

**GOA HUMAN RIGHTS COMMISSION
PANAJI – GOA**

**ANNUAL REPORT
2019 – 2020**

Introduction

This is the ninth Annual Report of the Goa Human Rights Commission for the year 2019-2020 (1st April 2019-31st March 2020), presented to the State Government, in terms of Section 28 (1) of the Protection of Human Rights Act, 1993.

2. The Protection of Human Rights Act, 1993 provides for the constitution of National Human Rights Courts for better protection of human rights and the matters connected therewith or incidental thereto.

3. As per Section 2 (1) (d), “human rights” means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by the courts in India. The Constitution of India has also guaranteed a right to life to all persons under Article 21. This right has been given a new dimension by the Court in the last three decades by interpreting the right to life in a liberal way. It has been held in catena of cases that the right to life includes the right to live with a dignity and decency and also in a clean and healthy environment. Thus, any infringement of fundamental right also amounts to violation of human rights.

4. This Commission has made several recommendations from time to time in respect of the violation of basic human rights such as delay in payment of pension to the Government servants, delay in payment of salaries to the government servants, police atrocities against public members, illegal detentions of the persons by the Police allegedly involved in commission of crimes, blocking of right of access of the persons to reach their respective properties, etc. These recommendations were widely reported by press which made public members aware about their fundamental rights and also about the basic human rights which are available to them under the law. In absence of State Human Rights Commission in the State of Goa, the persons whose human rights were allegedly violated by the public functionaries were constrained to approach before the normal court of law which involves long and cumbersome procedure apart from being a costly affair. The establishment of Goa Human Rights Commission has fulfilled the aspirations of the people of Goa who, now, have an easy access to justice to ventilate

their grievances against public servants in the matter of violation of human rights.

5. The Government of Goa has allotted adequate office premises to the Commission consisting of 609.39sq.mts in the Old Education Department Building at Panaji and has also provided adequate infrastructure for smooth functioning of the Commission.

Constitution of Commission

The Goa Human Rights Commission was constituted in the month of March, 2011 to exercise the powers conferred upon and to perform the functions assigned to the State Commission under Chapter IV of The Protection of Human Rights Act, 1993. Section 21 (2) of the said Act and Protection of Human Rights (Amendment) Act, 2019, lays down that the State Human Rights Commission shall consist of

- (a) A Chairperson who has been a Chief Justice or a Judge of a High Court.
- (b) One Member who is, or has been, a Judge of a High Court or District Judge in the State with a minimum of seven years' experience as District Judge.
- (c) One Member to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.

The Constitution of the Commission during the period of this Annual Report was as under:

- (i) Shri A. D. Salkar, Member (Former District Judge of State of Goa).

The term of Shri A.D. Salkar, Member, came to an end on 27th July 2019.

Thereafter there was no Chairperson and Members of the Commission till February 2020.

Vide Notification No. 1/27/99-HD(G)/Vol.I/346 dated 05/02/2020, Government of Goa, appointed Justice Shri Utkarsh V. Bakre, retired Judge of the High Court of Bombay and Goa as Chairperson. Shri Desmond D'Costa, retired Principal District and Sessions Court Judge of the State of Goa and Shri Pramod V. Kamat, former District and Additional Sessions

Judge and former Law Secretary of the State of Goa, were appointed as Members of the Commission

Accordingly, the Chairperson Justice Shri Utkarsh V. Bakretook charge on 26/02/2020. Earlier, Shri Desmond D'Costa, Member, took charge on 07th February 2020 and Shri Pramod V. Kamat, Member, took charge on 13th February 2020.

Section 27 of the said Act mandates that the Government shall make available an Officer not below the rank of a Secretary to the State Government who shall be the Secretary of the State Commission and such Police and Investigative Staff under an Officer not below the rank of Inspector General of Police and such other Officers and Staff as may be necessary for efficient performance of the functions of the State Commission. Police Officer of the rank of Inspector General of Police has not been provided by the State Government to this Commission so far, as there are no sufficient number of Police Officers of the rank of Inspector General of Police within the police force. Presently, Officer of the rank of Police Inspector is functioning as head of Police Investigation Team.

6. Functions of State Commission

Section-12 read with Section 29 of The Protection of Human Rights Act, 1993 provides for the functions of the State Human Rights Commission which inter alia includes the following functions:-

- (a) To inquire suo motu or on a petition presented to it by the victim of any person on its behalf or on directions or on order of any Court into the complaint of:*
 - (i) Violation of human rights or abetment thereof; or*
 - (ii) Negligence in the prevention of such violation, by a public servant;*
- (b) To intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;*
- (c) To visit notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of State Government, where persons are detained or lodged for purpose of treatment, reformation or protection, for the study of living conditions of inmates thereof and make recommendation thereon to the Government;*

- (d) To review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;*
- (e) To review the factors, including acts of terrorism, that inhibit the enjoyment of human rights and recommend appropriate remedial measures;*
- (f) To spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, media, seminars and other available means;*
- (g) To encourage the efforts of non-governmental organisations and institutions working in the field of human rights;*
- (h) To such other functions as it may consider necessary for the promotion of human rights.*

7. Procedure adopted by the State Commission

The Goa Human Rights Commission has notified its own Regulation namely Goa Human Rights Commission (Procedure) Regulations, 2011, which is published under Section 10 and Section 29 of The Protection of Human Rights Act, 1993. One of the most important functions of the State Commission is to inquire suo motu or on a petition presented to it by the victim into the complaint of violation of human rights by a public servant. The State Commission has devised a simple procedure for receiving and dealing with complaints. A complaint can be filed either in person or through post or via e-mail. The State Commission does not charge any fee from the people for filing complaints.

8. Powers of the Commission

The State Commission while inquiring into the complaints under the Act have powers of civil court trying a suit under the Code of Civil Procedure, 1908, and in particular in respect of the following matters, namely:

- (a) Summoning and enforcing the attendance of witnesses and examining them on oath;*
- (b) Discovery and production of any document;*
- (c) Receiving evidence on affidavits;*
- (d) Requisitioning any public record or copy thereof from any court or office;*

(e) Issuing commissions for the examinations of witnesses or documents;

(f) Any other matter which may be prescribed.

9. Complaints not ordinarily entertainable.

As per Regulation 9 of the Goa Human Rights Commission (Procedure), Regulations, 2011, the Commission may not entertain complaints:-

(a) which are vague or anonymous or pseudonymous or trivial in or frivolous in nature;

(b) which are pending before any other Commission;

(c) which raise dispute of civil nature, such as property rights or contractual obligations;

(d) which relate to service matters or industrial disputes;

(e) which are not against any public servant;

(f) which do not make out any specific violation of human rights;

(g) which are covered by a judicial verdict or decision of the Commission;

(h) which are outside the purview of the Commission.

10. Grants by State Government

As per Section 33 of The Protection of Human Rights Act, 1993, the State Government shall pay to the State Commission by way of grants such sums of money and the State Commission may spend such sums as it thinks fit for performing the functions under Chapter V. However, the Goa Human Rights Commission preferred to seek the provision in the Budget and powers are vested in the Secretary to the Commission who has also been delegated with powers of Head of Department to incur the expenditure on the affairs of the Commission and all the expenditure incurred are being pre-audited by the Directorate of Accounts. This arrangement was preferred by the Commission at par with the Goa Public Service Commission. During this period a Budget provision of Rs. 330.60 lakhs (Rupees three hundred thirty lakhs and sixty thousand only) was made. The Commission spent an amount of Rs. 177.54 lakhs (Rupees one hundred seventy seven lakhs and fifty four thousand only).

The Commission is also required to prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with Comptroller and Auditor General of India. However, as stated earlier, all the expenditure made, by the Commission is out of the

provision in the Budget Estimates of 2019-2020, and pre-audited by the Directorate of Accounts.

Hence, it is not necessary to prepare its Annual Statement of Accounts and submit the same to the State Government as per provisions in The Protection of Human Rights Act, 1993.

11. From 01st April 2019 to 27th July 2019, when Shri A. D. Salkar was the Member of the Commission, 119 complaints were registered and 84 cases were disposed of.

After the Commission was reconstituted in February 2020, the matters which were pending, were taken on board. But with the Covid-19 pandemic and lockdown imposed, matters could not be taken up regularly. During this period, 40 complaints were registered and 13 cases disposed of till March 2020.

12. Amongst the cases disposed of between 01/04/2019 to 31/03/2020, the following are the cases in which recommendations were made:-

Proceeding No. 238/2017

This case had been disposed of on 05/04/2019.

Azad Jamatul Muslimeen Welfare Trust represented by its President Sayed Manzoorkedri and Secretary Shri Khatal Dessai has approached this Commission praying that Corporation of the City of Panaji, Goa be directed to allow burying the bodies of dead persons of Muslim community residing outside the limits of the Corporation of the City of Panaji till alternative space is arranged/allotted by the local authorities/State Government for the Kabrastan. The root cause for filing this complaint was that the Corporation of the City of Panaji, Goa, was denying/not allowing to bury the persons of Muslim community, who reside outside the limits of the Corporation of the City of Panaji on the pretext of limited space. The Complainant had stated that there is no Kabrastan (burial ground) for the Muslim community people residing in the area of the Village Panchayat of St.Cruz, Mercedes, Bambolim, Curca and Taleigao.

Taking cognizance of this complaint, this Commission called for the report from the Commissioner, Corporation of the City of Panaji, Panaji – Goa/Respondent. In pursuance to the notice, the Respondent filed reply stating therein that due to limited space, the Corporation of the City of Panaji had decided to restrict the burial of the dead bodies only of Panaji, Taleigao and St.Cruz. The Respondent had stated that the concerned local Authorities should provide burial ground to the citizens in the concerned area and the

Corporation cannot take the responsibility of other persons who are residing outside the jurisdiction of the Corporation of the City of Panaji.

The Complainant had filed Rejoinder to the reply filed by the Respondent. In its Rejoinder, the Complainant had stated that since after the Liberation of Goa i.e. 19th December, 1961, the Panaji Municipal Council now Corporation of the City of Panaji was allowing to bury the dead bodies till 18th September, 2017 i.e. for 57 years. It was further stated that few years back, Bandekar family of Vasco-da-Gama through Gousia Masjid, St. Inez has donated thousands of square metres which is attached to the said Kabrastan in St. Inez.

The Commission heard both the Parties. Both the Parties had also filed written arguments. The Commission also perused the entire records of this case.

The limited question for consideration was whether the Complainants can insist that the Corporation of the City of Panaji should allow the Muslim community to bury the dead bodies of the Muslims at the Kabrastan (burial ground) at St. Inez. The Commission had no doubt in its mind that it is the paramount duty of the Corporation of the City of Panaji to provide burial ground to all the Communities within the jurisdiction of the Corporation. The Corporation cannot run away from the responsibility on a spacious plea that there is a shortage of space to provide the burial facility to the Muslim community. All the communities including Muslim community are entitled to have appropriate burial ground to bury the dead bodies. Non-availability of space for burial ground of the Community cannot be an excuse to deny the burial facilities to any of the Communities as denial of such basic facility is bound to violate the basic human rights of the individuals. The Commission held that it is, therefore, necessary that the Corporation of the City of Panaji should make sincere efforts to acquire the required land for burial of the dead bodies of Muslim community in co-ordination with the State Government.

Incidentally, the Commission pointed out that in an earlier Proceeding No.131/2014, the Commission by order dated 13/11/2017 recommended that the Director of Municipal Administration and the Director of Panchayat take urgent steps to ensure that the crematorium grounds and burial grounds are made available to all the persons in the respective Municipal areas and Village Panchayat areas so that the basic human rights of the persons are protected. The Commission expressed the hope and trust that

the Corporation of the City of Panaji shall move the State Government to provide burial ground to the Muslim community without any further delay.

The Commission recommended that the Corporation of the City of Panaji shall make sincere efforts to acquire the required land for burial of the dead bodies of Muslim community in co-ordination with the State Government.

Proceeding No. 36/2017

This case had been disposed of on 10/06/2019.

The Complainant was the Goa State NGO Forum on HIV/AIDS. The Complainant claimed that in the year 2015, the forum initiated a state network aimed at creating an environment that would ensure sustained accessibility and affordability of medicines, treatment, care and support for every individual living with HIV in Goa. The Complainant had stated that the people living with HIV (PLHIVs) require two rounds of tests to confirm the line of Anti-Retroviral Treatment (ART) to be put on. First, is the Cluster of Differentiation (CD4) Test that determines the strength of the person's immune system and the other, a Viral Load Test that checks the amount of virus presently in the person's system. It was further stated that CD4 machine that was sent to Goa Medical College by the National AIDS Control Organisation (NACO) is old and wearing out. The CD4 machine had now become unpredictable and had been experiencing frequent breakdown, possibly due to overloaded samples. It is defunct since November 2016 and the maintenance agency contracted by NACO based in Delhi had not been able to repair it for over two months.

The Complainant has prayed for the following reliefs:-

- (i) To direct the Goa State AIDS Control Society, Directorate of Health Services and National AIDS Control Organization for procurement of new CD4 machine, to avoid recurrence breakdown and to reduce overload pressure on the current CD4 machine and a Viral Load Test Machine for the State of Goa.
- (ii) To direct the Goa State AIDS Control Society, Directorate of Health Services and National AIDS Control Organization to repair the CD4 machine or make an alternative arrangement for conduct of CD4 test for those who are due since November 2016.

Taking cognizance of the complaint, this Commission called for the report from (1) The Project Director, Goa State AIDS Control Society, 1st Floor, Dayanand Smruti Building, Swami Vivekanand Road, Panaji-

Goa/Respondent No.1, (2) The Director, Directorate of Health Services, Campal, Panaji-Goa/Respondent No.2 and (3) National AIDS Control Organization/Respondent No.3.

The Respondents filed their respective replies. The Complainant had filed their Rejoinder, which has been received by this Commission on 06/07/2017. The Respondent No. 1 and 2 had filed Sur-Rejoinder dated 11/09/2019.

The Commission heard the Complainant and Advocate Shri G. V. Dhume for the Respondents. The Commission also perused the entire records of the case. On the basis of the replies filed by the Respondents, the Commission noted that it is apparent that the Respondents are making sincere efforts for testing samples of the patients suffering from HIV and AIDS. However, there are no full-fledged facilities in the State of Goa to provide treatment for the individuals suffering from HIV and AIDS. Admittedly, there is no Viral Load Testing facilities in the State of Goa for virological studies in HIV or for any other viruses. Presently, the samples are referred to J.J. Hospital, Mumbai for Viral Load Testing. This facility is essential in any civilized society. The State of Goa should make efforts to provide this essential facility to all the individuals who are in the need of the same.

In the facts and circumstances of this case, this Commission made the following recommendation:-

“The State of Goa through its Chief Secretary, Government of Goa, Secretariat, Porvorim-Goa, shall work out modalities to make available all essential facilities to the patients suffering from HIV and AIDS. The State of Goa also shall set-up a full-fledged laboratory for Viral Load Testing for virological studies in HIV and other viruses”.

Proceeding No. 90/2017

This case had been disposed of on 03/07/2019.

The Complainant/Shri A. B. Pankar had filed the complaint alleging that there was a delay of seven years for settlement of his legitimate retirement dues and over eight years of departmental inquiry causing financial loss to him. He had also alleged that the interest on delayed payment has not been paid till date.

Taking cognizance of the complaint, this Commission called for report from the Managing Director, EDC Ltd., EDC House, Panaji-Goa/Respondent. In pursuance to the notice, the Respondent has filed reply dated 23/06/2017. The Complainant has filed Rejoinder dated 02/08/2017. The

Respondent has filed Sur-Rejoinder dated 12/04/2018. The Complainant has filed Sur Sur-Rejoinder dated 04/07/2018.

In the facts and circumstances of this case, the Commission made the following recommendations:-

- I. *The Respondent shall pay interest on delayed payment to the Complainant at lending rate by Nationalised Banks.*
- II. *The Respondent shall pay compensation of Rs.10,000/- (Rupees ten thousand only) to the Complainant on account of mental agony suffered by the Complainant on account of delay in payment of interest.*

13. Brief summary of some of the other cases which were disposed of:-

(A) Cases for non-payment of salaries/pension-

1) Proceeding No. 94/2018:-

The Complainant was working as Assistant Hydrologist in Water Resources Department since June, 2012. The Complainant had alleged that from July, 2017 till date his salary had been withheld by the Department without any intimation to him.

Taking cognizance of the complaint, the Commission called for the report from Chief Engineer, Water Resources Department, Sinchai Bhavan, Porvorim, Bardez – Goa. In pursuance to the notice, the Respondent filed report dated 14/06/2018. The Respondent has spelt out the reasons as to why the salary of the Complainant had not been paid.

On the basis of the detailed reply filed by the Respondent, the Commission found that it is apparent that the salary of the Complainant had not been released as the Complainant had not regularised his unauthorised absence and that the records clearly indicate that the grievance made by the Complainant in respect of non-payment of his salary relates to service matter and this Commission cannot look into this grievance of the Complainant. The Commission also held that the grievance of the Complainant does not disclose violation of any human rights of the Complainant by the Respondent. In view of the above, as there was no merit in the complaint filed by the Complainant, it was rejected.

Accordingly, the complaint was dismissed on 25/04/2019.

2) Proceeding No. 272/2018

This was a complaint dated 12/12/2018 received from Shri Benedicto Fernandes, r/o Colva, regarding non-settlement of his pension case. The report was called for from the Chief Secretary, the Secretary (GAD) and

Director of Accounts and they filed their reports, to which the Complainant filed his Rejoinder. Subsequently, the Secretary (GAD) filed the Status Report that the pension case of the Complainant had been finalised and that the payments had been made to the Complainant in February 2019 and June 2019. Accordingly, the proceedings were disposed of on 05/07/2019.

3) Proceeding No. 301/2017

The present complaint had been filed by the Complainant/Shri T. A. Patil alleging violation of his human rights while fixing his appropriate pension. It is the grievance of the Complainant that his pension had been fixed lower than his entitlement. It was stated that fixation of appropriate pension is lying with the Principal, Govt. Polytechnic, Panaji, which has deprived the Complainant of his pending claims and appropriate pension.

Taking cognizance of the complaint, this Commission called for report from the Principal, Government Polytechnic, Altinho, Panaji-Goa/Respondent. The Respondent had filed its reply denying the allegations made by the Complainant.

The Complainant in his counter reply dated 16/04/2019, had raised a dispute about the calculation of his pensionary benefits. According to the Complainant, his pensionary benefits were not properly calculated. However, according to the Respondent, the Complainant was not entitled for the reliefs claimed by the Complainant. The Commission held that it appears that there is a dispute between the Complainant and the Respondent about the pensionary benefits of the Complainant. The Commission concluded that it cannot look into the arithmetical calculations with regard to the claim of the Complainant and that the Complainant shall be at liberty to approach the appropriate forum for redressal of his grievance. In any event, the grievances made by the Complainant do not amount to violation of basic human rights of the Complainant.

With the above observations, the proceeding was disposed of on 02/07/2019.

4) Proceeding No. 183/2018

This complaint dated 10/08/2018, was received from Shri Prakash H. Mayekar in the matter of non-payment of pension and retirement benefits. The Commission called for the report from the Director, Directorate of Technical Education, Porvorim and the Principal, Agnel Polytechnic, Verna and they filed their reports on 03/10/2018. Thereafter the Complainant filed his Rejoinder.

The Commission found that the entire amount of pension including other benefits had been paid to the Complainant. The proceedings were disposed of on 12/04/2019, giving liberty to the Complainant to make a representation to the Principal of Agnel Polytechnic, Verna, for claiming interest for the delayed payment. The Complainant was at liberty in case his grievance is not satisfied to approach this Commission for claiming interest for delayed payment and the proceedings were disposed of on 12/04/2019.

(B) Complaints for other human rights violations-

1) Proceeding No. 158/2019

This proceeding was disposed of on 12/07/2019.

This was a complaint filed by the Complainant alleging that the Assistant Director, North Educational Zone, Mapusa, Bardez-Goa, has violated her human rights.

The case of the Complainant in brief was as follows:-

The Complainant was required to submit OBC Certificate to Higher Institution of Medical College to continue her higher studies. It was stated that the Talathi asked the Complainant to bring Bonafide Certificate of her father, to get OBC Certificate. She filed RTI application to the Asst. Director, North Educational Zone, Educational & Development Initiatives (ADEI), Mapusa, Bardez-Goa, for Bonafide Certificate of her father. Her father had filed his objection before the office of ADEI, North Educational Zone, for not furnishing his Bonafide Certificate and Leaving Certificate to the Complainant, as the matter of divorce and maintenance is going on between her father and her mother in the Civil Court. She had further stated that she had applied to the Asst. Director North Educational Zone, Mapusa, Bardez-Goa, but the Asst. Director denied her the Bonafide Certificate and Leaving Certificate, which according to the Complainant is a violation of human rights. The Complainant had prayed that direction be issued to the Asst. Director North Educational Zone, Mapusa, Bardez-Goa, to issue her the Bonafide Certificate and Leaving Certificate urgently.

Taking cognizance of the complaint, the Commission called for report from (1) The Director of Education, Porvorim-Goa/Respondent No.1 and (2) The Assistant Director, North Educational Zone, Mapusa-Goa/Respondent No.2.

In pursuance to the notices, the Respondent No. 2 had filed report/reply dated 01/07/2019. The Respondent No. 2 in its reply had stated that the issuing authority for School Leaving Certificate and Bonafide

Certificate is the school where Mr. Harichandra Chodankar was studying i.e. Government Primary School, Pirna, Bardez-Goa. The Respondent No. 2 has stated that as per Rule 124 of Goa, Daman & Diu School Education Act, 1884 and Rules 1986, application for Leaving Certificate can be made only in person or in writing by the parent or guardian or candidate, if major. Therefore, Ms. Vaishnavi Chodankar was informed vide letter No. ADEI/Bar RTI/19/187 dated 10/06/2019, that certificate cannot be issued to her since she is a third party applicant.

The Commission held that the Complainant has to approach the appropriate authority for issuance of OBC Certificate and the records do not indicate that the Complainant has approached the appropriate authority for obtaining OBC Certificate of the Complainant herself or of the father of the Complainant. This being the position, the question of violating human rights of the Complainant did not arise.

Accordingly, the complaint filed by the Complainant was rejected.

2) Proceeding No. 209/2018

This was a complaint dated 03/10/2018 received from Baptist J. Fernandes of Junaswada, Mandrem. The Commission called for the report from the Assistant Engineer, Electricity Department, S.D.-III, Agarwada, Pernem-Goa, who filed their reply, stating that the electricity connection of the Complainant was disconnected for non-payment of dues.

The Commission noted that the Complainant had not filed Rejoinder to the reply filed by the Respondent. The Respondent in its reply had stated that the connection was disconnected for non-payment of dues as per prevailing Departmental Rules of the year, 2012. It had also stated that the outstanding arrears as on date i.e. 23/10/2018, towards installation is Rs.24,900/- which was also not paid.

The Commission concluded that the records thus indicate that the Electricity Department had acted in accordance with law and that the complaint does not disclose violation of his basic human rights on account of the action taken by the Electricity Department. The Commission did not find any merit in the complaint filed by the Complainant which was accordingly dismissed on 10/04/2019.

3) Proceeding No. 224/2018

This was a complaint dated 26/10/2018 received from Baptist J. Fernandes about harassment by the Electricity Department. The Commission called for the report from Assistant Engineer, Electricity Department, Pernem-Goa, who filed his report dated 06/12/2018.

The Commission found that the connection was disconnected for non-payment of dues as per prevailing Departmental Rules of the year, 2012. The Commission noted that the records indicate that the Electricity Department had acted in accordance with law and the complaint did not disclose violation of basic human rights of the Complainant, on account of the action taken by the Electricity Department. The complaint was accordingly dismissed on 10/04/2019.

(C) Complaints of violation of human rights by Police:-

1) Proceeding No. 185/2018:-

This was a complaint dated 11/08/2018, received from one Mr. Vishal Kumar against one Police Inspector, CBI, ACB,Goa for violating his human rights. The Commission called for the report from the Superintendent of Police, CBI, Bambolim, which was received on 03/10/2018.

The matter had been fixed for inquiry, at which stage the Complainant remained absent and his evidence was closed. The Complainant failed to prove the allegations made by him against P.I. Shri Girish Kumar and there was no merit in the case and the Proceeding was disposed of on 16/04/2019.

2) Proceeding No. 262/2016:-

This was a complaint dated 04/10/2016, received from Mrs. Filomena Britto of Uccasaim. The report had been called from Police Inspector, Mapusa Police Station and the report was received.

The Commission heard both the Parties and went through the entire records of this case. On the basis of the reply filed by the Respondent, the Commission held that it is apparent that the Respondent had taken appropriate action in the matter of the complaints filed by the Complainant. It further held that the records indicate that the Complainant apprehends that her brother-in-law, Mr. Roque Eulogio Britto, may execute the threats. She apprehended danger to her life and of her family members including her minor daughter. The records also indicate that the said Mr. Roque Eulogio Britto had threatened to assault the minor daughter of the Complainant and to molest the Complainant. In these circumstances, the Commission held that it is necessary to prevent danger to the lives of the Complainant and her family members from the threats of her brother-in-law Mr. Roque Eulogio Britto.

In the facts and circumstances of this case, the Commission observed it shall be appropriate that the Mapusa Police shall look into the

complaint/grievance if any, of the Complainant in future, particularly taking into consideration the safety of minor daughter of the Complainant.

With the above observations, the proceeding was disposed of on 17/06/2019.

3) Proceeding No. 63/2016:-

This was a complaint dated 11/03/2016 from Mrs. Guilhermina D'Souza of Calangute. The Commission issued notices to 1) Shri Videsh Pilgaonkar, PSI, Calangute Police Station, 2) The Police Inspector, Calangute Police Station, and 3) The Superintendent of Police (North), Porvorim, Bardez-Goa, calling for their reports, which was filed on 11/07/2016. Thereafter the matter was fixed for inquiry. But the Complainant failed to lead evidence despite several opportunities. The Commission found that the allegations made by the Complainant are not substantiated by leading evidence and the complaint was dismissed by order dated 01/04/2019.

4) Proceeding No. 58/2016

The Complainant had filed the present complaint alleging that the Police Officers, MLAs, Bureaucrats and others have not taken action on his complaints which are cognizable in nature including stoning of his bungalow on four occasions and an attempt to murder him by criminals, pushing him in the burning fire, beating him up with bamboo/dandha and strangulating him with a fat rope with the support of most corrupt and politically motivated Police Officers on 21/02/2016.

The Complainant had stated that on 06/04/2016, the Goal Post on the private open spaces at Sonu Township were demolished by the Authorities based on the order dated 08/06/2011 passed by the Dy. Director of Panchayat (South) upon directions of the High Court of Bombay at Goa in Writ Petition No.532/2010 filed by him against the Dy. Director of Panchayat (South), Margao under Village Panchayat of Sao Jose de Areal. It was stated that again on 26th May, 2013 some anti-social elements gathered in the private open space of his house and started hitting football towards his house and the ball entered at least 4-5 occasions in order to provoke them and finally hit the ball on the upper floor of his house where the ball hit the window frame. The Complainant has also stated that his life and the life of his family is in danger because of inaction by law enforcing Authorities.

Taking cognizance of this matter this Commission issued notice to the Superintendent of Police (South), Margao – Goa/Respondent. In pursuance to the notice, the Respondent filed reply denying the allegations made by the Complainant. The Respondent has stated that the two goal posts erected in

open space/alleged Football Ground were demolished by the Demolition Squad on 06/04/2016 and in that process of removing of the Goal Posts eleven persons were taken into custody as preventive measures. It was stated that as far as the incident of stoning of the house of the Complainant is concerned, on 07/04/2015, an offence vide Cr. No.45/2015 u/s 143, 147, 336 and 427 of IPC r/w Section 149 of IPC has been registered upon the complaint of the Complainant for stoning his bungalow on 06/04/2015 and further investigation is in progress. In respect of the allegation at para-12 of the complaint, the Respondent had stated that ingredients of this para is not disclosing any cognizable offence and the Police have no role to play in to the matter as the speech given by the concerned are their personal views. As regards holding meeting by MLA Benjamin D'Silva under cover of darkness during the night, no any such incident had come to the notice of the Police.

The Respondent had further stated that the Complainant is habitual in making complaints to various Authorities since 2011 and till date he has filed several complaints against the Government Officials, elected representatives, Villagers and others.

The Commission held that the records indicate that there are constant fights between the Complainant and his Opponents on account of erection of Goal Posts as it causes inconvenience to the Complainant and is also causing damage to his house and it was also apparent that the Complainant is approaching various Authorities for redressal of his grievances and is also approaching Police Authorities from time to time. Considering the facts and the circumstances of this case, the Commission held that the Police should take appropriate action against the culprits in the event the Complainant files complaints against the culprits, if it is found that such complaints prima facie disclose cognizable offences.

With the above observations, the proceeding was disposed of on 04/04/2019.

5) Proceeding No. 226/2013

This was a complaint filed by the Complainant/Shri Tulsidas Shirodkar against Shri Wilson D'Souza Police Inspector, Shri Swapnil Salgaonkar and Fati Morajkar who were working at ACB/Vigilance, Panaji-Goa, at the relevant time of the incident.

The case of the Complainant in brief was as follows:-

The Police Inspector Shri Wilson D'Souza called the Complainant on 30/09/2013 at about 10.00 a.m. for best reasons known to him and raised

his voice as usual, as happened 6-7 times for the period of more than one year. The Complainant had stated that the said Police Inspector Shri Wilson D'Souza, Shri Swapnil Salgaonkar and Fati Morajkar have committed dereliction of their duty with malafide intention, ulterior motive and for illegal gain.

Taking cognizance of the complaint, this Commission issued notices to (1) Shri Wilson D'Souza, Police Inspector, ACB/Vigilance, Serra Building, Near All India Radio, Altinho, Panaji-Goa/Respondent No. 1 and (2) The Superintendent of Police, ACB/Vigilance, Serra Building, Near All India Radio, Altinho, Panaji-Goa/Respondent No. 2.

The Respondent No. 1 filed a detailed reply.

The Commission conducted an inquiry in this case. During the course of the inquiry, the Complainant examined himself as CW1 and also examined one more witness namely Shri Kombantivada Abdullah as CW2. Both these witnesses were cross-examined by the Advocate for the Respondents. The Complainant as well as the Respondents have also filed written arguments.

From the trend of cross-examination of the witness (CW1), the Commission held that it appears that the witness has not come out with the whole truth and the evidence of the witness (CW1) does not appear convincing and satisfactory.

The Commission also found that the other witness, (CW2), had not spoken anything about human rights violation of the Complainant by the Police and that the evidence of this witness (CW2) did not come to the rescue of the Complainant. It was held by the Commission that the allegations made by the Complainant against Police Inspector Shri Wilson D'Souza, Shri Swapnil Salgaonkar and Fati Morajkar, were vague in nature and there was no specific allegation of violation of human rights of the Complainant by the said Police Inspector Shri Wilson D'Souza, Shri Swapnil Salgaonkar and Fati Morajkar. This being the position, the Commission was not able to hold that the human rights have been violated by the said Police Inspector Shri Wilson D'Souza, Shri Swapnil Salgaonkar and Fati Morajkar.

The Commission did not find any merit in the complaint filed by the Complainant, which was dismissed.

Accordingly, the proceeding was disposed of on 05/07/2019.

6) Proceeding No. 42/2018

This was a complaint dated 12/02/2018 received from Alisha Ashok Govekar from Siolim, addressed to the Police Inspector, Anjuna Police Station with a copy to this Commission. Report was called for from the

Superintendent of Police (North),Porvorim who filed his report/reply dated 27/03/2018.

The Proceedings were disposed of on 08/04/2019, upon the Commission finding that there are frequent quarrels between both the Parties on account of motorable road access to the Opponents behind the house of the Complainant. The Commission had noted that Anjuna Police had also filed proceedings u/s 107 of Cr.P.C. against both the Parties for keeping peace in the locality and good behaviour. The Commission also observed that it was apparent that the Police had taken appropriate action in the matter and the proceedings were disposed of on 08/04/2019.

Sd/-
(Justice U.V. Bakre)
Chairperson
Goa Human Rights Commission

Sd/-
(Desmond D'Costa)
Member
Goa Human Rights Commission

Sd/-
(Pramod V. Kamat)
Member
Goa Human Rights Commission

Dated: 26/10/2020
Place: Panaji – Goa