

GOA HUMAN RIGHTS COMMISSION

PANAJI – GOA

Proceeding No. 46/2012

INQUIRY REPORT

This is a complaint filed by the Complainant against Police Inspector Shri Sagar Ekoskar/Respondent No.4 herein attached to Ponda Police Station alleging that the Respondent No.4 misbehaved himself while discharging his official duties and got furious and asked the Complainant to get out of his cabin and also physically pushed the Complainant outside the cabin.

2. This Commission issued notices to 1) The State of Goa through the Chief Secretary, Secretariat, Porvorim – Goa, 2) The Secretary (Home), Home Department, Secretariat, Porvorim – Goa, 3) The Superintendent of Police (South), Margao – Goa and 4) Shri Sagar Ekoskar, Police Inspector, Ponda Police Station, Ponda – Goa. During the course of hearing, it was brought to the notice of the Commission that the Ponda Police Station falls within the jurisdiction of Superintendent of Police, North Goa. Accordingly, by order dated 23/01/2013 (recorded in Rojnama), the name of the Superintendent of Police, South - Goa) was substituted as Superintendent of Police, North Goa.

3. In pursuance to the notices, the Respondent No.4/Shri Sagar Ekoskar filed a detailed reply. The Respondent No.1, 2 and 3 adopted the reply filed by the Respondent No.4. Respondent No.4 has stated all the facts giving rise to the present complaint. Respondent No.4 has produced a copy of the letter dated 07/11/2012 from M/s A. K. Constructions Builders & Contractors, Vasco – Goa addressed to Ponda Police Station, a copy of Station Diary Entry dated 09/11/2012 at Sr. No.44 and a copy of the Inquiry Report submitted by Police Inspector to Sub-Divisional Officer, Ponda – Goa.

3. This Commission conducted an inquiry during the course of which the Complainant examined himself as CW1 and also examined one witness Shri Vijesh Prakash Naik as CW2 in support of his case. The Respondents examined Shri Sagar Ekoskar/Respondent No.4 as RW1 and one more witness Shri Vassudev Naik as RW2 in support of their case.

4. We have heard Adv. Yatish Naik for the Complainant and Adv. K. L. Bhagat for the Respondents. We have also gone through the records of this case.

5. The Complainant (CW1) in his Affidavit-in-Evidence has stated that he went to Police Station to meet Police Inspector to hand over a written complaint against illegal work and demanded action as per law. He has further stated that the Police Inspector Shri Ekoskar refused to take action and said (Na action ghenā). He has further stated that he reminded Police Inspector that he is a public servant and that entertaining any complaint was his duty. He has also stated that Police Inspector got furious and asked him (CW1) to get out of the cabin. He has further stated that Police Inspector again shouted on him and physically pushed him outside the cabin. This witness (CW1) was cross-examined by Adv. V. Sardesai on behalf of Respondents. The cross-examination of this witness has not revealed any results in favour of Respondent No.4 (Shri Sagar Ekoskar). In fact, the Respondents in cross-examination of CW1 has not even denied the contents of para-7 of the Affidavit-in-Evidence of the Complainant (CW1) which states that Respondent No.4 had asked the Complainant to get out of the cabin and also states that the Complainant was physically pushed outside the cabin. There are no grounds to disbelieve the evidence of the Complainant (CW1) which does not suffer from any material infirmity. The conduct of Shri Sagar Ekoskar/Respondent No.4 is unbecoming of Government Servant and is clear infringement of fundamental right of the Complainant as guaranteed under Article-21 of the Constitution of India and also amounts to violation of human rights of the Complainant.

6. The other witness examined by the Complainant Shri Vijesh Naik (CW2) has corroborated the evidence of the Complainant (CW1) on all material aspects of the case. It has come on record through the evidence of Shri Vijesh Naik (CW2) that Police Inspector got furious and asked the Complainant to get out of the cabin. It is also in the evidence of CW2 that Police Inspector shouted at Shri Govind Gaude and physically pushed him outside the cabin. This witness was also cross-examined by the Respondents. However, the evidence of this witness (CW2) has remained unshaken. We also do not find any reason to discard the evidence of CW2.

7. Shri Sagar Ekoskar (RW1) has stated that he requested Shri Govind Gaude to sit outside saying "Tu matso bhair bas" till his man could bring the copy of NOC as he was attending one Mr. Vasudev Naik, whereupon Shri Govind Gaude started arguing with him alleging that he (RW1) had insulted him (CW1) by saying "Tu matso bhair vas" to which he (RW1) told him (CW1)

that he had only said "Tu matso bhair bas" and not "bhair vas". This witness was cross-examined by Adv. Yatish Naik for the Complainant. It was suggested to this witness that the complaint filed by Mr. Gaude before the Police Station was not inquired into by him (RW1) in as much as he (RW1) behaved rudely with Mr. Gaude at the instance and at the behest of his political superiors as Mr. Gaude had unsuccessfully contested the elections against Mr. Deepak Dhavlikar in Priol constituency which suggestion has been denied by this witness. The Affidavit-in-Evidence of the other witness Shri Vasudev Naik (RW2) examined by the Respondents is more or less similar in nature as that of the Respondent No.4 (RW1). This witness (RW2) in his cross-examination has admitted that the complaint filed by Shri Govind Gaude against Police Inspector is not false.

8. The witness (CW2) was asked the following question:

Q: I put it to you that Shri Govind Gaude started arguing with Police Inspector insisting that he should take immediate action for seizing the machinery on site?

Ans: It is true.

8. The material on record indicate that there was verbal alteractions between the Complainant and the Police Inspector Shri Sagar Ekoskar/Respondent No.4 on account of digging of road by M/s A. K. Constructions, Builders and Contractors in the property under Survey No.157 of Bandora Village. The records also indicate that Shri Abhay Arondekar of M/s A. K. Constructions, Builders and Contractors had filed a complaint before Ponda Police complaining that Shri Govind Gaude and Shri Ladu Naik were instigating local villagers and are trying to dig up the road at various places by taking law into their hands. On the basis of the evidence brought on record by the Complainant we are satisfied that the Respondent No.4/Shri Sagar Ekoskar has behaved arrogantly with the Complainant. The records further indicate that the Complainant was also arrogant and had arguments with Police Inspector Shri Sagar Ekoskar. The behaviour of the Complainant with Police Inspector Shri Sagar was also not proper which led to the present uncalled for incident. The Complainant also should not have behaved in arrogant manner with Police Inspector Shri Sagar Ekoskar who was a public servant while discharging his official duties. Likewise, the Police Inspector Shri Sagar Ekoskar should have exercised restraint and should have been cautious while dealing with members of the public.

9. In view of above, we make the following recommendation:

The Director General of Police, Panaji - Goa shall issue a warning to the Police Inspector Shri Sagar Ekoskar to be careful in future while dealing with members of the public.

Date: 15/07/2016

Place: Panaji – Goa.

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

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