

GOA HUMAN RIGHTS COMMISSION

PANAJI – GOA

Proceeding No. 238/2017

INQUIRY REPORT

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 the present complaint is that the Corporation of the City of Panaji, Goa is denying/not allowing the bury the persons of Muslim community who resides outside the limits of the Corporation of the City of Panaji on the pretext of limited space. Complainant has stated that there is no Kabrastan (burial ground) for the Muslim community people residing in the area of the Village Panchayat of St.Cruz, Mercas, Bambolim, Curca and Taleigao.

2. 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 has decided to restrict the burial of the dead bodies only of Panaji, Taleigao and St.Cruz. The Respondent has 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.

3. The Complainant has filed Rejoinder to the reply filed by the Respondent. In its Rejoinder, the Complainant has 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 is 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.

4. I have heard both the Parties. Both the Parties have also filed written arguments. I have also perused the entire records of this case.

5. The limited question for consideration is whether the Complainant 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. I have no doubt in my 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. 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, I would like to point out that in earlier proceeding No.131/2014, this Commission by order dated 13/11/2017 recommended that the Director of Municipal Administration and the Director of Panchayat 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. I 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 therefore recommends 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.

With the above observation, the proceeding is disposed off.

Date: 05/04/2019

Place: Panaji – Goa.

Sd/-
(A. D. Salkar)
Member
Goa Human Rights Commission