

**LEGAL\_AWARENESS IN AUGUST 2023 ITEM 67 DATED 04 09 2023 TO OIC REGARDING CASE NO 6 OF 2022**

**EXTRACT OF EMAIL DATED 04 09 2023 TO OIC REGARDING CASE NO 6 OF 2022**

**CASE NO 6 OF 2022 JAYANTI DAS VS PIO OHRC**

**jayanti das <jayantidasorissa2012@gmail.com>**

**Mon, Sep 4, 2023  
11:55 PM**

**to odishasoochana, State, supremecourt, lci-dla, mljoffice, CMO, arunaroy, anjali.sns**

**To**

**Chairman OIC**

**COPY TO**

**HON'BLE CJI**

**LAW COMMISSION OF INDIA**

**Ministry of Law and Justice**

**CMO**

**Smt Aruna Roy RTI Activist**

**Smt Anjali Bharadwaj RTI Activist**

**Subject-**

**CASE NO 6 OF 2022 JAYANTI DAS VS PIO OHRC**

**OIC LETTER NO 48039 DATED 31 08 2022 RECEIVED ON 04 09 2023 AND SCHEDULED HEARING FIXED ON 15 09 2023**

**Sir**

**Please refer to the above mentioned letter of yours which is the copy of the order dated 23 05 2023 which was provided to me after three months as a result of my complaint dated 05 08 2023.**

**As per the copy of the order dated 22 02 2023 it is admitted by the Secretary OHRC that Shri Bamadev Mishra was the PIO of OHRC.**

**As per the copy of the order dated 20 03 2023 it is admitted by Shri Bamadev Mishra ORALLY being personally present that he was re engaged after retirement from District Court Cuttack as a consultant in OHRC and never acted as a PIO in OHRC.**

OIC had directed Secretary OHRC to file evidence about Shri Bamadev Mishra on affidavit about his being a PIO for the relevant period and the next date was fixed on 28 04 2023 and Secretary OHRC had filed the relevant affidavit in OIC as per record.

IT IS PERTINENT TO MENTION THAT AFTER 10 01 2023 I WAS NEVER INFORMED ABOUT THE FOUR HEARINGS DATED 22 02 2023, 20 03 2023, 28 04 2023 AND 23 05 2023 AND WAS KEPT IN DARK REGARDING THE DUBIOUS ACTIVITIES OF OHRC TILL I FILED THE COMPLAINT WITH CMO AND THE COPY OF THE ORDER DATED 23 05 2023 WAS PROVIDED TO ME AFTER THREE MONTHS OF TIME AND THE DELAY WAS NOT EXPLAINED.

As the order dated 23 05 2023 the OIC observed as per the affidavit of Secretary OHRC that Shri Bamadev Mishra who was a consultant to OHRC was REQUESTED TO FURNISH the information of FORM A by me.

THE OIC SAYS THAT AS PER THE AFFIDAVIT OF SECRETARY OHRC THAT SHRI BAMADEV MISHRA NOWHERE SAYS THAT HE WAS A DESIGNATED PIO OF OHRC UNDER THE SECTION 5 OF RTI ACT.

So the OIC believes in para 3 that the submission of Shri Bamadev Mishra is correct that he was never the PIO of OHRC.

So the OIC believes in para 4 that as Shri Bamadev Mishra is not a PIO as per the rule 3 of Odisha RTI Act 2005 but at best can be treated as a deemed PIO under subsection 5 of section 5 of 2005 and the OIC HAS NOT PROVIDED THE COPY OF THE SAME TO ME FOR FURTHER EXPLANATION.

The OIC in para 5 gives explanation that the concerned PIO is to be given reasonable opportunity to be heard before imposing any penalty which is already done in this case by BOTH Secretary OHRC and Shri Bamadev Mishra in the form of written submission, affidavit and orally being physically present which are totally fabricated, contradictory and false on oath.

The OIC in para 5 gives explanation that they need name, present address of the said PIO to serve a notice on him but not clarified from whom and it is ridiculous that the said PIO had already appeared before OIC physically and provided written submission and it must have the details of the said PIO.

The OIC did not provide me the copies of the written submission and affidavit produced before OIC by these two personalities to give me an opportunity to file counter and everything was done without my knowledge as I was not intimated about the five hearings until I doubted the foul play and above all it is related to the disputed sand filling of River Mahanadi in Cuttack and it was DISPOSED OF BY OHRC OF WHICH SOME MEMBERS AND CHAIRPERSON ARE POLITICALLY AFFILIATED TO THE RULING PARTY AND FAVOURS WERE TAKEN FROM THE MINISTERS IN THE FORM OF LAND UNDER DISCRETIONARY QUOTA THROUGH PERSONAL REQUEST LETTERS BEING CONSTITUTIONAL AUTHORITY AND PART OF JUSTICE DELIVERY SYSTEM.

Under the circumstances after going through the records as provided by OIC in case no 6 of 2022 I don't hesitate to say that that Secretary OHRC has treated this particular case crossing his official jurisdiction as this matter pertains to his ancestral property and I must say that River Mahanadi is not his personal property.

Secretary OHRC has taken OIC on a ride without fear of law because of backing on ruling party and has played a foul game of engaging a consultant unofficially and orally a PIO to provide information under

**RTI Act and has played a criminal act that when the complaint will be filed for putting penalty he can easily escape it by portraying that there was no PIO.**

**BOTH Secretary OHRC and Shri Bamadev Mishra the impersonated PIO who played double role as PIO cum Consultant have really utilized their criminal mind which they have learnt from the District Court after retirement and both the persons should be charged for impersonation and cheating under section 420 as well as filing false affidavits in OIC.**

**SECRETARY OHRC AS PER THE COPY OF THE ORDER DATED 22 02 2023 IT IS ADMITTED BY HIM THAT SHRI BAMADEV MISHRA WAS THE PIO OF OHRC BUT AS PER THE ORDER DATED 23 05 2023 AS PER THE AFFIDAVIT OF SECRETARY OHRC THAT SHRI BAMADEV MISHRA WHO WAS A CONSULTANT TO OHRC AND NOT A PIO.**

**So Secretary OHRC should be sent to jail and an FIR should be filed by OIC against both Secretary OHRC and Shri Bamadev Mishra for their criminal act of falsifying evidence and impersonation.**

**Jayanti Das**