

BEFORE THE GOA HUMAN RIGHTS COMMISSION
PANAJI – GOA

Proceeding No.177/2021

Residents of Muslim Community
Of Corlim Village,
Corlim, Tiswadi-Goa.

... Complainants

V/s

The Secretary/Sarpanch,
Village Panchayat Corlim,
Corlim, Tiswadi-Goa.

... Respondent

INQUIRY REPORT

(08th November, 2022)

The complaint dated 08/07/2021, was filed by some of the residents of the Muslim Community of Corlim Village, before the Secretary/ Sarpanch of Corlim Village Panchayat and a copy was forwarded to this Commission.

2. On perusing the complaint, the Commission by Order dated 23/09/2021, issued notice to the Respondent, calling for their report/reply.

3. The Respondent filed their reply on 20/10/2021.

4. Thereafter, the Complainant filed their Rejoinder on 16/06/2022.

5. At the stage of hearing, the Commission heard Adv. Shri S. Bodke for the Complainants and Adv. Ms. Shilpa Kamat for the Respondent.

6. In Proceeding No. 131/2014, this Commission by its Order dated 13/11/2017, had given recommendations to the Director of Municipal Administration and the Director of Panchayats to 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.

...2/-

7. In the present case, the Complainants state that they are the residents of Corlim Village and there is no separate burial ground/kabraasthan for their community.

8. The reply of the Respondent indicates that the matter was taken up in the Panchayat body and the Panchayat requested the Director of Panchayats by letter dated 14/10/2021, that as the Panchayat does not have any land, the Government should earmark the land for burial ground, crematorium, cemetery, through the Town and Planning Department and acquire the land and give it to the Panchayat, on priority basis.

9. The Commission agrees with learned Adv. Shri S. Bodke for the Complainants that the right to a decent burial of a dead body is a part of the right to human dignity.

10. The District Collector, North Goa, by letter dated 08/07/2022, has informed the Complainants that the Officers of the Deputy Collector (Revenue), North Goa, conducted inquiry into the matter and the Mamlatdar of Tiswadi Taluka, Panaji, had reported that there are no Government lands which are freehold land available within the jurisdiction of Village Panchayat of Old Goa, Cumbharjua and Carambolim. But, the Talathi of Corlim reported that there exists Government land under Survey No. 57/1 of Village Corlim of Tiswadi Taluka and the same is proposed by the Village Panchayat Corlim for Garbage and Cattle Pound. The Complainants had been informed to identify some alternate Government land under the Goa Land Revenue Code, 1968.

11. In the facts of the present case, the Commission recommends to the Respondent to ensure that cremation grounds and burial grounds are made available to the persons of all faiths of the Village Panchayat area of Corlim, so that the basic human rights of all persons are protected.

12. 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.

13. 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 09/01/2023, to ensure that cremation and burial grounds are made available to the persons of all faiths, in the area of the Village Panchayat of Corlim, in terms of Section 18(e) of the Protection of Human Rights Act, 1993.

Date : 08/11/2022

Place : Panaji-Goa.

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

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