

BEFORE THE GOA HUMAN RIGHTS COMMISSION
PANAJI – GOA

Proceeding No.273/2016

Mr. Aires Rodrigues,
Advocate High Court,
C/G-2, Shopping Complex,
Ribandar Retreat,
Ribandar, Goa-403006.

... Complainant

V/s

- 1) The Chief Secretary,
Government of Goa,
Secretariat, Porvorim-Goa.
- 2) The Director General of Police,
Police Headquarters,
Panaji-Goa.
- 3) M/s. Amoncar Classic Caterers,
Through its proprietor,
Mr. Pradosh D. Amoncar,
Residing at H. No. 69,
Athil Peth, Bicholim-Goa.

... Respondents

INQUIRY REPORT

(18th December, 2023)

The complaint dated 14/10/2016, was received in this Commission in respect of the Police personnel in the State of Goa being deployed on duty during the 2016 BRICS Summit and being forced to work for long hours in inhuman conditions without food, water and toilet facilities.

2. On perusing the complaint, the Commission had called for the report from the Respondents No. 1 and 2.
3. The Respondents No. 1 and 2 had filed their replies.
4. During the proceedings, the Commission had also directed the Secretary of the Commission along with the Deputy Superintendent of Police attached to the Commission, to visit the site and submit a detailed report about the working conditions of the Police personnel who were posted on duty.
5. The said report was placed on record on 18/10/2016.

6. The proceedings were disposed of earlier by the Inquiry Report dated 30/04/2019.

7. This Inquiry Report came to be challenged before the High Court of Bombay at Goa by the present Respondent No.3 by filing Writ Petition No.48/2020. The said Writ Petition was disposed of by the oral judgment of the High Court dated 18/02/2020, quashing the earlier Inquiry Report of this Commission dated 30/04/2019 and remanding the matter to this Commission for adjudication after affording reasonable opportunity to the Parties.

8. Thereafter, the present Respondent No.3 came to be added as a Party and filed his reply.

9. Subsequently, the matter was fixed for the evidence of the Parties and on behalf of the Respondent No.3, Shri Pradosh Amoncar had deposed as RW1 and was cross-examined by the Complainant.

10. At that stage, an application was filed by the Complainant for examining six witnesses.

11. Subsequently, the Complainant filed an application to pass Orders based on records.

12. At the stage of final hearing, the Complainant though served, remained absent, but forwarded an application that he has nothing further to submit and based on the records, appropriate Orders be passed, to bring the proceedings to a logical conclusion. The Commission heard Adv. Shri D. G. Shet for the Respondent No.1, Adv. Shri K.L. Bhagat for the Respondent No.2 and Adv. Shri Nikhil Pai for the Respondent No.3.

13. During the course of the proceedings, the Commission by Order dated 18/10/2016, had directed the Chief Secretary, Government of Goa, to conduct a thorough investigation and submit a detailed report to this Commission.

14. The Chief Secretary had challenged the said Order by filing Writ Petition No.472/2018, before the High Court of Bombay at Goa, which was decided by Order dated 04/09/2018.

15. It had been observed therein that based on the earlier Order of the High Court on 24/04/2018, the Chief Secretary had conducted an inquiry and had filed the report in the High Court and the said report was also forwarded to this Commission.

16. It is seen from the report of the Chief Secretary dated 19/06/2018, that after examining eight witnesses including the present Respondent No.3, the then Chief Secretary had submitted his report.

17. So also, in Writ Petition No.472/2018, the High Court by Order dated 04/09/2018, observed that the Advocate General had placed on record a Circular dated 31/07/2018, issued by the Government stating that instructions were issued by the Government to streamline the arrangement of food, water and toilet facilities to the police personnel whenever pre-planned larger scale deployment of the Police force is made and it further stated that the said instructions be strictly followed and deviation and non-compliance of the instructions will be viewed seriously by the Government.

18. Section 2 (d) of the Protection of Human Rights Act, 1993, states as under:

'2 (d) "human rights" means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India;'

19. One of the questions before this Commission is whether during the supply of food items to the police personnel from 14/10/2016 to 17/10/2016, the human rights of the police personnel were affected by serving uncooked and unhygienic food items.

20. RW1, Shri Pradosh Amoncar has deposed before this Commission that the Respondent No.3 was awarded the Supply Order dated 13/10/2016 for supply of breakfast, lunch, evening tea and dinner for 5000 police personnel deployed for the BRICS Summit for four days from 14/10/2016 to 17/10/2016.

21. He also deposed that the office of the Respondent No.2 had provided the Respondent No.3 with a place with a warming station on Government land which was used for warming and packaging food items and all the food was prepared in a Government approved and certified Central Kitchen in Bicholim and was then sent to the warming station from where it was redistributed to the police personnel. It is also in his deposition that all the warming of the food and repackaging was done in a hygienic manner and by maintaining highest standards of cleanliness and hygiene and that no cooking was carried out in the stations provided for warming the food for redistribution.

22. In his cross-examination, he reiterated that the food for the entire day was being prepared at the Central Kitchen in Bicholim and then the food was being transferred to a place near the Verna Police Station, allotted by the Superintendent of Police, South.

23. In respect of the observation 9 of the Inquiry Report of the Directorate of Foods & Drugs Administration dated 17/10/2016 that no registration Certificate/License as required under FSS Act, 2006 was available for verification, he deposed that from the spot after conclusion of the catering, he had taken away all his documents to Bicholim, after which the Food and Safety Officer reached the spot. He further deposed that he left the spot on 17/10/2016 at 1.30 p.m. and the insect killer, dustbin and No Smoking board, may have been removed by the time of the inspection.

24. On going through his evidence, as rightly submitted by Adv. Shri Nikhil Pai, the Commission finds that he has not been discredited in his cross-examination and his evidence brings out that he had been supplying food items for 5000 police personnel for a day, during the four days of the BRICS Summit, 2016.

25. The Complainant had sought to examine six witnesses but none of them had been examined and in consequence, no evidence has been produced on record by the Complainant to support his case of unhygienic food being supplied to the Police personnel during the BRICS Summit.

26. In the facts of the present case, the Commission finds that no material has come on record bringing out the violation of human rights of the Police personnel during the BRICS Summit by the Respondent No.3, as the Contractor appointed by the Respondent No.2. Accordingly, the Interim Order of this Commission dated 18/10/2016, that the payment of the contractor i.e. the present Respondent No.3 should be withheld pending inquiry into the entire episode, stands vacated.

27. Taking into the facts and the circumstances of this case, the Commission makes the following recommendations:

- i. The Respondents No.1 and 2 shall strictly follow the suggestions made by the Chief Secretary vide report dated 19/06/2018 submitted before the Hon'ble High Court in Writ Petition No.472/2018.*
- ii. The Respondents No.1 and 2 shall also strictly follow the Circular dated 31/07/2018 submitted before the Hon'ble High Court in Writ Petition No.472/2018.*

- iii. *The Director General of Police/Respondent No.2 shall ensure that the police personnel deployed for any pre-planned event are not overburdened and sufficient rest is given to them after performance of strenuous duty to avoid any health problem of the police personnel posted for hard and strenuous duty.*
- iv. *The Chief Secretary, Government of Goa/Respondent No. 1 shall ensure when catering contracts are to be awarded, that the tenders are floated at least 15 days in advance and during the events, the Directorate of Food and Drugs Administration be involved in checking the quality of food by drawing samples as may be required for necessary action.*

28. 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.

29. 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 19/02/2024, in terms of Section 18(e) of the Protection of Human Rights Act, 1993.

Date : 18/12/2023

Place : Panaji-Goa.

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

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