

GOA HUMAN RIGHTS COMMISSION
PANAJI – GOA

Proceeding No.158/2015

INQUIRY REPORT

This complaint has been forwarded by the District & Sessions Court, South Goa, Margao which was received from the Complaint box installed in the Sub Jail, Sada at Vasco-da-Gama through J.M.F.C., Vasco. The Complainants are Lady Prisoners from Ladies Cell Sub-Jail, Sada at Vasco-da-Gama. The main grievance of the Complainants is that the Lady Prisoners and the Male Prisoners are made to travel in different buses to attend medical appointments at Goa Medical College, IPHB and Chicalim Hospital. The Complainants have stated that they may be allowed to travel in comfort and in dignity with ladies occupying the front of the bus, the gents at the back and the Escort Party in between, which was the practice in the past. The Complainants have also alleged that the buses are dirty, the doors of the buses cannot be closed properly etc. According to the Complainants, the buses are not in good condition and are not fit for travel. It is further alleged that the Escort Party do not behave properly with the Lady Prisoners while being escorted.

2. This Commission initially called for the report from Inspector General of Prisons, Panaji – Goa. During the pendency of this proceeding, this Commission by order dated 28/03/2016 (Rojnama) impleaded Superintendent of Police, Escort Cell, Altinho, Panaji and the Superintendent of Police, Escort Cell, Altinho, Panaji was added as Respondent No.2. In pursuance to the notice, the Respondent No.2 has filed reply denying the allegations made by the Complainants.

3. We have heard the Parties. We have also perused the records of this case.

4. Respondent No.2 in its reply has stated that one of the Complainant by name Miss Filipa Costa, while she was being taken to Goa Medical College, Bambolim for medical treatment, requested to allow her to occupy a seat next to a male Undertrial Prisoner by name Edan Emjaly who was also escorted by the same bus. It is stated that both the Prisoners are involved in NDPS case and her demand for seating next to her co-accused was refused by the escorting LPC's on account of committing any possible conspiracy of committing further crime/untoward incident. It is further stated that as the request of Miss Filipa Costa was turned down, both the above under trial prisoners started arguing and abusing LPC's for not accepting her request. The Respondent No.2 has further stated that the buses used for transporting under

trial/convict prisoners from Sub Jail Sada Vasco to GMC Bambolim or to any other court are road worthy and are in good condition.

5. The grievance of the Lady Prisoners that both the Lady Prisoners and Male Prisoners should be allowed to travel in the same bus is not just and proper. It is apparent that the Escort Party has rightly rejected the request of the Lady Prisoners to allow them to travel in the same bus along with Male Prisoners. In any event, the Lady Prisoners cannot claim as a matter of right that they should be allowed to travel in the same bus along with Male Prisoners and as such denial of such facility cannot be termed as "violation of human rights".

6. As far as the condition of buses are concerned, the Respondent No.2 has stated that the buses are road worthy and are in good condition. However, the Respondent No.2 has stated that the Escort Cell time and again has moved the Government to provide new and additional vehicles for transportation of under trial/convicts prisoners from jails for effective functioning. Therefore, it appears that the Escort Cell is in need of new and additional vehicles for transportation of prisoners. We are of the view that the Chief Secretary, State of Goa, Secretariat, Porvorim should look into this requirement of the Escort Cell in the interest of the prisoners.

7. We therefore recommend that the Chief Secretary, State of Goa, Secretariat, Porvorim may look into this reasonable demand from the Escort Cell and provide new and additional vehicles for transportation of the prisoners as the prisoners are entitled for proper facilities while being escorted for treatment and for court attendance.

With the above observations, the proceeding is disposed off.

Date: 04/10/2016

Place: Panaji – Goa.

Sd/-
(A. D. Salkar)
Chairperson
Goa Human Rights Commission

Sd/-
(J. A. Keny)
Member
Goa Human Rights Commission