

BEFORE THE GOA HUMAN RIGHTS COMMISSION
PANAJI – GOA

Proceeding No.43/2021

Smt. Vaishali Revodkar,
R/o H. No.234,
Zillabhat Wadda,
Revora, Bardez-Goa.

... Complainant

V/s

- 1) The Collector,
North Goa District,
Panaji-Goa.
- 2) The Block Development Officer,
Mapusa, Bardez-Goa.
- 3) The Secretary,
Village Panchayat Revora,
Revora, Bardez-Goa.
- 4) The Assistant Engineer,
Sub Division III. W.D. VIII,
Karaswada, Mapusa-Goa.

... Respondents

INQUIRY REPORT/ORDER

(13th October, 2021)

The Complaint dated 05/02/2021 was received in this Commission, with a request to extend time at the rehabilitation shelter.

2. The Complainant has stated that her house at Revora was damaged due to natural calamity when a huge tree fell on the house during the rainy season. Under the Disaster Management Act, 2005, she was provided shelter in Government Quarters at Mapusa, till her house was repaired. She stated that she is from the Dalit family and living in the Devasthan property and the Management has given her permission to repair the same.

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3. She also stated that she applied to the Revora Panchayat for NOC for the repair of the house which was forwarded to the BDO, but her application was rejected as her husband did not sign the application. She has stated that she is legally married and co-owner of the house and her husband wants to evict her from the shared household and did not sign her application. She also stated that she had earlier got relief from the JMFC under the Domestic Violence Act and her husband was refrained from evicting her.

4. The Complainant stated that she had made a fresh application to the Panchayat in respect of her equal right as co-owner of the house. In the meantime she has received letter from the authorities to vacate the Government Quarters and that no more extension would be given. She stated that she is unemployed and has two children and lives on the monthly maintenance of Rs.5,000/-. Hence, she approached this Commission to stop discrimination of women by the Panchayat authorities and BDO and to remove the said obstacle by getting NOC to repair the house.

5. On perusing the complaint, the Commission, by Order dated 24/02/2021 called for the report/reply from the four Respondents.

6. The Respondent No.1 filed their reply on 25/03/2021. They stated that on 02/07/2017, a tree had collapsed killing a 10 year old boy and injuring 5 others including the present Complainant. Under the Disaster Management Act, 2005 temporary accommodation in Government Quarters were

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provided to the Complainant and others which was extended from time to time upto 03/02/2021. The Complainant was also given compensation of Rs.80,000/-. The Respondent No.1 stated that the Complainant continued to stay in the temporary accommodation from 14/11/2017 to 03/02/2021 and without permission of the relevant authorities beyond 03/02/2021.

7. The Respondent No.4 filed his report dated 19/03/2021 stating that the Complainant had been allotted "C" type Government Quarters from 14/11/2017 to 13/05/2018 and the same was extended as per the request of Additional Collector upto 03/02/2021 and the Additional Collector had informed that no further extension shall be granted.

The Respondent No.4 also stated that as per the procedure for allotment of Government Quarters, the Respondent No.4 has issued notice dated 08/02/2021 to the Complainant to vacate the Quarters.

8. The Respondent No.2 filed their reply dated 31/03/2021, relying on several documents of the Office of the BDO, Village Panchayat Revora and of the Collector, North Goa as well as letters of the Complainant. The Respondent No.3 has not filed any reply/report in the present case.

9. On the replies of the Respondents No.1, 2 & 4 being served on the Complainant, she filed her Rejoinder on 13/08/2021. She sought an order from this Commission directing the Respondents No.2 & 3 to grant her NOC to repair the house, being a co-owner. She also filed further rejoinder

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on 18/08/2021, as she had received a fresh notice dated 16/08/2021 from the office of the Respondent No.4 to vacate the Quarters within 3 days.

10. At the stage of hearing, the Complainant was heard in person. Shri Vinod Gawde, Head Clerk of the Respondent No.1 and Shri Umesh Shetgaonkar, V.P. Secretary on behalf of Respondent No.2 were also heard. Adv. Shri Neil Fernandes for Respondent No.3 and Shri Anil Parulekar, Assistant Engineer on behalf of Respondent No.4 were heard.

11. The Commission has gone through the records and proceedings. The Commission finds that the grievance of the Complainant is that her application for repair of the damaged house at Revora was not granted by the Village Panchayat as her husband had not signed the application.

12. The Commission has noted that the Respondent No.1, vide their letter dated 21/12/2020 to the Respondents No.2 & 4, had directed the BDO, Mapusa to monitor the issue of repair license to the Complainant within 15 days and that the Complainant had been instructed to undertake repairs within one month. The Office of Respondent No.1 had noted that since the proposal of repair license is under consideration, the Respondent No.4 was requested to extend the accommodation granted to the Complainant for a period of 45 days only and that no further extension shall be granted.

13. The Commission finds from the documents filed by the Respondent No.2 that the Office of the BDO had addressed

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a letter dated 08/03/2021 to the Complainant that the Office had issued Memorandum to the Village Panchayat Secretary, Revora to look into the matter in accordance with law and submit compliance report to the office and the reply dated 19/02/2021 had been submitted by the Village Panchayat Secretary.

14. The Commission finds from the said reply of the Village Panchayat, Revora, dated 19/02/2021 that the application of the Complainant for house repair was rejected due to lack of documents. As per the annexed Resolution, the Panchayat passed Resolution on 10/02/2021 that the Panchayat cannot forward the file to the BDO without NOC from the house owner.

15. The Complainant had submitted before this Commission that she has strained relations with her husband against whom she has obtained relief from the JMFC, under the Domestic Violence Act, 2005 and he was refrained from evicting her from the house.

16. The documents on record indicate that the Complainant has filed the application to the Panchayat for repairs of the damaged house and has submitted the required documents including the Architect plan and NOC from the Devasthan Committee who own the property.

17. The records indicate that the Panchayat has not been inclined to grant the application for repairs only because her husband has not given his No Objection Certificate.

18. Under Section 12(a) of the Protection of Human Rights Act, 1993, the Commission shall (a) inquire, suo-motu or on a petition presented to it by a victim or any person on his behalf [or on a direction or order of any court] into complaint of (i) violation of human rights or abetment thereof or (ii) negligence in the prevention of such violation, by a public servant.

19. The Complainant is the co-owner of the house which was damaged by falling of a tree in 2017. She seeks permission to repair the said house. The House Tax receipt of the house stands in the name of her husband. The Village Panchayat, by not granting her permission has been negligent in performance of their duties as she is the legally married wife of Shri Vilas Revodkar.

20. The Commission finds that, in the present case, the Village Panchayat of Revora has violated the human rights of the Complainant by not forwarding her application to the BDO, for the house repairs of House No.234 at Revora, only as her husband has also not given N.O.C.

21. After the collapse of the house, the Complainant was given Government accommodation under the Disaster Management Act, 2005, by the Respondent No.4, on the Order of Respondent No.1. Admittedly, as the house repairs could not be carried out, the Complainant has continued to occupy the Government accommodation on temporary basis.

22. The Commission finds that it would be appropriate to recommend to the Panchayat to consider the grant of her

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application for repairs as she is the co-owner of the house and to forward the same to the BDO. So also the Commission is of the opinion that the Complainant could be permitted by the Respondents No.1 & 4 to continue occupying the Government Quarters for a period of 60 days from the grant of permission of house repairs.

23. Accordingly, the Commission passes the following Order:

- a) *The Commission recommends that the Respondent No.3 place the application for permission of house repairs of House No.234 before the Village Panchayat of Revora for re-consideration.*
- b) *On the re-consideration by the Village Panchayat, the same be forwarded to the BDO, Bardez for grant of permission of house repairs.*
- c) *The Commission recommends that the Respondents No. 1 and 4 consider the extension of the permission to the Complainant to stay in the Government quarters at Colvale, T.I.P. Complex, C-3, for a further period of 60 days from the date of grant of permission by the Respondents No.2 and 3 to the Complainant, for carrying out repairs of the house.*

24. Under Section 18(e) of the Protection of Human Rights Ac, 1993, a copy of the Inquiry Report together with the recommendations shall be send to the Respondents and the Respondents shall within a period of 60 days from today or such further time as the Commission may allow, forward their comments on the report, including the action taken or proposed to be taken thereon to the Commission.

Date : 13/10/2021

Place : Panaji-Goa.

Sd/-
(Justice U.V. Bakre)
Chairperson
Goa Human Rights Commission

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

