

**BEFORE THE GOA HUMAN RIGHTS COMMISSION**

**PANAJI – GOA**

**Proceeding No.37/2022**

Mr. Joseph Barreto,  
House No.28, Rua De Ourem,  
Panaji-Goa.

... Complainant

V/s

The District Magistrate,  
South Goa,  
Margao, Salcete-Goa.

... Respondent

**INQUIRY REPORT**

(11<sup>th</sup> December, 2023)

The complaint dated 10/02/2022, was received in this Commission, complaining of discrimination by denying Government relief for destruction caused by floods on 23/07/2021, when the Dudhsagar River overflowed and flooded several properties at Collem.

2. On perusing the complaint, the Commission by Order dated 04/03/2022, called for the report from the Respondent.

3. The Respondent filed their Reply on 07/04/2022. Thereafter, the Complainant filed his Rejoinder on 24/06/2022. The Respondent filed their further Reply on 09/01/2023, followed by the Reply of the Complainant thereon, on 23/02/2023.

4. At the stage of hearing, the Commission heard the Complainant. The Respondent remained absent.

5. The Commission has perused the complaint, the reply of the Respondent, the Rejoinder of the Complainant and the documents of the Parties.

6. The complaint has been filed stating that on 23/07/2021, there was extensive flooding due to the overflowing of Dudhsagar River, causing substantial damage to life and property of many persons.

7. The Complainant had stated that after his emails and telephonic calls to the Respondent, the Deputy Collector sent his

staff and Talathi of Collem on 28/07/2021, for estimating the loss caused to his staff, who lived in the staff quarters in his property and to their personal belongings and they recorded the damage of his staff members as amounting to Rs.2,82,550/-.

8. The Complainant has stated that the Government had given money to 157 villagers of Collem and Shigao Panchayat of Dharbandora Taluka, who were paid between Rs.6000 to Rs. 2,00,000/-.

9. The Complainant also stated that he came to know that he has not been compensated for the damages of his property namely, 'Jungle Book', as the Government stated that it is a commercial venture. But he stated that the loss of his staff is a personal loss and they are entitled to be compensated.

10. In the reply, the Respondent has stated that the Government denied relief to Mr. Joseph Barreto for destruction caused by the floods to his Agro Tourism Properties, namely, 'Jungle Book', situated in Survey No. 58/5, 58/11 and 56 at Bazarwado, Collem, Dharbandora-Goa, since it is a commercial property and it does not come within the ambit of the guidelines issued by the Government for granting gratuitous relief under the Goa Disaster Management Fund Scheme and the State Disaster Response Fund Scheme.

11. In his Rejoinder, the Complainant reiterated that he is not asking any relief for himself and that he is only seeking relief on behalf of the people who suffered personal loss and who lost their personal belongings.

12. The Commission has gone through the documents produced by the Respondent, namely, the Notification dated 03<sup>rd</sup> February 2008 and published in the Official Gazette, Series I, on 13<sup>th</sup> March 2008, of the Goa Disaster Management Fund Scheme, as well as the Norms of Assistance from the State Disaster Response Fund and the National Disaster Response Fund, issued by the Government of India, Ministry of Home Affairs on 08/04/2015.

13. The Commission finds that the Complainant is not seeking any assistance from the Respondent in respect of the damages that his commercial venture Jungle Book Resort, had sustained. However, the Complainant is right that his staff, who suffered loss of their personal belongings in the floods of 23/07/2021, were entitled to be compensated as per the assessment made by the Government officials who had visited the properties on 28/07/2021.

14. Accordingly, the Commission recommends that the Respondent awards the compensation to the staff who were living in the Quarters in the property of the Complainant at Collem, as estimated by the Government officials on 28/07/2021, within 60 days from today.

15. Under Section 18(e) of the Protection of Human Rights Act, 1993, the Commission shall send a copy of the Inquiry Report together with its recommendations to the concerned Government or authority and they shall, within a period of one month or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken, to the Commission.

16. Copy of the Inquiry Report be sent to the Respondent, calling for their comments, including the action taken or proposed to be taken within a period of 60 days or on or before 12/02/2024, in terms of Section 18(e) of the Protection of Human Rights Act, 1993.

Date : 11/12/2023

Place : Panaji-Goa.

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

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