

**GOA HUMAN RIGHTS COMMISSION**  
**PANAJI – GOA**

**Proceeding No. 258/2014**

**INQUIRY REPORT**

This is a complaint filed by the Complainant/Mr. Norman Fernandes, the Under Trial Prisoner at Sub-Jail Sada, Vasco which has been addressed to the Superintendent, Sub-Jail, Sada, Vasco – Goa and a copy of which has been endorsed to this Commission.

2. Brief facts giving rise to the present complaint are as follows:

On 16/10/2014, the Complainant was performing his duty inside the Assistant Jailor's Office as Assistant in the Dispensary. While he was preparing the files to be delivered to the Escort Party, one Under Trial Prisoner namely Shri Ravindra Zha came to the Assistant Jailor's Office and complained to Assistant Jailor that he was sick and the Escort Bus was overcrowded and hence he will not be able to stand in the bus during the journey. The said Shri Ravindra Zha also asked as to who would be responsible if he falls down during the journey or something happens to him. At that time, one Shri Devendra Gaonkar from the Escort Cell used abusive language to the said Shri Ravindra Zha. The Complainant told Mr. Ravindra Zha that if he has any problem he should report the matter to the Court. On hearing the Complainant advising the said Shri Ravindra Zha, Shri Devendra Gaonkar abused the Complainant with filthy language.

3. This Commission called for detailed report from 1) the Superintendent of Sub-Jail cum Judicial Lock-Up, Sada, Vasco and 2) Police Inspector/Incharge of Escort Cell, Vasco Police Station, Vasco - Goa.

4. The Respondents have filed their replies separately. In his reply, the Respondent No.1 has stated that he has taken cognizance of the complaint dated 16/10/2014 and Memorandums were issued to the Duty Assistant Jailors Shri Ramnath Gaude and Shri Sudhir Sinari who were on duty on the day of the incident i.e. on 16/10/2014. He has further stated that the copy of the complaint was forwarded to the Police Inspector, Incharge of Escort Cell, Vasco with a request to conduct inquiry and submit his report. He has enclosed a reply of the Memorandum issued to the Assistant Jailors Shri Ramnath Gaude and Shri Sudhir Sinari along with the report submitted by the Police Inspector, Incharge of Escort Cell, Vasco. He has stated that the

allegations made by the said Mr. Norman Fernandes against Police Constable No.5952/Mr. Devendra Gaonkar appears to be false. The Respondent No.2 in his reply has stated that he conducted inquiry in this matter as per the directions of the Superintendent, Sub-Jail cum Judicial Lock-Up, Sada, Vasco. It is further stated that the allegations made by Mr. Norman Fernandes are false and baseless.

5. This Commission gave an opportunity to the Complainant to file Rejoinder, if any. However, the Complainant did not choose to file any Rejoinder. By order dated 12/10/2015, this Commission directed Shri Kiran Poduval, Dy.S.P. attached to this Commission to record the statement of Mr. Norman Fernandes. Accordingly, Shri Kiran Poduval recorded the statement of the said Mr. Norman Fernandes and submitted his report.

6. We have perused the records of this case. During the course of inquiry PSI Shri Vaibhav D. Naik, Incharge, Escort Cell, Vasco has recorded statements of seven witnesses. All these witnesses are from the Judicial Lock-Up and Escort Cell Staff. The witnesses namely Shri Sudhir Sinari and Shri Ramnath Gaude in their statements recorded by Police Sub-Inspector Shri Vaibhav D. Naik have said to Shri Norman Fernandes "you persons are getting food and other facilities free of cost". It is pertinent to note that the PSI Shri Vaibhav Naik has failed to record the statements of the Complainant Mr. Norman Fernandes and Shri Ravindra Zha the Under Trial Prisoners who were material witnesses to establish the charges levelled against the said Mr. Devendra Gaonkar. It is therefore difficult to place reliance on the inquiry report submitted by the said PSI Shri Vaibhav Naik. The Complainant in his statement recorded by Shri Kiran Poduval, Dy.S.P. has narrated the incident in all details. There are no grounds to discard the statement made by the Complainant before Shri Kiran Poduval, Dy.S.P.

7. We are of the view that the conduct of the said Shri Devendra Gaonkar is unbecoming of the public servant. The allegations made by Mr. Norman Fernandes/Under Trial Prisoner against the said Shri Devendra Gaonkar amounts to violation of basic human rights of the Complainant

We therefore make the following recommendations:

The Superintendent of Police (Training)/Escort Cell, Panaji – Goa shall issue a warning in writing to the said Shri Devendra Gaonkar within one

month calling upon him not to repeat such conduct in future and an entry to that effect shall be recorded in his Annual Confidential Report for the period of 2015-2016.

Date: 20/01/2016

Place: Panaji - Goa

Sd/-  
(Justice P. K. Misra)  
Chairperson  
Goa Human Rights Commission

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

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