

ODISHA HUMAN RIGHTS COMMISSION
TOSHALI BHWAN (2ND FLOOR),
SATYA NAGAR, BHUBANESWAR-751007

OHRC Case No. 3225 of 2013

Sri Prabir Kumar Das,
Advocate, Orissa High Court, Cuttack Petitioner.

ORDER

16th Feb 2015

The case is based on the complaint filed by Sri Prabir Kumar Das, Advocate, Orissa High Court and Human Rights Activist . He has alleged that a tribal girl student namely Anita Kuda aged about 11 years, a student of Class-V staying in the 100 seated S.T. Girls Hostel of Thana Colony Primary School, Kolab Nagar in the district of Koraput died due to the negligence of the School Authorities. The petition was sent to the Collector, Koraput, who got the matter enquired into and submitted a report vide his letter No.823 dt.10.3.14.

The petitioner appeared before the Commission on 4.12.14 and made an presentation highlighting his argument that the death of the student could have been prevented had the School authorities taken timely action.

The facts of the case as reported by the Collector, Koraput is that on 17.8.2013 the deceased girl student had complained of fever and the Sikhya Sahayika ,Smt.Sasmita Mishra gave her a paracetamol tablet . On 20.8.2013 once again she fell sick and by 9 P.M. she was in a serious state with clenched teeth and stiffness of her hands .She was

shifted to the nearest PHC at Kolab Nagar , where she breathed her last within minutes of her arrival there. The Post Mortem Report appended to the report of the Collector shows that the cause of death was due to severe anemia and the possibility of the death as a result of complication arising out of chronic malaria /recurrent malaria a natural disease, cannot be ruled out.

The question which needs to be examined now is whether the death of the poor tribal girl could have been prevented by timely action of the school authorities. We examined the report of the Collector, Koraput which is based on the enquiry conducted by the Asst. District Welfare Officer, Koraput .The report clearly states that late Anita was chronically ill and very often her guardians wanted to take her home for treatment. However, the Headmaster did not allow the student to go home in order to avoid her absenteeism. The report has further acknowledged that the Headmaster failed in health counseling of inmates due to inadequate knowledge and lack of proper attention towards the inmates. When the inmate of the hostel was chronically ill, any prudent Headmaster should have sent her for medical examination, particularly , because Kolab Nagar where the hostel is situated is not far from the District Headquarters Hospital. Not only did he not send her for her medical examination to the hospital of his own volition, he did not allow the student to be taken for treatment by her guardians when they approached him for the same. This betrays complete lack of responsibility of the Headmaster which led to the death of the girl students. It should be clearly borne in mind that small children are being left to the care of the School Authorities in Government run hostels and they have no wherewithal to obtain any medical assistance of their own. It is, therefore, the onerous responsibility of such authorities to ensure

immediate medical attention whenever any inmate falls sick. It is also his duty to take periodic preventive measures in order to preserve and protect the health and hygienic standard of such hostels. In the instant case the Headmaster of the school has utterly failed to discharge such responsibilities and he is liable for suitable disciplinary action. Since the death of the child was due to an act of omission by a functionary of the State, we recommend payment of compensation of Rs.2,00,000/- (Rupees Two Lakhs) to the parents of the deceased student by the SC & ST Development Department . The Commissioner –Cum-Secretary ,SC & ST Development Department should also take steps to issue guide lines to the Headmasters of the Schools , where a large number of students stay in hostels, as to the protocol to be followed in case of sickness of a child and the record to be maintained in such cases. The compliance report should reach the Commission within 30 days.

SHRI B.K.PATNAIK
MEMBER

JUSTICE B.K.MISHRA
ACTING CHAIRPERSON