

IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO.472 OF 2018.

The Chief Secretary,
Govt. of Goa and anr.

... Petitioners.

Versus

The Goa Human Rights
Commission, thr. Its Secretary
and anr.

... Respondents.

Mr. D. Lawande, Advocate General with Ms. P. Bhandari, Addl.
Govt. Advocate for the Petitioners.

***Coram : N.M. Jamdar &
Prithviraj K. Chavan, JJ.***

Date : 4 September 2018.

P.C.:

On 28 June 2018, this petition filed by the Chief Secretary Government of Goa takes exception to the some of the directions issued by the Goa Human Rights Commission.

2. On 24 April 2018, the following order was passed in this Petition:-

“Heard the learned Advocate General appearing for the State and Respondent No.2 in person.

2. This Petition is filed by the Chief Secretary, Government of Goa, and the Director General of Police, State of Goa taking exception to the directions issued by the Goa Human Rights Commission to the

- Chief Secretary to hold an inquiry, fix responsibility on the Officers and submit report to the Commission.*
3. *The learned Advocate General submitted that there is no jurisdiction in the Human Rights Commission to order the Chief Secretary to hold an inquiry. He submitted that the Protection of Human Rights Act, 1993 postulates that the inquiry can be conducted by the Commission for which sufficient powers have been given to the Commission, akin to the Civil Court. The learned Advocate General submitted that the State has no objection if the Commission proceeds to hold an inquiry by itself as contemplated under Sections 17 and 18 of the Act of 1993.*
 4. *Respondent No.2 in person, who is also the original Complainant, states that once the inquiry has been initiated by the Commission and the Secretary pursuant to the order, then this inquiry should be permitted to be continued and no attempt should be permitted to be made to scuttle the same. From the record, we find that an incident seems to have occurred where Police Personnel were deployed for long hours due to an event and allegations are made that the police were not properly looked after, they were not provided with sufficient food and water, and basic facilities, such as toilet facilities for lady constables were not provided. There may be difficulties in the way of administration to provide such facilities, there might be shortage of staff, etc., but it cannot be denied that proper care of the staff should be taken.*
 6. *The wider perspective of the welfare of the Police Personnel deployed for long hours of duty at the events such as this, being our primary concern, at this stage, rather than dwelling in the questions of law, as a via media, we request the Chief Secretary to submit his*

report to this Court and not to the Commission. The Chief Secretary will include suggestions as to how the conditions can be improved and how proper care can be taken. After going through the report, if we find that the material placed before us by the Chief Secretary is relevant for the purpose of adjudication by the Commission, we can always forward the Report to the Commission for its consideration.

7. *In view of the request that we have made to the Chief Secretary, in the meanwhile, the Human Rights Commissions is requested not to insist on the Report of the Chief Secretary to be filed before it. The Commission can continue with its inquiry under the Act of 1993 as we have not granted stay to those proceedings nor it is the prayer of the State.*
8. *S.O. to 11 June 2018.”*

3. Thereafter report was placed before us and we had directed Registry to forward the report to the Goa Human Rights Commission.

4. We had raised this concern regarding the welfare of the Police personnel when they are placed on duty for long hours and the learned Advocate General had taken time to take instructions as to further suggestions on the said issue. On 24 July 2018, we passed following order:-

“The learned Advocate General states that guidelines are being prepared and they are awaiting approval and seeks two weeks time.

2. *In the order dated 20 June 2018, we have observed that Writ Petition could have been disposed of on that date and it was adjourned only because the learned Advocate General submitted that further suggestions to be given as regards the wider issue. Therefore, pendency of this petition need not detain the hearing before the Commissioner.*
3. *Stand over to 14 August 2018.”*

5. The learned Advocate General has placed on record circular dated 31 July 2018 issued by the Government which states that instructions have been 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. The following instructions are issued by the State Government:-

- a. *As regards availability of drinking water for the personnel, the Department shall ensure that necessary arrangements are made to provide access to drinking water @01- litre for every 08 hours shift.*
- b. *As regards toilet facilities for the staff the Department should ensure that there are adequate numbers of toilets which are accessible at a reasonable distance. The staff shall be informed about the locations of such toilets.*
- c. *In the event there are no toilets in a particular area, the Department shall ensure that sufficient number of mobile toilets is provided during the period for which the deployment of staff is made.*
- d. *As regards the arrangement for food, the Department should inform the Directorate of Food and Drugs*

Administration in advance about the supplier of the food and the location where the food would be cooked. These particulars should be obtained from the supplier in advance.

- e. The Food and Drugs Administration shall conduct prior inspection to check the kitchen facilities where the food is cooked. In addition, surprise inspections/checks may also be conducted for spot checking of the quality/standard of food supplied.*
- f. The Department shall also ensure that Ambulances are kept ready near the concerned area with necessary para-medical staff to deal with any eventualities.*
- g. The Department may also brief (subject to security & intelligence and counterterrorism requirements about the event and the type of work that is expected to be performed during this particular period.”*

6. It is stated in the circular that the above instructions be strictly followed and deviation and non compliance of these instructions will be viewed seriously by the Government. We also reiterate the said mandate.

7. In view of this circular, which we have taken on record, the cause is adequately redressed and Writ Petition need not be kept pending any further.

8. Writ Petition is accordingly disposed of.

Prithviraj K. Chavan, J.

N.M. Jamdar, J.