A.C Shial, IAS, Secretary, OHRC and other officers.

Food (lunch) and bed sheets were distributed among 200 inmates in the afternoon. An Art exhibition was organised inside the campus of Mission Ashra by artists and inmates of Mission Ashra. Shri Justice Misra also interacted with the Australian Research Team studying the cases of inmates of Mission Ashra. "The People's Beacon" the annual magazine of the Commission for 2016 was also released by Hon'ble Acting Chairperson on the occasion in presence of dignitaries.



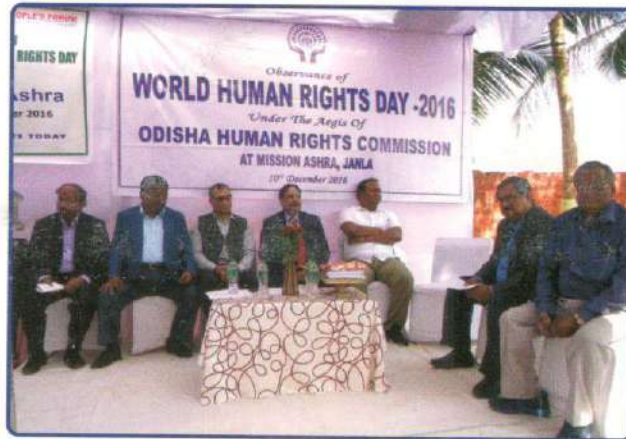
Hon'ble Acting Chairperson, OHRC
Shri Justice B.K Misra donating
stretchers to authorities of Capital
Hospital, Bhubaneswar
on 10.12.2016.



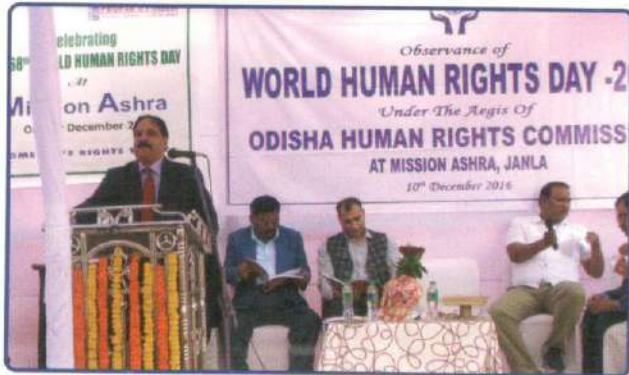
Press meet of Hon'ble Acting
Chairperson, OHRC at Capital Hospital,
Bhubaneswar on 10.12.2016.



OBSERVANCE OF WORLD HUMAN RIGHTS DAY ON 10-12-2016.



Observance of World Human Rights Day on 10.12.2016 at Mission Ashra (NGO), Jaanla. Hon'ble Acting Chairperson and other dignitaries on the dais.



Hon'ble Acting Chairperson addressing the inmates of Mission Ashra and other guests.



Inmates of Mission Ashra and other guests present in the Function.



Shri M.K Chhabra, IPS, Addl. DGP-cum-Director Investigation, OHRC addressing the audience.



Release of " The People's Beacon", the Annual Magazine of the Commission by Hon'ble Acting Chairperson, OHRC.



OBSERVANCE OF WORLD HUMAN RIGHTS DAY ON 10-12-2016.



Hon'ble Acting Chairperson donating Bed Sheets to inmates of Mission Ashra.



Distribution of Lunch by the Commission to the inmates of Mission Ashra.



Hon'ble Acting Chairperson and other officers of the Commission with Australian team (Research Fellows) inside Mission Ashra Campus.



CHAPTER - 8

BUDGET & FINANCE OF THE ODISHA HUMAN RIGHTS COMMISSION

- (i) (a) Government of Odisha provided a sum of Rs.2, 52, 43,000/- 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 expenditures of Odisha Human Rights Commission for the Financial Year 2016-17.
- (b) Government of Odisha provided a sum of Rs. 25, 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 expenditures of Odisha Human Rights Commission for the Financial Year 2016-17.
- (ii) (a) The savings available under some Units of Expenditure under Non Plan 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, 35, 73,000/- was made which was 93.4% of the Budgetary provision of the year 2016-17. As a result the amount surrendered was Rs. 16, 70,000/- during the said year attributed to various reasons.
- (b) The total Budget provision under State Plan was Rs. 25, 00,000/- and the expenditure incurred was of Rs. 24,98,000/-; as such, surrender to the tune of Rs. 2,000/- was made to Government during the year 2016-17.
- (iii) Unit wise provisions made in the State Budget, amount augmented by way of re-appropriation, the expenditures made and amount surrendered for the Financial Year 2016-17 under Non-Plan and State Plan are indicated in the statement 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, Secretary is working as the Appellate Authority of this Commission in this regard.

The details of applications and appeals received under the Act during the year 2016-17 are indicated below:

Details of RTI Applications

2016-17

1	No. of Applications Received	104
2	No. of Applications disposed of within 30 days	56
3	No. of Applications pending but disposed of beyond one month	44
4	No. of Applications pending but are within one month	02
5	No. of Applications transferred to other Departments/Organisation	02

Details of 1st Appeal

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

Details of 2nd Appeal with S.I.C

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





ANNEXURE- I

Occupancy Position of OHRC during the year 2016-17

Sl.No	Post/Designation	Sanctioned	In Position	Vacancy
1	Chairperson	1	-	1
2	Member	2	1	1
3	Secretary	1	1	Nil
4	Director Investigation	1	1	Nil
5	Registrar	1	-	1
6	Joint Secretary	2	1(Deputy Secretary)	1
7	Addl. Supdt. of Police	1	1	Nil
8	Under Secretary	1	-	1
9	Deputy Registrar	1	-	1
10	Asst. Registrar	1	-	1
11	Dy. Supdt. of Police	3	3	Nil
12	Court Master	1	-	1
13	Accounts Officer	1	1	Nil
14	Private Secretary	2	1	1
15	Inspector of Police	4	3	1
16	Section Officer	2	2	Nil
17	Personal Assistant	6	2	4
18	Senior Assistant	2	2	Nil
19	Assistant Section Officer	5	3	2
20	Accountant-cum-Cashier	1	1	Nil
21	Senior Stenographer	2	2	Nil
22	Junior Stenographer	3	1	2
23	Computer Operator	1	-	1
24	Junior Asst.	2	2	Nil
25	Despatcher-cum- Typist	2	1	1
26	Constable	8	6	2
27	Driver	4	4	Nil
28	Peon / Class- IV	8	8	Nil
	Total	69	47	22





ANNEXURE-II

Subject-wise classification of cases registered & disposed of during the year 2016-17

Sl.No.	Classification of cases	No. of cases
1	Children	24
2	Health	18
3	Jail	31
4	Anti Social Activities	-
5	Labour	3059
6	Minorities ST/SC	18
7	Physically- Handicapped	12
8	Police, Paramilitary force	2350
9	Pollution	31
10	Religion/ Community	16
11	Service Matter	160
12	Women	1840
13	Miscellaneous	999
	Total No of cases received during the year	8558
1	Total Number of cases dismissed in limine	2679
2	Total number of cases taken up for hearing	5879
3	Total numbers of cases pending from previous year	10912
4	Total number of cases pending for disposal during the year	16791
5	Total number of cases disposed of on hearing	2368
	Total No of cases pending at the end of the year	14423

III



ANNEXURE-III

Classification of cases taken up Suo-motu during the year 2016-17

Sl.No.	Classification of cases	No. of cases
1	Children	4
2	Health	5
3	Jail	31
4	Anti Social Activities	-
5	Labour	-
6	Minorities ST/SC	-
7	Physically- Handicapped	2
8	Police, Paramilitary force	4
9	Pollution	-
10	Religion/ Community	-
11	Service Matter	-
12	Women	2
13	Miscellaneous	1
	Total	49

ANNEXURE-IV

Subject-wise classification of cases disposed of during the year 2016-17

Sl.No.	Classification of cases	No. of cases
1	Children	9
2	Health	40
3	Jail	-
4	Anti Social Activities	-
5	Labour	65
6	Minorities ST/SC	-
7	Physically- Handicapped	6
8	Police, Paramilitary force	985
9	Pollution	8
10	Religion/ Community	-
11	Service Matter	122
12	Women	780
13	Miscellaneous	353
	Total	2368



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 2016-17**

MAJOR HEAD-2014-ADMINISTRATION OF JUSTICE-103-SPECIAL COURT

MAJOR HEAD	SUB-MAJOR HEAD	C.NO	DETAILS DESCRIPTION	B.E. FOR (TRs.) 2016-17	SUPPLEMENTARY/-RE-APPROPRIATION FOR (TRs.) 2016-17	TOTAL PROVISION FOR (TRs.) 2016-17	DETAILS OF SURRENDER FOR THE YEAR 2016-17 (TRs.)	TOTAL EXPENDITURE FOR THE YEAR 2016-17(TRs.)	Reasons for surrender
136	1348	01003	Pay	60,00	(+)7,12 (S)	67,12	3,98	63,14	Due to transfer of 1.Dy. SP, 1-Constable and non filling up of some posts
156	1348	01003	DA	81,00	(+)7,08(S)	88,08	70	87,38	
403	1348	01003	HRA	7,02	(+)1,38(S)	8,40	37	8,03	
516	1348	01003	RCM	3,00	-	3,00	2	2,98	
523	1348	01003	OA	7,50	(+)30 (S)	7,80	3	7,77	
000	1348	01004	Salaries for Consolidated Pay posts	17,50	NIL	17,50	3,65	13,85	
000	1348	06001	TE	5,00	NIL	5,00	NIL	5,00	
000	1348	07001	LTC	4,50	NIL	4,50	12	4,38	
074	1348	08001	Electricity dues	7,80	NIL	7,80	2,28	5,52	
149	1348	08001	Water charge	1	NIL	1	1	NIL	
154	1348	08001	Tel.charge	2,00	(+) 25(R)	2,25	1	2,24	
397	1348	08001	Motor vehicle	10,00	(-)25 (R)	9,75	2	9,73	
506	1348	08001	Other Contingencies	13,00	NIL	13,00	4,32	8,68	
000	1348	30001	Purchase of motor vehicle	1	(+) 9,99 (S)	10,00	NIL	10,00	
000	1348	78118	Up-gradation of computer facility	1	-	1	1	NIL	
000	1348	78012	Computer consumables	50	-	50	8	42	

Cont.....



MAJOR HEAD	SUB-MAJOR HEAD	C.NO	DETAILS DESCRIPTION	B.E. FOR (TRs.) 2016-17	SUPPLEMENTARY/RE-APPROPRIATION FOR (TRs.) 2016-17	TOTAL PROVISION FOR (TRs.) 2016-17	DETAILS OF SURRENDER FOR THE YEAR 2016-17 (TRs.)	TOTAL EXPENDITURE FOR THE YEAR 2016-17(TRs.)	Reasons for surrender
000	1348	33011	Spare & Services	50	NIL	50	1	49	
000	1348	12001	Consulting charges	20	NIL	20	6	14	
000	1348	12006	Payment for Professional & Special Services	5,50	NIL	5,50	102	4,48	Due to non-receipt of legal bills.
000	1348	20002	Other Charges	1	NIL	1	1	NIL	
000	1348	41048	Grants	NIL	NIL	NIL	NIL	NIL	
918	1348	-	Grant-in-aid General (non-salary)	1,50	-	1,50	NIL	1,50	
TOTAL				2,26,56	25,87	2,52,43	16,70	2,35,73	
2052-0808-LAW DEPTT. Festival Advance				-	-	1,65	NIL	1,65	



ANNEXURE-VI

**SURRENDER STATEMENT OF ODISHA HUMAN RIGHTS COMMISSION UNDER DEMAND NO.4-2014-
ADMINISTRATION OF JUSTICE-STATE PLAN-STATE SECTOR-103-SPECIAL COURT-1348-FOR THE YEAR 2016-17**

MAJOR HEAD-2014-ADMINISTRATION OF JUSTICE-103-SPECIAL COURT

MAJOR HEAD	SUB-MAJOR HEAD	C.NO	DETAILS DESCRIPTION	B.E. FOR 2016-17 (TRs.)	SUPPLEMENTARY/ -RE-APPROPRIATION FOR 2016-17 (TRs.)	TOTAL PROVISION FOR 2016-17 (TRs.)	DETAILS OF SURRENDER FOR THE YEAR 2016-17 (TRs.)	TOTAL EXPENDITURE FOR THE YEAR 2016-17 (TRs.)	Reasons for surrender
506	1348	08001	OTHER CONTINGENCIES	25,00	.	25,00	2	24,98	
			TOTAL	25,00		25,00	2	24,98	



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