



GOVERNMENT OF KERALA
ABSTRACT

Local Self Government Department – Recommendations of Justice (Rtd) Siri Jagan Committee in its seventeenth report and in the addendum report submitted by the committee before the Hon'ble Supreme Court – Complied with - Orders Issued.

LOCAL SELF GOVERNMENT (RC) DEPARTMENT

G.O(Rt) No.2919/2018/LSGD Dated, Thiruvananthapuram, 14th November 2018

- Read:
- 1) GO(Rt)No.1546/2017/LSGD dtd : 11-05-2017.
 - 2) G.O(Rt)No.3551/2017/LSGD dtd : 03-11-2017.
 - 3) Judgement of the Hon:Supreme Court dtd: 7.5.2018 and 16.07.2018 in CCNo.944/2017 in WP(C)599/2015.
 - 4) Addendum report dated 4-7-2018 filed by Justice (Rtd) Siri Jagan Committee before the Hon'ble Supreme Court.
 - 5) G.O(Rt) No. 2093/2018/LSGD dtd: 28-7-2018.
 - 6) Letter dated 3-8-2018 from Justice (Rtd) Siri Jagan.
 - 7) Letter dated 5-9-2018 from the Secretary to Justice (Rtd) Siri Jagan Committee.

ORDER

The Hon'ble Supreme Court in its Judgment dated 16.07.2018 in CCNo.944/2017 in WP(C)No.599/2015 read as 3rd paper above, ordered that it would be the obligation of the State to see that the amount determined by the Justice (Rtd) Siri Jagan Committee, is strictly complied with and if it is not complied with, the competent authorities of the State shall be liable for contempt of the Supreme Court and be adequately punished. In compliance to the court order Government as per the Government order read as 5th paper above directed the concerned Local Self Institutions to disburse interest at the rate of 9% to the claimants, in the reports up to report No.5 of the Justice (Rtd) Siri Jagan Committee, for whom compensation had been paid as per the Government Orders read as 1st and 2nd paper above, to disburse the balance compensation of Rs.13 Lakh with 9% interest from the date of claim in respect of Sri.Darush and to disburse compensation with 9% interest from the date of claim in respect of 118 claimants in the 10th, 12th, 14th and 15th reports of the Justice (Rtd) Siri Jagan Committee. After ensuring the payment of compensation and interest, as detailed

above, to the claimants Government filed an affidavit in this regard, before the Hon'ble Supreme Court.

2) On 4-7-2018 Justice (Rtd) Siri Jagan Committee submitted an addendum report read as 4th paper above before the Hon'ble Supreme Court. In the addendum report the committee pointed out three mistakes crept in the reports of the committee as well as in the Annexure C status report submitted by the committee before the Hon'ble Supreme Court.

- a) Justice (Rtd) Siri Jagan Committee in its sixth report recommended a compensation of Rs.16,66,000/- in respect of Sri. Nazarudeen for the death of his son Sri. Sujith in an accident caused by a stray dog. Based on the above recommendation Government as per the GO read as 2nd paper above directed Kollam Corporation to pay the compensation. But the wife of the deceased had already been paid a compensation of Rs.7.60 Lakh as per Government Order read as 1st paper above based on the recommendation of the Committee in its 3rd report. In the circumstances Kollam Corporation approached Government for clarification on the payment of compensation to Sri.Nazarudeen. In the addendum report submitted by the committee before the Hon'ble Supreme Court, it has been requested to cancel the claim. Hence GO(Rt)No.3551/2017/LSGD dated 3-11-2017 has to be modified, and orders have to be issued cancelling the compensation ordered from Kollam Corporation in respect of Sri.Nazarudeen.
- b) Justice (Rtd) Siri Jagan Committee awarded a compensation of Rs.1,83,000/- in respect of Sri.K.V.Balakrishnan in its 9th report and Government as per the Government Order read as 2nd paper above ordered Azhiyoor Grama Panchayat to pay compensation to the victim. But Azhiyoor Grama Panchayat objected payment, pointing out that the incident took place at Thattolikkara in Eramala Grama Panchayat and hence Eramala Grama Panchayat is responsible for the payment of compensation. Government addressed Justice (Rtd) Siri Jagan Committee for necessary clarification in the matter and the Committee in its its clarification addressed to Government as well as in the addendum report submitted before the Supreme Court, clarified that Eramala Grama Panchayat is responsible for

the payment of compensation. In the circumstances Government Order read as 2nd paper above has to be modified to the effect that compensation of Rs.1,83,000/- in respect of Sri.K.V.Balakrishnan has to be disbursed from Eramala Grama Panchayat instead of Azhiyoor Grama Panchayat, from where the compensation had been ordered to be disbursed earlier.

- c) Justice (Rtd) Siri Jagan Committee recommended a compensation of Rs.15 Lakh to Sri.Lakshmanan as Claim No.51 in its 6th report. But Government rejected the above claimant as the incident took place in 1983. In the status report on the payment of compensation to stray dog victims by Government, submitted by Justice (Rtd) Siri Jagan Committee before Hon'ble Supreme Court in Annexure 'C', Sri.Lakshmanan's claim is indicated as a claim rejected by the committee. But in the addendum report submitted by the committee before the Hon'ble Supreme Court, it is pointed out that the inclusion of Sri.Lakshmanan in the Annexure 'C' status report was by mistake and requested the Court to consider it as a deserving claim, but rejected by Government. As the Hon'ble Court in its judgment dated 16.07.2018, directed Government to strictly comply with the compensation fixed by Justice (Rtd) Siri Jagan Committee, the compensation in respect of Sri.Lakshmanan rejected by Government earlier, has to be disbursed to the incumbent. On verifying the addendum report submitted by the Committee it was found that a compensation of Rs.15 Lakh was recommended in respect of Sri.Lakshmanan. In the sixth report of the Committee also the compensation recommended was Rs.15 Lakh. But in the penultimate para in the addendum report the compensation is indicated as Rs.10 Lakh. In the above circumstances the Committee has been addressed for clarification whether the compensation recommended in respect of Sri.Lakshmanan is Rs.15 Lakh or 10 Lakh. In the clarification received from the Committee, it is made clear that the compensation in respect of Sri.Lakshmanan is Rs.10 Lakh. In the circumstances the concerned Local Self Government Institution, Ancharakandi Grama Panchayat has to disburse a compensation of Rs.10 Lakh in respect of Sri.Lakshmanan.

3) In the Seventh report of the Justice (Rtd) Siri Jagan Committee a compensation of Rs.9,50,000/- has been recommended in respect of Smt.M.Padmini (Claim No.250/16). But Government vide GO(Rt)No.3551/2017/LSGD dated 3-11-2017 rejected the claim as the unfortunate death of the victim was due to the negligence on the part of the doctors. In view of the Specific Orders of the Hon'ble High Court to strictly comply with the compensation fixed by Justice (Rtd) Siri Jagan Committee and in case of any lapse those officials will be punished, the compensation fixed by Justice (Rtd) Siri Jagan Committee in respect of Smt.Padmini has to be disbursed to the incumbent. Apart from the case of Smt.Padmini, the Committee recommended a compensation of Rs.31350/- (Claim No.490/2017 in report No.15) in respect of Smt.Mubeena. The Committee omitted the name of Smt.Mubeena in the status report and hence Government could not release the compensation to Smt.Mubeena. Now the Committee taken up the case of Smt.Mubeena with Government. In the light of the Supreme Court Orders to strictly comply with the compensation fixed by the Committee, the compensation in respect of Smt.Padmini and Smt.Mubeena have to be disbursed.

4) As per the letter read as 7th paper above the Secretary to Justice (Rtd) Siri Jagan Committee furnished the seventeenth report of the Committee. In the seventeenth report, the Committee recommended payment of compensation to 18 claimants with interest at the rate of 9% from the date of claim.

Government have examined the matter in detail and are pleased to order as follows;

- i. The compensation in respect of Sri.V.Lekshmanan claim No.51/2016 in the sixth report of Justice (Rtd) Siri Jagan Committee , rejected by Government as per the Government Order read as 2nd paper above, is sanctioned. The Ancharakkandi Grama Panchayat is directed to disburse a compensation of Rs.10,00,000/- (Rupees ten Lakh only) to Sri.V.Lakshmanan.
- ii. The compensation in respect of Smt.M.Padmini, Claim No.250/16 in the 7th report of Justice (Rtd) Siri Jagan Committee, rejected by Government as per the Government Order read as 2nd paper above is sanctioned. Chirakkal

Grama Panchayat is directed to disburse a compensation of Rs.9,50,000/- (Nine Lakh Fifty Thousand Only) in respect of Smt.M.Padmini with interest at the rate of 9% from the date of claim, 19.11.2016.

- iii. In partial modification of the Government Order read as 2nd paper above the compensation of Rs.1,83,000/- (Rupees One Lakh Eighty three Thousand only) in respect of Sri.K.V.Balakrishnan, claim No.316/2016 in the 9th report of Justice (Rtd) Siri Jagan Committee, is cancelled and Eramala Grama Panchayat is directed to pay the compensation with interest @ 9% from the date of claim (6/2/2010) to Sri.K.V.Balakrishnan, as the incident took place at Thattolikkara in Eramala Grama Panchayat. The Government Order read as 2nd paper above still stands but modified to the above extent.
- iv. In partial modification of the Government Order read as 2nd paper above the compensation of Rs.16,66,000/- (Rupees Sixteen Lakh Sixty Six thousand only) Ordered to be disbursed in respect of Sri. Nazarudeen, Claim No.175/16 in the 6th report of Justice (Rtd) Siri Jagan Committee is cancelled since the wife of the stray dog victim had already been paid compensation as per the Government Order read as 1st paper above. The Government Order read as 1st paper above still stands but modified to the above extent.
- v. In view of the Specific Order of the Hon'ble Supreme Court dated 16-7-2018, read as 3rd paper above the Muttill Grama Panchayat is directed to pay a compensation of Rs.31350/- (Rupees thirty one thousand three hundred fifty only) in respect of Smt.Mubeena, Claim No.490/2017 in the 15th report of Justice (Rtd) Siri Jagan Committee.
- vi. Secretaries of the Local Self Government Institutions concerned are directed to pay compensation in respect of the following claimants in the 17th report of Justice (Rtd) Siri Jagan Committee with interest at the rate of 9% from the date of Claim.

**LIST SHOWING THE AMOUNT OF COMPENSATION AND THE OTHER DETAILS IN
RESPECT OF THE CLAIMANTS IN THE 17TH REPORT OF JS.(RTD) SIRIJAGAN
COMMITTEE**

SL NO	CLAIM NO	NAME OF CLAIMANT	AMOUNT OF COMPEN SATION	DATE OF CLAIM	NAME OF LOCAL BODY
1	37/16	Devaki Amma	30500	15.09.2016	Chirakkadavu Grama Panchayat
2	55/16	Roy K	43500	28.09.2016	Vazhoor Grama Panchayat
3	76/16	Aksa Mol D/o.S.Ayyappan	31000	09.09.2016	Elappara Grama Panchayat
4	293/16	M G VenuGopal	30200	20.12.2016	Kottayam Municipality
5	74/16	Ammini Gopi	84500	04.02.2017	Kottayam Municipality
6	125/17	Sivan Pillai	25500	06.02.2017	Kottayam Municipality
7	300/16	Chinnamma Thomas	20850	23.12.2016	Vakathanam Grama Panchayat
8	12/17	K N S Pillai	22,648/-	09.01.2017	Ettumanoor Municipality
9	41/17	Leelamma George	25,000/-	09.01.2017	Kaduthuruthi Grama Panchayat
10	113/17	Chandra Vally	48,500/-	22.02.2017	Vaikkom Municipality
11	307/17	Master Unni S/o Angels Viju	15,000/-	22.02.2017	Arpookkra Grama Panchayat
12	416/17	Shermi S Basha	70,000/-	11.09.2017	Arpookkra Grama Panchayat
13	525/17	Devassia	34900.54	11/09/17	Kuruvilangad Grama Panchayat
14	49/18	Master Akhil S/o Anitha Narayanan	34,440/-	28.03.2018	Kanakkari Grama Panchayat
15	33/17	Joseph P, Joby Joseph		No claim	Uzhavoor Grama Panchayat
16	375/16	S Kurian	55,360/-	30.12.2016	RajaKumari Grama Panchayat
17	117/17	Aneesh K P	61,000/-	17.02.2017	Karunapuram Grama Panchayat

18	120/17	Manjima D/o Sandhya Manoj	28,250/-	17.02.2017	Karunapuram Grama Panchayat
19	121/17	Sheeba Anil kumar		No claim	Karunapuram Grama Panchayat
20	118/17	Saji Devasia	42,770/-	13.02.2017	Vathikkudi Grama Panchayat
21	119/17	Master Sunlal S/o Jasmi Abi	21,320/-	13.02.2017	Vazhathoppu Grama Panchayat
22	655/17	V N Raveendran	72,800/-	18.12.2017	Njeezhoor Grama Panchayat
23	255/17	Shyja Manoj	60,000/-	23.03.2017	Melukavu Grama Panchayat
24	436/17	Daisy Joseph	51,050/-	27.09.2017	Melukavu Grama Panchayat
25	437/17	Georgekutty Daniel	33,200/-	27.09.2017	Melukavu Grama Panchayat
26	438/17	K J John	73,400/-	28.09.2017	Melukavu Grama Panchayat
27	439/17	Master Albin Jose S/O Aniyamma Jose	36,800/-	03.10.2017	Melukavu Grama Panchayat
28	440/17	Master Sebin Sebastian S/o Sebastian Joseph	32,000/-	03.10.2017	Melukavu Grama Panchayat
29	442/17	P P Joseph	66,800/-	05.10.2017	Melukavu Grama Panchayat
30	148/18	Bhaskaran O S	27,500/-	08.02.2018	Melukavu Grama Panchayat

vii. The expenditure in connection with the disbursement of compensation and interest can be met from the plan fund / own fund of the Local Self Government Institutions concerned.

viii. The Hon'ble Supreme Court in its judgment dated 16-7-2018, read as 4th paper above, ordered to strictly comply with the compensation for stray dog victims as recommended by Justice (Rtd) Siri Jagan Committee and if it is not complied with, the State shall be liable for contempt of the Supreme Court and be adequately punished. In view of the above specific directions in the judgment, the compensation to the stray dog victims with interest ordered

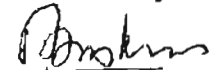
shall be disbursed by the Local Self Government Institution concerned with immediate effect and report compliance. ***The Director of Urban Affairs / Director of Panchayat shall ensure the timely disbursement of compensation by Local Self Government Institutions. The officers in charge of ABC Programme in the office of the Director of Urban Affairs / Director of Panchayat shall supervise the disbursement of Compensation by the Local Self Government Institutions and report compliance within three days from the date of this Order. Since the non compliance of the disbursement of compensation fixed by Justice (Rtd) Siri Jagan Committee lead to contempt of Court of Hon'ble Supreme Court, any lapse on the part of Secretaries of the Local Self Government Institutions will be viewed seriously.***

(By Order of the Governor)
MUHAMMED RIYAZ
DEPUTY SECRETARY

To

The Director of Urban Affairs, Thiruvananthapuram
The Director of Panchayats , Thiruvananthapuram
The Deputy Director of Panchayats
The Advocate General, Kerala, Ernakulam(With C/L)
The Secretaries Local Self Government Institutions concerned
(Through the Director of Urban Affairs and the Director of Panchayats)
The Standing Counsel, New Delhi
The Executive Director, Information Kerala Mission, Thiruvananthapuram
(For uploads in the websites of the Department)
Law Department (Vide No.22337/ II(1)/18/law dt: 25/10/18)
The Director, Information & Public Relations(Web & New Media)
The Stock File/Office Copy.

Forwarded by Order



Section Officer.