

BEFORE THE GOA HUMAN RIGHTS COMMISSION

PANAJI – GOA

Proceeding No.48/2021

The President/Secretary,
Anjuman Ahle Sunnat Islahul Muslemeen Trust,
Masjid-E-Aqsa,
H. No.315, NH-17 Road, Molloca,
Merces - Goa. ... Complainant

V/s

- 1) The Secretary,
Village Panchayat Merces,
Merces - Goa.
- 2) The Commissioner,
Corporation City of Panaji,
Panaji-Goa.
- 3) The District Magistrate,
North Goa, Panaji-Goa. ... Respondents

INQUIRY REPORT

(20th June, 2024)

The complaint dated 25/01/2021, was received in the Commission that the Muslim Community residing at Merces are suffering, as they are not being allowed to bury the dead bodies in St. Inez graveyard, due to the objection of the Corporation of the City of Panaji.

2. On perusing the complaint, the Commission by Order dated 25/02/2021, called for the replies of the three Respondents.

3. The Respondent No. 3 filed their reply on 31/03/2021, the Respondent No. 1 filed their reply on 16/08/2021 and the Respondent No. 2 filed their reply on 31/03/2022.

4. At the stage of hearing, the Commission heard Adv. Ms. A. Kerekar for the Respondent No. 1.

5. The Commission has gone through the complaint and the replies of the Respondents. The grievance of the Complainant is that they are not being allowed to bury their dead bodies in the St. Inez graveyard, due to the objection of the Corporation of the City of Panaji and that the Village Panchyat of Merces had not provided an land for the graveyard i.e. Kabrastan.

6. The Village Panchayat of Merces, Respondent No. 1, has stated that they are not having any property or area, for allotting the same for a graveyard and they also do not have funds to acquire any property or area for the said purpose.

7. On behalf of the Respondent No.3 i.e. the District Magistrate, North Goa, it has been stated that there is no graveyard/kabrastan for the Muslim community residing within the jurisdiction of village Curca, Bambolim and Talaulim and they are compelled to take the dead bodies at the graveyard at St. Inez, Panaji. They also stated that the locals are facing lot of hardship due to the ban imposed by the Corporation of the City of Panaji.

8. On behalf of the Corporation of the City of Panaji, Respondent No.2, they have stated, as on 30/03/2022, that the issue pertaining to Kabrastan is placed before the Corporation Meeting for appropriate decision.

9. The Commission finds that the human rights of the Muslim community, represented by the Complainant are affected by the actions of the Respondent No.2, in objecting to the dead bodies of the Muslim community from the area of Merces to be buried at St. Inez, Panaji.

10. In the facts of the present case, the Commission recommends that the Corporation of the City of Panaji, permit the Muslim community of Merces village, to bury their dead bodies at the St. Inez graveyard till such time that the Village Panchayat of Merces acquires a property for the villagers of the Muslim community of Merces, to be used as a Kabrastan.

11. 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.

12. Copy of the Inquiry Report be sent to the Respondents No. 1 and 2, calling for their comments, including the action taken or proposed to be taken within a period of 60 days or on or before 21/08/2024, in terms of Section 18(e) of the Protection of Human Rights Act, 1993.

Date : 20/06/2024

Place : Panaji-Goa.

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

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