ODISHA HUMAN RIGHTS COMMISSION
ORDER SHEET

Case No. 4201 of 2026

Name of the Complainant **Bidyadhar Mallik & Others**

Sl. No.	Date	Order passed by the Commission	Office action taken with date
01.	15.10.2026	This complaint dated 03.10.2026 has been presented by Bidyadhar Mallick, Ex-Sarapanch, and other inhabitants of Nuagan Grama Panchayat, under Abhayachandpur Police Station in the District of Jagatsinghpur. The complainants make the following allegations: (a) The vast stretch of fertile land within the Grama Panchayat, including the sand hills and sand dunes, has been handed over or leased to M/s JSW Utkal Steel Ltd., Paradeep. The land is meant for its steel plant, power plant, cement grinding unit and jetty. (b) The complainants and their ancestors have lived on the land for generations. They have lived in dwelling houses on forest land and earned their livelihood from betel vines, fruit-bearing trees and seasonal crops. They have also used the land as common grazing ground for their cattle. (c) They claim to be entitled to rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest	

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Case No. **4201** **OF** 20 **2026**

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Rights) Act, 2006. They allege that the land was transferred without recognising those rights and without convening the Grama Sabha or obtaining its consent.

(d) The sand hills and the casuarina plantation acted as a natural barrier against sea water ingress and saved the villagers' lives during the Super Cyclone of 1999.

(e) The Company has started levelling the sand hills and raising construction without paying compensation for the sand and the land. This has caused loss to the villagers and loss of revenue and royalty to the State.

The complainants pray that the Company be directed not to continue construction on the said land until their compensation is paid.

The Commission has perused the complaint and the documents filed with it. Several of these allegations, if found true, would raise grave issues touching the human rights of the complainants:

i) deprivation of livelihood and habitation

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for

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ii) non-recognition of statutory forest rights

iii) by-passing of the Grama Sabha

iv) removal of a natural protective barrier in a cyclone-prone coastal belt

The right to livelihood and the right to shelter are integral to the right to life guaranteed under Article 21 of the Constitution of India. They also fall within the meaning of "human rights" under Section 2(1)(d) of the Protection of Human Rights Act, 1993.

However, the claims for royalty on sand and for loss of State revenue are matters of revenue and mineral administration in the first instance. They are for the appropriate statutory authorities to examine. The Commission's inquiry shall remain confined to the human rights dimensions of the grievance.

Accordingly, the Commission takes cognizance of the complaint under Section 12(a) of the Protection of Human Rights Act, 1993. Before proceeding further, it considers it appropriate to call for reports under Section 17(i) of the Act.

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	Contd..... **15.10.2026**	Reports are called for from the Collector & District Magistrate, Jagatsinghpur, the Divisional Forest Officer having jurisdiction over Nuagan G.P., the Commissioner-cum-Secretary, ST & SC Development, Minorities and Backward Classes Welfare Department, Government of Odisha, as the nodal department for the Forest Rights Act, 2006, the Principal Secretary, Revenue and Disaster Management Department, Government of Odisha and these authorities shall submit a report, within its respective domain, on the following points: (i) The nature and classification of the land in question, whether forest land, Government land or Grama Panchayat/communal land, and the manner and terms on which it was allotted, leased or handed over to M/s JSW Utkal Steel Ltd. (ii) Whether the process of recognition and vesting of forest rights under the Forest Rights Act, 2006 was completed in respect of the land before diversion. Whether any claims of the inhabitants of Nuagan G.P. were received, and how they were disposed of.	

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	Contd..... **15.10.2026**	(iii) Whether the Palli Sabha/Grama Sabha was convened and its consent obtained before the transfer. If so, the copies of the resolutions shall be furnished. (iv) The number of persons and families affected, and the details of compensation and rehabilitation assistance paid or pending, including for betel vines, trees, homesteads and loss of grazing land. (v) Whether any assessment was made of the protective role of the sand dunes and casuarina belt against cyclone and sea water ingress, and the measures taken to safeguard the habitations concerned. (vi) Whether any proceeding concerning the same subject matter is pending before the Hon'ble High Court, the National Green Tribunal or any other court, tribunal or commission. If so, its particulars and present stage shall be stated. The reports shall be submitted within six weeks from the date of receipt of a copy of this order.	

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	Contd..... **15.10.2026**	The office is directed to send a copy of this order, along with a copy of the complaint, to each of the authorities named above. A copy of this order shall also be sent to the complainant at his address on record, for information. List this matter on 08.12.2026. **JUSTICE S. PUJAHARI** **CHAIRPERSON**	

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