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Complex Procedures & Inefficiency Plaguing Performance of Goa's State Police Complaints Authority

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There is prevalent dissatisfaction with the functioning and inefficiency of Goa's State Police Complaints Authority (SPCA). On 15th, 17th and 19th November 2011, the Commonwealth Human Rights Initiative (CHRI) New Delhi and the Centre for Social Justice and Peace (CSJP) organised three workshops in Panaji, Canacona and Margaon with complainants and civil society representatives wherein numerous problems in the working of the SPCA, based on the experiences of complainants, were discussed.

"Frequent adjournments, failure to communicate with complainants, complicated procedures, and insufficient investigative capacity are some of the obvious problems identified by complainants in the working of Goa's Police Complaints Authorities. Considering the level of public dissatisfaction in these bodies, it is crucial for the state government to take people's recommendations into account and prioritise the strengthening of the Authorities through both policy and legal changes", says Navaz Kotwal, Coordinator, Police Reforms programme of CHRI.

The Authority has the mandate to inquire into some of the most serious public complaints against police officers, including death, grievous hurt and rape in custody. In Goa, the Complaints Authority was established in 2007 at the state level. Despite clear guidance from the Supreme Court in the *Prakash Singh Case*, no district level authorities have been established till today.

"Inquiries often take months to complete. In some instances cases are pending for two years. The pendency is mounting and undoubtedly very soon the Authority will be no different from a court – unable to deliver justice", said one complainant. There is no clear explanation given to complainants for the delay. But most participants at the workshops felt that no reason could justify such delay. What irks most complainants is the strict adversarial process being followed at the Authority. The practice of engaging lawyers for the complaints hearing has further led to the complication of matters. *"It seems that we are presenting a case before a court. It's very complex and not people friendly"* said one complainant. It is time the government addressed these concerns.

Apart from the Chairperson, the other members do not regularly attend the Authority's sittings. The members have no experience that qualifies them to handle such a position. In the absence of any selection process or selection criteria these members have just people handpicked by the government. They have not proved themselves in the four years they have been around. The Supreme Court in its judgment envisioned the members of the Complaints Authority to work full time. Unfortunately, in Goa, the authority seems to work only from 10 AM to 1 PM. This coupled with the lack of enthusiasm on the part of the members is leading to tremendous frustration amongst the complainants. *To solve these problems the complaints body can be made both more efficient and representative through the appointment of full-time independent members, drawn from the community and civil society based on specified criteria"* says Diya Nag, Research Officer at CHRI. CHRI urges the state government to call for the records of the Authorities to examine the extent of pendency, the nature of inquiries and the follow up action taken by the police.

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Participants put forth many practical recommendations to strengthen the Complaints Authority, which will be passed on to the state government with a request for immediate action. Infusion of fresh blood within the ranks of the authority, a prescribed time period for the disposal of complaints and the simplification of intake process of complaints are some of the suggestions that were made during the workshop sessions. Ms. Navaz Kotwal, usefully reminded the participants of the value of police complaints bodies, and the potential such bodies can have in improving police accountability once they are adequately strengthened to be able to fulfil their mandate. Notably, the participants were informed that a set of model rules are currently being drafted by CHRI to provide a standard working procedure to all such authorities across the country.

The workshops were organised to stir debate on the issues of police accountability. Police reform has been stagnant in Goa. The Goa Police Bill that is slated to replace the Police Act of 1861 is shrouded in mystery. A Select Committee was appointed to make recommendations on the bill. The Select Committee on September 18, 2011 has suggested some amendments without holding any public consultations. As a result no suggestions or recommendations regarding the PCA could be made by the people who would be directly affected by this new legislation. If the state is serious about changing the status quo and strengthening police accountability, then it must act now by consulting people and effect changes in the composition and procedures of the Police Complaints Authorities.

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**Kind Regards
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