

GOA HUMAN RIGHTS COMMISSION
PANAJI –GOA

Proceeding No.20/2022

DAILY PROCEEDING SHEET

16/08/2022 Adv. Shri V. Pangam is present along with Shri A.
Sr. No.5 Kerkar, husband of the Complainant.

Shri Sapresh Kavlekar, Jr. Engineer is present on behalf of the Respondent.

Arguments heard.

The Commission finds that the Medical Officer of the Primary Health Centre, Chimbhel had passed the Order dated 18/10/2021 u/s 94 (A) 1 (a) of the Goa Public Health 1985, directing the Respondent to release the water connection to the house occupied by the Complainant in Survey No. 40/1, Chimbhel, as essential on health ground.

The reply of the Respondent indicates that the file was processed for release of the water connection but they received a letter from one Mr. Mangaldas C. Gauns that the eviction proceedings are presently going on in the Civil Court at Panaji and release of the water connection is kept in abeyance.

In the Judgment, in the case of ***Commander Sureshwar D. Sinha and others vs Union of India and others, 2001(3) Scale 533***, the Apex Court has observed that there can be no denying the fact that right to life guaranteed under Article 21 of the Constitution would surely include a right to clean water.

The pendency of the civil dispute is a not a ground to deprive the complainant of water as water is a necessity.

The Commission finds that the Respondent has violated the human rights of the Complainant by neglecting to comply with the Order.

The Commission finds that in the interest of public health and to protect their human rights, it is necessary to issue the recommendation under Section 18(a) of the Protection of Human Rights Act, 1993.

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The Commission recommends that the Respondent forthwith comply with the said Order dated 18/10/2021, of the Primary Health Centre, Chimbel and expedite the release of the water connection to the house occupied by the Complainant, within 30 days from today.

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 30 days or on or before 16/09/2022, in terms of Section 18(e) of the Protection of Human Rights Act, 1993.

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